



ORDINARY MINUTES

DATE: Tuesday, 10 December 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 L Handasyde Deputy Shire President
Cr B Bell
Cr A Budrikis
Cr S Etherington JP
Cr G Messmer
Cr J Moir
Cr J Oldfield
Cr C Pavlovich

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

3:05pm 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 L. Handasyde	Deputy Shire President
Cr B Bell	Councillor
Cr A Budrikis	Councillor
Cr G Messmer	Councillor
Cr J Moir	Councillor
Cr J Oldfield	Councillor
Cr C Pavlovich	Councillor

In Attendance:

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

Apologies

Cr S Etherington

There were 10 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, 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 MR BEVAN LANG – LOT 401 WEST BEATTIE ROAD/FRYATT ROAD

Mr Lang spoke in support of the Officer's recommendation in Item 9.2.2

4.2 MR MARCUS MCPHARLIN – TOWN PLANNING SCHEME NO. 3 – AMENDMENT NO. 63

Mr McPharlin spoke in support of the Officer's recommendation in Item 9.1.5 and clarified details of the proposal.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr Bell

Item 9.1.3 Lots 350, 351, 742-744, 769-771 and 790-794 Leanne Road and Halsey Road, Mount Barker – Rotational Outdoor Piggery – Grow-Out.

Type: Proximity (Section 5.60(B) LGA)
Nature: Adjoining Property to Milne Feeds
Extent: Not applicable

Cr J Moir

- Item 9.2.1 Mount Barker Wetlands Restoration Project
Type: Financial/Indirect Financial (Section 5.60(A) and Section 5.61LGA).
Nature: Employee of Elders Rural Service
Extent: Elders has quoted on fencing material to a fencing contractor who has quoted on the Wetlands Project.

Cr J Oldfield

- Item 9.1.3 Lots 350, 351, 742-744, 769-771 and 790-794 Leanne Road and Halsey Road, Mount Barker – Rotational Outdoor Piggery – Grow-Out.
Type: Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA)
Nature: Have a business relationship with Milne Agrigroup who are listed as an applicant.
Extent: Not applicable
- Item 9.1.4. Lot 464 Warburton Road Corner Mitchell Street, Mount Barker – Relocated Ancillary Dwelling.
Type: Proximity (Section 5.60(B) LGA)
Nature: Part owner of land at 462 Mitchell Street which adjoins 464 Mitchell Street which is involved in the above agenda item.
Extent: Not applicable

Cr C Pavlovich

- Item 9.1.3 Lots 350, 351, 742-744, 769-771 and 790-794 Leanne Road and Halsey Road, Mount Barker – Rotational Outdoor Piggery – Grow-Out.
Type: Closely Associated Person (Section 5.62 LGA)
Nature: Closely Associated Person
Extent: Not applicable
- Item 9.1.5. Town Planning Scheme No. 3 – Amendment No. 63 – Lot 3957 McDonald Avenue/Taylor Road, Mount Barker.
Type: Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA)
Nature: Part owner of property.
Extent: Not applicable

MEETING ADJOURNED

3:05pm The Presiding member adjourned the meeting while an Evacuation Drill took place.

RESUMPTION

3:24pm The Presiding Member reconvened the meeting

Members Present:

Cr K Clements	Shire President
Cr L. Handasyde	Deputy Shire President
Cr B Bell	Councillor (Left the Chamber at 3:34pm, returned 3:46pm)
Cr A Budrikis	Councillor
Cr G Messmer	Councillor
Cr J Moir	Councillor (Left the Chamber at 4:05pm, returned 4:05pm) (Left the Chamber at 4:10pm, returned 4:11pm)
Cr J Oldfield	Councillor (Left the Chamber at 3:34pm, returned 3:46pm) (Left the Chamber at 3:46pm, returned 3:48pm)
Cr C Pavlovich	Councillor (Left the Chamber at 3:34pm, returned 3:46pm) (Left the Chamber at 3:48pm, returned 3:52pm)

In Attendance:

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

Apologies

Cr S Etherington

There were eight members of the public present.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

7 CONFIRMATION OF MINUTES

Moved Cr B Bell, seconded Cr L Handasyde:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 19 November 2013 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 306/13

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes previously.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 LOT 117 FIRST AVENUE CORNER BEVERLEY ROAD, KENDENUP - RELOCATED DWELLING

File No:	N28715
Attachments:	Location Plan Site Plan Floor Plan Elevations Photographs
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	10 December 2013
Applicant:	Anne Perryer

PURPOSE

The purpose of this report is to consider an application for a relocated dwelling at Lot 117 First Avenue corner Beverley Road, Kendenup.

BACKGROUND

Council records show the registered owner of Lot 117 First Avenue corner Beverley Road, Kendenup is Anne Perryer. The proponent intends relocating the timber frame house presently located at 1155 Estuary Road, Bouvard in the City of Mandurah to Lot 117 First Avenue corner Beverley Road, Kendenup.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Residential (R5). R10 boundary setbacks apply in Kendenup Townsite.

FINANCIAL IMPLICATIONS

The application fee of \$107.00 and a bond of \$10,000.00 have been paid.

POLICY IMPLICATIONS

Council Policy No. TP/SDC/5 – Housing – Relocation of Houses – requires various conditions to be satisfied including a bond, engineer's certification, removal of asbestos cladding if being brought into the Shire and a 12 month approval period. The bond is required to ensure the house is completed to an acceptable standard. The bond is refundable upon completion of the house.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 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.’

Further, the Strategic Community Plan 2013 – 2023 provides at Outcome 3.6 (Sustainable population growth) the following strategies:

‘Strategy 3.6.2 – Investigate and promote housing development.’

‘Strategy 3.6.3 – Encourage variety in land use and housing to promote a diverse population and stronger community.’

OFFICER COMMENT

Lot 117 is 989m² in area and existing development at the property consists of one outbuilding including a lean-to carport structure.

The house proposed to be transported to the site is of timber frame construction with steel underfloor skids and floor joists. As part of lodging this application, the applicant provided engineer’s certification that the house is structurally sound for relocation. The external walls of the house are clad in cedar timber and the roof is Colorbond® green. To conform with the Building Code of Australia, a small room in the existing outbuilding, to the rear of the carport will be the laundry area.

The proposal meets the R10 boundary setback requirements of the Residential Design Codes.

In accordance with policy, approval will only be granted for a period of 12 months.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr A Budrikis:

That approval be granted for a relocated dwelling at Lot 117 First Avenue corner Beverley Road, Kendenup subject to:

1. Development being in accordance with the plans dated 7 November 2013.
2. A crossover being constructed to the satisfaction of the Manager Works and Services.
3. Stormwater being disposed of to the satisfaction of the Manager Works and Services.
4. The approval being valid for a period of 12 months.

CARRIED (8/0)

NO. 307/13

9.1.2 LOT 209 SECOND AVENUE, KENDENUP - RELOCATED DWELLING

File No: N28785
Attachments: [Location Plan](#)
[Site Plan](#)
[Floor Plan](#)
[Elevations](#)
[Photographs](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Vincent Jenkins
Planning Officer
Proposed Meeting Date: 10 December 2013
Applicant: Dudley and Barbara Jackson

PURPOSE

The purpose of this report is to consider an application for a relocated dwelling at Lot 209 Second Avenue, Kendenup.

BACKGROUND

Council records show the registered owners of Lot 209 Second Avenue, Kendenup are D and B Jackson. The proponents intend relocating the steel frame house presently located at Cramphorne Road corner Stirret Road, Muntadgin in the Shire of Merredin to Lot 209 Second Avenue, Kendenup.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Residential (R5). R10 boundary setbacks apply in Kendenup Townsite.

FINANCIAL IMPLICATIONS

The application fee of \$107.00 has been paid and a \$10,000.00 bond will be required as a condition of approval.

POLICY IMPLICATIONS

Council Policy No. TP/SDC/5 – Housing – Relocation of Houses – requires various conditions to be satisfied including a bond, engineer's certification, removal of asbestos cladding if being brought into the Shire and a 12 month approval period. The bond is required to ensure the house is completed to an acceptable standard. The bond is refundable upon completion of the house.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 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.'

Further, the Strategic Community Plan 2013 – 2023 provides at Outcome 3.6 (Sustainable population growth) the following strategies:

'Strategy 3.6.2 – Investigate and promote housing development.'

'Strategy 3.6.3 – Encourage variety in land use and housing to promote a diverse population and stronger community.'

OFFICER COMMENT

Lot 209 is 1,012m² in area and is currently undeveloped. The house proposed to be transported to the site is of steel frame and floor joist construction with structural plywood flooring. As part of lodging this application, the applicant provided engineer's certification that the house is structurally sound for relocation. The external walls of the house are clad in HardiePlank™ and the roof is Colorbond® blue.

The kitchen area of the house shows some internal and external fire damage. However, the engineer's certification confirms this part of the house is structurally sound for reinstatement. The proponent, Mr Dudley Jackson is a registered builder and intends to finish the house to a high standard. The proponents are currently renting a house in Kendenup and once the house is completed, they intend to make this house their home.

The proposal meets the R10 boundary setback requirements of the Residential Design Codes.

In accordance with policy, approval will only be granted for a period of 12 months.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr C Pavlovich, seconded Cr A Budrikis:

That approval be granted for a relocated dwelling at Lot 209 Second Avenue, Kendenup subject to:

- 1. Development being in accordance with the plans dated 12 November 2013.**
- 2. The payment of a refundable bond of \$10,000.00 prior to the issue of a building permit.**
- 3. A crossover being constructed to the satisfaction of the Manager Works and Services.**
- 4. Stormwater being disposed of to the satisfaction of the Manager Works and Services.**
- 5. The approval being valid for a period of 12 months.**

AMENDMENT

Moved Cr B Bell, seconded Cr G Messmer:

That in part 2 of the motion, after the words '*The payment of* the following words be included:

'an additional retrospective planning fee of \$107.00 and'.

CARRIED (7/1)

NO. 308/13

COUNCIL DECISION

That approval be granted for a relocated dwelling at Lot 209 Second Avenue, Kendenup subject to:

1. Development being in accordance with the plans dated 12 November 2013.
2. The payment of an additional retrospective planning fee of \$107.00 and a refundable bond of \$10,000.00 prior to the issue of a building permit.
3. A crossover being constructed to the satisfaction of the Manager Works and Services.
4. Stormwater being disposed of to the satisfaction of the Manager Works and Services.
5. The approval being valid for a period of 12 months.

CARRIED (7/1)

NO. 309/13

9.1.3 LOTS 350,351, 742-744, 769-771 AND 790-794 LEANNE ROAD AND HALSEY ROAD, MOUNT BARKER - ROTATIONAL OUTDOOR PIGGERY - GROW-OUTCr Bell

Type: Proximity (Section 5.60(B) LGA)
Nature: Adjoining Property to Milne Feeds
Extent: Not applicable

3:34pm Cr B Bell withdrew from the meeting.

Cr J Oldfield

Type: Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA)
Nature: Have a business relationship with Milne Agrigroup who are listed as an applicant.
Extent: Not applicable

3:34pm Cr J Oldfield withdrew from the meeting.

