



ORDINARY MINUTES

DATE: Tuesday, 4 March 2014

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 B Bell
Cr A Budrikis
Cr S Etherington JP
Cr L Handasyde Deputy Shire President
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.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	PUBLIC QUESTION TIME.....	2
3.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
3.2	PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995.....	2
4	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
5	DISCLOSURE OF INTEREST	2
6	APPLICATIONS FOR LEAVE OF ABSENCE	3
7	CONFIRMATION OF MINUTES.....	3
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	4
9	REPORTS OF COMMITTEES AND OFFICERS.....	5
9.1	DEVELOPMENT SERVICES REPORTS.....	5
9.1.1	LOT 818 STONEY CREEK ROAD, PORONGURUP - RELOCATION OF BUILDING ENVELOPE	5
9.1.2	LOT 5 WOODLANDS ROAD CORNER MILLINUP ROAD, PORONGURUP - CHALET	10
9.1.3	LOT 22 HASSELL STREET CORNER MILLS STREET, MOUNT BARKER – NEW CARPORT AND ADDITIONAL OUTBUILDING WITH REDUCED BOUNDARY SETBACK	13
9.1.4	LOT 101 STRATA LOT 35 ALBANY HIGHWAY CORNER MUIR HIGHWAY, MOUNT BARKER (VALLEY VIEW TREE FARM) - GROUPED DWELLING.....	16
9.1.5	TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 65 - OMNIBUS AMENDMENT.....	20
9.2	WORKS AND SERVICES REPORTS.....	22

9.2.1	WASTE MANAGEMENT FACILITY – STAFFING THE ROCKY GULLY TRANSFER STATION.....	22
9.2.2	ROADWISE COMMITTEE - APPOINTMENT OF DEPUTY MEMBERS	25
9.3	COMMUNITY SERVICES REPORTS	27
9.3.1	FEEES AND CHARGES - CAT IMPOUNDING AND SUSTENANCE FEES.....	27
9.3.2	POLICY REVIEW - RS/BTRC/1 - LOWOOD ROAD PROMOTION BANNERS	30
9.3.3	POLICY REVIEW - RS/EF/1 - USE OF A CIRCUS VENUE.....	32
9.3.4	APPOINTMENT OF BUSHFIRE CONTROL OFFICER.....	34
9.3.5	POLICY REVIEW - RS/ES/1 - DISASTER RELIEF.....	36
9.3.6	THE REC.CENTRE - LICENCE AGREEMENT – VARIATION.....	38
9.4	CORPORATE SERVICES REPORTS	39
9.4.1	FINANCIAL STATEMENTS – JANUARY 2014	39
9.4.2	LIST OF ACCOUNTS - JANUARY 2014	41
9.4.3	AMENDMENT TO LEASE - MOUNT BARKER TENNIS CLUB	43
9.4.4	COMPLIANCE AUDIT RETURN 2013	45
9.4.5	POLICY REVIEW - RECORD KEEPING (A/RM/1)	47
9.4.6	LOT 7 MARMION STREET MOUNT BARKER - RENEWAL OF LEASE - WANSLEA	51
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	54
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	54
11.1	MOTION TO INTRODUCE NEW BUSINESS	54
11.1.1	LOT 623, LOT 624 (RESERVE 6454), LOT 625 (RESERVE 9859) AND LOT 627 (RESERVE 7694) LOWOOD ROAD, MOUNT BARKER – RESERVE RATIONALISATION – APPLICATION OF SEAL.....	54
12	CONFIDENTIAL.....	57
13	CLOSURE OF MEETING.....	57

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:00pm The Presiding Member declared the meeting open.

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

Members Present:

Cr K Clements	Shire President
Cr L Handasyde	Deputy Shire President
Cr B Bell	Councillor
Cr A Budrikis	Councillor (Left Chambers at 3:19pm, returned 3:20pm) (Left Chambers at 3:54pm, returned 3:56pm)
Cr J Oldfield	Councillor(Left Chambers at 3:18pm, returned 3:20pm)
Cr G Messmer	Councillor
Cr J Moir	Councillor(Left Chambers at 3:16pm, returned 3:20pm)
Cr C Pavlovich	Councillor(Left Chambers at 3:17pm, returned 3:20pm)

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

Apologies:

Cr S Etherington

There were four 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

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr A Budrikis

Item: 9.1.5
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA), Proximity (Section 5.60(B) LGA)
Nature: Owner of property in Kendenup townsite surrounds
Extent: Not required

Item: 11.1.1
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA), Proximity (Section 5.60(B) LGA)
Nature: Relative and business partner of adjacent land
Extent: Not required

Cr J Moir

Item: 9.1.5
Type: Proximity (Section 5.60(B) LGA)
Nature: Joint owner of 2605 and Lot 3 Carmendale Road
Extent: Neighbour of J Pugh who has rural zoned land within Narrikup Area B

Cr J Oldfield

Item: 9.1.5
Type: Proximity (Section 5.60(B) LGA
Nature: Owner of noxious industry
Extent: Not required

Cr C Pavlovich

Item: 9.1.4
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)
Nature: Proximity to Valley View Tree Farm
Extent: Request to sit in meeting as Lot 35 does not lie in proximity to Southern Haulage Depot Albany Highway Mount Barker.

Item: 9.1.5
Type: Financial/Indirect Financial Interest (section 5.60(A) and Section 5.61 LGA), Proximity (Section 5.60(B) LGA
Nature: Proximity and Financial
Extent: Not required

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Cr A Budrikis requested Leave of Absence for 29 April 2014

Cr G Messmer requested Leave of Absence for 27 May 2014

Moved Cr L Handasyde, seconded Cr B Bell:

That Cr Budrikis be granted Leave of Absence for 29 April 2014 and Cr Messmer be granted Leave of Absence for 27 May 2014.

CARRIED (8/0)

NO. 22/14

7 CONFIRMATION OF MINUTES

Moved Cr J Oldfield, seconded Cr G Messmer:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 4 February 2014 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 23/14

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President advised that written notes would be circulated.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 LOT 818 STONEY CREEK ROAD, PORONGURUP - RELOCATION OF BUILDING ENVELOPE

File No:	N29585
Attachments:	Location Plan Site Plan Plan of Subdivision
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	4 March 2014
Applicant:	A Janmaat and M Ten Hengel

PURPOSE

The purpose of this report is to consider an application to relocate the building envelope at Lot 818 Stoney Creek Road, Porongurup.

BACKGROUND

Council records show the registered owners of Lot 818 Stoney Creek Road are A Janmaat and MH Ten Hengel.

The property is located within a rural residential subdivision which is located approximately 22km east of Mount Barker and 1.1km off Porongurup Road on Stoney Creek Road. The rural residential subdivision consists of 26 lots with lot sizes varying in area from 2ha to 10.4ha.

The proponents have submitted a letter explaining the request to relocate the building envelope. The proponents explain that the existing building envelope location is waterlogged in winter and located in an area with dense vegetation. This proposal involves the relocation of the building envelope to higher ground and to an area with less dense vegetation to the north. The proponents also submitted a site assessment report prepared by the ICS Group in support of the proposed building envelope relocation from a fire safety perspective.

The ICS Group '*Lot 818 Stoney Creek Porongurup Site Assessment 14 November 2013*' report includes a site assessment in accordance with the Australian Standard for the '*Construction of buildings in bushfire-prone areas (AS3959-2009)*'. The document also reviews the bush fire protection measures for the Stoney Creek Road subdivision and surrounding area.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Rural Residential Zone No. 10.

Clause 5.2 of TPS3 provides the Council with the ability to vary development standards for development other than residential development. That power may only be exercised by the Council if it is satisfied that:

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

Clause 6.3.2 of TPS3 states:

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

– Special Provisions include:

‘7.5 Where building envelopes are shown on the Subdivision Guide Plan, building shall be confined to those envelopes.’

EXTERNAL CONSULTATION

A copy of the ‘*Lot 818 Stoney Creek Porongurup Site Assessment 14 November 2013*’ report document was forwarded to the Department of Fire and Emergency Services (DFES) for comment.

The DFES raised no objection to the proposed relocation of the building envelope and the proposal for the house to be constructed to an AS3959 BAL-29 standard. The DFES requires the area from the Stoney Creek Road property boundary up to the proposed building envelope to be parkland cleared and maintained to a low fuel condition.

