



## ORDINARY MINUTES

**DATE:** Tuesday, 30 April 2013

**TIME:** 3:00pm

**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

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:00pm 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 (Left the Chamber 3:43pm, returned 3:45pm)
Cr B Bell	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor
Cr J Moir	Councillor
Cr C Pavlovich	Councillor (Left the Chamber 3:16pm, returned 3:17pm) (Left the Chamber 3:53pm, returned 4:03pm).

### 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
Vincent Jenkins	Planning Officer

### Apologies

Cr A Budrikis

There were three members of the public present.

### Previously Approved Leave of Absence:

Cr C Pavlovich – 28 May 2013

Cr G Messmer – 30 July 2013

### 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 MS D BAESJOU – AYTON BAESJOU ON BEHALF OF FLETCHER INTERNATIONAL**

Speaking in support of the officer's recommendation in Item 9.1.4 – Lot 5217 Settlement Road, Narrikup – Seasonal Employees' Accommodation – Submissions received.

### **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

#### Cr C Pavlovich

A Closely Associated Person (Section 5.62 LGA) Interest was disclosed in Item 9.1.1. Nature of interest – Associate.

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed in Item 9.4.1. Nature of interest – Potential financial interest.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 Local Government Act 1995

**7 CONFIRMATION OF MINUTES**

Moved Cr G Messmer, seconded Cr L Handasyde:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 26 March 2013 as circulated, be taken as read and adopted as a correct record subject to the date 30 April 2013 being deleted and replaced with 28 May 2013 in Resolution No 48/13.

**CARRIED (8/0)**

**NO. 76/13**

**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 1330 WARBURTON ROAD, MOUNT BARKER - SIX LOT SUBDIVISION

A Closely Associated Person (Section 5.62 LGA) Interest was disclosed by Cr C Pavlovich. Nature and extent of interest – Associate, closely associated person.

3:16pm Cr C Pavlovich withdrew from the meeting.

**File No:** N26636

**Attachments:** [Location Plan](#)  
[Subdivision Guide Plan](#)  
[Plan of Subdivision](#)

**Responsible Officer:** Peter Duncan  
Manager Development Services

**Author:** Vincent Jenkins  
Planning Officer

**Proposed Meeting Date:** 30 April 2013

**Applicant:** Ayton Baesjou Planning

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#### PURPOSE

The purpose of this report is to consider a proposal for a six lot rural residential subdivision at Lot 1330 Warburton Road, Mount Barker and respond to the Western Australian Planning Commission (WAPC).

#### BACKGROUND

Shire records indicate the owner of Lot 1330 is P Wallinger.

This land was zoned to Rural Residential through Amendment No. 55 to Shire of Plantagenet Town Planning Scheme No. 3 (TPS3), which was gazetted on 17 December 2012.

The subject land is 10.52ha in area and is located within the south western area of Mount Barker on Warburton Road.

This subdivision proposes to stage the overall subdivision of Lot 1330 by creating six lots ranging from 5,053m<sup>2</sup> to 7.01ha in area as the first stage. Lot 6 is 7.01ha in area and is partially located within the Site Investigation Area identified on the Subdivision Guide Plan. This Site Investigation Area is subject to further detailed site investigation, including late winter site testing and site specific engineering investigations prior the lot being subdivided into additional lots in the future.

#### STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

### **POLICY IMPLICATIONS**

Council Delegation LG 035 – As the subdivision involves more than five lots, the matter needs to be determined by the Council.

### **STRATEGIC IMPLICATIONS**

Shire of Plantagenet Strategic Community Plan 2012-2022 at Outcome 2.2 Strategy 2.2.5:

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

### **OFFICER COMMENT**

The Plan of Subdivision (copy attached) conforms to the minimum site area requirements set out in TPS3 for this Rural Residential zone. The subdivision is generally in accordance with the approved Subdivision Guide Plan (copy attached) for this zone with a minor increase in lot area for Lot 1 to include the existing house and outbuilding.

Lots 1, 2 and 3 are provided with road frontage to Warburton Road. Access for Lots 4 and 5 is by way of two adjoining battleaxe access legs to Warburton Road. A battleaxe access leg to Warburton Road also accesses Lot 6. The two adjoining battleaxe access legs will involve a single constructed driveway with reciprocal access rights for both lots. All battleaxe access legs will need to be constructed to a bitumen seal standard to the satisfaction of the Manager Works and Services.

Pursuant to the Fire Management Plan for this rural residential subdivision a strategic firebreak will need to be constructed at Lot 6 along the shared north south property boundary with Lot 1067 up to the battleaxe access leg.

In accordance with the Rural Residential zone requirements, Aerobic Treatment Unit (ATU) systems are to be used on all lots for on-site effluent disposal and all lots will be connected to underground power.

The Plan of Subdivision now proposed is acceptable subject to the imposition of appropriate conditions.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr J Moir, seconded Cr S Etherington:

That:

1. The Western Australian Planning Commission be advised that the proposed six lot subdivision of Lot 1330 Warburton Road, Mount Barker (WAPC 147650) is supported subject to:
  - a) A stormwater drainage plan being prepared and submitted for approval by the Manager Works and Services prior to commencement of any site works. This may involve setting of the verge at a particular gradient.
  - b) Crossovers to all lots being constructed, drained and sealed to the satisfaction of the Manager Works and Services.
  - c) Lots 4 and 5 being provided with access to a shared 5.0m wide sealed single driveway, designed, constructed and drained to the satisfaction of the Manager Works and Services.
  - d) Arrangements being made to ensure reciprocal rights of access over the two battleaxe access legs for both Lots 4 and 5.
  - e) The battleaxe access leg at Lot 6 being a minimum 4.0m width for strategic firebreak/emergency access. That access leg is to consist of a 3.0m wide sealed driveway, designed, constructed and drained to the satisfaction of the Manager Works and Services.
  - f) A 6.0m wide strategic firebreak/emergency access being constructed to a 4.0m wide gravel hard surface at Lot 6 along the shared north south property boundary with Lot 1067 up to the battleaxe access leg to the satisfaction of the Manager Community Services.
  - g) A 6.0m wide strategic firebreak/emergency access being constructed to a 4.0m wide gravel hard surface extending across Lot 6 north of the creekline protection area from Lot 1067 to Lot 505 to the satisfaction of the Manager Community Services.
  - h) Compliance with the relevant provisions of the Fire Management Plan for this Rural Residential zone to the satisfaction of the Manager Community Services.
  - i) All lots being provided with underground power.
  - j) A creekline replanting plan being prepared and implemented providing for the continuation of foreshore management at Lot 6 with similar species, density and area to that already established at Lot 505 to the satisfaction of the Manager Development Services.
  - k) Three street trees being planted and maintained for a period of three years in accordance with the Mount Barker Townscape

Review 2002 species list at Warburton Road to the satisfaction of the Manager Works and Services.

- l) All cleared vegetation remaining on site being processed (mulched) and spread over disturbed areas within the site.
  - m) The subdivider making arrangements to the satisfaction of the Manager Development Services ensuring that prospective purchasers and successors in title are aware of the following in writing that:
    - i) the Rural Residential zone special provisions and Subdivision Guide Plan;
    - ii) the requirement for Aerobic Treatment Unit (ATU) systems are to be used on all lots;
    - iii) the Fire Management Plan and the Bushfire Survival Manual; and
    - iv) agricultural uses (including horticulture/viticulture) exist and may be permitted in the surrounding area and these uses may have some impact on rural residential amenity.
2. If required as a result of a Western Australian Planning Commission condition of approval, authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to a Notification under Section 70A of the Transfer of Land Act 1893 (as amended) and/or Section 165 of the Planning and Development Act 2005 (as amended).

**Advice Note:**

Any future subdivision of Lot 6 is to be in accordance with the approved Subdivision Guide Plan and the special provisions for this Rural Residential zone set down in the Shire of Plantagenet Town Planning Scheme No. 3.

