



## ORDINARY MINUTES

**DATE:** Tuesday, 16 September 2014

**TIME:** 3:00pm

**VENUE:** Council Chambers, Lowood  
Road, Mount Barker WA 6324

**Rob Stewart**  
CHIEF EXECUTIVE OFFICER

Resolution numbers: 192/14 to 210/14

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This agenda has yet to be dealt with by the Council. The Recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

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## **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.*

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:01pm The Presiding Member declared the meeting open.

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

### Members Present:

|                  |   |
|------------------|---|
| Cr K Clements    | Shire President   |
| Cr B Bell        | Councillor  |
| Cr A Budrikis    | Councillor (Left the chambers at 3:31pm, returned 3:36)   |
| Cr S Etherington | Councillor  |
| Cr L Handasyde   | Councillor  |
| Cr G Messmer     | Councillor  |
| Cr J Moir        | Councillor  |
| Cr J Oldfield    | Councillor  |
| Cr C Pavlovich   | Councillor (Left the Chambers at 3:08pm, returned 3:09pm), (Left the Chambers at 3:30pm, returned 3:31pm) |

### In Attendance:

|                      |                                   |
|----------------------|-----------------------------------|
| Mr Rob Stewart       | Chief Executive Officer           |
| Mr John Fathers      | Deputy Chief Executive Officer    |
| Mr Peter Duncan      | Manager Development Services      |
| Mr Dominic Le Cerf   | Manager Works and Services        |
| Mrs Linda Sounness   | Executive Secretary               |
| Ms Isabelle Draffehn | Acting Community Services Manager |

There were two 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:

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### **3 PUBLIC QUESTION TIME**

#### **3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

#### **3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995**

Nil

### **4 PETITIONS / DEPUTATIONS / PRESENTATIONS**

#### **4.1 MR BEVAN LANG – PLANTAGENET MEN'S SHED INC**

Mr Lang invited Councillors to the Official Opening on 22 October 2014 of the refurbished building now the home of Plantagenet Men's Shed, 66 Albany Highway Mount Barker.

### **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

#### Cr A Budrikis

Item: 9.5.2  
Type: Proximity (Section 5.60(B) LGA  
Nature: Relative and business partner of adjacent land  
Extent: Not required

#### Cr C Pavlovich

Item: 9.1.2  
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61LGA)  
Nature: Part owner  
Extent: Not required

Item: 9.5.1  
Type: Proximity (Section 5.60(B) LGA  
Nature: Adjacent land owner  
Extent: Not required

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 Local Government Act 1995

Nil

**7 CONFIRMATION OF MINUTES**

**Moved Cr B Bell, seconded Cr L Handasyde:**

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 19 August 2014 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (9/0)**

**NO. 192/14**

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Shire President distributed notes separately



## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 DEVELOPMENT SERVICES REPORTS

#### 9.1.1 LOT 235 HASSELL STREET MOUNT BARKER - ADDITIONAL OVERSIZE OUTBUILDING WITH REDUCED BOUNDARY SETBACK

|                               |  |
|-------------------------------|--|
| <b>File No:</b>               | <b>N31515</b>  |
| <b>Attachments:</b>           | <a href="#">Location Plan</a><br><a href="#">Site Plan</a><br><a href="#">Outbuilding Plan</a> |
| <b>Responsible Officer:</b>   | <b>Peter Duncan</b><br><b>Manager Development Services</b>                                     |
| <b>Author:</b>                | <b>Vincent Jenkins</b><br><b>Planning Officer</b>  |
| <b>Proposed Meeting Date:</b> | <b>16 September 2014</b>   |
| <b>Applicants:</b>            | <b>Robert and Rachel Wright</b>  |

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#### **PURPOSE**

The purpose of this report is to consider a proposal for an additional outbuilding at Lot 235 Hassell Street, Mount Barker.

#### **BACKGROUND**

Council records show the registered owners of Lot 235 Hassell Street are R and R Wright.