Cr C Pavlovich

Type: Closely Associated Person (Section 5.62 LGA)
Nature: Closely Associated Person
Extent: Not applicable

3:34pm Cr C Pavlovich withdrew from the meeting.

File No: N28842

Attachments: [Location Plan](#)
[Summary of Submissions](#)
[Site Location](#)
[Property Layout and Proposal](#)
[Soil and Landscape Units](#)
[APL Fact Sheet](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 10 December 2013

Applicant: Aurora Environmental for Milne Agrigroup and
Lorraine Heckler and Marcus McPharlin

PURPOSE

The purpose of this report is to consider a proposal for a rotational outdoor piggery (grow-out) at Lots 350, 351, 742 - 744, 769 - 771 and 790 - 794 Leanne Road and Halsey Road, Mount Barker.

BACKGROUND

Council records show the registered owners of the properties are L Heckler and M and G McPharlin.

The Council at its meeting held on 17 August 2010 when considering a different piggery proposal on this land resolved at Resolution No. 197/10:

'That the proposal for a noxious industry (piggery) at Lots 769 and 770 Halsey Road, Mount Barker be refused on the grounds that it is contrary to the orderly and proper planning of the locality and the preservation of the amenity of the locality in that the properties do not meet the Environmental Protection Authority and Health Local Law 2008 recommended buffer separations of 1,000m.'

On 1 November 2013, the Council received this current Planning Consent (PC) application for a rotational outdoor piggery at Lots 350, 351, 742 - 744, 769 - 771 and 790 - 794 Leanne Road and Halsey Road, Mount Barker. This PC application included supporting information prepared by environmental consultants Aurora Environmental. This proposal involves a grow-out unit for a maximum of 6,380 animals on four fixed rotational outdoor piggery areas. The maximum number of animals at the subject land at any one time will be 6,380 with an approximate yield of 20,800 animals annually.

The supporting Environmental Management Plan (EMP) document to the current PC application was prepared pursuant to the Environmental Guidelines for Rotational Outdoor Piggeries 2013 and Australian Pork Limited Fact Sheet, Design and Management of Outdoor Free Range Areas for Pigs July 2011 (APL Fact Sheet 2011). These two documents are more up to date and relevant when proposing to develop rotational outdoor piggeries as they include the latest scientific data and provide specific advice on development requirements for rotational outdoor piggeries.

Australian Pork Limited released the long awaited Environmental Guidelines for Rotational Outdoor Piggeries (EGROP 2013) during October 2013. These environmental guidelines are specific to rotational outdoor piggery operations (free-range). Rotational outdoor piggeries are not seen as extensive due to their method of operation.

This PC application was advertised for public comment from 7 November 2013 to 29 November 2013. Eleven submissions were received of which four are from government agencies. Seven submissions are from adjoining and nearby landowners of which six raised objection to the proposal.

Concerns raised by these landowners included amenity, environmental, health, road safety and lifestyle matters. Further concerns raised included insufficient supporting information, regulatory non-compliance and land value matters.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural. A piggery falls within the definition of a Noxious Industry that is a discretionary 'SA' use under TPS3. This means that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with Clause 6.2.

Environmental Protection Act 1986

Rotational outdoor piggeries do not constitute a prescribed activity under the Environmental Protection Act 1986 and therefore do not require works approval or licence from the Department of Environment Regulation (DER).

Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No. 3 June 2005 (EPA 2005).

This document provides generic buffer (separation) distances referred to in the State Buffer Policy 1997 (Government of Western Australia). These generic distances set out in Appendix 1 are based on the experience of the Department of Environment Regulation and other regulatory authorities for industries that historically have been associated with amenity impacts from gaseous, dust, noise and odorous emissions as well as with elevated levels of off-site risk to the public.

Appendix 1

<i>Industry</i>	<i>Description of industry</i>	<i>Buffer distance in metres and qualifying notes</i>
<i>Piggery - extensive</i>	<i>premises on which pigs are fed, watered and housed in outside paddocks or enclosures.</i>	<i>1,000 for all extensive piggeries.</i>

The buffer distances included in the EGROP 2013 and the APL Fact Sheet 2011 are specific to rotational outdoor piggery operations (free-range) and these guidelines are more up to date and relevant when proposing to develop rotational outdoor piggeries. The guidelines include the latest scientific data and provide specific advice on buffer requirements for rotational outdoor piggeries. Rotational outdoor piggeries are seen as intensive due to their method of operation.

Health Act 1911 (as Amended) - Piggery is defined as an offensive trade and must be registered with the local authority on an annual basis.

Shire of Plantagenet Health Local Law 2008, Part 5 Piggeries and Part 9 Offensive Trades

Part 5 Piggeries

Clause 5.6.2 reads:

- (1) No premises shall be used as a piggery unless approved by the local government;*
- (2) Subject to subsection (3), no premises shall be approved as a piggery by the local government unless every portion of such piggery complies with the minimum separation distances listed in Table 2; or if it is an intensive piggery, the minimum separation distances listed in Table 3; and*
- (3) Sites unsuitable to satisfy the separation may be approved at the discretion of the local government, if the local government is satisfied that approving the piggery will not give rise to a health nuisance.*

Table 2. Required Buffer Distances for Piggeries

<i>Buffer</i>	<i>Distance</i>
<i>Townsite boundaries</i>	<i>5,000m</i>
<i>Isolated rural dwellings, dairies and industries</i>	<i>1,000m</i>
<i>Public roads and recreation areas</i>	<i>100m</i>
<i>Neighbouring rural property boundaries</i>	<i>50m</i>

<i>Major water course and water impoundments</i>	<i>300m</i>
<i>Bores, wells or soaks used for drinking, stock or irrigation</i>	<i>300m</i>
<i>Minor water courses</i>	<i>100m'</i>

The key issue of concern for piggeries is not to give rise to health nuisances with the recommended buffer distance to isolated rural dwellings being 1,000m.

Discretion exists for the Council to vary standards at clause 5.6.2(3). The Environmental Management Plan addresses the current management methods for this proposal and separation from isolated dwellings will not be an issue. Health Department Guidelines from 2012 do not include farmhouses in their current separation standards.

Soil and Land Conservation Act 1945 - requires the use of appropriate land management to attain or maintain the stability of the land in perpetuity.

Environmental Guidelines for Rotational Outdoor Piggeries 2013 (EGROP 2013).

The EGROP 2013 encapsulates a national approach to environmental management for rotational outdoor piggeries. These guidelines include best practice environmental management for rotational outdoor piggeries and complement the industry's quality assurance program - APIQ® Free Range.

Australian Pork Limited Fact Sheet, Design and Management of Outdoor Free Range Areas for Pigs July 2011 (APL Fact Sheet 2011) (copy attached).

That fact sheet summarises the desired site selection characteristics, buffer distances and nutrient management actions specifically for free range piggeries. The fact sheet provides a reference for the assessment of the suitability of the site for the development of a free-range piggery, and independent verification of the proposed management practices. These site selection characteristic requirements are based on extensive research and industry consultation. All four rotational outdoor piggery areas conform to site selection criteria and buffer requirements set out in the fact sheet.

Australian Pork Industry Quality Assurance Program (APIQ®)

APIQ® provides the framework and standards by which Australian pig producers can demonstrate they are responsible farmers who care for their animals and the environment by following safe and sustainable practices contained in the EGROP 2013.

EXTERNAL CONSULTATION

In accordance with Delegation LG035 the proposal was advertised for comment for a 21 day period closing on 29 November 2013. Advertising included letters to 13 adjoining landowners, Environmental Protection Authority (EPA), Department of Environment Regulation (DER), Department of Agriculture and Food WA (DAFWA), Department of Water (DOW), Department of Parks and Wildlife (DPAW) and the Department of Health (DOH). Notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site.

At the close of the advertising period 10 submissions had been received and these are contained in the attached summary of submissions.

FINANCIAL IMPLICATIONS

The planning application fee of \$1,280.00 and a bond of \$500.00 for advertising costs have been paid.

POLICY IMPLICATIONS

The Shire of Plantagenet Town Planning Scheme Policy No. 19 - Kendenup Rural Surrounds - the subject land is located within the 'Future Rural Smallholding Areas'. In assessing land use and subdivision proposals within the 'Future Rural Smallholding Areas' in the Kendenup rural surrounds, the following policy criteria below will be considered.

Policy Criteria 11 reads:

'Key objectives of these areas will be to:

- c) conserve and enhance the landscape quality of the area by ensuring development is sensitively designed and integrated with the landscape;*
- e) minimise the risk of land use conflict by not favouring inappropriate land uses without adequate buffers incorporated on site.'*

Policy Criteria 15 reads:

'Intensive agricultural pursuits (other than horticulture) such as piggeries, feed lotting and poultry farms will generally not be permitted due to buffer requirements. The keeping of livestock should be restricted to fenced pastured areas. Animal numbers should not exceed stocking rates recommended by the Department of Agriculture and Food.'

Rotational outdoor piggeries are seen as intensive due to their method of operation. However, rotational outdoor piggeries pose different amenity risks to those of conventional piggeries (indoor and deep litter piggeries). Comprehensive industry research has revealed very low levels of odour, dust and noise from rotational outdoor piggeries compared to conventional piggeries. All four proposed rotational outdoor piggery areas conform to site selection criteria and buffer requirements set out in the EGROP 2013 and the APL Fact Sheet 2011.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides as Outcome 2.1 (Long term planning and development guided by the Planning Vision) the following Strategy:

'Strategy 2.1.5 – Encourage and promote the use of good agricultural land for food production.'

OFFICER COMMENT

The subject land is located approximately 7.5km north of Mount Barker and approximately 2.5km east of Albany Highway on Halsey Road. The cumulative area for the subject land (Lots 350, 351, 742 - 744, 769 - 771 and 790 – 794) is approximately 268ha and is currently used for pasture and cropping.

A total of 10 submissions have been received from government agencies and adjoining and nearby landowners.

The DOW did not object to this proposal subject to the inclusion of supporting information demonstrating water supply will meet the demand from the piggery at full operation. The DOW further advised adverse impacts on the local waterways (the Narpunup and Peerambup Creeks) should be minimal as the proposed minimum setback requirements set out in the EGROP 2013 guidelines are achieved. The DOW raised no concerns regarding possible adverse impacts on groundwater by the proposed rotational outdoor piggery operation.

The concerns raised by adjoining and nearby landowners include amenity, environmental, health, road safety and lifestyle matters. Further concerns raised included insufficient supporting information, regulatory non-compliance and land value matters.

Comprehensive submissions have been received from adjoining landowners Sherylle and Shane Baker and nearby landowners Judy and Robert Leahy. These submissions raised various matters that included all the above concerns. However, it would appear some of the matters raised in their submissions were prepared using policies and guidelines based on the older style of piggery operation and not the EGROP 2013 type of piggery. With this in mind, it may be appropriate to defer the Council's decision on the rotational outdoor piggery proposal to allow the proponent's environmental consultants to respond to the submissions made during the public advertising period.