**CARRIED (7/0)**

**NO. 77/13**

3:17pm Cr C Pavlovich returned to the meeting.

**9.1.2 LOT 32 MILLINUP ROAD, PORONGURUP - OUTBUILDINGS EXCEEDING  
MAXIMUM FLOOR AREA REQUIREMENT**

**File No:** N25951

**Attachments:** [Location Plan](#)  
[Site Plan](#)  
[Outbuilding Plans](#)

**Responsible Officer:** Peter Duncan  
Manager Development Services

**Author:** Vincent Jenkins  
Planning Officer

**Proposed Meeting Date:** 30 April 2013

**Applicant:** Geoffrey Sandell

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**PURPOSE**

The purpose of this report is to consider a proposal for an additional outbuilding at Lot 32 Millinup Road, Porongurup. This outbuilding combined with one existing outbuilding means the cumulative floor area set by Council policy is exceeded.

**BACKGROUND**

Shire records show the registered owners of Lot 32 Millinup Road are G Sandell and K Evans.

Lot 32 Millinup Road, Porongurup is within a Landscape Protection zone under the Shire of Plantagenet Town Planning Scheme No. 3 and as such the Council is required to determine the application.

Lot 32 is 11.13ha in area and located at the south-western foot of the Porongurup Range and north of Millinup Road. Existing development at the lot consists of one 67m<sup>2</sup> outbuilding and one rainwater tank. The proposed additional outbuilding will be located at the western part of the site some 165m from Millinup Road. The outbuilding will be located 42m from the western side boundary and 220m and 230m from the northern and eastern property boundaries respectively. The walls and roof will be Colorbond® Paperbark. The view of the outbuilding location is screened by vegetation located at Lot 32 and adjoining properties.

This proposal is for an additional outbuilding of 90m<sup>2</sup> (7.5m x 12m) with a wall height of 3.2m. One other existing outbuilding has a floor area of 67m<sup>2</sup>. The cumulative floor area of all outbuildings including the new outbuilding will total 157m<sup>2</sup>.

The reason provided by the proponent for the additional outbuilding is for storage of farm machinery and equipment.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

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Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Landscape Protection – this zone requires specific issues be addressed and that the Council must determine any application for planning consent.

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.’*

### **FINANCIAL IMPLICATIONS**

The application fee of \$139.00 has been paid.

### **POLICY IMPLICATIONS**

Town Planning Scheme Policy No. 16.1(Outbuildings) limits outbuildings to a maximum wall height of 3.5m and a maximum cumulative floor area of 150m<sup>2</sup> for development within Landscape Protection zones. The cumulative floor area of all outbuildings on this site, including the new outbuilding, will total 157m<sup>2</sup>. The wall height of the proposed outbuilding is 3.2m. The Council must have regard to a Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

### **STRATEGIC IMPLICATIONS**

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:

*‘Strategy 2.2.2 – Ensure quality, consistent and responsive development and building assessment approval processes and enforcement.’*

### **OFFICER COMMENT**

The specific requirements of this Landscape Protection zone have been met in terms of the location of the building, external colours, low fuel zone and landscaping.

The cumulative floor area of all outbuildings on the property including the new outbuilding will total 157m<sup>2</sup>. The wall height of the proposed outbuilding is within the limit set by the policy. No difficulties are seen with the maximum cumulative floor area of outbuildings being 157m<sup>2</sup> given the size of the lot being 11.13ha.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Cr M Skinner, seconded Cr B Bell:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No.3 and subject to the development being in accordance with the plans dated 13 March 2013 planning consent be granted for an additional outbuilding at Lot 32 Millinup Road, Porongurup which will mean Town Planning Scheme Policy 16.1 (Outbuildings) be varied resulting in the cumulative area of all outbuildings being 157m<sup>2</sup>.

**AMENDMENT**

Moved Cr J Moir, seconded Cr C Pavlovich:

That immediately after the words ‘...outbuildings being 157m<sup>2</sup>’ the words ‘subject to the outbuildings not being used for habitation without Council approval being first sought and obtained’ be added.

**CARRIED (8/0)**

**NO. 78/13**

**COUNCIL DECISION**

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No.3 and subject to the development being in accordance with the plans dated 13 March 2013 planning consent be granted for an additional outbuilding at Lot 32 Millinup Road, Porongurup which will mean Town Planning Scheme Policy 16.1 (Outbuildings) be varied resulting in the cumulative area of all outbuildings being 157m<sup>2</sup> subject to the outbuildings not being used for habitation without Council approval being first sought and obtained.

**CARRIED (8/0)**

**NO. 79/13**

**9.1.3 LOT 33 MILLINUP ROAD, PORONGURUP – OUTBUILDING AND WATER TANK IN LANDSCAPE PROTECTION ZONE**

**File No:** N25934

**Attachments:** [Location Plan](#)  
[Site Plan](#)  
[Outbuilding Plans](#)

**Responsible Officer:** Peter Duncan  
Manager Development Services

**Author:** Vincent Jenkins  
Planning Officer

**Proposed Meeting Date:** 30 April 2013

**Applicant:** Trevor and Yvonne Butcher

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**PURPOSE**

The purpose of this report is to consider a proposal for an additional outbuilding and rainwater tank at Lot 33 Millinup Road, Porongurup.

**BACKGROUND**

Shire records show the registered owners of Lot 33 Millinup Road are T and Y Butcher.

Lot 33 is 11.07ha in area and located at the south-western foot of the Porongurup Range and north of Millinup Road. Lot 33 is located within a Landscape Protection zone under the Shire of Plantagenet Town Planning Scheme No. 3 and as such, the Council is required to determine the application.

This proposal is for an additional outbuilding of 41.25m<sup>2</sup> (5.5m x 7.5m) with a wall height of 2.9m. One other existing outbuilding has a floor area of 96m<sup>2</sup>. The cumulative floor area of all outbuildings including the new outbuilding will total 137.25m<sup>2</sup>. This proposal further involves the installation of a 9,000 litre polyurethane rainwater tank.

The reason provided by the proponent for the additional outbuilding is for storage of a utility vehicle and a mobile fire fighting unit.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Landscape Protection – this zone requires specific issues be addressed and that the Council must determine any application for planning consent.

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*

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*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.'*

### **FINANCIAL IMPLICATIONS**

The application fee of \$139.00 has been paid.

### **POLICY IMPLICATIONS**

Town Planning Scheme Policy No. 16.1(Outbuildings) limits outbuildings to a maximum wall height of 3.5m and a maximum cumulative floor area of 150m<sup>2</sup> for development within Landscape Protection zones. The cumulative floor area of all outbuildings on this site, including the new outbuilding, will total 137.25m<sup>2</sup>. The wall height of the proposed outbuilding is 2.9m. The proposal conforms to cumulative floor area and wall height requirements of this policy.

### **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:

*'Strategy 2.2.2 – Ensure quality, consistent and responsive development and building assessment approval processes and enforcement.'*

### **OFFICER COMMENT**

Lot 33 is 11.07ha in area. Existing development at the lot consists of a house, 96m<sup>2</sup> outbuilding and two rainwater tanks. The proposed additional outbuilding will be attached to the south elevation of the existing outbuilding located some 400m from Millinup Road and 25m from the west property boundary. The walls will be Colorbond® Classic Cream and the roof will be Colorbond® Jasper.

The 9,000 litre polyurethane rainwater tank will be located adjacent to the south elevation of the proposed outbuilding. The rainwater tank will be wheat colour to match existing and proposed outbuildings. The view of both the outbuilding and rainwater tank locations are screened by vegetation located at Lot 33 and adjoining properties.

The specific requirements of this Landscape Protection zone have been met in terms of the location of the building and rainwater tank, external colours, low fuel zone and landscaping proposals.

The Council is required, by the Landscape Protection zone special provisions, to determine planning consent for all developments.

### **VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION**

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No.3 and subject to the development being in accordance with the plans dated 11 March 2013 planning consent be granted for an additional outbuilding and rainwater tank at Lot 33 Millinup Road, Porongurup.

**COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr J Moir:**

**That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No.3 and subject to the development being in accordance with the plans dated 11 March 2013 planning consent be granted for an additional outbuilding and rainwater tank at Lot 33 Millinup Road, Porongurup, subject to the outbuilding not being used for habitation without Council approval being first sought and obtained.**

**CARRIED (8/0)**

**NO. 80/13**

Reason for Change

Councillors wanted to emphasise that human habitation should not occur except with consent.

**9.1.4 LOT 5217 SETTLEMENT ROAD, NARRIKUP - SEASONAL EMPLOYEES' ACCOMMODATION - SUBMISSIONS RECEIVED**

**File No:** N26649

**Attachments:** [Location Plan](#)  
[Summary of Submissions](#)  
[Supplementary Information – Ayton Baesjou Planning](#)

**Responsible Officer:** Rob Stewart  
Chief Executive Officer

**Author:** Peter Duncan  
Manager Development Services

**Proposed Meeting Date:** 30 April 2013

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**PURPOSE**

The purpose of this report is to consider submissions received on a proposal for a 'use not listed' in the Shire of Plantagenet Town Planning Scheme No. 3 (seasonal employees' accommodation).

**BACKGROUND**

Shire records show the owner of Lot 5217 Settlement Road is Benale Pty Ltd.

The owners of the abattoir on the adjoining Lots 5216 and 4 Settlement Road have been looking at options for workers' accommodation for some years now. A consultant's report discussed the proposed expansion of the business into two nine hour shifts in the peak time of September to January. Accommodation is needed for 80 to 100 employees with the possible expansion to a total of 120 employees. The consultant's report was attached to the Council report for 26 February 2013. A report from the consultants containing supplementary information provided recently is attached.

The Manager Development Services wrote to the General Manager of Fletchers Abattoir in a letter dated 13 December 2012 and provided various possible options for their consideration.

The Council at its meeting held on 26 February 2013 when considering this proposal, resolved:

*'That:*

- 1. The use of seasonal workers' accommodation at Lot 5217 Settlement Road, Narrikup is consistent with the objectives and purpose of the Rural zone.*
- 2. The development proposal for seasonal workers' accommodation at Lot 5217 Settlement Road, Narrikup be advertised for public comment for a period of 21 days in accordance with Clause 6.2.*

3. *A further report be placed before the Council on the development proposal at 2 above after the close of the submission period at the meeting of the Council to be held on 30 April 2013.'*

The proposal was advertised for a period of 21 days closing on 3 April 2013.

On 24 April 2013, Councillors visited the site as part of a road inspection bus trip.

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Lot 5217 Settlement Road is zoned Rural, Lots 5216 and 4 Settlement Road are zoned Special Site R15 (Abattoir, Associated By-products, Fellmongering, Small Goods Production and Pet Food Factory).

There is no use class of 'seasonal employees' accommodation' in TPS3 and as such a use is unlikely to be supported in the Special Site zone. It would therefore be more appropriate in the Rural zone. Clause 3.2.5 relates to a use not listed and is as follows:

*'3.2.5 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- (a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- (b) determine by absolute majority that the proposed use is consistent with the objectives and purpose of the zone and thereafter follow the 'SA' procedure of Clause 6.2 in considering an Application for planning consent.'*

An absolute majority was required by 3.2.5(b) to determine the need to advertise the proposal. An absolute majority is not required at this post advertising stage.

## **EXTERNAL CONSULTATION**

The proposal was advertised for a period of 21 days. The advertising included letters to adjoining landowners, a sign on site, notices in the Albany Advertiser and Plantagenet News and a notice on the Council's Notice Board.

Two submissions have been received (see Summary of Submissions attached).

## **FINANCIAL IMPLICATIONS**

The necessary fee of \$2,837.50 and the \$500.00 advertising bond have 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 2.2 (Appropriate development which is diverse in nature and protect local heritage) the following Strategy:

*‘Strategy 2.2.2 – Ensure quality, consistent and responsive development and building assessment approval processes and enforcement.’*

## OFFICER COMMENT

Various options for this form of accommodation were discussed in the consultant’s report. The Special Site zone for the abattoir on Lots 5216 and 4 Settlement Road could not be used for accommodation without an amendment to TPS3 and this could take in the order of two years and the likely success of such an amendment is not certain.

The most appropriate property was the Rural zoned Lot 5217 Settlement Road. The consultant’s report identified a site for the accommodation and detailed the layout and the use of bunkhouse style twin dorms with shared amenities including a communal mess and kitchen with indoor and outdoor recreation areas.

The accommodation is primarily for male workers. Should female workers be engaged, then the disabled ablution can be made available for female workers.

Road access to this accommodation area will be from the internal roadway to the abattoir. The existing farm gates to Settlement Road will be retained for emergency purposes only.

Effluent disposal will be by way of Aerobic Treatment Unit (ATU) systems and the complex will reuse greywater wherever possible. Water supply will be from rainwater (potable) and from bores.

With this proposal being treated as a ‘use not listed’ in TPS3, the Council was required to determine by absolute majority if the use would be consistent with the objectives and purpose of the Scheme and then advertise the application for public comment. There is no ‘purpose’ listed for the Rural zone in TPS3. The Scheme ‘objectives’ are as follows:

### ‘1.6 SCHEME OBJECTIVES

1.6.1 *To encourage and control orderly development in the Scheme Area in such a way that will promote and safeguard the health, safety, convenience, and economic and general welfare of its’ inhabitants and the amenities of the area.*

1.6.2 *To promote the development of Kendenup, Narrikup, Rocky Gully and Mount Barker town sites and all Plantagenet rural areas.*

1.6.3 *To protect and retain the existing rural amenity around the Stirling and Porongurup National Parks.*

1.6.4 *To promote the growth of the grape and wine industry and to encourage and control efficient Animal Husbandry.*

1.6.5 *To rationalise the small allotment subdivision in and around the Kendenup Townsite.'*

In terms of this current proposal it is consistent with objectives 1.6.1 and 1.6.2.

In respect to details of the development, when the Council agreed to advertise the use not listed it was pointed out that detailed development conditions could be imposed on the proposal when the Council is considering the submissions. The kinds of conditions would include matters such as water supply, ATU for effluent disposal, fire management, removal of the accommodation should the abattoir close, tree planting/screening, sealing of carparks and colours of external wall and roof materials.

The submissions received are shown in the Summary of Submissions attached. The first submission raises questions about the standard of accommodation and most points are addressed in the supplementary information provided by the consultants.

The submission from Ayton Baesjou Planning contains additional supplementary information, revised plans and draft conditions of planning consent. In essence the revised plans include indoor and outdoor recreation areas, more detail for the two laundry/disabled ablution buildings, caretaker's accommodation, additional carparking with 28 spaces, a pickup/setdown area and a serviced/loading bay and a much larger kitchen/dining/living building.