FINANCIAL IMPLICATIONS

The planning application fee of \$147.00 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 protect local heritage) the following Strategy:

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

OFFICER COMMENT

The proponent engaged ICS Group to prepare a site assessment and bushfire protection report for Lot 818. ICS Group specialises in risk and emergency management, wildfire protection and community safety. It provides consultancy services in fire preparedness and response planning, wildfire investigation, wildfire behaviour research and fire impact assessment. Mr Klaus Braun is the principal of the ICS Group.

The ICS Group report includes a site assessment of Lot 818 in accordance with the Australian Standard for the *'Construction of buildings in bushfire-prone areas (AS3959)'*. The report further reviews bush fire protection measures for the Stoney Creek Road subdivision and surrounding area and provide solutions to reduce risk in a fire event at Lot 818, the proposed building envelope location and future house.

The findings and recommendations offered by the ICS Group report are:

- 1. 'The requirements of the Australian Standard for the Construction of buildings in bushfire-prone areas (AS3959), the Planning for Bush Fire Protection Guidelines (Edition 2, FESA & WAPC 2010), the Fire Protection Plan for the Stoney Creek Subdivision (FirePlan WA 2002) and the Shire of Plantagenet Firebreak Notice 2013/2014 can be met when the existing building envelope is relocated from the area that is waterlogged during winter to the area south of the dam.'*
- 2. A building protection zone a minimum of 25m wide should be maintained around the residence to reduce the level of bushfire attack under AS3959 to BAL-29. Bushfire fuels must be maintained below 2 t/ha in the building protection zone.'*
- 3. Where a 25m wide building protection zone is maintained, the residence should be constructed to meet, as a minimum, the requirements for BAL-29 listed in AS3959-2009. This meets the requirements of the Planning for Bush Fire Protection Guidelines (Edition 2, FESA & WAPC 2010).'*
- 4. An additional strategic fire access track (or strategic firebreak) should be constructed along the northern boundary of the building envelope to provide access to fire appliances and to provide clear separation between bushfire fuels and buildings in the building envelope (see map on page 13).'*
- 5. Strategic fire access (or strategic firebreaks), the driveway, water tank and bushfire fuel management must comply with the requirements listed in the Shire of Plantagenet's Firebreak Notice 2013/2014, as well as the Planning for Bush Fire Protection Guidelines (Edition 2, FESA & WAPC 2010).'*

The Bush Fire Hazard Assessment set in the Fire Prevention Plan for the Stoney Creek Road subdivision show the location of Lot 818 and surrounding area to be within an extreme bushfire hazard area. The DFES in addition to recommendations contained in the ICS Group report require the area from the Stoney Creek Road property boundary up to the proposed building envelope location to be parkland cleared and maintained to a low fuel state. This will ensure reduced bushfire risk

involving access from the proposed building envelope location to Stoney Creek Road.

Assessment of this proposal revealed water logging also to be present during winter at the indicative building envelope areas for adjoining Lots 817 and 819 Stoney Creek Road. The waterlogged indicative building envelope area at Lot 817 and the soak located within the indicative building envelope area for Lot 819 severely restricts development at the original building envelopes identified for these rural residential lots. Given the indicative building envelopes for Lots 817 and 819 Stoney Creek are waterlogged during winter, the Council should in the future support the relocation of these building envelopes subject to support from the DFES.

Subject to appropriate approval conditions, the proposed relocation of the building envelope in this instance is not likely to adversely affect privacy, amenity or bushfire safety of the location. The proposal is supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That in accordance with clauses 5.2 and 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the application to relocate the building envelope at Lot 818 Stoney Creek Road, Porongurup be approved subject to:

- 1. Development being in accordance with the plan dated 28 January 2014.**
- 2. Compliance with the document 'Fire Prevention Plan Plantagenet Locations 4853 and 6052 Mt Barker/Porongurup Road Mt Barker, Shire of Plantagenet' to the satisfaction of the Manager Community Services.**
- 3. Compliance with the document 'Lot 818 Stoney Creek Porongurup Site Assessment 14 November 2013' to the satisfaction of the Manager Community Services.**
- 4. Compliance with the Shire of Plantagenet Firebreak and Fire Hazard Reduction Notice to the satisfaction of the Manager Community Services.**
- 5. The area from the Stoney Creek Road property boundary up to the building envelope being parkland cleared and maintained to a low fuel state to the satisfaction of the Manager Community Services.**

Advice Note:

The landowners of Lots 817 and 819 Stoney Creek Road, Porongurup being advised that subject to the preparation of a fire safety site assessment and support from the Department of Fire and Emergency Services the Council is likely to support the relocation of the building envelopes at these lots at the time the landowners wish to develop their properties.

CARRIED (8/0)

NO. 24/14

9.1.2 LOT 5 WOODLANDS ROAD CORNER MILLINUP ROAD, PORONGURUP - CHALET

File No:	N29498
Attachments:	<u>Location Plan</u> <u>Site Plan</u> <u>Floor Plan</u> <u>Elevations</u>
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	4 March 2014
Applicant:	Mathew and Julia Coleman

PURPOSE

The purpose of this report is to consider an application for one chalet at Lot 5 Woodlands Road corner Millinup Road, Porongurup.

BACKGROUND

Council records show the registered owners of Lot 5 are MJ and JL Coleman.

Lot 5 is 60.1ha in area and located at the south-eastern corner of the Woodlands Road/Millinup Road intersection. Existing development at the lot consists of a 214m² house that is currently under construction, a 55.8m² garage and one rainwater tank.

This proposal is for one chalet consisting of two bedrooms. The chalet including the verandah areas to the front and rear elevations will be 99.4m² in area.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

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

Chalet is a discretionary 'SA' use under TPS3 meaning that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with Clause 6.2.

Clause 6.3.2 of TPS3 states:

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

EXTERNAL CONSULTATION

In accordance with Delegation LG035 the proposal was advertised for comment for a 21 day period closing on 11 February 2014. Letters were sent to the seven adjoining

land owners, 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, one submission had been received and this raised no objection to the proposal.

FINANCIAL IMPLICATIONS

The application fee of \$ 480.00 and a bond of \$500.00 for advertising costs have been paid.

In accordance with the Shire of Plantagenet Town Planning Scheme Policy No. 14 - Rural Tourist Accommodation and Additional Houses (TPS Policy No. 14) the Council may require a once off financial contribution toward maintenance of the gravel roads at the time of approval. The fee is currently set in the Annual Budget (2013/2014) at \$3,080.00 per chalet.

POLICY IMPLICATIONS

TPS Policy No. 14 contains a range of planning criteria to provide for tourist accommodation in the rural areas of the Shire in a manner that will not conflict with existing or potential agricultural or horticultural pursuits.

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 3.4 (Strong tourism region) the following strategies:

'Strategy 3.6.1 – Promote and support local and regional tourism initiatives.'

OFFICER COMMENT

The proposed chalet is a two bedroom single storey building. The chalet will be 70m² in area and the verandah areas to the front and rear elevations will be 29.4m² in area. The chalet design will be in keeping with that of a typical early settler rural cottage. The roof will be zincalume and the external walls will be Colorbond®. The verandah support posts will be jarrah bush-poles to complete the rural settler cottage design.

The proponent will provide two 55,000 litre rainwater tanks for potable water and fire fighting purposes where TPS Policy No. 14 requires a source of potable water to the capacity of 92,000 litres per chalet.

The proposed chalet location is setback 307m from Millinup Road, 355m from Woodlands Road and approximately 170m south of the existing house. The chalet location is not within 100m of horticultural or agricultural activities on adjoining properties.

The proposal is in accordance with all of the requirements set in TPS Policy No. 14. The proposed use is not likely to affect the landscape, rural character or amenity of

the area. The use is not likely to adversely affect existing horticultural or agricultural activities on adjoining land in the location.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Pavlovich, seconded Cr G Messmer:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, planning consent be granted for one chalet at Lot 5 Woodlands Road corner Millinup Road, Porongurup, subject to:

- 1. Development being in accordance with the plans dated 9 December 2013.**
- 2. The provision of two 55,000 litre potable water tanks with appropriate fittings for fire fighting purposes for the chalet.**
- 3. Compliance with the relevant requirements of the Building Code of Australia.**
- 4. The provision and maintenance of a Building Protection Zone for fire safety around the chalet to comply with the Council's annual firebreak and hazard reduction notice.**
- 5. The payment of a once off financial contribution toward the maintenance of the gravel Woodlands Road and Millinup Road. The fee is currently set in the 2013/2014 Annual Budget at \$3,080.00 per chalet, which in this case totals \$3,080.00.**

CARRIED (8/0)

NO. 25/14

**9.1.3 LOT 22 HASSELL STREET CORNER MILLS STREET, MOUNT BARKER –
NEW CARPORT AND ADDITIONAL OUTBUILDING WITH REDUCED
BOUNDARY SETBACK**

File No:	N29513
Attachments:	Location Plan Site Plan Outbuilding Plan Carport Plan
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	4 March 2014
Applicant:	Ranbuild Great Southern

PURPOSE

The purpose of this report is to consider an application for a new carport and an additional outbuilding at Lot 22 Hassell Street corner Mills Street, Mount Barker. The application involves a reduced secondary street boundary setback for the additional outbuilding.