There is obviously concern from residents in the locality considering the detail provided in some of the submissions. It is important that the Council is fully informed on this proposal hence the need for the environmental consultants to respond to the extensive comments provided in the submissions.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr L Handasyde:

That:

- 1. Consideration of the application for the rotational outdoor piggery at Lots 350, 351, 742 - 744, 769 - 771 and 790 - 794, Leanne Road and Halsey Road, Mount Barker be adjourned to enable the proponent's environmental consultants to respond to the submissions made during the public advertising period.**
- 2. A further report be prepared for consideration of the Council no later than its meeting to be held on 4 February 2014.**

CARRIED (5/0)

NO. 310/13

3:46pm Cr B Bell, Cr J Oldfield and Cr C Pavlovich returned to the meeting.

9.1.4 LOT 464 WARBURTON ROAD CORNER MITCHELL STREET, MOUNT BARKER - RELOCATED ANCILLARY DWELLINGCr J Oldfield

Type: Proximity (Section 5.60(B) LGA)
Nature: Part owner of land at 462 Mitchell Street which adjoins 464 Mitchell Street which is involved in the above agenda item.
Extent: Not applicable

3:46pm Cr J Oldfield withdrew from the meeting.

File No: N28854
Attachments: [Location Plan](#)
[Site Plan](#)
[Floor Plan](#)
[Photographs](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Vincent Jenkins
Planning Officer
Proposed Meeting Date: 10 December 2013
Applicant: Anthony Saunders

PURPOSE

The purpose of this report is to consider an application for retrospective approval for a relocated ancillary dwelling at Lot 464 Warburton Road corner Mitchell Street, Mount Barker.

BACKGROUND

Council records show the registered owners of Lot 464 Warburton Road corner Mitchell Street, Mount Barker are A and E Saunders.

The proponents recently relocated a steel frame ancillary dwelling that was previously located at 187 Muchea South Road, Muchea in the Shire of Chittering to Lot 464 Warburton Road corner Mitchell Street, Mount Barker.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Residential (R2).

Clause 5.3.3 of TPS3 states:

‘Unless otherwise provided for in the Scheme the development of land for any of the Residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those codes.’

Residential Design Codes (R-Codes) August 2013

R-Codes Part 2 Code Approval Process 2.5.4 reads as follows:

'A decision-maker shall not refuse to grant approval to an application in respect of any matter where the application satisfies the deem-to-comply provisions of the R-Codes and the and the relevant provisions of the scheme and any relevant local planning policy.'

R-Codes Part 5 Design principal 5.5.1 P1 reads as follows:

'Ancillary dwellings for people who live either independently or semi-independently to the residents of the single house, sharing some site facilities and services and without compromising the amenity of surrounding properties.'

R-Codes Part 5 Deem-to-comply 5.5.1 C1 reads as follows:

'Ancillary dwelling associated with a single house on the same lot where:

- i. the lot is not less than 450m² in area;*
- ii there is a maximum plot ratio area of 70m²;*
- iii. parking provided in accordance with clause 5.3.3 C3.1; and*
- iv. complies with all other R-Codes provisions , only as they apply to single houses, with the exception of clauses:*
 - (a) 5.1.1 Site area;*
 - (b) 5.2.3 Street surveillance (except where located on a lot with secondary street or right-of-way access); and*
 - (c) 5.3.1 Outdoor living areas.'*

The proposal conforms to the deem-to-comply requirements for ancillary dwellings set in the R-Codes. In addition, the proposed ancillary dwelling location conforms to boundary setback requirements set in the R-Codes for the R2 density code.

FINANCIAL IMPLICATIONS

The retrospective application fee of \$214.00 has been paid.

POLICY IMPLICATIONS

Council Policy No. TP/SDC/5 – Housing – Relocation of Houses – requires various conditions to be satisfied including a bond, engineer's certification, removal of asbestos cladding if being brought into the Shire and a 12 month approval period. The bond is required to ensure the house is completed to an acceptable standard. The bond is refundable upon completion of the house.

An inspection carried out by the Manager Development Services on 27 November 2013 at the site revealed the relocated ancillary dwelling is completed to an acceptable standard. In this instance, a \$10,000.00 bond will not be required as a condition of approval.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 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.'

Further, the Strategic Community Plan 2013 – 2023 provides at Outcome 3.6 (Sustainable population growth) the following strategies:

'Strategy 3.6.2 – Investigate and promote housing development.'

'Strategy 3.6.3 – Encourage variety in land use and housing to promote a diverse population and stronger community.'

OFFICER COMMENT

Lot 464 is 6,629m² in area, existing development at the property consists of one single house and the subject relocated ancillary dwelling.

The relocated ancillary dwelling is of steel frame and floor joist construction with structural plywood flooring. As part of lodging this application, the applicant provided engineer's certification that the house is structurally sound for relocation. The external walls of the house are clad in Colorbond® green and the roof is zincalume.

The proposal conforms to all the deem-to-comply requirements for ancillary dwellings set in the R-Codes. In addition, the proposed ancillary dwelling location conforms to boundary setback requirements set in the R-Codes for the R2 density code.

An existing crossover provides access to Warburton Road.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr G Messmer:

That approval be granted for one relocated ancillary dwelling at Lot 464 Warburton Road corner Mitchell Street, Mount Barker subject to:

- 1. Development being in accordance with the plans dated 22 November 2013.**
- 2. Stormwater being disposed of to the satisfaction of the Manager Works and Services.**

Advice Note:

This Planning Consent is not an authorisation to commence occupation. A building permit must be obtained prior to occupation of the ancillary dwelling.

CARRIED (6/1)

NO. 311/13

3:48pm Cr J Oldfield returned to the meeting.

**9.1.5 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 63 - LOT 3957
MCDONALD AVENUE/TAYLOR ROAD, MOUNT BARKER**Cr C Pavlovich

Type: Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA)
Nature: Part owner of property.
Extent: Not applicable

3:48pm Cr C Pavlovich withdrew from the meeting.

File No: N28857
Attachments: [Location Plan](#)
[Amendment No. 63 \(separate attachment\)](#)
[Schedule of Modifications](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 10 December 2013
Applicant: Logan Management

PURPOSE

The purpose of this report is to consider a proposed Amendment to Town Planning Scheme No. 3 to rezone portion of Lot 3957 McDonald Avenue/Taylor Road, Mount Barker from Special Industrial to Industrial.

BACKGROUND

Council records show the owners of Lot 3957 are Mr P Wallinger and Penris Pty Ltd.

This subject land was previously used as holding paddocks for stock awaiting slaughter at the abattoir on the adjoining Lot 2 McDonald Avenue on the corner of Taylor Road. The abattoir closed in 2000.

The Scheme Amendment proposes to rezone the southern portion of Lot 3957 as shown on the attached location plan.

A separate copy of the Amendment document is included for each Councillor with the agenda papers.

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

recommendations to the Western Australian Planning Commission (WAPC) and the Minister within 28 days.

EXTERNAL CONSULTATION

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 fee of \$4,840.00 (inc GST) has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 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;'

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

'Strategy 2.2.6 - Support the conservation and maintenance of heritage buildings, heritage items and places of interest.'

Local Planning Strategy (LPS) 2013 – The LPS was endorsed by the Western Australian Planning Commission in August 2013 and includes the following in Appendix 1 relative to this land:

'6.9 The existing Special Industrial area on the north east corner of MacDonald(sic) Avenue and Taylor Road is not considered appropriate for this zoning and it is proposed the area be zoned Rural Residential to allow for an equestrian based development due to its proximity to the recreation facilities at Frost Park.'

and

'8.1.4 These areas are the land to the north east of McDonald Avenue and Taylor Road and the land to the north east of Sounness Street and Porongurup Road. As part of any rezoning proposal for these areas, detailed land capability and drainage studies will be required. The area north east of McDonald Avenue is ideally suited for equestrian themed Rural Residential as it is within the Townsite and adjoins the Frost Park recreation complex that includes the horse racing facility. ...'

Planning Vision (PV) (Town Planning Scheme Policy No. 18.1) – Public advertising of the PV review has finished. A report will be placed before the Ordinary Meeting of the Council to be held on 4 February 2014. Appendix 1 of the PV includes:

'8.1.5 Two areas are proposed for Rural Residential use with an equestrian theme. These areas are the land to the north east of MacDonald(sic) Avenue and Taylor Road and the land to the north east of Sounness Street and Porongurup Road. As part of any rezoning proposal for these areas, detailed land capability and drainage studies will be required. The issue of possible site contamination on the former abattoir site at McDonald Avenue will need to be carefully examined. The preference for both of these areas is for an equestrian based zone and should include appropriate facilities for equestrian activities. ... It is noted the McDonald Avenue site may in the short term be considered for rezoning from Special Industrial to Industrial to provide more land for conventional industrial lots. If this progresses then the equestrian themed Rural Residential will not proceed on this land.'

OFFICER COMMENT

The Amendment proposal is generally in accordance with the recently advertised review of the Council's PV.

The document however fails to address the important issue of possible site contamination which is a requirement of the PV. There is reference to test pits being excavated and monitored but the EPA will require evidence of that testing and the results. In the conclusion there is the statement about no residual environmental risk is evident but again the EPA will require the evidence provided by an appropriately qualified environmental person.

The Amendment document does not include existing and proposed zoning maps which it must do to satisfy the Town Planning Regulations.

There are other typographical corrections needed and a Schedule of Modifications is attached. These modifications will need to be carried out before the Amendment is formally referred to the EPA.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr L Handasyde:

That:

1. Amendment No. 63 to Town Planning Scheme No. 3 be initiated subject to the modifications in the attached Schedule of Modifications being carried out to the satisfaction of the Manager Development Services.
2. Once appropriately modified documents are received the Amendment be referred to the Environmental Protection Authority in accordance with legislative requirements.
3. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.
4. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 22 July 2014.

CARRIED (7/0)

NO. 312/13

3:52pm Cr C Pavlovich returned to the meeting.

9.1.6 LOT 265 FIRST AVENUE, KENDENUP - APPLICATION FOR TEMPORARY ACCOMMODATION

File No: N28721
Attachments: [Site Plan](#)
[Location Plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 10 December 2013

PURPOSE

The purpose of this report is to consider an application for temporary accommodation at Lot 265 First Avenue, Kendenup.

BACKGROUND

Shire records show the owners of Lot 265 First Avenue, Kendenup to be P & M Davey.

An application has been received from the owners of Lot 265 First Avenue, Kendenup seeking approval to occupy a caravan located on the lot for a period of 12 months during the construction of a Class 1a dwelling.

A building permit (BP 3655-2013) for the construction of a Class 1a dwelling has been issued to the applicant.

STATUTORY ENVIRONMENT

Caravan Parks and Camping Ground Regulations 1997 Section (11)(2) states as follows:

- (2) *Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) *by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
 - (b) *by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
 - (c) *despite paragraph (b), by the local government of the district where the land is situated —*
 - (i) *if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
 - (ii) *if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'*
-

FINANCIAL IMPLICATIONS

The \$110.75 application fee has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 3.6 (Sustainable population growth) the following strategy:

‘Strategy 3.6.1: Attract new residents through promoting and marketing the benefits of living in the area’

OFFICER COMMENT

The applicants wish to reside on site during the construction of a Class 1a dwelling to maintain site security and to expedite the building project. It is expected that the dwelling will be constructed to a habitable standard within 12 months and therefore temporary accommodation will be required for a 12 month period.