It is considered appropriate that the proposal can be approved based on the revised plans recently received and subject to relevant conditions.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER RECOMMENDATION**

**Moved Cr S Etherington, seconded Cr L Handasyde:**

**That the proposal for seasonal employees' accommodation at Lot 5217 Settlement Road, Narrikup be approved subject to:**

- 1. Development being in accordance with the plans dated 12 February 2013 and the amended plans dated 15 April 2013.**
- 2. The accommodation being for the exclusive use of persons employed or contracted in the operation of the abattoir on the adjoining land.**
- 3. Duration of occupation by individual employees not exceeding 6 months, in any single season of operation.**
- 4. The proposed development site being screened from view by additional native plantings of trees and bushes along the Settlement Road property boundary.**

5. The applicant implementing a Management Plan that includes:
  - a) Site Management;
  - b) Safety and Emergency Procedures;
  - c) Noise;
  - d) Rubbish;
  - e) Visitors;
  - f) Vehicles; and
  - g) Dealing with complaints.
6. Access to the proposed development being shared with the existing internal abattoir driveway with no additional access to Settlement Road.
7. Compliance with relevant health regulations including the provision of an approved on-site effluent disposal system or systems to the standards and requirements of the Health Department of WA.
8. All waste generated from the accommodation site being appropriately contained with arrangements being made for its removal not less than once a week, during operation of the accommodation.
9. Provision of potable water being to the satisfaction of the Manager Development Services and the Health Department of WA with all sampling, analysis and/or treatment costs being borne by the landowner.
10. A dedicated water supply for firefighting, with an automatic refill system, being provided in accordance with Planning for Bushfire Protection Guidelines and DFES requirements.
11. Preparation and implementation of a Fire Management Plan to the satisfaction of the Manager Community Services.
12. External wall and roof colours for all building and rainwater tanks being in tones that blend in with the vegetation. White, off-white and unpainted zincalume will not be permitted.
13. Should the abattoir on Lots 5216 and 4 Settlement Road permanently close, then the accommodation and associated facilities are to be removed from Lot 5217 Settlement Road.

**AMENDMENT**

Moved Cr J Moir, seconded Cr B Bell:

That the words 'when operating on double shifts' be added to Part 2 of the motion after the word 'land.'

**CARRIED (8/0)**

**NO. 81/13**

**COUNCIL DECISION**

That the proposal for seasonal employees' accommodation at Lot 5217 Settlement Road, Narrikup be approved subject to:

1. Development being in accordance with the plans dated 12 February 2013 and the amended plans dated 15 April 2013.
2. The accommodation being for the exclusive use of persons employed or contracted in the operation of the abattoir on the adjoining land when operating on double shifts.
3. Duration of occupation by individual employees not exceeding 6 months, in any single season of operation.
4. The proposed development site being screened from view by additional native plantings of trees and bushes along the Settlement Road property boundary.
5. The applicant implementing a Management Plan that includes:
  - a. Site Management;
  - b. Safety and Emergency Procedures;
  - c. Noise;
  - d. Rubbish;
  - e. Visitors;
  - f. Vehicles; and
  - g. Dealing with complaints.
6. Access to the proposed development being shared with the existing internal abattoir driveway with no additional access to Settlement Road.
7. Compliance with relevant health regulations including the provision of an approved on-site effluent disposal system or systems to the standards and requirements of the Health Department of WA.

8. All waste generated from the accommodation site being appropriately contained with arrangements being made for its removal not less than once a week, during operation of the accommodation.
9. Provision of potable water being to the satisfaction of the Manager Development Services and the Health Department of WA with all sampling, analysis and/or treatment costs being borne by the landowner.
10. A dedicated water supply for firefighting, with an automatic refill system, being provided in accordance with Planning for Bushfire Protection Guidelines and DFES requirements.
11. Preparation and implementation of a Fire Management Plan to the satisfaction of the Manager Community Services.
12. External wall and roof colours for all building and rainwater tanks being in tones that blend in with the vegetation. White, off-white and unpainted zincalume will not be permitted.
13. Should the abattoir on Lots 5216 and 4 Settlement Road permanently close, then the accommodation and associated facilities are to be removed from Lot 5217 Settlement Road.

**CARRIED (8/0)**

**NO. 82/13**



## 9.2 WORKS AND SERVICES REPORTS

### 9.2.1 POLICY REVIEW - MEMORIAL SEATING

**File No:** N25929  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Kaye Skinner  
Works Administration Officer  
**Proposed Meeting Date:** 30 April 2013

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#### **PURPOSE**

The purpose of this report is to recommend revocation of Council Policy No. I-OA-2 – Memorial Seating.

#### **BACKGROUND**

This policy was adopted by the Council at its meeting held on 1 March 2011.

#### **STATUTORY ENVIRONMENT**

There are no statutory environment implications for this report.

#### **FINANCIAL IMPLICATIONS**

The cost of providing and installing a memorial seat shall be borne by the applicant and upon placement/erection, the seat shall become the property of the Shire of Plantagenet. The Shire would then be required to maintain the seat.

#### **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 2.3 (Pleasant streetscapes, open spaces, parks and gardens), the following Strategy 2.3.2:

*‘Develop, maintain and enhance town streetscapes and public spaces.’*

#### **OFFICER COMMENT**

Since the implementation of this policy adopted on 1 March 2011, no memorial seats have been requested. Accordingly, it is recommended that this policy is revoked.

#### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr L Handasyde:

That Policy No. I/OA/2 Memorial Seating as follows:

**OBJECTIVE**

To provide an opportunity for members of the public to have memorial seating placed within the Shire as public furniture.

**POLICY**

The Shire of Plantagenet will consider applications for the installation of memorial seating where:

1. Such memorial seating recognises former residents of the Shire of Plantagenet.
2. The location sought for the placement of memorial seating does not compromise existing Council policies or development plans for long term maintenance or upgrading.
3. The cost of providing and installing a memorial seat is borne by the applicant.
4. The seat remains the property of the Shire of Plantagenet.
5. All formal requests for memorial seating being submitted in accordance with any guidelines developed for this purpose.
6. Memorial seating is made from hard wood timber supplied and constructed by the Shire of Plantagenet in accordance with an adopted Shire design.
7. All plaques on memorial seating being of the dimensions 150mm x 75mm and being affixed to the front of the seat.
8. The memorial seating is maintained by the Council for a minimum of 15 years from the date of placement.'

be revoked.

**CARRIED (8/0)**

**NO. 83/13**

**9.2.2 POLICY REVIEW - PLAYGROUND MAINTENANCE AND IMPROVEMENT**

**File No:** N25931  
**Attachments:** [Playground Maintenance and Improvement](#)  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Kaye Skinner  
Works Administration Officer  
**Proposed Meeting Date:** 30 April 2013

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**PURPOSE**

The purpose of this report is to review Council Policy No. I/PRP/1 Playground Maintenance and Improvement.

**BACKGROUND**

This policy was last reviewed on 12 April 2011.

**STATUTORY ENVIRONMENT**

Australian Standard 4685.1 – Playground equipment.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

The 2013/2014 draft budget includes funds for playground audits and maintenance to ensure play areas are kept to a safe standard.

**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 2.3: (Pleasant streetscapes, open spaces, parks and gardens), the following Strategy 2.3.1:

*'Manage and maintain the Council's parks, gardens and open space at appropriate standards.'*

**OFFICER COMMENT**

This Policy is considered relevant and should be retained. Minor changes have been made to provide for a qualified person to undertake inspections on a regular basis.

**VOTING REQUIREMENTS**

Simple Majority

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**OFFICER RECOMMENDATION**

Moved Cr L Handasyde, seconded Cr S Etherington:

That amended Council Policy I/PRP/1 Playground Maintenance and Improvement:

**'OBJECTIVE**

To ensure the safety and serviceability of all playground equipment throughout the Shire of Plantagenet is maintained to a high standard.

**POLICY**

1. The Manager Works and Services or a suitably qualified person nominated by the Manager Works and Services shall carry out a safety inspection of all playground equipment on a regular basis to determine compliance with relevant Australian Standards for playground equipment.
2. A register shall be maintained, recording the date of inspection, the person carrying out the inspection, all maintenance required and general comments regarding the maintenance required shall be promptly carried out.
3. If any item of equipment is found to be dangerous, it shall be deemed unsafe and made inoperative until such time as repairs are carried out. If it cannot be repaired in sufficient time, it shall be removed.'

be endorsed.

**AMENDMENT**

Moved Cr B Bell, seconded Cr M Skinner:

That after the word 'all' in the objective and in line three of point 1, the word 'public' be added.

**CARRIED (8/0)**

**NO. 84/13**

**COUNCIL DECISION**

That amended Council Policy I/PRP/1 Playground Maintenance and Improvement:

**OBJECTIVE**

To ensure the safety and serviceability of all public playground equipment throughout the Shire of Plantagenet is maintained to a high standard.