BACKGROUND

Council records show the registered owners of Lot 22 Hassell Street corner Mills Street are D and EA Wilson.

This proposal is for an additional outbuilding of 63m² (7m x 9m) with a wall height of 2.8m and a new carport of 48.1m² (6.5 x 7.4m) with a wall height of 2.4m. Two other existing outbuildings have a combined floor area of 49.8m². The cumulative floor area of all outbuildings (including the additional outbuilding and the new carport) will total 160.9m².

Town Planning Scheme Policy No. 16.1 (Outbuildings) sets a maximum wall height of 3.0m and a maximum cumulative total floor area of 80m² for outbuildings in Residential zones.

The reason provided by the proponent for the additional outbuilding is for a hobby workshop and the storage of tools and equipment. The reason for the new carport is to protect their motor vehicle and caravan from the weather.

The proponent is also seeking approval for a reduced secondary street boundary setback of 6.5m for the additional outbuilding to the property boundary with Mills Street where a boundary setback of 7.5m is required by the Residential Design Codes (R-Codes).

STATUTORY ENVIRONMENT

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Residential (R2.5).

Clause 6.3.2 of TPS3 states:

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

Residential Design Codes (R-Codes).

The R-Codes – discretion exists for the Council to vary standards at clause 2.5.2 as follows:

'In making a determination on the suitability of a proposal, the decision-maker shall exercise its judgement, having regard to the following:

- a) any relevant purpose, objectives and provisions of the scheme;*
- b) any relevant objectives and provisions of the R-Codes;*
- c) a provision of a local planning policy adopted by the decision-maker consistent with and pursuant to the R-Codes; and*
- d) orderly and proper planning.'*

The variation required here relates to 2.5.2(b) above as the outbuilding, carport and boundary setback requirements are in part 5 of the R-Codes.

FINANCIAL IMPLICATIONS

The application fee of \$147.00 has been paid.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 16.1(Outbuildings) limits outbuildings to a maximum wall height of 3.0m and a maximum cumulative floor area of 80m² for Residential zones. The cumulative floor area of all outbuildings on site including the additional outbuilding and new carport will total 160.9m². The wall height of the proposed outbuilding is 2.8m and for the wall height for the proposed carport is 2.4m. The Council must have regard to a Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Lot 22 is 8,733m² in area and is zoned Residential (R2.5). The R-Codes require a 7.5m secondary street boundary setback for buildings and the proposed outbuilding is to be 6.5m from the property boundary with Mills Street.

The Council in August 1991 approved the existing garage with a 15m setback from the property boundary with Mills Street. When the existing garage was constructed, it was setback 15.5m from this property boundary. The proposed outbuilding location will be setback 6.5m from the property boundary with Mills Street with a 2m space between proposed outbuilding and the existing garage. This allows for integration with existing development on the property and trouble-free maintenance around the proposed outbuilding and garage area. The outbuilding location is not likely to adversely affect the amenity of the location. The 6.5m setback is supported.

The proposed outbuilding and carport will be constructed in Dune Colorbond® to match the existing garage and house colour scheme. The cumulative floor area of all outbuildings on the property including the proposed outbuilding and carport will total 160.9m². The wall height of the proposed outbuilding and carport is within the limit set by the policy. No difficulties are seen with the maximum cumulative floor area of outbuildings being 160.9m² given the size of the lot being 8,733m².

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr J Moir:

That in respect to the proposed outbuilding and carport at Lot 22 Hassell Street corner Mills Street, Mount Barker:

- 1. In accordance with clause 2.5.2 of the Residential Design Codes, the proposed outbuilding with a reduced secondary street boundary setback of 6.5m be approved.**
- 2. In accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, Town Planning Scheme Policy No. 16.1 (Outbuildings) be varied and the proposed outbuilding and carport be approved resulting in the cumulative area of all outbuildings being 160.9m².**

CARRIED (8/0)

NO. 26/14

**9.1.4 LOT 101 STRATA LOT 35 ALBANY HIGHWAY CORNER MUIR HIGHWAY,
MOUNT BARKER (VALLEY VIEW TREE FARM) - GROUPED DWELLING**Cr C Pavlovich

Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of conduct).

Nature: Proximity to Valley View Tree Farm

File No: N29494

Attachments: [Location Plan](#)
[Strata Subdivision Plan](#)
[Site Plan](#)
[Floor Plan](#)
[Elevations](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 4 March 2014

Applicant: JK Boonzaaier

PURPOSE

The purpose of this report is to consider an application for a grouped dwelling at Strata Lot 35 of Lot 101 Albany Highway corner Muir Highway, Mount Barker.

BACKGROUND

Council records show the registered owner of Strata Lot 35 of Lot 101 is JK Boonzaaier.

Strata Lot 35 of Lot 101 is located within the strata subdivision known as Valley View Tree Farm. The owner of the property is seeking approval to build a new house. It is classified as a grouped dwelling as it is part of a strata development.

At a general meeting of the strata company (Strata Asset Services Pty Ltd) held on 22 November 2013 the proposal to construct a new house at Strata Lot 35 of Lot 101 was approved. That proposal was ratified as no valid votes had been received against the decision at the close of the prescribed objection period.

The Council on 9 December 2013 received this planning consent application for a grouped dwelling. The proposal was advertised for public comment and letters were sent to adjoining strata lot owners and no submissions were received.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Special Site Zone R13.

– Special Provisions include:

- '(b)(1)(i) Grouped dwelling subject to prior approval of the Council.'*
- '(c)(2)(i) No grouped dwelling shall be constructed unless a minimum 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the plans of the grouped dwelling and approved by the Council.'*
- '(c)(2)(vii) Buildings on the strata lots shall be constructed of materials and colours designed to blend in with the landscape and the use of visually obtrusive materials (e.g., zincalume) is prohibited.'*
- '(c)(3)(i) A building envelope with an area not exceeding 20% of the area of the relevant strata lot shall be defined in a position to be agreed by the Council.'*
- '(c)(3)(ii) No building shall be constructed on a strata lot other than within the approved defined building envelope without the written approval of the Council.'*
- '(c)(4)(ii) In order to enhance the rural amenity of the land comprised in a strata lot which the Council considers is deficient in tree cover it may require as a condition of any planning consent the planting and maintenance of trees and/or groups of trees of such species and in such positions as may be specified by the Council.'*

Clause 6.3.2 of TPS3 states:

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

Grouped Dwelling is a discretionary 'SA' use under TPS3.

An 'SA' use means that the Council may at its discretion, permit the use after notice of application has been given in accordance with Clause 6.2.

EXTERNAL CONSULTATION

In accordance with Delegation LG035 the proposal was advertised for comment for a 21 day period closing on 28 January 2014. Advertising included letters to adjoining strata lot owners, notices 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 no submissions had been received.

FINANCIAL IMPLICATIONS

The planning application fee of \$147.00 and a bond of \$500.00 for advertising costs have 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 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

The Valley View Tree Farm strata subdivision is located to the northwest of the Muir Highway junction with Albany Highway. The strata subdivision consists of 61 lots subdivided into mainly two parts. Part one consists of 48 strata lots to the northwest of the land and part two consists of 12 strata lots abutting southeast boundary of the land. The strata subdivision consists of lot sizes varying in area from 9,000m² to 1.2ha.

Strata Lot 35 of Lot 101 is 9,994m² in area and located within the northwest part of the strata subdivision. Existing development at Strata Lot 35 consists of three rainwater tanks and one 81m² Colorbond® outbuilding approved by the Manager Development Services under delegation on 18 July 2013.

The proposed house is a single storey building with a living room, kitchen, two bedrooms, two bathrooms including a laundry. The house is 169.2m² in area which includes the verandah area. The roof will be classic cream Colorbond® and the external walls will be sandstone brick. The proposed colours and materials are not seen as visually obtrusive.