Ablution facilities are provided within a recently constructed outbuilding (BP 3540-2013).

An approved on-site sewage and wastewater treatment and disposal system has been installed and connected to the outbuilding ablution facilities and it is available for connection to the dwelling wastewater services when completed.

The Council may revoke the temporary accommodation approval at any time during this approval period.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr A Budrikis:

That the application for temporary accommodation at Lot 265 First Avenue, Kendenup be approved for a period of 12 months effective from 10 December 2013 subject to:

1. Inspection and certification by the Council's Environmental Health Officer that the temporary accommodation facility meets all relevant health and safety standards.
2. Satisfactory progress being achieved with the construction of the Class 1a dwelling.

ADVICE NOTE:

The approval to occupy temporary accommodation may be revoked at any time within the 12 month approval period.

CARRIED (7/1)

NO. 313/13

9.1.7 LOT 65 BRAIDWOOD ROAD, MOUNT BARKER - APPLICATION FOR TEMPORARY ACCOMMODATION

File No: N28798

Attachments: [Location Plan](#)
[Site Plan](#)
[Garage Floor Plan](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Eric Howard
Environmental Health Officer

Proposed Meeting Date: 10 December 2013

Owners: G and H Nichols

PURPOSE

The purpose of this report is to consider an application for temporary accommodation at Lot 65 Braidwood Road, Mount Barker.

BACKGROUND

Shire records show the owners of Lot 65 Braidwood Road, Mount Barker to be G and H Nichols.

An application has been received from the owners of Lot 65 Braidwood Road, Mount Barker seeking approval to occupy a caravan located on the lot for a period of 12 months during the construction of a Class 1a dwelling.

An application for a building permit (BP: 3679/2013) for the construction of a Class 1a dwelling has been received from the applicant.

STATUTORY ENVIRONMENT

Caravan Parks and Camping Ground Regulations 1997 Section (11)(2) states as follows:

- (2) *Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) *by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
 - (b) *by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
 - (c) *despite paragraph (b), by the local government of the district where the land is situated —*
 - (i) *if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
-

- (ii) *if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'*

FINANCIAL IMPLICATIONS

The \$110.75 application fee has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 3.6 (Sustainable population growth) the following strategy:

'Strategy 3.6.1: Attract new residents through promoting and marketing the benefits of living in the area'

OFFICER COMMENT

The applicants wish to reside on site during the construction of a Class 1a dwelling to maintain site security and to expedite the building project. It is expected that the dwelling will be constructed to a habitable standard within 12 months and therefore temporary accommodation is sought for a 12 month period.

Ablution facilities are provided within a recently constructed outbuilding (BP 3605-2013).

An approved on-site sewage and wastewater treatment and disposal system has been installed and connected to the outbuilding ablution facilities and is available for connection to the proposed dwelling wastewater services when completed.

The Council may revoke the temporary accommodation approval at any time during this approval period.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr G Messmer:

That the application for temporary accommodation at Lot 65 Braidwood Road, Mount Barker be approved for a period of 12 months effective from 10 December 2013 subject to:

1. Inspection and certification by the Council's Environmental Health Officer that the temporary accommodation facility meets all relevant health and safety standards.
2. Satisfactory progress being achieved with the construction of the Class 1a dwelling.

ADVICE NOTE:

- i) The approval to occupy temporary accommodation may be revoked at any time within the 12 month approval period.

CARRIED (8/0)

NO. 314/13

9.2 WORKS AND SERVICES REPORTS

9.2.1 MOUNT BARKER WETLANDS RESTORATION PROJECT

Cr J Moir

Type: Financial/Indirect Financial (Section 5.60(A) and Section 5.61LGA).
Nature: Employee of Elders Rural Service
Extent: Elders has quoted on fencing material to a fencing contractor who has quoted on the Wetlands Project.

Pursuant to Section 5.68 of the Local Government Act Cr J Moir sought the Council's permission to remain in the meeting to participate in discussion on this item and to leave the Chamber when the vote was taken.

4:05 pm Cr J Moir withdrew from the meeting.

Moved Cr B Bell, seconded Cr A Budrikis:

That pursuant to Section 5.68 of the Local Government Act Cr Moir be allowed to participate in the discussion on Item 9.2.1 and to leave the Council Chamber when the vote was to be taken.

CARRIED (7/0)

NO. 315/13

4:05 pm Cr J Moir returned to the meeting.

File No: N28856
Attachment: [Concept Design](#)
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Works Administration Staff
Works Administration Officer
Proposed Meeting Date: 10 December 2013

PURPOSE

The purpose of this report is to further consider the scope and budget for the Mount Barker Wetlands Project.

BACKGROUND

The Mount Barker Wetlands Project designs were adopted by the Council at its Ordinary Meeting held on 20 December 2011. The designs incorporated three ponds with landscaping, designed to address drainage issues along the railway line corridor, south of the Visitor Centre. The Council sought a costed implementation plan for the wetlands development.

The Manager Works and Services presented Councillors with a memorandum on 15 November 2012, which provided a costed implementation plan and funding

opportunities. Included with that memorandum was a copy of the Hydrologist report identifying the necessary design and equipment to ensure the wetlands water body functioned efficiently.

The wetland design plans were re-considered at the Council's Ordinary Meeting held on 28 May 2013. In addition to the wetland ponds, a RSL Memorial Park feature including story boards depicting war time stories, memorial arches and commemorative plaques was incorporated. The revised plans were adopted.

In addition to the plans was an outline of the capital construction budget and estimated maintenance costs for the development. Both the budget and maintenance costs were noted.

At the Ordinary Meeting of the Council held on 17 September 2013, the Council was advised that Brookfield Rail Pty Ltd had imposed fencing requirements along both sides of the railway corridor adjacent to the wetlands development. This resulted in additional costs and a decline in the aesthetic appeal of the project. The Council resolved:

'That the question be adjourned so that a meeting can be arranged with Brookfield Rail for the Shire President and Chief Executive Officer and a further report be prepared for the meeting of the Council to be held on 8 October 2013.'

Following some difficulties trying to secure a meeting with Brookfield Rail, the Chief Executive Officer corresponded with the General Manager Commercial of Brookfield Rail. The General Manager advised that appropriate fencing would be required prior to any development in the rail corridor and that the fencing requirements were 1.5m high pool style fencing on the eastern side of the rail corridor and 1.8m high fencing on the western side of the rail corridor.

In the interim, a workshop was held with Councillors on 29 October 2013 regarding the wetlands development. Councillors indicated that the RSL Memorial component of the wetlands project could be relocated to the existing Mount Barker War Memorial (near the District Hall), that only grant funding be spent on the wetlands development and that the Council funds currently allocated to the wetlands project be reallocated to a War Memorial upgrade.

This request was unable to be considered further as the existing wetland grant funds are contingent on a Council contribution to the project. If the Council funds are reallocated, the grant funding will need to be returned.

A further discussion with Councillors on 19 November 2013 identified three options for consideration:

1. Liaise further with Brookfield Rail regarding the fencing requirements along the rail corridor with the aim of reaching a cost effective solution and progressing with the wetland plans;
2. Discontinue with the wetland concept and instead install pipes in the open trenches to improve the drainage then backfill the trenches, creating an open parkland area. Liaison would need to occur with Brookfield Rail to ensure that fencing would not be required in this instance; or

3. Discontinue with the wetland pond concept and formally request that Brookfield Rail address concerns with public safety and the build-up of insects in the open drains.

STATUTORY ENVIRONMENT

A licence for the use of the rail corridor land will be required from Brookfield Rail if the wetland project progresses. The Shire has previously entered into licence agreements with Brookfield Rail, such as the public recreation area in Kendenup.

EXTERNAL CONSULTATION

Consultation has occurred with representatives from Brookfield Rail regarding the fencing requirements. Quotes for the fencing have also been sought.

FINANCIAL IMPLICATIONS

The cost to construct the wetlands development (excluding the RSL Memorial component and rail corridor fencing) is \$160,415.00. Grant funds of \$91,000.00 have been secured from the Department of Parks and Wildlife, State Natural Resource Management Fund, Wilson Inlet Catchment Committee and Foundation of Rural and Regional Renewal. The Council contribution to the project is \$69,415.00.

Quotes have been sourced to address different options for the development of the rail corridor site. These costs are detailed in the Officer Comment section of this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.3 (Pleasant streetscapes, open spaces, park and gardens) the following Strategy:

'Strategy 2.3.2: Develop, maintain and enhance town streetscapes and public spaces'

and further at Outcome 2.7 (Protection of natural environment) the following Strategy:

'Strategy 2.7.4: Promote and support community based environmental initiatives and protections'

OFFICER COMMENT

Three options have been investigated for consideration.

Option One:

Further liaison with Brookfield Rail regarding the fencing along the rail corridor has resulted in the following fencing requirements:

- Ring lock with three strands of barbed wire at 1.5m height on the eastern side of the rail corridor, extending from the public toilet building to the level crossing; and
- Chain mesh with three stands of barbed wire at 1.8m height on the western side of the rail corridor extending from the existing fence by the Goods Shed to the level crossing.

These fencing requirements total \$30,313.00.

If a more aesthetic style of fence was preferred on the eastern side of the rail corridor, a pool style fence was considered acceptable by Brookfield Rail. This would result in a total fencing cost of \$56,073.00 and is therefore not recommended.

The total cost of the wetland development, including fencing, will amount to \$190,728.00 including a Council contribution of \$99,728.00. The remainder of the budget (\$91,000.00) has been provided through various grants.

The fencing costs will require a budget reallocation.

Option Two:

The proposal to install a series of drainage pipes within the existing open trenches and backfill these trenches will cost an estimated \$31,900.00.

Brookfield Rail has indicated that this type of development would be considered a *'Pipe and Cable Third Party Service Application and provided no other beautification or infrastructure was incorporated into the area, and that the area was not used for public purposes where people are invited into the site, the fencing along the rail corridor would not be required.'*

If further public use was going to be encouraged into the area then the fencing requirements detailed under Option One will apply. This would increase the total project cost of Option Two to \$62,213.00.

If this Option is progressed the grant funding sought for the project would not be eligible and will need to be returned to the relevant funding agencies.

Option Three:

This option will prove the most cost effective for the Council, but does not address the safety concerns and public complaints regarding insect build up and unsightly rubbish and dumping in the area.

The safety concerns arise from open trenches throughout the area without any form of lighting or fencing.

While the Council is able to lobby Brookfield Rail to address these concerns there is no compulsion on Brookfield Rail to act.

Preferred Option:

The aim of the wetlands project is to turn an unsightly, unsafe and environmentally damaged area into a site that people want to visit, that creates a welcoming entrance from Albany Highway and also provides an environmental benefit by reducing the impact of salinity, rubbish and nutrients in the water body, prior to the water working its way downstream to Wilson Inlet. The project has been in the planning phase for a number of years and has absorbed a substantial amount of staff time.

The unique wetlands feature will draw people from the highway, encouraging them into the Visitors Centre area, past existing tourist infrastructure such as the dump point and public toilets and across the railway line into the townsite. Adjacent to the wetlands is a public park area, skate park, caravan parking and additional toilets. The wetlands builds on the Council's preference for providing tourist related infrastructure to encourage visitors into the town.