**POLICY**

1. The Manager Works and Services or a suitably qualified person nominated by the Manager Works and Services shall carry out a safety inspection of all public playground equipment on a regular basis to determine compliance with relevant Australian Standards for playground equipment.
2. A register shall be maintained, recording the date of inspection, the person carrying out the inspection, all maintenance required and general comments regarding the maintenance required shall be promptly carried out.
3. If any item of equipment is found to be dangerous, it shall be deemed unsafe and made inoperative until such time as repairs are carried out. If it cannot be repaired in sufficient time, it shall be removed.'

be endorsed.

**CARRIED (8/0)**

**NO. 85/13**

3:43pm Cr M Skinner withdrew from the meeting.

### 9.3 COMMUNITY SERVICES REPORTS

#### 9.3.1 COMMUNITY GARDEN LEASE - LOT 119 ALBANY HIGHWAY

<b>File No:</b>	<b>N25521</b>
<b>Attachments:</b>	<a href="#">Draft Lease</a> <a href="#">Site Map</a>
<b>Responsible Officer:</b>	<b>Nicole Selesnew</b> <b>Manager Community Services</b>
<b>Author:</b>	<b>Donna McDonald</b> <b>Senior Administration/Human Resources Officer</b>
<b>Proposed Meeting Date:</b>	<b>30 April 2013</b>

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#### **PURPOSE**

The purpose of this report is to consider a lease agreement with the Wilson Inlet Catchment Committee Incorporated (WICC) for the use of part of Lot 119 Albany Highway, Mount Barker, for the purpose of a community garden.

#### **BACKGROUND**

At its meeting held on 16 October 2012 the Council resolved:

*'That:*

- 1. The proposal to use part of Lot 119 Albany Highway, Mount Barker, for a community garden be endorsed;*
- 2. The Chief Executive Officer be authorised to negotiate a lease agreement for Council endorsement with the Baptist Union of Western Australia for part of Lot 119 Albany Highway, Mount Barker, for the purpose of a community garden; and*
- 3. If the Mount Barker Community Garden project fails, the garden be removed and the property be returned to its original condition at no cost to the Council.'*

As the Mount Barker Community Garden Committee (MBCGC) is not an incorporated body, the Mount Barker Community Resource Centre had agreed to auspice the organisation, with their sponsor, the Baptist Union of Western Australia Incorporated, to enter into a lease with the Shire on behalf on the MBCGC. The MBCGC has since advised the Shire that due to high lease administration fees required by the Baptist Union of Western Australia, they have now approached WICC which has agreed to enter into a lease on their behalf.

#### **STATUTORY ENVIRONMENT**

Section 3.58 of the Local Government Act 1995 'Disposing of Property' applies to the disposition of property, including leasing. Under Functions and General Regulations a disposition of land is an exempt disposition, and is excluded from the application of section 3.58, if:

*'the land is disposed of to a body, whether incorporated or not – the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of when are not enlisted or permitted to receive an pecuniary profit from the body's transactions.'*

A lease to WICC would be an exempt disposition.

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

### **EXTERNAL CONSULTATION**

Consultation has taken place with Kirsten Beidatsch, Chairperson and Co-ordinator, MBCGC and Lynn Heppell, Natural Resource Management Officer, WICC.

### **FINANCIAL IMPLICATIONS**

The lease is subject to a peppercorn rent. The MBCGC will be responsible for financing all infrastructure and garden equipment required to create a community garden and orchard, including the cost of connection to services.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

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

*'Strategy 1.3.2 – Promote and support the initiatives and achievements of our volunteers;*

*Strategy 1.3.4 – Actively promote and assist community groups and clubs; and*

*Strategy 1.3.5 – Review access to community services with the Shire.'*

### **OFFICER COMMENT**

When the Council considered the community garden proposal on 16 October 2012, concerns were raised regarding access into the site, the use of chemicals in close proximity to the public pool and the site being left in an untidy state if the MBCGC was to cease operations.

Shire staff approached MRWA seeking access to Lot 119 from Albany Highway. Staff were advised that access to the Lot from the highway would not be granted and that all access would need to occur through the pool car parking area.

There is sufficient space for pool patron overflow parking and MBCGC members' vehicles in the grassy area adjacent to the pool site. Line marking will be required in the pool car park so that vehicle parking and moving car spaces are clearly delineated.

Line marking in the pool car park has been raised by the Pool Manager in 2012. He has had difficulties with cars parking in front of the Plant Room access gates (despite 'No Parking' signs on the gates) and cars double parking, blocking patrons in. Line marking would rectify these issues.

The use of horticultural/agricultural chemicals in the community garden areas has been addressed in the lease document, as has the need to return the site to 'original condition' at the conclusion of the lease.

An indicative site layout plan for the garden is attached.  
It is recommended that a lease be entered into with WICC for a term of five years with an option to extend for a further five years.

### **VOTING REQUIREMENTS**

Simple Majority

3:45pm Cr M Skinner returned to the meeting.

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr G Messmer:**

**That authority be granted to the Shire President and the Chief Executive Officer to affix the common seal of the Council to the lease between the Shire of Plantagenet and Wilson Inlet Catchment Committee Incorporated (as attached) for the purpose of a community garden, the lease terms including:**

- 1. A lease period of five years with an option to extend for a further five years;**
- 2. Rent to be \$1.00 per annum;**
- 3. The lessee will be responsible for the cost of connection to all required Services and for all Services consumed or used by the lessee on the Premises;**
- 4. Spraying of herbicides and pesticides will be carried out only when necessary and only when the wind will carry any spray drift away from the Mount Barker Swimming Pool; and**
- 5. On termination of the lease the premises will be delivered up to the Shire of Plantagenet in its original condition at no cost to the Council.**

**CARRIED (8/0)**

**NO. 86/13**



## 9.4 CORPORATE SERVICES REPORTS

### 9.4.1 BUDGET REVIEW – SOUNNESS PARK

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

3:53pm Cr C Pavlovich withdrew from the meeting.

**File No:** N26665  
**Attachment:** [Loan Schedule](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 30 April 2013

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#### PURPOSE

The purpose of this report is to review and adjust the adopted 2012/2013 Annual Budget to recognise variations in actual income and expenditure for the redevelopment of Sounness Park. A further purpose of this report is to seek authority to enter into a loan agreement with the Western Australian Treasury Corporation for \$370,000.00 for this project.

#### BACKGROUND

At its meeting held on 26 March 2013, the Council resolved to adopt a budget review, excluding proposals relating to Sounness Park Redevelopment and that an interim budget review relating to Sounness Park be prepared for the Meeting of the Council to be held on 30 April 2013.

#### STATUTORY ENVIRONMENT

There is no specific section of the Local Government Act 1995 that deals with the re-allocation of funds however Section 6.2(1) of the Local Government Act 1995 governs budget requirements for local governments.

The Local Government Act (1995) and Local Government (Financial Management) Regulations 1996 control borrowing by local governments.

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

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2A) The review of an annual budget for a financial year must -*
- (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
-

- (b) consider the local government's financial position as at the date of the review; and*
  - (c) review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
- \*Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.'*

Regulation 50 of the Local Government (Financial Management) Regulations 1996 requires a local government's annual financial report to include a number of ratios, including the debt service cover ratio. This ratio is calculated by the annual operating surplus before interest and depreciation divided by loan principal and interest.

Section 6.20 of the Act relates to borrowings by local authorities. This section requires one month's local public notice and submission period if the proposal to borrow was not included in the annual budget. Advertising for the loan for the Sounness Park redevelopment would not need to be undertaken in this instance as the proposal was included in the 2012/2013 budget.

## **FINANCIAL IMPLICATIONS**

The overall recommended effect on the current budget is \$nil. However, there will be an ongoing impost for the servicing of a loan.

## **POLICY IMPLICATIONS**

The Council's Borrowing and Asset Financing Policy is relevant to the proposed loan for the redevelopment of Sounness Park. It states as follows (in part):

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

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

It is considered that this partial loan funding proposal for a significant regional asset meets the policy guidelines.