Special provisions for this special site zone require a defined building envelope with an area not exceeding 20% of the area of the strata lot and all buildings and structures are required to be constructed within this building envelope. The area, shape and location of the building envelope conforms to the building envelope requirements for this special site zone. The proposed house, existing outbuilding and three rainwater tank locations are within the defined building envelope.

The strata lot has been cleared of remnant vegetation. However, the proposed house location and the existing outbuilding and rainwater tank locations are screened by remnant vegetation at Lot 101 to the north and east and plantation trees to the west and south.

The proposed house at Strata Lot 35 of Lot 101 is not likely to adversely affect the amenity of the locality. The proposal is supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr J Moir:

That in accordance with special provision (b)(1)(i) of Special Site zone R13 of Town Planning Scheme No. 3, Planning Consent be granted for one grouped dwelling at Strata Lot 35 of Lot 101 Albany Highway corner Muir Highway, Mount Barker subject to the development being in accordance with the plans dated 9 December 2013.

CARRIED (8/0)

NO. 27/14

9.1.5 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 65 - OMNIBUS AMENDMENTCr A Budrikis

Type: Financial/Indirect Financial Interest (section 5.60(A) and Section 5.61 LGA), Proximity (Section 5.60(B) LGA)

Nature: Owner of property in Kendenup townsite surrounds.

Extent: Not required

Cr J Moir

Type: Proximity (Section 5.60(B) LGA)

Nature: Joint owner of 2605 and Lot 3 Carmendale Road

Extent: Neighbour of J Pugh who has rural zoned land within Narrikup Area B

Cr J Oldfield

Type: Proximity (Section 5.60(B) LGA)

Nature: Owner of noxious industry

Extent: Not required.

Cr C Pavlovich

Type: Financial/Indirect Financial Interest (section 5.60(A) and Section 5.61 LGA), Proximity (Section 5.60(B) LGA)

Nature: Proximity and Financial

Extent: Not required.

3:16pm Cr J Moir withdrew from the meeting.

3:17pm Cr C Pavlovich withdrew from the meeting.

3:18pm Cr J Oldfield withdrew from the meeting.

3:19pm Cr A Budrikis withdrew from the meeting.

LOSS OF QUORUM

The Chief Executive Officer advised the Presiding Member that as a quorum was no longer present the meeting stood adjourned until a quorum was present.

Councillors present were:

Cr K Clements

Cr B Bell

Cr G Messmer

Cr L Handasyde

3:20pm Cr J Moir, Cr C Pavlovich, Cr J Oldfield and Cr A Budrikis returned to the meeting.

RESUMPTION

3:20pm The Presiding Member reconvened the meeting and proceeded to the next item.

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	

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 LeCerf	Manager Works and Services
Mrs Linda Sounness	Executive Secretary

Apologies:

Cr S Etherington

There were four members of the public present.

9.2 WORKS AND SERVICES REPORTS

9.2.1 WASTE MANAGEMENT FACILITY – STAFFING THE ROCKY GULLY TRANSFER STATION

File No: N29032
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Amy Chadbourne
Senior Administration / Project Officer
Proposed Meeting Date: 4 March 2014

PURPOSE

The purpose of this report is to propose the Rocky Gully Transfer Station become a staffed waste facility opening one day on the weekend.

BACKGROUND

The Rocky Gully Transfer Station is located off Arbour Street, Rocky Gully and services the community of Rocky Gully and surrounding rural areas. It is currently unmanned and there are no access restrictions.

In 2002 the registered landfill site was converted to the existing transfer station facility. A transfer station was considered to be a more efficient and cost effective waste management service. Users of the Rocky Gully Transfer Station deposit waste in a collection bin which is then transported to the O'Neill Road Waste Management Facility.

The Rocky Gully Transfer Station site operates with a 14m³ waste bin, a section for scrap metal and an area for green waste. The waste bin is emptied by Works and Services staff at the O'Neill Road Waste Management Facility as required – generally monthly. The site is well maintained and the Shire employee in Rocky Gully regularly checks the site and collects windblown rubbish.

To bring the town of Rocky Gully in line with other centres in the Shire, a household waste and recycling collection commenced in the townsite in July 2013. Residents of the town of Rocky Gully received a 120L blue household waste bin and were required to provide their own 240L recycling bin.

In 2013, \$20,000.00 in upgrade works were completed at the Rocky Gully Transfer Station. The site was fenced to reduce the amount of rubbish blowing from the bin area, hand rails were installed at the tipping site and extra gravel was placed on the ramp to increase the safety and security for members of the public using the transfer station.

STATUTORY ENVIRONMENT

The Council's Local Laws Relating to the Operation of the Shire of Plantagenet Landfill and Transfer Station Facilities 2004 state at clause 12:

'The Council may from time to time set and amend by resolution the hours of operation of the facility and such hours will be displayed for public information.'

FINANCIAL IMPLICATIONS

In line with other waste facilities in the Shire of Plantagenet, it is proposed the Rocky Gully Transfer Station would be staffed and would open for three hours every Sunday from 8am to 11am.

As of 1 July 2014, costs to staff the Rocky Gully Transfer Station on a Sunday would be as follows:

Hourly rate for tip operator	\$20.81
Add 25% casual loading	\$5.20
Add Sunday loading	\$12.40
Add adverse conditions allowance	\$0.90
Add 9.25% super	\$3.64

Total per hour	\$42.95
	=====

Estimated opening hours from 1 July 2014 to 30 July 2015 are 156 hours.

The cost to staff the Rocky Gully tip for three hours a week over 52 weeks would be approximately \$6,700.20 a year.

As part of the operating expenditure for waste disposal sites, the Shire has expended \$14,336.42 to maintain the Rocky Gully Transfer Station in the 2012-13 financial year. This cost included: rubbish transfer to O'Neill Road; the burning of green waste; spraying and slashing of the site and general site maintenance.

Therefore, if this item is endorsed by the Council, a budget allowance of \$21,036.62 would need to be added to the draft 2014/15 budget. This increased figure is due to the cost to cover staffing at the Rocky Gully Transfer Station for an extra three hours per week.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 -2023, provides at Outcome 2.9 (Integrated waste management), the following Strategy:

'Strategy 2.9.2 - Manage existing waste disposal sites and transfer stations in accordance with legislative requirements.'

OFFICER COMMENT

The proposal to staff the Rocky Gully Transfer Station and secure the site would bring it into line with the remaining Shire of Plantagenet waste facilities which are all staffed and fully enclosed lockup sites.

Councillors should be aware that restricting access to the Rocky Gully Transfer Station may cause some dissatisfaction from residents within the townsite and surrounding areas who are currently enjoying unlimited access.

By enclosing and staffing the Rocky Gully Transfer Site, greater levels of control over the placement of waste and recycling could be practiced. Users of the site who are not from the town of Rocky Gully or who don't possess a tip pass as part of their rates allowance would be obliged to pay for the waste disposal service using tip passes purchased from the Shire of Plantagenet. Whilst increasing revenue, this may also reduce the amount of material deposited at the site and then in turn, transported to the O'Neill Road site.

As residents within the Rocky Gully townsite are now having their rubbish collected on a weekly basis there is less need for them to access the tip site to dispose of household waste and recycling items.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr C Pavlovich:

That:

- 1. The Rocky Gully Transfer Station become a staffed waste facility and that it be open on Sunday from 8.00am to 11.00am excepting Christmas Day.**
- 2. The amount of \$21,036.62 for staff and maintenance of the Rocky Gully Transfer Station be added to the draft 2014/15 budget for consideration.**
- 3. The decision to introduce opening hours to the Rocky Gully Transfer Station be advertised in the Plantagenet News.**

CARRIED (5/3)

NO. 28/14

9.2.2 ROADWISE COMMITTEE - APPOINTMENT OF DEPUTY MEMBERS

File No: N29648
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Amy Chadbourne
Senior Administration/Project Officer Works
and Services
Proposed Meeting Date: 4 March 2014

PURPOSE

The purpose of this report is to approve the appointment of Deputies for existing members of the Council's RoadWise Committee.

BACKGROUND

The RoadWise Committee has been experiencing difficulties in achieving a quorum at its bi-monthly meetings. To address this difficulty, the Council at its Special Meeting on 29 October 2013, requested the RoadWise Committee discuss the nomination of Deputies for each approved RoadWise member. Following this meeting Mr Rob Stewart, Chief Executive Officer, wrote to various members of the RoadWise Committee requesting a Deputy be nominated for approval by the Council.