Grant funds totalling \$91,000.00 (48% of the project cost) have been secured.

The remainder of the Albany Highway interface is a parkland area. While the areas appear neat and presentable, there are no features to encourage passing traffic to stop and visit the town. If the wetlands pond concept was discontinued and the drains piped, backfilled and levelled to create more parkland, the economic and tourist opportunities and positive environmental benefits will be lost. The site could not be encouraged for any increase in public activity without fencing to the same requirements as those being imposed on the wetlands proposal.

Concerns have been raised that the wetlands may dry out during summer. The best evidence available (hydrologist's report) identifies that the catchment area that recharges the aquifers consists of 35ha. A series of eight shallow bores drilled on 7 February 2012 confirms the water table sits very close to the soil surface throughout the summer period. During dry periods when there is no surface flow entering the drain, there is a consistent subsurface flow and deep ground water flow entering the existing drains.

It is acknowledged that the upper areas of the existing drains becomes stagnant in late summer, however the pond design and water circulation design will capitalise on the subsurface and ground water flow entering the system to ensure a consistent water supply and movement.

It is worth noting that Brookfield Rail has a well located adjacent to the wetlands site which pumps 24 hours per day, 365 days per year drawing water away from the rail corridor.

VOTING REQUIREMENTS

Simple Majority

4:10pm Cr J Moir withdrew from the meeting.

OFFICER RECOMMENDATION

That:

1. The Mount Barker Wetlands Project designs adopted by the Council at its Ordinary Meeting held on 20 December 2011 be approved for construction.
2. A licence be progressed with Brookfield Rail Pty Ltd for the use of the rail corridor land south of the Visitor Centre to the level pedestrian crossing, including the requirement to fence the site with:
 - a) Ring lock with three strands of barbed wire at 1.5m height on the eastern side of the rail corridor, extending from the public toilet building to the level crossing; and
 - b) Chain mesh with three stands of barbed wire at 1.8m height on the western side of the rail corridor extending from the existing fence by the Goods Shed to the level crossing.
3. The fencing cost of \$30,313.00 be noted and addressed in a budget reallocation report.

COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That:

1. **The Mount Barker Wetlands Project designs adopted by the Council at its Ordinary Meeting held on 20 December 2011 not be approved for construction.**
2. **A series of drainage pipes within the existing open trenches be installed and suitably backfilled.**
3. **Should Brookfield Rail have fencing requirements in relation to the proposal in Part 2 above, the works are not to proceed.**

CARRIED (7/0)

NO. 316/13

4:11 pm Cr J Moir returned to the meeting.

Reason for change

Councillors were concerned with the increasing cost of the project and the amenity of fencing which would greatly impact on the visual continuity currently enjoyed from Albany Highway through to Wilson Park.

9.2.2 LOT 401 WEST BEATTIE ROAD/FRYATT ROAD – PERMANENT CLOSURE OF PORTION OF FRYATT ROAD KENDENUP

File No: N28845
Attachments: [Map](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Dominic Le Cerf
Manager Works and Services
Proposed Meeting Date: 10 December 2013

PURPOSE

The purpose of this report is to consider the permanent closure of a portion of Fryatt Road, which is an unconstructed road reserve positioned between Lot 239 and Lot 401 West Beattie Road, Kendenup. The section of road reserve concerned is adjacent to Lot 401 West Beattie Road, Kendenup.

A further purpose of this report is to recommend that the Minister for Lands makes the necessary orders to close this portion of unconstructed road reserve permanently.

BACKGROUND

Lot 401 West Beattie Road, Kendenup is for sale and an offer to purchase has been placed on the property. During a purchase checklist organised by the prospective owner, it was determined that part of a dam, a shed, part of another shed and a rainwater tank had been built in the unconstructed road reserve.

The current land owner has written to the Shire requesting a partial road closure with the portion of the road reserve closed to be amalgamated into Lot 401 West Beattie Road, Kendenup.

STATUTORY ENVIRONMENT

Land Administration Act 1997 - Section 58 relates to the permanent closure of roads. Land Administration Regulations 1998 – Section 9 relates to the requirements for local government

EXTERNAL CONSULTATION

Prior to requesting the Minister for Lands to close a road pursuant to Section 58 of the Land Administration Act 1997, the Council must give local public notice and seek comments/objections from adjoining landowners and organisations as set out in the regulations. The Council must also contact the Western Australian Planning Commission and Main Roads WA for comment.

FINANCIAL IMPLICATIONS

Administrative costs in the closure of the road reserve of \$562.00 will be charged to account 20261.0312 (Public Works Overheads – Other Operating Costs).

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The attached plan shows the location of the encroaching dam, rainwater tank and sheds on the unconstructed road reserve. The current owner has suggested these buildings were constructed many years ago and were in place when he purchased the property. He has also suggested the title was not viewed prior to the buildings being constructed.

The neighbouring property Lot 239 West Beattie Road is unlikely to be affected by the permanent partial road closure but they will be given the opportunity to comment on the proposal.

An area of approximately 7.1m would remain between the closest structure (a tank) and the western boundary of the remaining road reserve.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Bell, seconded Cr L Handasyde:

That:

1. Pursuant to Section 58 of the Land Administration Act 1997 local public notice be given of the proposal to permanently close part of the road reserve adjacent to Lot 401 West Beattie Road as shown on the attached plan and that each person who is prescribed for the purposes of Section 58 be given written notice of the proposal and that submissions be invited.
2. A further report be prepared for the Council's consideration at the conclusion of advertising of the road closure no later than it's meeting to be held in February 2014.

MOTION TO ADJOURN THE QUESTION

Moved Cr C Pavlovich, seconded Cr J Oldfield:

That the question be adjourned to allow further investigation regarding the possibility of private land being acquired as road reserve with a further report being presented to the meeting of the Council to be held on 4 March 2014.

CARRIED (8/0)

NO. 317/13

9.3 CORPORATE SERVICES REPORTS

9.3.1 AUDIT REPORT - YEAR ENDING 30 JUNE 2013

File No:	N28796
Attachment:	2012/2013 End of Year Audit Report
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	10 December 2013

PURPOSE

The purpose of this report is to present the Annual Financial Audit and Management Report for the year ending 30 June 2013.

BACKGROUND

On 18-20 November 2013, representatives of Lincolns Accountants and Business Advisors attended the Shire office to conduct an end of year audit for 2012/2013. It should be noted that the audit is designed primarily to enable the auditors to form an opinion on the financial statements and therefore does not extend to all of the Council's systems and procedures.

STATUTORY ENVIRONMENT

Local Government Act 1995 - Section 7.12A (3) and (4) of the Act states the following:

- (3) *A local Government is to examine the report of the auditor prepared under section 7.9 (1), and any report prepared under section 7.9(3) forwarded to it, and is to -*
- (a) *determine if any matters raised by the report, or reports require action to be taken by the local government; and*
 - (b) *ensure that appropriate action is taken in respect of those matters.*
- (4) *A local government is to -*
- (a) *prepare a report on any actions taken under subsection (3) in respect of an audit conducted in respect of a financial year; and*
 - (b) *forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.'*

EXTERNAL CONSULTATION

Consultation has occurred with the Shire's auditors in regard to this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

A copy of the Lincolns' Audit and Management Report is attached. The management letter has raised one minor issue as detailed below:

Matter	Present Procedure Finding	Recommendation	Shire's Comments
Transport – Bank Account	The balance of this account fluctuates around \$50,000 on a monthly basis. All funds are treated as Municipal untied monies. This is largely correct however at any point in time up to \$10,000 is more accurately disclosed as trust monies held on behalf of the Department of Transport as licence monies collected on their behalf.	Whilst no adjustment is required as the amount is not material, we do recommend that it is reconciled at year end in future. Any licence monies are to be disclosed as Trust funds. A review will also determine whether there are surplus monies held that could be transferred back to the Municipal Account.	Noted. This review will be undertaken with a view to retaining a minimal amount of municipal funds in this account as required.

Changes to Local Government (Financial Management) Regulations have resulted in largely a new set of financial ratios. A description of the ratios and the Shire's current and recent performance in regard to the new ratios is as follows:

Financial Ratios	2013	2012	2011
Current Ratio	0.887	1.489	1.688
Asset Sustainability Ratio	1.619	1.085	1.418
Debt Service Cover Ratio	6.930	10.368	12.966
Operating Surplus Ratio	-0.206	-0.156	0.552
Own Source Revenue Coverage Ratio	0.648	0.680	0.716

- Current Ratio**
$$\frac{\text{Current assets minus restricted assets}}{\text{Current liabilities minus liabilities associated with restricted assets}}$$

This ratio gives an indication of short term liquidity, or the ability to meet financial obligations when they fall due. The standard is met if the ratio is greater than 1. The Shire's 2013 result of 0.887 is slightly below the standard and is on a downward trend. A large creditor bill for Sounness Park influenced the current result. As loans are paid off and the Shire's Employee Entitlements Reserve increases, this ratio will improve.
- Asset Sustainability Ratio**
$$\frac{\text{capital renewal and replacement expenditure}}{\text{depreciation expense}}$$

This ratio indicates that to what degree the Shire is replacing or renewing existing assets at the same rate that its overall asset stock is wearing out. The standard is met if the ratio is greater than 0.9. The Shire's 2013 result of 1.619 is well above the standard ratio, which reflects the major expenditure associated with Sounness Park. Ordinarily, the Shire's ratio should exceed the standard ratio.

- Debt Service Cover Ratio
$$\frac{\text{annual operating surplus before interest and depreciation}}{\text{principal and interest}}$$

This ratio indicates an ability service debt out of general purpose funds available for operations. A ratio greater than 2 is desirable at a basic level and an advanced standard is met if the ratio is greater than 5. The Shire's 2013 result of 6.93 is a good result, however, the Shire needs to continue to exercise caution around its debt management to help ensure its longer term financial position.

- Operating Surplus Ratio
$$\frac{\text{operating revenue minus operating expense}}{\text{own source operating revenue}}$$

This ratio indicates an ability to cover operational costs and have revenues available for capital funding or other purposes. A basic standard is met between 0 and 0.15. An advanced standard is met over 0.15. The Shire's 2013 result of (0.206) is well below ideal. A sustained period of deficits will erode the Shire's ability to maintain both its operational service level and asset base. This result should be taken in the context of currently unproven depreciation figures. As the Shire continues to develop robust asset values, depreciation values and asset management plans, the accuracy and reliability of this measure will improve.

- Own Source Revenue Coverage Ratio
$$\frac{\text{own source operating revenue}}{\text{operating expense}}$$

This ratio indicates an ability to cover costs through own source revenue efforts. A basic standard is met between 0.4 and 0.6. An intermediate standard is met between 0.6 and 0.9. An advanced standard is met over 0.9. The Shire's 2013 result of 0.648 is satisfactory.

Other new ratios were established which cannot be measured retrospectively, as follows:

- Asset Consumption Ratio
$$\frac{\text{depreciated replacement cost of assets}}{\text{current replacement cost of depreciable assets}}$$

This ratio measures the extent to which depreciable assets have been consumed by comparing their written down value to their replacement cost. The standard is met if the ratio is greater than 0.5. The standard is improving if the ratio is between 0.6 and 0.75. The Shire's ratio value is 0.122.