In addition, the Council's Policy on Borrowings (F/FM/6) recommends that the following financial ratios to be maintained:

	<b>Council Policy</b>	<b>2011/12 Actual</b>	<b>2011/12 plus \$1.2 million (PVH)</b>	<b>2011/12 plus PVH plus \$645,000</b>
1. Debt Service Ratio A	< 10%	3.65%	5.54%	6.65%
This ratio means:				
<u>Debt Service Cost</u>				
Available Operating Revenue				
2. Debt Service Ratio B	< 30%	5.43%	8.25%	9.91%
This ratio means:				
<u>Debt Service Cost</u>				
Total Rate Revenue				
3. Gross Debt to Revenue Ratio	< 60%	30.6%	46.3%	54.7%
This ratio means:				
<u>Gross Debt</u>				
Total Revenue				

The new ratio required by Regulation 50 is also shown below:

	<b>Recommended Level</b>	<b>2011/12 Actual</b>	<b>2011/12 plus \$1.2 million (PVH)</b>	<b>2011/12 plus PVH plus \$645,000</b>
Debt Service Cover Ratio	5.0	16.3	10.7	8.94
This ratio means:				
<u>Annual operating surplus before interest and depreciation</u>				
principal and interest				

All of these ratios are currently being met and will continue to be met, with loans up to \$645,000.00.

## STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

## OFFICER COMMENT

Contract documents have now been signed for the redevelopment of Sounness Park. A number of budget changes are recommended:

Additional costs of \$38,130.00 were required for design fees, as detailed below. These costs can be accommodated from savings in loan repayment costs (totalling \$64,552.00) which will not be required in the current financial year. The remaining savings in loan repayment costs can be directed to the project budget.

	Original Budget	Revised Budget
<b>Design:</b>		
Architect Design Fees as per Tender C01-11/12	\$ 328,503	\$ 310,505
Architect Fees Additional:		
Revise plans to incorporate all sports on one oval		\$ 10,500
BCA Consultant Fees		\$ 2,850
Mechanical Design Fees		\$ 8,400
Energy Efficiency Compliance Fees		\$ 2,550
Redesign building and change room plans		\$ 31,828
<b>Subtotal</b>	<b>\$ 328,503</b>	<b>\$ 366,633</b>

The revised project expenditure and income budget is detailed below. It should be noted that the original 2012/2013 project budget was not intended to represent accurate construction amounts. It merely recognised the same level of expenditure against projected grant and loan income for the project.

<b>Construct Stage One:</b>	3,575,500	
Wauters Price as per Tender C03-12/13		5,514,400
Project contingency (5%)		275,720
Contract Admin Fees for MCG		78,000
Engineers' Fees during construction		86,250
Water Inputs and connections to reticulation system		40,000
Power Connection		4,971
Power Box		18,567
Site Fencing		11,000
Cricket Wicket and Training Nets		40,000
Development Fees		7,025
<b>Sub total</b>	<b>3,575,500</b>	<b>6,075,932</b>
<b>Income</b>		
Action Agenda Funding	1,900,000	1,900,000
CSRFF		875,000
VROC CLGF		790,657
10/11 Shire CLGF	675,500	675,499
11/12 Shire CLGF		593,798

12/13 Shire CLGF		593,798
Shire Loan	1,000,000	645,000
<b>Sub total</b>	<b>3,575,500</b>	<b>6,073,752</b>

In regard to the costs which are over and above the contract sum, the following comments are offered:

- Contract Administration Fees for MCG and Engineers' Fees during construction – An agreement for contract administration has been dealt with separately to the building contract. This was undertaken after seeking three quotes in accordance with the Shire's Purchasing Policy. The report to the Council at its meeting held on 18 December 2012 indicated that the tendered prices did not include contract administration and engineer services throughout the construction of the project. At that meeting, it was resolved that *'the Chief Executive Officer's intention to appoint MCG Architects Pty Ltd as the Contract Administrator for the Sounness Park – Construction of Stage One project be noted.'*
- Water inputs and connections to reticulation system – the connection of water sources into the Sounness Park site were not included in the construction contract as these sources are still being investigated. The following water sources are being considered:
  - Drawing from a bore located in the south western end of Lot 149. Tests regarding the water output and water quality have been occurring to determine whether the water will be suitable for use at the Sounness Park site. It was important to continue the testing over a summer period when the potential for the water source to decrease or become saline was at its highest. This testing is nearing completion.
  - Use of the treated waste water from the Mount Barker Waste Water Treatment Plant. Negotiations are occurring with the Water Corporation and the owner of the former Omrah Vineyard (Penris Pty Ltd) regarding access to this water. A licence will also need to be obtained to use the water on a public facility.
  - Government Dam. This is a confirmed water source for the site and connection points already exist. It would be preferable to not rely on this source as the sole source for the site as the water in the Dam is a finite resource and it currently supports Frost Park (including the racing track) and the Mount Barker Caravan Park.
  - Drawing water from the water storage basins at the site. The size and capacity of these basins will depend on whether the Shire is successful in sourcing funds to build a second storage pond on the 'Demon Downs' lot.
  - The Water Corporation has now confirmed that a mains water supply will need to be taken from Lowood Road at an approximate cost of \$30,000.00. Early indications from the Water Corporation were that the supply could be taken from McDonald Avenue.

Due to the unconfirmed nature of the water source points, the installation of these points was removed from the construction contract.

- Power connection and power box – A new power connection to the site was required in order to amend the boundary between Lot 149 (Sounness Park) and

Lot 53 (the Community Resource Centre site). This fell outside of the scope of the building contract.

- Site fencing – This component was previously withdrawn from the project budget as the scope was unknown.
- Cricket wicket and training nets – These components were initially left out of the scope for Stage 1 as it was anticipated that they could be included in Stage 2 of the development. They were therefore not included in the building contract.

No funds have been forthcoming for Stage 2 as yet. Shire staff have recently submitted an application for Regional Development Australia Funds for the development of Stage 2 which will be announced in July 2013. If successful, these funds will not be required. If unsuccessful, it will be necessary to re-include these items in order to enable cricket to be incorporated in Stage 1.

- Development application fees – An amount of \$7,025.00 was paid out of the project budget to the Shire for its development application fees. This was not included in the building contract.

The Council included a loan of up to \$1,000,000.00 in its 2012/2013 budget for this project. Given the firm contract costs above, the project will require a loan of at least \$370,000.00 (if none of the contingency is required), or at most \$645,000.00 (if the whole contingency sum is required).

The cash flow for the project will likely require that the minimum loan amount will be needed before the end of the construction period. It is therefore recommended that authority be granted to the Shire President and Chief Executive Officer to take out an initial loan with the Western Australian Treasury Corporation of \$370,000.00 over 10 years. The current interest rate is 4.2% and an indicative loan schedule is attached.

Should the Council approve this request, then the Council's total loan indebtedness would rise from \$3,546,307.00 to a maximum of \$3,916,307.00 with the self supporting loan component being \$1,326,934.00.

## **VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr S Etherington:**

**That:**

**1. The 2012/2013 Annual Budget be amended as follows:**

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
51142.0251	Frost / Sounness Parks Improvement Plans	(\$234,012)	(\$272,142)	(\$38,130)
51498.0251	Sounness Parks - Implement Recreation Plan	(\$2,900,000)	(\$5,825,175)	(\$2,925,175)
51499.0251	Frost / Sounness Parks - Clubrooms (R for R)	(\$675,500)	\$0	\$675,500
41120.0400	CLGF (R for R) - Frost / Sounness Parks	\$675,500	\$2,653,753	\$1,978,253
New	CSRFF Grant - Sounness Park Oval	\$0	\$875,000	\$875,000
41124.0467	New - Loan Sounness Park - Implement Recreation Plan	\$1,000,000	\$370,000	(\$630,000)
51152.0467	Principal Repayments - New Loan - Sounness Park	(\$39,069)	\$0	\$39,069
20207.0467	Financial Expenses - New Loan - Sounness Park	(\$25,483)	\$0	\$25,483
	<b>TOTAL</b>	<b>(2,198,564)</b>	<b>(2,198,564)</b>	<b>0</b>

**2. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to a Debenture Agreement between the Shire of Plantagenet and the Western Australian Treasury Corporation relating to a loan of \$370,000.00 for the redevelopment of Sounness Park.**

**CARRIED (7/0)**

**NO. 87/13**

**Absolute Majority**

4:03pm Cr C Pavlovich returned to the meeting.