STATUTORY ENVIRONMENT

Committees of the Council are established pursuant to Section 5.8 of the Local Government Act 1995.

The RoadWise Committee was formed under Section 5.9(2)(c) of the Local Government Act 1995 which provides that a committee is to comprise '...Council Members, Employees and Other Persons...' These appointments must be adopted by an Absolute Majority.

FINANCIAL IMPLICATIONS

There are no financial implications for this policy.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 - 2023 provides at Outcome 2.4 (Safe and reliable transport infrastructure), the following Strategy:

'Strategy 2.4.4 - Investigate and respond to road safety and traffic issues throughout the District.'

OFFICER COMMENT

The Chief Executive Officer wrote to various members of the RoadWise Committee requesting a Deputy be nominated for approval by the Council.

Nominations were received as follows for:

Committee Member

Mr Andrew Duffield Main Roads WA
Sergeant Allan Keogh Mount Barker Police

Mr Roger Barrett Mount Barker Community College
Ms Machel Jeffrey Department of Transport

Nominated Deputy

Mr Peter Stringer
1st Class Constable Ken Brown
Mr Wesley Beck
Ms Brenda Murphy

Already approved as Deputies by the Council at its Special Meeting on 29 October 2014 were Cr B Bell for Cr Handasyde and Cr C Pavlovich for Cr G Messmer.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Moir:

That the following persons be appointed as Deputy members to the RoadWise Committee:

1. **Mr Peter Stringer on behalf of Mr Andrew Duffield – Main Roads WA;**
2. **1st Class Constable Ken Brown on behalf of Sergeant Allan Keogh - Mount Barker Police;**
3. **Mr Wesley Beck on behalf of Mr Roger Barrett - Mount Barker Community College; and**
4. **Ms Brenda Murphy on behalf of Ms Machel Jeffrey - Department of Transport.**

CARRIED (8/0)

NO. 29/14

Absolute Majority

9.3 COMMUNITY SERVICES REPORTS

9.3.1 FEES AND CHARGES - CAT IMPOUNDING AND SUSTENANCE FEES

File No: N29501
Responsible Officer: Nicole Selesnew
Manager Community Services
Author: Isabelle Draffehn
Community Development Officer
Proposed Meeting Date: 4 March 2014

PURPOSE

The purpose of this report is to recommend the adoption of new fees for the impounding of cats and for a daily sustenance charge at the Mount Barker Cat Management Facility (CMF).

BACKGROUND

The Cat Act 2011 came into force on 1 November 2013. The Act details a range of requirements for cat owners and local government, including the need to microchip, sterilise and register cats, manage cats and to restrict cat breeding activities. Local Government is required to administer and enforce the legislation.

The Cat Act Regulations 2012 details the registration fees for cats. Each local government is required to set their own impounding and sustenance fees.

STATUTORY ENVIRONMENT

Cat Act 2011

Cat Regulations 2012

Local Government Act 1995

Sections 6.16 - 6.19 inclusive of the Local Government Act 1995 determine the procedure for setting fees and charges. Section 6.16 (3) states:

'Fees and charges are to be imposed when adopting the annual budget but may be –

- (a) imposed* during a financial year;*
- (b) amended* from time to time during a financial year.*

**Absolute majority vote required.'*

Section 6.19 states:

'If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of –

- (a) its intention to do so; and*
-

(b) *the date from which it is proposed the fees or charges will be imposed.'*

The amended fees and charges will need to be advertised for a minimum period of seven days in accordance with the definition of 'Local Public Notice' at Section 1.7 of the Local Government Act 1995.

EXTERNAL CONSULTATION

External consultation has occurred with a number of local government authorities and the Western Australian Ranger Association to determine how authorities were setting their impounding and sustenance fees. Many Shires have adopted the same fees and charges that they use for impounding and feeding dogs.

FINANCIAL IMPLICATIONS

The proposed fees will assist to offset the cost of caring for impounded cats.

POLICY IMPLICATIONS

Council Policy F/FM/12 – Budget Preparation – Provision of guidance in relation to the preparation of the annual budget and the programming of major works and asset purchases.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023, provides at Outcome 1.9 (A safe Plantagenet) the following Strategy:

'Strategy 1.9.1 - Provide animal control in accordance with legislative requirements'.

OFFICER COMMENT

The proposed impounding fee for cats is based on the existing impounding fee for dogs, these being: \$75.00 for the first impoundment; \$91.00 for the second impoundment; and \$125.00 for the third impoundment. The proposed sustenance fee is \$15.00 per cat per day, to reflect the amount of food a cat will consume while in the pound.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr G Messmer:

That:

1. The following fees for the impounding and sustenance for cats be adopted for 2013 / 2014:
 - a) Impounding fee \$75.00 for the first impoundment; \$91.00 for the second impoundment and \$125.00 for the third impoundment; and
 - b) Sustenance fee \$15.00 per cat per day.
2. Prior to the new fees being imposed, Local Public Notice be given pursuant to Section 6.19 of the Local Government Act (1995) of the Council's intention to impose a fee and the date from which that fee will be imposed.

CARRIED (8/0)

NO. 30/14

Absolute Majority

9.3.2 POLICY REVIEW - RS/BTRC/1 - LOWOOD ROAD PROMOTION BANNERS

File No: N29646
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 4 March 2014

PURPOSE

The purpose of this report is to review Council Policy RS/BRTC/1 – Lowood Road Promotion Banners.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 27 September 2011.

STATUTORY IMPLICATIONS

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

The cost of providing, installing and removing banners is the responsibility of the person wishing to display a banner. The costs are charged at a cost recovery basis as listed in the Council's Annual Budget.

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 1.3 (A cohesive and supportive community) the following Strategy:

'Strategy 1.3.1 – Promote and support community and cultural events.'

OFFICER COMMENT

The Promotion Banners Policy is used regularly to manage the display of community banners such as the Grapes and Gallops banners, Community Fair banners and the Wine Producers Association banners.

A new part 10 has been inserted to clarify that the CEO is authorised to implement the policy provided banners are displayed in accordance with the policy.

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That Council Policy No. RS/BTRC/1 – Lowood Road Promotion Banners, as follows:

OBJECTIVE

The objective of this Policy is to provide clear guidelines for the display of promotion banners along Lowood Road on the designated banner poles.

POLICY

The Council will permit the display of promotion banners on the designated banner poles along Lowood Road conditional upon the following:

1. The applicant is responsible for providing the banners (including artwork) on a suitable, durable material, with the relevant dimensions and with the necessary attachment points.
2. The banners will be erected and removed by Council staff or contractors that have been engaged by the Council.
3. Only banners that promote events or activities that provide a significant benefit to the Plantagenet community will be displayed.
4. Commercial advertising is not permitted.
5. Banners deemed offensive or insensitive will not be permitted.
6. Banners will be displayed for a minimum two week period and a maximum four week period, unless an extension of time is approved by the Chief Executive Officer.
7. The applicant is responsible for retrieving the banners from the Shire of Plantagenet once the banner has been taken down at the completion of the approved time period.
8. If a banner(s) is damaged or vandalised whilst on display, the applicant is responsible for repairing or replacing the banner(s), including the cost of recovering and re-erecting the banner.
9. The applicant is responsible for paying the adopted fee to have the banners erected, displayed and removed. Fees are set on a cost recovery basis and listed in the Council's Annual Budget.
10. The CEO is authorised to approve the display of promotion banners that are in accordance with this policy.'

be endorsed.

CARRIED (8/0)

NO. 31/14

9.3.3 POLICY REVIEW - RS/EF/1 - USE OF A CIRCUS VENUE

File No:	N29649
Attachment:	Revised Policy RS/EF/1 – Use of Circus Venue
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Nicole Selesnew Manager Community Services
Proposed Meeting Date:	4 March 2014

PURPOSE

The purpose of this report is to review Council Policy RS/EF/1 – Use of a Circus Venue.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 27 September 2011.

FINANCIAL IMPLICATIONS

The Council's adopted fees and charges include a \$1,500.00 bond and a \$500.00 fee for a circus.

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 1.3 (A cohesive and supportive community) the following Strategy:

'Strategy 1.3.1 - Promote and support community and cultural events.'

Further, Outcome 1.8 (Cultural, arts and learning opportunities that contribute to vibrancy and diversity in the community), includes the following Strategy:

'Strategy 1.8.5 - Promote and support community and cultural events.'

OFFICER COMMENT

Council Policy RS/EF/1 – Use of a Circus Venue permits the use of Frost Park (north) for circuses. On 19 October 2010 the Council approved a change of venue for Circus Royale to Sounness Park.