This result would indicate that the Shire has not been undertaking a sustained capital investment program sufficient to renew assets at a level equal to

maintain the average 'aged' condition of the assets. Again the figures used to calculate this ratio need to be updated with revised values over the next couple of years in order for this to be a reliable measure.

- Asset Renewal Funding Ratio
$$\frac{\text{NPV of planned capital renewals over 10 years}}{\text{NPV of required capital expenditure over 10 years}}$$

This ratio measures an ability to fund projected asset renewal and replacements in the future. The standard is met if the ratio is between 0.75 and 0.95. The standard is improving if the ratio is between 0.95 and 1.05. The Shire's ratio value of 1.024 indicates that this part of the Long Term Financial Plan is sound in that long term projections for investment in asset renewal more than offset the current consumption of assets and provide for the effect of inflation.

These final two ratios have only been audited to the extent that the values are accurately represented in the Shire's Asset Management Plan and Long Term Financial Plan. There has been no additional effort in auditing the veracity of those plans or the figures used to determine the ratios. Further work is required on those plans to ensure that, in the long term, the Shire has adequate information to ensure that its plans are robust and that assets are maintained in a responsible and sustainable manner.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Moir:

That the Annual Financial Audit and Management Report for the year ending 30 June 2013 as issued by Mr Russell Harrison of Lincolns Accountants and Business Advisors be received.

CARRIED (8/0)

NO. 318/13

9.3.2 DRAFT ANNUAL REPORT - YEAR ENDING 30 JUNE 2013

File No:	N28795
Attachment:	Draft Annual Report – Year End 30 June 2013 (Separate Attachment)
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	10 December 2013

PURPOSE

The purpose of this report is to accept the Shire of Plantagenet's 2012/2013 Annual Report.

BACKGROUND

The annual financial audit for 2012/2013 was conducted by representatives of the Council's auditors, Lincolns Accountants and Business Advisors in November 2013.

At its meeting held on 19 November 2013, the Council resolved that subject to the timely receipt of the Shire's audit report, a General Meeting of Electors be held at 6.30pm on 10 December 2013 to receive the 2012/2013 Annual Report.

STATUTORY ENVIRONMENT

Local Government Act 1995 - Section 5.54 governs the acceptance of annual reports. Section 5.54 (1) states '*subject to Subsection (2) the Annual Report for a financial year is to be accepted by the local government no later than 31 December after that financial year.*' (Absolute Majority required).

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.

OFFICER COMMENT

The draft Annual Report notes that a number of key items of infrastructure and plant were progressed during 2012/2013, including:

- The tender for the redevelopment of Sounness Park was let at a cost of \$5.46 million.

- \$1.85 million capital roadworks program.
- Work continued on the nature playground at Wilson Park.
- Significant works were undertaken at the O'Neill Road waste disposal site.
- The CCTV system in and around Lowood Road was upgraded and extended.
- The roof of the Tourist Bureau building was partially retiled.
- The floor at the Recreation Centre was stripped back to bare wood, all lines repainted and resealed.

In addition, now that the saleyards are fully paid for and self funded:

- Soft floor mats were installed in a large area of selling pens at the Saleyards.
- Additional holding pens were constructed on the western side of the Saleyards.
- The saleyards underwent an electrical upgrade.

The Shire's operating net result was \$1,242,358 in 2012/2013. Rate revenue increased from \$5.15 million in 2011/2012 to \$5.46 million in 2012/2013. Outstanding borrowings increased from \$2.34 million in 2011/2012 to \$3.72 million in 2012/2013. This was as a result of a \$1.2 million self supporting loan for Plantagenet Village Homes and \$370,000 for Sounness Park redevelopment.

The Council spent \$1,659,718 on land and buildings, \$3,179,989 on infrastructure capital works and \$1,276,238 on purchases of plant and equipment.

The level of reserve funds decreased from \$1,379,982 in 2011/2012 to \$1,194,770 in 2012/2013. The level of unrestricted cash at year end fell from \$1,502,321 to \$964,976 and unspent grant funds on hand increased from \$201,282 to \$695,483.

The Council received grants and contributions for the development of assets of \$2.91 million in 2012/2013. Total grants and contributions received was \$5.76 million.

Activities carried out throughout the year have been reported on extensively within the Annual Report.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Oldfield:

That the Annual Report for the year ended 30 June 2013 as attached, be accepted.

CARRIED (8/0)

NO. 319/13

Absolute Majority

9.3.3 FINANCIAL STATEMENTS – NOVEMBER 2013

File No:	N28797
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	10 December 2013

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 30 November 2013.

STATUTORY ENVIRONMENT

Financial Management Regulations 1996 - Regulation 34 requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- a) annual budget estimates;
- b) budget estimates to the end of the month;
- c) actual amount of expenditure and revenue;
- d) material variances between comparable amounts in b) and c) above; and
- e) the net current assets at the end of the month to which the statement relates ie: surplus/deficit position.

The Statement is to be accompanied by:

- a) explanation of the composition of net current assets, less committed assets and restricted assets;
- b) explanation of the material variances; and
- c) such other information considered relevant by the local government.

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That the Financial Statements for the month ending 30 November 2013 be received.

CARRIED (8/0)

NO. 320/13

9.3.4 LIST OF ACCOUNTS - NOVEMBER 2013

File No: N28860
Attachment: [List of Accounts - November 2013](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 10 December 2013

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of November 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 (28 May 2013). 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 L Handasyde, seconded Cr C Pavlovich:

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

- a. Electronic Payments and Direct Debits totalling \$1,012,034.40;
- b. Municipal Cheques 44213 - 44268 totalling \$34,100.52; and
- c. Trust Cheques 355 – 360 totalling \$480.00.

CARRIED (8/0)

NO. 321/13

9.3.5 POLICY REVIEW- OP/HRS/3 - OCCUPATIONAL HEALTH AND SAFETY

File No: N28834
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 10 December 2013

PURPOSE

The purpose of this report is to review Council Policy No. OP/HRS/3 – Occupational Health and Safety.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 20 December 2011.

STATUTORY ENVIRONMENT

Occupational Safety and Health Act 1984
Occupational Safety and Health Regulations 1996

FINANCIAL IMPLICATIONS

While there are no immediate financial implications for this report, it is important to note the financial implications and benefits that Occupational Safety and Health continues to have on the Shire of Plantagenet.

Each year the Shire of Plantagenet pays a percentage (premium) of the total wages of all employees to cover Workers Compensation Insurance. Since 2007/2008 the Shire's premium has stood at 2.8% which is the lowest premium offered by LGIS.

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 2013-2023 provides at Outcome 4.5 (Skilled, committed and professional staff in a supportive environment) the following Strategy:

Strategy 4.5.2 – *'Ensure safe work practices through implementation of appropriate Occupational, Health, Safety and Welfare practices.'*

OFFICER COMMENT

It is considered that the current policy is sufficient and should be endorsed. Some minor changes have been made to the setting out such that the former point 4 has been renumbered as point 3.6.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr C Pavlovich:

That Council Policy No. OP/HRS/3 – Occupational Safety and Health as follows:

OBJECTIVE:

The Shire of Plantagenet will provide a safe and healthy work environment, so far as practicable, for all employees, contractors and visitors.

POLICY:

1. The Council has allocated responsibilities and accountabilities to all levels of staff within the Shire to ensure the maintenance of the occupational safety and health program is optimal.
2. Continuous improvement has been incorporated into the Occupational Safety and Health Management Plan aimed at achieving the Shire of Plantagenet safety objectives and targets.
3. The objectives of this policy are to achieve:
 - 3.1 An annual reduction of workplace injury and disease.
 - 3.2 The provision and maintenance of a safe workplace, plant and systems of work.
 - 3.3 The identification, elimination and control of workplace hazards.
 - 3.4 The provision of information, supervision and training to employees to ensure work is performed safely and to a high standard.
 - 3.5 A safety culture where best practice initiatives are entrenched in daily business activities.
 - 3.6 Compliance with the relevant Occupational Safety and Health Legislation, Standards and Codes of Practice.
4. The Shire of Plantagenet encourages a consultative process to improve safety within the workplace and will provide the time and resources required to minimise the risk of injury, harm or damage to the Council's employees and property.
5. Safety is considered a shared responsibility and the Council will strive to ensure the compliance and integrity of this policy is maintained.'

be endorsed.

CARRIED (8/0)

NO. 322/13

9.3.6 POLICY REVIEW - IT//1 - INTERNET AND EMAIL USAGE

File No: N28832
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 10 December 2013

PURPOSE

The purpose of this report is to review Council Policy IT//1 – Internet and Email Usage.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 20 December 2011.

STATUTORY ENVIRONMENT

The Internet and Email Usage Policy was adopted to assist the Council in meeting its obligations by reducing exposure to unprofessional or inappropriate conduct via email and the internet, in accordance with the following legislation:

- Sexual Discrimination Act 1984;
- Equal Opportunity Act 1984;
- Spam Act 2003; and
- State Records Act 2000.

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 2013-2023 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following Strategy:

Strategy 4.6.6 – *‘Ensure the Shire’s property, administration and records systems are managed effectively and efficiently’*

OFFICER COMMENT

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr L Handasyde, seconded Cr B Bell:

That Council Policy No. IT//1 – Internet and Email Usage as follows:

OBJECTIVE:

To ensure that:

1. The Council's investment in computer hardware, software and services is used in the most productive manner to the greatest possible benefit of the Shire of Plantagenet.
2. All the Shire's business emails are preserved and available as corporate knowledge in accordance with the State Records Act 2000.

POLICY:

The Council will ensure that employee use of the Council's internet and email systems are in accordance with the following:

1. Email Content
 - 1.1 All emails sent or received via the Shire's email system are the property of the Shire, although the Shire does not accept responsibility for items of an informal nature that are transmitted through its system without consent.
 - 1.2 Employees should only give their Shire of Plantagenet email address to people and organisations that are business partners of the Shire of Plantagenet.
 - 1.3 No employee may send or distribute email containing non-business related material such as jokes. This includes sound files, (e.g.: WAV), movie files, (e.g.: AVI) or any form of such material.
 - 1.4 No employee may send or distribute email containing expletives or pornography or for sending messages that are abusive, obscene, libellous and insulting or in bad taste. Further discussion on the ethics of email use attached as an appendix to this policy.
 - 1.5 No employee may send or distribute email containing derogatory, inflammatory, insulting or libellous information about any other Shire employee, customer, associate or any other person whatsoever.
 - 1.6 No Shire employee may conduct any business of a private nature via the Shire's email/internet system other than legitimate Shire business.
 - 1.7 Any Shire employee receiving questionable material (as described above in points 1.3, 1.4 and 1.5) should immediately forward all such material to the Chief Executive Officer or their supervisor for appropriate action and then delete all local copies.