**9.4.2 FINANCIAL STATEMENTS – MARCH 2013**

<b>File No:</b>	<b>N26630</b>
<b>Attachment:</b>	<a href="#">Financial Statement (separate attachment)</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Brendan Webb</b> <b>Accountant / Office Manager</b>
<b>Proposed Meeting Date:</b>	<b>30 April 2013</b>

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**PURPOSE**

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 31 March 2013.

**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

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr G Messmer:**

**That the Financial Statements for the month ending 31 March 2013 be received.**

**CARRIED (8/0)**

**NO. 88/13**

**9.4.3 LIST OF ACCOUNTS - MARCH 2013**

**File No:** N26528  
**Attachment:** [List of Accounts](#)  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Emma Gardner  
Accounts Officer  
**Proposed Meeting Date:** 30 April 2013

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**PURPOSE**

The purpose of this report is to present the list of payments that were made during the month of March 2013.

**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 (12 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 March 2013 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$915,402.78;
2. Municipal Cheques 43625 - 43691 totalling \$122,905.64; and
3. Trust Cheque 343 totalling \$45,000.00.

**CARRIED (8/0)**

**NO. 89/13**

**9.4.4 POLICY REVIEW – COMMUNITY HALLS AND BUILDINGS**

**File No:** N26328  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 30 April 2013

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**PURPOSE**

The purpose of this report is to review Council Policy No. A/PA/17 – Community Halls and Buildings.

**BACKGROUND**

This policy was adopted by the Council at its meeting held on 22 March 2011. At that meeting, the Council also resolved, in part, that:

‘2. *That:*

1. *To effect Policy A/PA/17 Community Halls and Buildings the following structures shall immediately be offered for sale or lease to an appropriate incorporated body for the purpose of Community Hall:*
  - *Kendenup Agricultural Grounds Structures not already leased;*
  - *Kendenup Hall; and*
  - *Narrikup Hall.*
2. *Amendments to the following Vesting Orders be sought to include the power to be leased:*
  - *Former Guide/Scout Hall;*
  - *Porongurup Hall;*
  - *Rocky Gully Hall;*
  - *Woogenellup Hall; and*
  - *Kamballup Hall.’*

**STATUTORY ENVIRONMENT**

Section 3.58 of the Local Government Act relates to the disposition of property and the manner by which a Local Government can dispose of property.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

This policy is presented to the Council as part of its ongoing policy review cycle.

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## STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012 – 2022 provides at Outcome 2.5 (Council buildings and facilities that meet community needs) the following strategy:

*‘Strategy 2.5.3 – Continue to investigate opportunities to rationalise or devolve obsolete buildings and other assets.’*

## OFFICER COMMENT

This policy continues to provide a position regarding Council owned halls and public buildings from an asset management point of view and the potential for community groups to assume responsibility for the running of those buildings.

A current update on the other decisions made at the Council meeting held on 22 March 2011 follows:

- Kendenup Agricultural Grounds Structures not already leased – Lease being drafted with Kendenup Community Grounds Committee. Discussions also being held with KCRC.
- Kendenup Hall – No further progress. However, see dot point above. Inclusive discussions.
- Narrikup Hall – This site comprises both freehold land and vested reserves. The hall building is on a reserve, which is vested in the Council with power to lease. No body exists which has indicated an ability to take on the leasehold.
- Former Guide/Scout Hall – Power to lease has been obtained and a lease is now in place with the Plantagenet Men’s Shed.
- Porongurup Hall - Power to lease has been obtained. No lease is in place. It is understood that concerns relate to presence of asbestos.
- Rocky Gully Hall - Power to lease has been obtained. No lease is in place. No group is prepared to take on the leasehold.
- Woogenellup Hall - Power to lease has been obtained and a lease is now in place with the Woogenellup Progress Association.
- Kamballup Hall - Power to lease has been obtained. No lease is in place. It is unlikely that any group would take on the leasehold.

It is recommended that the policy is endorsed unchanged.

## VOTING REQUIREMENTS

Simple Majority

**OFFICER RECOMMENDATION**

Moved Cr B Bell, seconded Cr S Etherington:

That Council Policy A/PA/17 Community Halls and Buildings, as follows:

**OBJECTIVE**

To clarify the Council's position with regard to Community Halls.

**POLICY**

The Council is of the opinion that community halls within the District should be:

1. Wherever possible, operated by an appropriate incorporated community body;
2. 'Operated' in part 1) can include ownership or leasing;
3. If sale or lease cannot be effected for Community Hall purposes the closure of the hall and subsequent sale and removal of the subject structure will be pursued.'

be endorsed.

**AMENDMENT**

Moved Cr J Moir, seconded Cr C Pavlovich:

At Part 3, the word 'will' be deleted and replaced with the word 'may'.

**CARRIED (7/1)**

**NO. 90/13**

**COUNCIL DECISION**

That Council Policy A/PA/17 Community Halls and Buildings, as follows:

**OBJECTIVE**

To clarify the Council's position with regard to Community Halls.

**POLICY**

The Council is of the opinion that community halls within the District should be:

1. Wherever possible, operated by an appropriate incorporated community body;
2. 'Operated' in part 1) can include ownership or leasing;
3. If sale or lease cannot be effected for Community Hall purposes the closure of the hall and subsequent sale and removal of the subject structure may be pursued.'

be endorsed.

**CARRIED (8/0)**

**NO. 91/13**

**9.4.5 POLICY REVIEW - GROUP RATING**

<b>File No:</b>	<b>N25805</b>
<b>Attachment:</b>	<a href="#"><u>Valuer General's Office Policy 3.103 – Land – The Unit of Valuation, Gross Rental Value</u></a> <a href="#"><u>Valuer General's Office Policy 4.310 – Group Valuations – Unimproved Values in Rural Areas</u></a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Leanne Briggs</b> <b>Rates Officer</b>
<b>Proposed Meeting Date:</b>	<b>30 April 2013</b>

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**PURPOSE**

The purpose of this report is to review Council Policy A/PA/13 – Group Rating.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 22 March 2011.

**STATUTORY ENVIRONMENT**

Group rating of land parcels is covered by the Valuation of Land Act 1978 and is also subject to legal precedent as detailed in Valuer General's Office (VGO) Policies 3.103 and 4.310.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

This policy review 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 4.6 (Effective and efficient corporate and administrative services) the following strategy:

*'Strategy 4.6.3 – Maintain, develop and monitor rating and property strategies.'*

**OFFICER COMMENT**

The VGO provides valuation details to local government for the purposes of applying property rates. The Council has no choice but to apply rates and charges on land parcels as valued by the VGO.