Circus Royale had sought the change in venue as Sounness Park was central and visible which helped support their ticket sales.

Damage to the grass surface at Sounness Park was not a concern at the time, as there were no sports being played at the Sounness Park facility. The circus left the site in a clean state and received its full bond entitlement.

If another circus was to host an event in Mount Barker it can be assumed that a venue which is central and provides maximum visibility would be preferred. However, the investment and re-development at Sounness Park has been extensive and a circus positioned on the Sounness Park oval is not preferable.

It is worth considering a change to the policy to allow a circus at Frost Park, without stipulating that the circus needs to occur in the northern portion of Frost Park. As ball sports are relocating from the oval area at Frost Park the potential to hold a circus on the oval area is possible. This provides circuses with maximum visibility at the Frost Park venue.

Controls would need to be in place to ensure the circus organisers liaised with the Parks and Gardens staff to ensure reticulation pipes were not damaged by pickets.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr J Moir:

That amended Council Policy RS/EF/1 – Use of a Circus Venue, as follows:

‘OBJECTIVE

To provide guidelines on the appropriate venue for a circus in Mount Barker.

POLICY

The Council will, with regard to a circus venue in Mount Barker, permit the use of Frost Park for such purposes subject to:

1. All normal charges and bonds being paid in advance.
2. Evidence of a Public Liability Insurance Cover to the sum of \$20 million being sighted to the satisfaction of the Chief Executive Officer.
3. The circus performance not clashing with any other scheduled event at Frost Park.
4. Consultation with Shire staff to locate reticulation, power and/or drainage structures at the site prior to anything being hammered or dug into the ground.
5. Any damage to Frost Park being repaired by the circus operators at their expense.
6. Circus organisers obtaining all necessary permits and approvals prior to the event.’

be endorsed.

CARRIED (8/0)

NO. 32/14

9.3.4 APPOINTMENT OF BUSHFIRE CONTROL OFFICER

File No:	N29746
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	4 March 2014

PURPOSE

The purpose of this report is to appoint a Chief Bushfire Control Officer due to the illness of Mr Kevin Forbes AM who is no longer able to act in the position.

BACKGROUND

Mr Kevin Forbes AM was recently involved in an accident on his farm. The injuries that he has suffered prevent him from undertaking the role of Chief Bushfire Control Officer.

It is a requirement of the Bush Fires Act 1954 that the Local Government shall fill any vacancy occurring in the Office of Chief Fire Control Officer.

STATUTORY ENVIRONMENT

Bush Fires Act 1954 - Section 38 of the Act provides that a Local Government may appoint Bush Fire Control Officers, including the position of Chief Bush Fire Control Officer.

Subsection (2) (c) further provides that the Local Government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer within one month after the vacancy occurs.

EXTERNAL CONSULTATION

Deputy Chief Bush Fire Control Officer Mr Murray Wills has been consulted with regard to this report.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 at Outcome 1.9 (A safe Plantagenet) provides the following Strategy:

'Strategy 1.9.2 - Support the community in emergency and fire management planning, preparedness, response and recovery.'

OFFICER COMMENT

Mr Forbes has arranged for any equipment that he has that is associated with the role of Chief Bush Fire Control Officer to be returned to the Shire. He will be incapacitated for the remainder of the fire season.

Mr Murray Wills has held the position of Chief Bush Fire Control Officer in the past and has undertaken that role with skill, professionalism and displays the qualities of leadership necessary.

Mr Wills is happy to take on the role for the remainder of the appointment.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Moir:

That:

1. **Mr Murray Wills be appointed to the position of Chief Bush Fire Control Officer.**
2. **The appointment referred to in Part 1 above be published in a newspaper circulating in the district.**

CARRIED (8/0)

NO. 33/14

9.3.5 POLICY REVIEW - RS/ES/1 - DISASTER RELIEF

File No: N29647
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 4 March 2014

PURPOSE

The purpose of this report is to review Council Policy RS/ES/1 – Disaster Relief.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 27 September 2011.

STATUTORY ENVIRONMENT

The Emergency Management Act 2005 details the local government's role as an agency responsible for planning and preparing for emergencies and to manage recovery following an emergency.

FINANCIAL IMPLICATIONS

The policy provides financial assistance through a subsidy on Building Licence fees, up to \$750.00, for the replacement of buildings which have been destroyed during an emergency.

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 1.9 (A safe Plantagenet) the following Strategy:

'Strategy 1.9.2 – Support the community in emergency and fire management planning, preparedness, response and recovery.'

OFFICER COMMENT

The Disaster Relief policy has not been implemented since the last review, however it is an important support for the community in the event of a local disaster.

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Pavlovich, seconded Cr B Bell:

That Council Policy RS/ES/1 – Disaster Relief, as follows:

OBJECTIVE

The objective of this Policy is to provide assistance to victims of a local disaster which has occurred within the Shire of Plantagenet.

POLICY

To assist people that are genuine local disaster victims, Building Licence fees (to a maximum of \$750.00 for any one building) shall be donated by the Chief Executive Officer, subject to budgetary allocation, for the replacement of buildings on the same site and of a similar size and structure to buildings irreparably damaged or destroyed during the disaster.

This Policy will only be applicable when the Shire President has determined that the event is a local disaster.'

be endorsed.

CARRIED (8/0)

NO. 34/14

9.3.6 THE REC.CENTRE - LICENCE AGREEMENT – VARIATION

This item was withdrawn from the Agenda at the request of the Chief Executive Officer

9.4 CORPORATE SERVICES REPORTS

9.4.1 FINANCIAL STATEMENTS – JANUARY 2014

File No:	N29618
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	4 March 2014

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 31 January 2014.

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 B Bell, seconded Cr G Messmer:

That the Financial Statements for the month ending 31 January 2014 be received.

CARRIED (8/0)

NO. 35/14

9.4.2 LIST OF ACCOUNTS - JANUARY 2014

File No:	N29597
Attachment	List of Accounts - January 2014
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Emma Gardner Accounts Officer
Proposed Meeting Date:	4 March 2014

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of January 2014.

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 G Messmer:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended January 2014 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$814,693.36;
- b. Municipal Cheques 44328 – 44336, 44338 – 44358 and 44360 - 44376 totalling \$59,328.52; and
- c. Cancelled cheques 44337 and 44359.

CARRIED (8/0)

NO. 36/14

9.4.3 AMENDMENT TO LEASE - MOUNT BARKER TENNIS CLUB

File No: N29651
Attachments: [Draft Lease](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna McDonald
Senior Administration/Human Resources
Officer
Proposed Meeting Date: 4 March 2014

PURPOSE

The purpose of this report is to recommend an amendment to the land description in the current lease between the Shire of Plantagenet and the Mount Barker Tennis Club for Lot 52 Lowood Road, Mount Barker for the purpose of a tennis club.

BACKGROUND

The current lease agreement between the Shire of Plantagenet and the Mount Barker Tennis Club commenced on 1 July 1996 and expires on 30 June 2017. The description of the land subject to the lease agreement as stated in Schedule 1 of the agreement is Lot 52 Lowood Road, Mount Barker.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There are no 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

Recent investigations into the boundaries surrounding the Sounness Park development have identified an anomaly within the current lease agreement between the Shire and the Mount Barker Tennis Club.

The lease agreement signed on 1 July 1996 identifies the land subject to the lease as Lot 52 Lowood Road, Mount Barker. It has now been established that in reality the tennis club occupies all of Lot 52 Lowood Road and a portion of Lot 149 McDonald Avenue, Mount Barker.

An amended lease agreement has been drawn up incorporating an accurate description of the land subject to the lease in Schedule 1. The amended lease

agreement has been drafted in line with the Shire's new standard lease, but under the same terms, conditions and expiry date as the current agreement.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Pavlovich, seconded Cr G Messmer:

That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the amended lease agreement, as attached, between the Shire of Plantagenet and Mount Barker Tennis Club for Lot 52 Lowood Road and Portion of Lot 149 McDonald Avenue, Mount Barker for the purpose of a tennis club.

CARRIED (8/0)

NO. 37/14

9.4.4 COMPLIANCE AUDIT RETURN 2013

File No:	N29235
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Donna McDonald Senior Administration/Human Resources Officer
Proposed Meeting Date:	4 March 2014

PURPOSE

The purpose of this report is to enable the Council to fulfil its statutory obligations with regard to the Compliance Audit.

BACKGROUND

A Compliance Audit is required to be completed once in each calendar year.