- 1.8 Employees may not use email/Internet or electronic messaging systems to infringe copyright or other intellectual property rights of third parties.
 - 1.9 All staff are required to protect the confidentiality provisions of the Shire, exercise due care and adhere to confidentiality agreements when handling data or information on or from the Council's information systems.
 - 1.10 Unauthorised advertising or promotion of products or services via the email/internet system IS NOT permitted.
 - 1.11 Electronic records produced or received by an officer in the course of public duties are deemed to be public records. All such records shall be captured in accordance with the Council's Record Keeping Plan.
 - 1.12 Staff are discouraged from emailing matters of a legal or contractual nature. This type of correspondence should be handled by written letter sent through Australia Post. Email is the preferred means of exchanging standard administrative and technical information and other informal correspondence. It should not be used for formal documents recording significant decisions or approvals or which otherwise warrant becoming part of the permanent record.
 - 1.13 No attachment should be opened or stored unless the employee can positively identify the sender.
2. **Monitoring Emails**
 - 2.1 The Shire has installed an email management system. This system is capable of capturing all email business transactions and to trap and report all questionable emails. The Shire's employees should be aware that all emails are being monitored to ensure that this policy is being adhered to.
3. **Consequences of Non-Compliance**
 - 3.1 Employees found to be acting in contravention of the above directives will be warned by the appropriate manager and requested not to re-offend. Employees who continue to disregard the above directives will be formally warned and then may face suspension pending court action and/or dismissal if the offence is considered to be of a serious nature.
 - 3.2 Note - any offence associated with pornography or insulting behaviour will be automatically classified as being of a serious nature.
 - 3.3 Whilst spam filters are in place, the Shire of Plantagenet is powerless to prevent any inappropriate email being received at a particular email address, but it will in no way condone any pornographic or offensive email being forwarded on to any person; either as a knowing recipient of the material, or as an unknowing recipient of the material.

- 3.4 The Shire of Plantagenet considers such material totally inappropriate to the workplace and expects that any person who receives such material will immediately delete it from the system.
- 3.5 Should you receive such email you should report this to the Chief Executive Officer or your supervisor, as it is our practice to advise the organisation that hosts the sender, that such email is being sent from their organisation and to request them to prohibit the sending of such email to us.
- 3.6 The sending of offensive or pornographic email may expose the Council to claims of sexual harassment, which further emphasise the reasons behind the obvious restrictions placed upon this type of material.
- 3.7 Given the Shire of Plantagenet's strong opposition to this matter, it must be understood that any person who is found to store this material in their own private folders, or who forwards this material onto any other person, either within our internal network or by external email, will have their email services terminated immediately and face the disciplinary actions detailed above.
4. Capturing Email
- 4.1 Staff are reminded to forward all email that needs to be retained as a record (in accordance with the Council's Record Keeping Plan) to the Records Officer for capturing in our record keeping system.
5. Format of Outgoing Email
- 5.1 When sending email (as with other forms of communication) you are conveying the Council's image. As such, the standard email template must be used by all staff. The template is defined as follows:
- a) Font - Verdana (size 10)
 - b) Signature - to be as follows:
 - Name
 - Title
 - Shire of Plantagenet
 - Telephone - (08) 9892 XXXX
 - Facsimile - (08) 9892 XXXX
 - Email - name@sop.wa.gov.au
 - Web - www.plantagenet.wa.gov.au; and
 - c) Spelling - each employee's email settings are to have the 'spell check' feature automatically turned on.
6. Internet Usage
- 6.1 The Internet is a resource, which is to be used for work related purposes and inappropriate use of the internet and social media sites on Council equipment (or personal equipment during working hours), including any violation of the conditions and rules, may result in the cancellation of the access or disciplinary action. The Chief Executive Officer will determine appropriate use
-

and may deny, revoke, suspend or close any user access at any time.

7. Encounter of Controversial Material

7.1 Whilst the Shire utilises a software program which prohibits access to particular sites, access by employees to sites on the internet which could be construed as obscene, sexual, racist, discriminatory, or unacceptable for business are not to be intentionally visited. It is the user's responsibility not to initiate access to such material. Deliberate accessing of such sites is expressly banned and renders the employee to formal disciplinary procedures. If such a site is accessed unexpectedly, it is expected that the user will immediately terminate the connection.

7.2 The exception to this rule would apply to Information Technology staff **ONLY** for the monitoring of sites visited by other users. Any decision by the Chief Executive Officer to restrict access to Internet material shall not be deemed to impose any duty on the Shire to regulate the content of the material on the Internet.

8. Social Media

8.1 Before engaging in social media such as, but not limited to, Facebook, Twitter, YouTube, MySpace or Blogs, as a representative of the Shire, authorisation must be obtained from the Chief Executive Officer.

8.2 Once authorised to comment as a Shire representative, employees must:

- a) In all cases disclose that they are an employee of the Shire;
- b) Disclose and comment on only public domain information;
- c) Post only factual, authorised information;
- d) Ensure all content published is accurate, not misleading and complies with all relevant Shire policies and Code of Conduct;
- e) Adhere to the Terms of Use of the relevant social media platform/website.

8.3 Once authorised to comment as a Shire representative, employees must not:

- a) Post or respond to any material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, racist, sexist or is otherwise unlawful;
- b) Use or disclose any confidential or secure information; or
- c) Make any comment or post material that may cause damage to the Shire's reputation or bring it into disrepute.

9. Downloading Software

9.1 Downloading of software through the Internet is strictly prohibited. The reason for this prohibition is that the Shire can be exposed to action arising from possible copyright infringement

issues and the Shire's computing network can be open to disruption from virus attacks.

9.2 If a user has identified any software package that is useful for the Shire's operations and can be downloaded through the Internet, they must be referred to the Deputy Chief Executive Officer for evaluation. The software will be evaluated on the following guidelines:

- a) Compatibility with the Shire's hardware and existing software;
- b) Software licensing arrangements;
- c) Copyright and other intellectual property rights;
- d) Availability of budget funds;
- e) Virus protection; and
- f) Ethical and moral issues.

9.3 No software is to be either downloaded through the Internet or purchased from any other means unless approved (based on the above criteria) by the Deputy Chief Executive Officer.

10. APPENDIX: ETIQUETTE AND ETHICS FOR THE EFFECTIVE USE OF EMAIL

10.1 Since email is not quite like other methods of communications, a distinct etiquette for its use has evolved. Following are some guidelines that have been adapted from the 'The Business of Electronic Mail', issued by Telstra, Melbourne (1997)'.

10.2 Email Ethics

10.2.1 Use good judgment by not sending messages that are libellous, defamatory, abusive and obscene or in bad taste. All users of email systems must act with courtesy and refrain from the use of inflammatory or offensive language at all times. Remember that you may be legally liable for any libellous or defamatory statements made.

10.2.2 Never forget that a person is receiving the email. It is very easy to make critical or intemperate comments across email when the recipient of these comments and the impact it has on them does not confront you.

10.2.3 Like the information in the Council's paper based record, the contents of the Council's email system are also part of the public record. It may therefore be subjected to public access and scrutiny under disclosure law such as the Freedom of Information Legislation. Hence email content needs to be objective in nature with all system users endeavouring to avoid the use of subjective comments.

10.3 Email Etiquette

10.3.1 Read and respond to Messages.

Check your email regularly; ignoring a message is discourteous and confusing to the sender. If you receive a message intended for another person, do not just ignore it; return it to the sender. Answer messages in a timely manner, informing senders when their requests cannot be accommodated. Delete messages as soon as they have been answered or the issue resolved. For messages that must be retained, develop an orderly filing system.

10.3.2 All Capital Letters give the effect of SHOUTING!

Many people interpret the use of all capitals in email to indicate shouting, anger or rudeness. Shouting is most effective if it is reserved for special occasions. In any case, studies show that proper use of upper and lower case assists word recognition and makes a message easier to read. Capitalise words only to HIGHLIGHT an important point or distinguish a title or heading.

10.3.3 Be courteous.

While conciseness is good, it should never be at the expense of common courtesy; say please and thank you.

10.3.4 Review before Sending.

Reading a message before sending will not only reveal spelling and grammatical mistakes, but if you put yourself in the place of the recipient you will detect whether your message is sensible and is going to be well received and understood. Human conversation uses gesture and tone to convey the meaning of words. An email message can contain words which were humorously intended by the author but which, without the accompanying expression or inflection if the words were spoken, seem insulting to the recipient. If you must use sarcasm or express emotion in a message, clearly label it.

10.3.5 Sign-off your Messages.

Include your name and affiliation at the end of a message. Not only is this courteous, but it serves the practical function of reassuring the reader that the message has not been truncated in its travels. This is particularly important if sending through a gateway to a different mail system, where a message can sometimes be truncated on the way to its destination.

10.3.6 Forwarding Earlier Messages.

Be professional and careful what you say about others in email. In the case of your own messages, you should say clearly in the message if you do not want all or part of its contents relayed. In the case of messages you receive from others, think first of any possible damage or

embarrassment to the originator before forwarding it. It may be possible to remove sensitive parts of the message before sending it on to others. Do not edit and resend a message that you have received without indicating that changes have been made to the original. Remember that email is not confidential; it is neither absolutely private nor absolutely secure. The recipient of a message has control of the content and can use it how they choose. If you wish to on-forward a previously received email to a third party, you should, as a matter of courtesy, seek permission from the originator that you are relaying their message.

10.3.7 Email Responsibly.

Do not waste resources by sending inconsequential messages and do not accumulate large amounts of email which are no longer required. Try to avoid irrelevancies and try to keep messages succinct and brief. Focus on one subject per message. Always define the topic of a message in the email subject header to make it easy for the recipient to quickly review their list of messages.

10.3.8 Message Distributions.

Keep the list of recipients and carbon copies (cc) to a minimum. It is too easy to widely disseminate messages that are of limited or no interest to most recipients (commonly referred to as junk mail).

10.3.9 Large File Attachments.

Do not send email messages enclosing large file attachments and distribute these widely (e.g.: everyone in mailing lists) as they can cause email servers and gateways to fail. It can also cause traffic problems on the network. A preferred approach is to make the file accessible to other users by placing it in a shared folder or directory and informing users of its availability.

10.3.10 Assume the competence and honesty of the sender.

Giving someone the benefit of the doubt is a good starting point, especially if you do not know them and they're hundreds of kilometres away. There have been examples of replies to messages that appear to assume the sender is incompetent or an idiot when the recipient has misunderstood the context or intent of the message.

10.3.11 Use Receipts.

If a message is important, then you need to be sure that it is received and read. In this case make sure you ask for a delivery receipt and a read-receipt. This will cause a message to be sent to you automatically to tell you when the message has been delivered to the recipient's mail

box, and when the recipient has opened your message to read it.

10.3.12 Keep a Copy.

Before removing mail messages from your Sent Mail folder, make sure that any important matters they relate to are closed.

10.3.13 Schedule a reminder.

If you have an electronic diary, or indeed any sort of diary, schedule a reminder to check on the status of an important message after an appropriate period

10.3.14 Treat email as a permanent, official record.

What you write can be used in evidence. Keep this in mind before you click the send button. Even if you do not think the matter is important enough to keep a copy, your recipient may keep a copy. Assume that any message you send is permanent and could be modified and/or forwarded throughout the world without your knowledge or consent.'

be endorsed.