The VGO has policies (3.103 and 4.310 - attached) which require valuing adjoining lots as a single valuation in the following circumstances:

Unimproved Value Properties

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- *The lots are contiguous and in common ownership.*
- *The lots are used and occupied as one holding and would normally be expected to sell as one holding.*
- *The current contiguity and use will continue into the foreseeable future.*
- *The bases of valuation is confirmed by sales evidence.'*

#### Gross Rental Value Properties

- *Land in common ownership.*
- *Actual and contiguous occupation extends across more than one lot.*
- *Open storage used in conjunction with an industrial building.*
- *Improvements erected across lot boundaries.*
- *Residential garden, pool, tennis courts etc used in conjunction with a house.*

It is considered appropriate for the Council to reaffirm this policy that reflects the current practice of applying single lot rating to all lots within the Shire, except for situations where the VGO applies a group valuation to them.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr B Bell:**

**That Council Policy A/PA/13 – Group Rating, as follows:**

#### **'OBJECTIVE:**

**To clarify the situations where group rating of separate lots can be applied.**

#### **POLICY:**

**That the Council will individually rate all separate lots unless the Valuer General's Office applies a group valuation in accordance with that Department's policies relating to group valuations.'**

**be endorsed.**

**CARRIED (8/0)**

**NO. 92/13**

#### 9.4.6 POLICY REVIEW - RATING OF COUNCIL OWNED LAND - SPORTING AND COMMUNITY ORGANISATIONS

<b>File No:</b>	<b>N26306</b>
<b>Attachment:</b>	<a href="#"><u>Sporting and Community Organisations Using Council and Vested Land – Rateability - Policy</u></a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Leanne Briggs</b> <b>Rates Officer</b>
<b>Proposed Meeting Date:</b>	<b>30 April 2013</b>

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#### **PURPOSE**

The purpose of this report is to review Council Policy No A/PA/14 – Sporting and Community Organisations Using Council and Vested Land – Rateability

#### **BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 22 March 2011.

#### **STATUTORY ENVIRONMENT**

Section 6.26 of the Local Government Act 1995 refers to the rateability of land. Section 6.26(2)(b) is to the effect that land is not rateable where it is the property of the Crown and is being used or held for a public purpose.

The Shire received some legal advice recently when it renewed its standard lease for community groups, as follows:

*‘The general position is that land occupied by a private club would not be described as being used for “public purpose”. See Swan Yacht Club Inc v Town of East Fremantle [2005] WASCA99 – which is a decision of the Court of Appeal of the WA Supreme Court.*

*As you would be aware, a local government Council is authorised under section 6.47 of the Act to waive a rate but that would be a decision taken by the Council from year to year.*

*Consequently, I think that it is appropriate for the lease to provide that the lessee must pay rates (if there are rates to be paid and they have not been waived).’*

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **POLICY IMPLICATIONS**

This policy is presented to the Council as part of its ongoing policy review cycle.

#### **STRATEGIC IMPLICATIONS**

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

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*'Strategy 1.3.4 – Actively promote and assist community groups and clubs.'*

### **OFFICER COMMENT**

The following sporting and community groups have exclusive use of Council owned or vested land:

- Narpanup Golf Club;
- Mount Barker Tennis Club;
- Mount Barker Speedway;
- West Plantagenet Pony Club;
- Kendenup Tennis Club;
- Kendenup Country Club;
- Museum and Arts Council (Mitchell House);
- Tourist Bureau;
- Old Police Museum;
- Mount Barker Playgroup;
- Plantagenet Men's Shed; and
- Woogenellup Progress Association.

The Council adopted this policy position to address anomalies regarding the rating status of sporting and community associations occupying Council land through leasing arrangements.

Given the legal advice, it is considered that the current policy is not appropriate under the provisions of the Local Government Act. Should the Council wish to grant free tenure to leaseholders, the Council could formally waive the rates under section 6.47 of the Act each year. The other alternative is to make an annual donation, in lieu of the rates. The latter option is preferable, as it enables the Council to properly reflect its ratepayer base and the donations made to community organisations.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr M Skinner, seconded Cr G Messmer:

That Council Policy A/PA/14 – Sporting and Community Organisations Using Council and Vested Land – Rateability, as follows:

**‘OBJECTIVE:**

To ensure that all sporting and community associations leasing property owned by or vested in the Council are treated equitably with regard to rating and other charges.

**POLICY:**

Any sporting or community organisation leasing or renting land and/or facilities from the Council shall be rateable.

The Council will consider an annual donation to lessees, in lieu of the rates, as a part of its budget deliberation process.’

be endorsed.

**CARRIED (8/0)**

**NO. 93/13**

## 9.5 EXECUTIVE SERVICES REPORTS

### 9.5.1 BROOMEHILL REGIONAL ARCHIVE REPOSITORY - MEMORANDUM OF AGREEMENT

<b>File No:</b>	<b>N26508</b>
<b>Attachments:</b>	<a href="#">MOU - Broomehill Regional Archive Repository</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>30 April 2013</b>

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#### **PURPOSE**

The purpose of this report is to seek the Council's agreement to enter into a Memorandum of Understanding with the Shires of Broomehill-Tambellup, Cranbrook and Kojonup relating to the operations of the Broomehill Regional Archive Repository.

#### **BACKGROUND**

At its meeting held on 8 February 2011 the Council resolved:

*'That the Royalties for Regions grant application (regional component - Archive Repository Project) be endorsed.'*

At that meeting the Council was advised that the Strategic Plan endorsed by the Southern Link Voluntary Regional Organisation of Councils (VROC) and subsequently each member Council, identified regionally significant projects to be prioritised for funding consideration as part of the regional group component of the Country Local Government Fund.

The joint archive repository to be situated in the old Council Offices at Broomehill was an agreed component of the regional grant.

#### **STATUTORY ENVIRONMENT**

Royalties for Regions Act 2009

#### **EXTERNAL CONSULTATION**

The Memorandum of Understanding attached to this report has been endorsed by each member Council CEO and it is intended for each Council to endorse the Memorandum of Understanding.

#### **FINANCIAL IMPLICATIONS**

The total cost of the project is \$416,454.28 (ex GST). These funds will be covered through the Royalties for Regions allocation (regional component), the Shire of Broomehill-Tambellup's contribution (towards the refurbishment of the library, reception area and toilets) and interest earnings. However, as noted below, there will be operational and ongoing asset renewal obligations.

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The Chief Executive Officers have agreed that in the first year of operation a total 'rental' will be levied by the Shire of Broomehill-Tambellup of \$5,000.00 to be shared between the signatory members based upon the percentage of shelf space to be taken up.

### **POLICY IMPLICATIONS**

Council Policy A/RM/1 – Record Keeping sets out a framework for the reliable and systematic management of Shire Records in accordance with legislative requirements and best practice standards.

### **ASSET MANAGEMENT IMPLICATIONS**

Although funds allocated to each of the Shires in accordance with Royalties for Regions have been utilised, such funding has been spent on an asset owned by the Shire of Broomehill-Tambellup. Therefore, asset management implications rest with the Shire of Broomehill-Tambellup. That Shire will levy an annual charge which will be utilised for both operational and asset renewal matters.

### **STRATEGIC IMPLICATIONS**

The Council's Strategic Community Plan (2012-2022) under outcome 2.6 – Assets and Infrastructure Managed over the Long Term to Meet Current and Future needs provides at Strategy 2.6.2:

*'Maintain effective liaison with other levels of Government and regional bodies to ensure coordinated provision of regional infrastructure.'*

### **OFFICER COMMENT**

The Memorandum of Understanding attached to this report is a simple agreement to reflect the rights and responsibilities of each of the signatories, being the Shires of Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet.

It is reasonable to note that the regional component of the Country Local Government Fund has been utilised to refurbish existing infrastructure owned by the Shire of Broomehill-Tambellup. For the ratepayers and residents of the Shire of Plantagenet to continue to take advantage of this regional component, it will be necessary to continue to use the facility constructed. The Agreement notes that if any signatory withdraws, that signatory has no right to any capital refund as this would be contrary to the original grant agreement.

It should also be acknowledged that the Memorandum of Understanding is also attempting to protect the interests of each VROC member Council in the event of any future amalgamation.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr C Pavlovich:**

**That the Shire President and Chief Executive Officer be authorised to sign the Memorandum of Agreement between the Shires of Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet relating to the Broomehill Regional Archive Repository.**

**CARRIED (8/0)**

**NO. 94/13**

**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**

Nil

**13 CLOSURE OF MEETING**

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

**CONFIRMED: CHAIRPERSON** \_\_\_\_\_ **DATE:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_