STATUTORY ENVIRONMENT

The Compliance Audit is required pursuant to Section 7.13 of the Local Government Act 1995. The Local Government (Audit) Regulations 1996 includes the following sub regulations in Regulation 14:

'(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.'

(3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be –

- (a) presented to the council at a meeting of the council; and*
- (b) adopted by the council; and*
- (c) recorded in the minutes of the meeting at which it is adopted.'*

After the Compliance Audit return has been presented to the Council, a certified copy of the return together with:

- (a) A copy of the relevant section of the minutes referred to in the regulations; and
- (b) Any additional information explaining or qualifying the Compliance Audit is to be submitted to the Department of Local Government and Communities by 31 March 2014.

FINANCIAL IMPLICATIONS

There are no financial implications for 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 4.1 (Effective governance and leadership) the following Strategy:

‘Strategy 4.1.3 – Ensure the Council’s decision making process is effective and transparent.’

OFFICER COMMENT

The completed Compliance Audit Return is attached to the report. The 2013 Compliance Audit revealed no areas of non-compliance.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr A Budrikis:

That the Compliance Audit Return for the calendar year 1 January 2013 to 31 December 2013 be adopted and submitted to the Department of Local Government and Communities.

CARRIED (8/0)

NO. 38/14

9.4.5 POLICY REVIEW - RECORD KEEPING (A/RM/1)

File No: N29566
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Roxanne Mills
Records Officer
Proposed Meeting Date: 4 March 2014

PURPOSE

The purpose of this report is to review Record Keeping Policy A/RM/1.

BACKGROUND

The State Records Act 2000 governs the obligations and responsibilities of local governments in relation to the management of official records. Under this Act, the Council has an obligation to maintain official records in its custody in good order and condition. Not only does this include obligations in relation to the capture, storage, maintenance and disposal of physical records, but also records in electronic format.

The Shire has developed a Record Keeping Plan (RKP) to comply with the State Records Act 2000 and from this has developed a Record Keeping Policy to ensure compliance with the Act and the RKP.

The Record Keeping Policy A/RM/1 was adopted by the Council at its meeting held on 10 April 2012.

STATUTORY ENVIRONMENT

To ensure compliance with State Records Act 2000, the Council must have an endorsed RKP from the State Records Office (SRO) and as part of that, a Council endorsed Records Keeping Policy.

Government organisations are bound by the State Records Act 2000 which establishes rules for best practice for recordkeeping in WA Government, encouraging transparency and accountability. Local governments are identified as government organisations under the Act (Schedule 1, (12)). Councillors are subject to the State Records Act 2000 when they create or receive 'State records'.

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

This policy provides the policy framework for the Council to effectively fulfil its obligations and statutory requirements under the State Records Act. The establishment of an effective and efficient record keeping environment ensures standardisation, protection and retrieval of information improving levels of quality customer service.

Further, the State Records Commission policy regarding the records of local government councillors requires the creation and retention of records of the *'communications and transactions of councillors which constitute evidence affecting the accountability of the Council and the discharge of its business'*. This policy applies regardless of a record's format or where it was received.

Councillors must create and keep records of communications or transactions which convey information relating to local government business or functions. These records should be forwarded to the local government administration for capture into the official recordkeeping system.

The SRO has provided the following guidance in determining which records should be captured.

YES – forward to Central Records	NO – do not need to forward to Central Records
Communications from ratepayers , such as: <ul style="list-style-type: none"> • complaints and compliments; • correspondence concerning corporate matters; • submissions, petitions and lobbying; • information for Council's interest relating to local government business activity and functions. 	Duplicate copies – of Council meeting agenda, minutes and papers.
	Draft documents or working papers – which are already captured at the local government.
	Publications – such as newsletters, circulars and journals.
	Invitations – to community events where a councillor is <i>not</i> representing Council or the local government.
Telephone, meetings and other verbal conversations – between a councillor and another party, regarding local government projects or business activities.	Telephone, meetings and other verbal conversations which: <ul style="list-style-type: none"> • convey routine information only; or • do not relate to local government business or functions.
Work diaries – containing information that may be significant to the conduct of the councillor on behalf of the local government.	Electioneering – or party political information.
Presentations and speeches – delivered as part of a councillor's official duties.	Personal records – not related to a councillor's official duties.

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That Council Policy A/RM/1 – Record Keeping, as follows:

‘OBJECTIVE:

To establish a framework for the reliable and systematic management of Shire records in accordance with legislative requirements and best practice standards.

POLICY:

1.0 Scope

1.1 This policy applies to all Council business and relates to both physical and electronic Council records. It applies to all Council staff, councillors, and contractors undertaking outsourced functions on behalf of the Council.

2.0 Definitions

2.1 Record

A record can be defined as any record of information, in any medium, including letters, files, emails, word processed documents, databases, photographs and social media messages.

2.2 State Record

A State Record means a record created or received by:

- a) A government organisation; or
- b) A government organisation employee in the course of the employee's work for the organisation, but does not include an exempt record.

2.3 Employee

An employee means all people employed by the Shire of Plantagenet whether permanent, fixed term or casual contract of service, apprentice or trainee.

3.0 Policy Principles

3.1 Creation of Records

Councillors and staff will create full and accurate records, in the appropriate format, of the Shire's business decisions and transactions to meet all legislative, business, administrative, financial, evidential and historical requirements.

3.2 Capture and Control of Records

All records created and received in the course of Shire business are to be captured at the point of creation, regardless of format, with required

supporting data, into appropriate record keeping and business systems that are managed in accordance with sound record keeping principles.

3.3 Security and Protection of Records

All records are to be categorised as to their level of sensitivity and adequately secured and protected from violation, unauthorised access or destruction, and kept in accordance with necessary retrieval, preservation and storage requirements.

3.4 Access to Records

Access to the Shire's records by staff will be in accordance with designated access and security classifications. Access to the Shire's records by the general public will be in accordance with the Freedom of Information Act 1992 and other applicable legislation. Access to the Shire's records by Councillors will be via the Chief Executive Officer.

3.5 Appraisal, Retention and Disposal of Records

All records kept by the Shire will be retained and disposed of in accordance with the General Disposal Authority for Local Government Records, produced by the SRO.

4.0 Record Keeping Responsibilities

4.1 All Council employees and Councillors need to be aware of record keeping requirements. The record keeping obligations of Council staff and Councillors include:

- a) Learning how and where records are kept;
- b) Making records to support the conduct of business activities;
- c) Creating records as evidence of Council operations that are otherwise not created;
- d) Forwarding records to the Central Records for capture into the official Records Keeping System;
- e) Not destroying Council records;
- f) Following appropriate records management procedures.

5.0 Outsourcing of Service Delivery

5.1 Contracts should provide that the contractor create records that meet the Shire's accountability requirements, in relation to the functions performed or services provided for the Shire. Such contracts should also provide that the contractor maintain those records according to standards acceptable to the Shire, for as long as the records are required and return them to the Shire when the contract expires.'

be endorsed.

CARRIED (8/0)

NO. 39/14

9.4.6 LOT 7 MARMION STREET MOUNT BARKER - RENEWAL OF LEASE - WANSLEA

File No: N29532
Attachments: [Draft Lease.](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna McDonald
Senior Administration/Human Resources Officer
Proposed Meeting Date: 4 March 2014

PURPOSE

The purpose of this report is to consider the renewal of the lease agreement between the Shire of Plantagenet and Wanslea Early Learning and Development Incorporated (Wanslea), for Lot 7 Marmion Street, Mount Barker.

BACKGROUND

At its meeting held on 12 August 2008 the Council resolved that:

- ‘1. The management of the Plantagenet Day Care Centre be transferred from the Shire of Plantagenet to Wanslea Family Services Incorporated on 1 January 2009, subject to:
 - a) Wanslea Family Services Incorporated having secured a license from the Department of Community Development to operate the Plantagenet Day Care Centre; and
 - b) The completion of a Memorandum of Understanding between the Shire of Plantagenet and Wanslea Family Services Incorporated that includes:
 - i) the number of positions for children available at the Plantagenet Day Care Centre;
 - ii) a minimum level of care and service offered within the Centre; and
 - iii) a minimum number of staff positions required at the Centre.*
- 2. The Shire’s license to operate the Plantagenet Day Care Centre be relinquished on 1 January 2009, or at such a time as Wanslea Family Services Incorporated has successfully obtained a license to operate the Plantagenet Day Care Centre.*
- 3. The Chief Executive Officer be authorised to finalise the terms of a lease for Lot 7 Marmion Street with Wanslea Family Services Incorporated, for the purpose of conducting a Day Care Centre service. The lease terms to include:
 - a) A period of five years with a five year option;
 - b) The rent for the lease set at one dollar (\$1) per annum;
 - c) All outgoings will be the responsibility of Wanslea Family Services Incorporated; and*

- d) *Termination of the lease if Wanslea Family Services Incorporated loses or does not renew the Department for Community Development license to operate the Plantagenet Day Care Centre.*
4. *Authority be granted to the Shire President and the Chief Executive Officer to affix the Shire of Plantagenet's Common Seal to the agreements between the Shire of Plantagenet and Wanslea Family Services Incorporated referred to in Parts One and Three above.'*

The Shire's licence to operate the Plantagenet Day Care Centre was relinquished on 3 April 2009 and Wanslea took over the operation of the centre on 6 April 2009.