CARRIED (8/0)

NO. 323/13

9.4 EXECUTIVE SERVICES REPORTS

9.4.1 LOTS 15 AND 16 BEVERLEY ROAD KENDENUP - LEASE - KENDENUP COMMUNITY GROUNDS COMMITTEE

File No:	N28859
Attachments:	Draft Lease - KCGC Inc Memorandum of Understanding
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	10 December 2013

PURPOSE

The purpose of this report is to recommend a lease agreement between the Shire of Plantagenet and the Kendenup Community Grounds Committee Incorporated (KCGC) for the Kendenup Community Grounds located at Lot 15 and 16 Beverley Road Kendenup (Kendenup Agricultural Grounds), excluding that portion of land already leased to the Kendenup Tennis Club. Also, this report will recommend that a Memorandum of Understanding (MOU) between the Shire, the KCGC and the Kendenup Community Recreation Centre Inc (KCRC) also be entered into regarding the planning and construction of a community facility at the Kendenup Agricultural Grounds.

BACKGROUND

At its meeting held on 19 November 2013, the question relating to a lease agreement between the Shire and the KCGC was adjourned to enable the Chief Executive Officer to undertake further research.

At its meeting held on 28 May 2013, the Council resolved:

'That the Draft Lease between the Council and the Kendenup Community Grounds Committee (Inc) for Lots 15 and 16 Beverley Road Kendenup be endorsed for further deliberations between the Chief Executive Officer and representatives of the Grounds Committee.'

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 3.58 applies to the disposition of property, including leasing.

The Local Government (Functions and General) Regulations provide that 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 the KCGC would be an exempt disposition.

Caravan Parks and Camping Grounds Act 1995 and Caravan Parks and Camping Grounds Regulations 1997. This site does not meet the minimum requirements of the Act or Regulations for a caravan park.

EXTERNAL CONSULTATION

Consultation has occurred with Mat Power, former Chair of the KCGC, Murray Wallinger, current Chair of the KCGC and Jim Kirkwood, Roger Mills and Lisa Chambers of the KCRC.

It is understood that Councillors Oldfield and Pavlovich have met with some representatives of the Groups.

FINANCIAL IMPLICATIONS

As mentioned in the report presented to the Council on 28 May 2013 the following are approximate financial implications for the Council:

Rental would be a 'peppercorn'

Mowing and maintenance of grounds: \$3,450.00

'Large' cleanup: \$2,600.00

'Whole of life' capital renewal of toilet/ablution block: \$2,400.00 annually (2% of capital)

Public liability insurance: \$900.00

Rates: \$1,500.00 (subject to valuation)

Firebreak maintenance: \$400.00 per annum

Capital renewal price for the toilet/ablution block: \$120,000.00

The above financial implications do not take into account the management and maintenance of any new facility constructed on the Kendenup Community Grounds. It should be emphasised that the Kendenup Recreational Community Centre Feasibility Study (final report) dated January 2012 noted that:

'As owners of the Kendenup Community Recreation Centre, the Shire of Plantagenet will be responsible for all operating expenses associated with the Management of the Centre. These will include Council staff wages, equipment purchases, Centre marketing and promotion, power, water, telephone, cleaning, building maintenance/repairs, insurance and security. In addition the Council will be responsible for all costs associated with and centre based Shire of Plantagenet services and programs.'

Also, the Kendenup Recreational Community Centre Feasibility Study (final report) dated January 2012 noted:

'Council will need to play a key active role in the implementation for the initial two years.'

For comparison purposes, the Frankland River Community Centre had a capital cost of \$817,500.00 when constructed in 2005. Its yearly revenue is nil and its yearly expenditure is \$25,000.00. Add to this a 2% of initial capital cost to represent capital renewal, and the annual loss is \$41,350.00. Early estimations of the capital cost of

the proposed facility at Kendenup are in the vicinity of \$1.845m. This would create a capital renewal cost of \$36,900.00 per annum. If we assume operating costs of \$25,000.00 per annum this is equivalent to a total cost of \$61,900.00 per annum excluding revenues.

It is unreasonable to expect that a community such as Kendenup or the KCRC or the KCGC would be able to raise funds of this magnitude. Therefore, should the Council not be prepared to underwrite costs such as this, an alternative scenario should be explored.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) the following strategy:

‘Strategy 1.5.2 – Promote sporting, recreation and leisure facilities and programs in the District.’

OFFICER COMMENT

The finalisation of a lease agreement between the Shire of Plantagenet and the KCGC would conclude a long standing issue relating to occupation and use of the Kendenup Agricultural Grounds.

A Memorandum of Understanding between the Shire, the KCRC and the KCGC is attached. This is seen as the simplest way to effect agreement between the KCRC and the KCGC to recognise that one party is the lessee and that the other party desires to build a community facility.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr C Pavlovich, seconded Cr B Bell:

That:

1. Authority be granted to the Shire President and the Chief Executive Officer to sign the Memorandum of Understanding (attached) between the Shire of Plantagenet and the Kendenup Community Grounds Committee Inc and the Kendenup Community and Recreation Centre Inc.
2. Subject to the Memorandum of Understanding referred to in Part 1 being signed by the Kendenup Community and Recreation Centre Inc and the Kendenup Community Grounds Committee Inc, authority be granted to the Shire President and the Chief Executive Officer to affix the common seal of the Council to the lease agreement between the Shire of Plantagenet and the Kendenup Community Grounds Committee Incorporated (as attached) for part Lots 15 and 16 Beverley Road Kendenup, excluding that portion of land already leased to the Kendenup Tennis Club.
3. In the event that a Community facility is constructed on the subject land, the Council acknowledges that the community would most likely be unable to meet the net operating costs of the facility and, as a Council owned facility, may require financial underwriting by the Council.
4. The Chief Executive Officer be directed to prevent unauthorised access to all lockable structures situated on the Kendenup Community/Agricultural Grounds (excepting those structures already leased to the Kendenup Tennis Club Inc) should the lease referred to in part 2 above be not executed by 28 February 2014.

AMENDMENT

Moved Cr J Moir, seconded Cr G Messmer:

That Part 3 be deleted and the motion be recast accordingly.

CARRIED (8/0)

NO. 324/13

COUNCIL DECISION**That:**

- 1. Authority be granted to the Shire President and the Chief Executive Officer to sign the Memorandum of Understanding (attached) between the Shire of Plantagenet and the Kendenup Community Grounds Committee Inc and the Kendenup Community and Recreation Centre Inc.**
- 2. Subject to the Memorandum of Understanding referred to in Part 1 being signed by the Kendenup Community and Recreation Centre Inc and the Kendenup Community Grounds Committee Inc, authority be granted to the Shire President and the Chief Executive Officer to affix the common seal of the Council to the lease agreement between the Shire of Plantagenet and the Kendenup Community Grounds Committee Incorporated (as attached) for part Lots 15 and 16 Beverley Road Kendenup, excluding that portion of land already leased to the Kendenup Tennis Club.**
- 3. The Chief Executive Officer be directed to prevent unauthorised access to all lockable structures situated on the Kendenup Community/Agricultural Grounds (excepting those structures already leased to the Kendenup Tennis Club Inc) should the lease referred to in part 2 above be not executed by 28 February 2014.**

CARRIED (8/0)**NO. 325/13**

9.4.2 WILSON INLET CATCHMENT COMMITTEE INC - COUNCIL REPRESENTATIVE

File No: N28849
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Linda Sounness
Executive Secretary
Proposed Meeting Date: 10 December 2013

PURPOSE

The purpose of this report is to consider a request by the Wilson Inlet Catchment Committee Inc (WICC) to appoint a Council representative to the Committee.

BACKGROUND

The Wilson Inlet Catchment Committee Inc (WICC) is a peak community based organisation in the Wilson Inlet Catchment which has been operating as an incorporated body since 1995.

The area of responsibility includes three local governments; the City of Albany, and the Shires of Plantagenet and Denmark.

The WICC is involved in all areas of Landcare, Catchment management, and natural resource management - achieving results with farmers and landholders on-the-ground; deep rooted perennials, nutrient reduction, fencing, weed control and revegetation; and fertiliser workshops.

The WICC has obtained funding through: Natural Heritage Trust (NHT), Envirofund, Lotterywest, and National Action Plan for Salinity and Water Quality (NAP). The South Coast Regional NRM Strategy has also enabled WICC to access funds.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 2.10 Role of Councillors, subsection (c) provides:

‘Facilitates communication between the community and the council.’

FINANCIAL IMPLICATIONS

Councillor representatives on committees are entitled to expenses incurred in attending meetings.

POLICY IMPLICATIONS

Policy No. CE/CS/1 – Elected Member Expenses to be Reimbursed applies.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Goal 4: *‘Effective Governance and Organisation’*

OFFICER COMMENT

A five year sublease agreement with the Wilson Inlet Catchment Committee Incorporated (WICC) was endorsed by the Council on 17 September 2013 for a portion of the Mount Barker Railway Station (Plantagenet Community Agriculture Centre).

The Councillor representative appointed to this Committee should be aware that the sub lease referred to in the previous paragraph has not yet been executed. It is understood that discussions between WICC and Oyster Harbour Catchment Group are ongoing. The Council representative may be required to adjudicate on this matter.

A Memorandum of Understanding also exists between the Shire of Plantagenet and the WICC. *'The agreement creates a framework designed to build on the existing good relationship between the parties within an environment of cooperation, shared information and the investigation of joint working relationships.'*

The WICC Management Committee meets on the third Thursday of the month at the Plantagenet Community Agricultural Centre commencing at 4.00pm.

The appointment of a Council representative in an ex-officio non-voting role is recommended.

Prior to any motion being put before the meeting, it is appropriate for all nominations for member and/or deputy member to be made and settled.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

That Cr J Oldfield be appointed as the Council's representative on the Wilson Inlet Catchment Committee Inc.

CARRIED (8/0)

NO. 326/13

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 WAR MEMORIAL SITE – WORKING GROUP FORMATION

Pursuant to Clause 3.7 of Standing Orders Cr B Bell has given notice of his intention to move the following motion:

‘That a working group be formed to make recommendations to the Council on the proposed redevelopment of our war memorial site. This committee be made up of members of our RSL, Councillors, Works and Services Manager and member of our community, with serious consideration to having representation from a student from the Mount Barker Community College.’

Councillor Comment:

This site has been neglected for some time and with the centenary of WW1 it is time to do something.

Moved Cr B Bell, seconded Cr A Budrikis:

That a working group be formed to make recommendations to the Council on the proposed redevelopment of our war memorial site. This committee be made up of members of our RSL, Councillors, Works and Services Manager and member of our community, with serious consideration to having representation from a student from the Mount Barker Community College.

CARRIED (8/0)

NO. 327/13

Councillor Discussion

During discussion of the above motion:

1. Councillors felt that as there would be advertising of any proposed redevelopment there would be no need for a community member on the group.
2. The Councillors agreed that Cr Bell in his capacity of War Memorial Warden, should be the Council's representative on the working group.
3. Councillors agreed that the working group should include two members of the Mount Barker RSL sub branch.
4. Councillors agreed that two students from the Mount Barker Community College should also join the group upon nomination from the Principal.

5. Councillors agreed that the Brief of the group was to meet with the Landscape Architect, to assess and make recommendation on the plans provided.

Brief is to meet with the landscape architect and to assess and make recommendation on the plans provided.

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

Nil

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

6:02pm The Presiding Member declared the meeting closed.

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