The current lease agreement between the Shire of Plantagenet and Wanslea commenced on 23 February 2009 and expired on 22 February 2014.

In July 2010 the Shire was notified that Wanslea Family Services had changed its name to Wanslea Early Learning and Development Incorporated.

STATUTORY ENVIRONMENT

The Plantagenet Day Care Centre must comply with the following legislation to maintain the licence to provide child care:

- Children and Community Services Act 2004;
- Children and Community Services (Child Care) Regulations 2006; and
- National Child Care Accreditation Council.

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

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

Wanslea is a charitable, not for profit organisation and as such, the lease agreement is an exempt disposition.

EXTERNAL CONSULTATION

Consultation has taken place with Dawn Nosworthy, Executive Assistant, Wanslea.

FINANCIAL IMPLICATIONS

The market rental is estimated to be around \$60.00 per week for this property. On this basis, the annual rent foregone is \$3,120.00. This amount is effectively being donated by the Shire to Wanslea.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 1.1: (Health and family support services that are accessible and meet the needs of our community) the following strategy:

'Strategy 1.1.3 – Provide and promote childhood development services and facilities.'

OFFICER COMMENT

Wanslea has been successfully providing high quality child care services to the community of Plantagenet for the past five years and since taking over the centre's operation, have carried out renovations and extensions to the child care centre building to improve the facilities and services it offers.

As Wanslea's current lease provides for an option to renew, it is recommended that the lease agreement be renewed for a further five year term. A new lease agreement has been drawn up in line with the Shire's new standard lease, but generally under the same terms and conditions as the current agreement. Wanslea has examined the draft lease and is satisfied with the document.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr A Budrikis:

That:

- 1. The lease (as attached) to Wanslea Early Learning and Development Incorporated for Lot 7 Marmion Street, Mount Barker be renewed for a period of five years under similar terms and conditions as the current lease.**
- 2. 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 Wanslea Early Learning and Development for Lot 7 Marmion Street, Mount Barker for the purpose of a child care centre.**

CARRIED (8/0)

NO. 40/14

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**11.1 MOTION TO INTRODUCE NEW BUSINESS**

Moved Cr J Moir, seconded Cr L Handasyde

That new business of an urgent nature, namely:

Lot 623, Lot 624 (Reserve 6454), Lot 625 (Reserve 9859) and Lot 627 (Reserve 7694) Lowood Road, Mount Barker – Reserve Rationalisation – Application of Seal.

be introduced to the meeting.

CARRIED (8/0)

NO. 41/14

11.1.1 LOT 623, LOT 624 (RESERVE 6454), LOT 625 (RESERVE 9859) AND LOT 627 (RESERVE 7694) LOWOOD ROAD, MOUNT BARKER – RESERVE RATIONALISATION – APPLICATION OF SEALCr A Budrikis

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA), Proximity (Section 5.60(B) LGA)

Nature: Relative and business partner of adjacent land.

Extent: Not required.

3:54pm Cr A Budrikis withdrew from the meeting.

File No: N29775
Attachments: [Extract from Centenary and Wilson Park Plan](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 4 March 2014

PURPOSE

The purpose of this report is to gain the approval of the Council for the application of the Council Seal in land transfer documents for the rationalisation of reserves in the vicinity of the Council's administration building in Lowood Road Mount Barker. The

land involved includes Lot 623, Lot 624 (Reserve 6454), Lot 625 (Reserve 9859) and Lot 627 (Reserve 7694) Lowood Road Mount Barker.

BACKGROUND

The Council's new administration building/Council Chambers were completed in 2006 and the southern car parking areas were completed in 2007. Attached to this report is an extract from the Centenary and Wilson Park Precinct Plan which shows the approximate location of cadastral boundaries for lots and reserves in the vicinity of the administration building. It was clear from that extract that rationalisation of Lots 623 and 627 (Reserve 7694) was important as the Council's administration building straddles the lot/reserve boundary. It was considered appropriate as part of that process to address Lot 625 (Reserve 9859) and the southern leg of Lot 623 where it protrudes into Lot 624 (Reserve 6454).

The Council at its meeting held on 10 March 2009 when considering this matter resolved:

'That State Land Services of the Department for Planning and Infrastructure be requested to rationalise lot and reserve boundaries in the vicinity of the Council's administration building as follows:

- 1. Lot 623 (Council freehold) and Lot 627 (Reserve 7694) be amalgamated to form one reserve for Shire Administration and Council Chambers, Park, Library, Car Parking, Toilets and Vehicular Access.*
- 2. The southern (approximately 5m wide) leg of Lot 623 (Council freehold) which extends over a sewer line be amalgamated with Lot 624 (Reserve 6454) to be part of Wilson/Centenary Parks complex.*
- 3. Lot 625 (Reserve 9859) be converted to freehold and transferred to the Council free of cost in exchange for the transfer of Lot 623 to the Crown at 1 and 2 above.'*

Since that time the area has been surveyed and the Department of Lands has been working through its complex processes.

STATUTORY ENVIRONMENT

Land Administration Act 1997

- Lot 623 owned by the Council in freehold;
- Lot 624 (Reserve 6454) – purpose Recreation and Parkland – Management Order in favour of the Council.
- Lot 625 (Reserve 9859) – purpose Shire Office – Management Order in favour of the Council.
- Lot 627 (Reserve 7694) – 'A' Class Reserve – purpose hall site, parking, park-Management Order in favour of the Council.

Planning and Development Act 2005

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

- Lot 623 is with a TPS3 Railway Reserve
- Lot 624 is within a TPS3 Recreation Reserve

- Lots 625 and 627 are within a TPS3 Public Purpose Reserve (see plan attached)

FINANCIAL IMPLICATIONS

The Department of Lands agreed this would be an equal value land exchange but the Council would be required to pay registration costs and transfer costs. These are:

Transfer fees - Preparation: \$107.00
- Registration: \$170.00

Easement fees - Consideration: \$ 1.00
- Preparation: \$107.00
- Registration: \$160.00

There is no cost for the land but the GST must be paid by both the Council and the Department of Lands. The Council is required to pay the GST of \$25,000.00 (for lot 623) and the Department will pay GST of \$11,500.00 (for lot 503). Both the Council and the Department can claim the GST back.

The total cost to the Council once the GST is recouped will be \$545.00.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

In order to rationalise the boundaries of the land in the vicinity of the Council's administration building the following was put to the Department of Lands in 2009.

1. Lot 623 (Council freehold) and Lot 627 (Reserve 7694) be amalgamated to form one reserve for Shire Administration and Council Chambers, Park, Car Parking, Toilets and Vehicular Access.
2. The southern (approximately 5m wide) leg of Lot 623 (Council freehold) which extends over a sewer line be amalgamated with Lot 624 (Reserve 6454) to be part of Wilson/Centenary Parks complex.
3. Lot 625 (Reserve 9859) be converted to freehold and transferred to the Council free of cost in exchange for the transfer of Lot 623 to the Crown at 1 and 2 above.

Staff have been in negotiations with that Department since that referral. This endorsement of Land Transfer/Land Exchange documents is the final step in the process.

Authorisation to apply the Council Seal to relevant documents is now required.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Land Exchange and Land Transfer documents where required in the land exchange of Lot 623 and Lot 503 Lowood Road, Mount Barker.

CARRIED (7/0)

NO. 42/14

3:56pm Cr A Budrikis returned to the meeting.

The Presiding Member asked that thanks be recorded to Ms Nicole Selesnew for her work as Community Services Manager over the past years and wishing her success in the future.

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

3:56pm The Presiding Member declared the meeting closed.

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