This proposal is for an additional outbuilding of 63.0m<sup>2</sup> (7.0m x 9.0m) with a wall height of 2.7m. Two other existing outbuildings have a combined floor area of 44.75m<sup>2</sup>. The cumulative floor area of all outbuildings (including the additional outbuilding) will total 107.75m<sup>2</sup>.

Town Planning Scheme Policy No. 16.1 (Outbuildings) sets a maximum wall height of 3.0m and a maximum cumulative total floor area of 80m<sup>2</sup> for outbuildings in Residential zones.

The owners are further seeking approval for the side boundary setback to be 0.5m where a side boundary setback of 1.0m is required by the Residential Design Codes (R-Codes).

The reason provided by the proponents for the additional outbuilding is for the storage of their camper trailer and two motor vehicles. The reason for the reduced side boundary setback is for the new outbuilding to line up with the driveway.

#### **STATUTORY ENVIRONMENT**

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Residential (R12.5/20).

Clause 6.3.2 of TPS3 states:

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*'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 and boundary setback requirements are in part 5 of the R-Codes.

## **EXTERNAL CONSULTATION**

The proponents as part of lodging this application sought comment from the landowner of adjoining Lot 234 Hassell Street to the north. This landowner raised no objection to this proposal.

## **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 80m<sup>2</sup> for Residential zones. The cumulative floor area of all outbuildings on site including the additional outbuilding will total 107.75m<sup>2</sup>. The wall height of the proposed outbuilding is 2.7m. 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 235 is 2,023m<sup>2</sup> in area and is zoned Residential (R20). The current development on the lot consists of a house and two outbuildings. The combined floor area for these two outbuildings is 44.75m<sup>2</sup>.

The proposed outbuilding will be 63.0m<sup>2</sup> (7.0m x 9.0m) in area with a 2.7m wall height. This outbuilding will be constructed in Ironstone Colorbond® to match the house colour scheme. No difficulties are seen with the maximum cumulative floor

area of outbuildings being 107.75m<sup>2</sup> and the wall height of the outbuilding being 2.7m given the size of the lot being 2,023m<sup>2</sup>.

The proposed outbuilding location will be setback 0.5m<sup>2</sup> from the shared side property boundary with Lot 234 Hassell Street and will line up with the existing driveway. The proposed outbuilding location will allow for integration with existing development on the property and the efficient use of space. The landowner of the adjoining Lot 234 raised no objection to the proposed reduced side boundary setback. The additional outbuilding is not likely to cause overshadowing or privacy issues and is not considered to have any significant adverse effect on the amenity of the locality or neighbouring property. The 0.5m setback is supported.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That in respect to the additional outbuilding as shown on the plans dated 4 August 2014 at Lot 235 Hassell Street, Mount Barker:**

- 1. In accordance with Clause 2.5.2 of the Residential Design Codes, the additional outbuilding with a reduced side boundary setback of 0.5m 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 additional outbuilding be approved resulting in the cumulative area of all outbuildings being 107.75m<sup>2</sup>.**
- 3. The additional outbuilding being Ironstone Colorbond® in colour to the satisfaction of the Manager Development Services.**

**CARRIED (9/0)**

**NO. 193/14**

**9.1.2 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 61 - LOT 51  
PORONGURUP ROAD, MOUNT BARKER**Cr C Pavlovich

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

Nature: Part owner

Extent: Not required

3:08pm Cr C Pavlovich withdrew from the meeting.

**File No:** N31571

**Attachments:** Amendment No. 61 (separate attachment)  
[Location Plan](#)  
[Subdivision Guide Plan](#)  
[Cross Section – Road and Bridle Trail](#)

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

**Author:** Peter Duncan  
Manager Development Services

**Proposed Meeting Date:** 16 September 2014

**Applicant:** TPG on behalf of owners

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**PURPOSE**

The purpose of this report is to consider a proposed Amendment to Town Planning Scheme No. 3 to rezone Lot 51 Porongurup Road, Mount Barker from Special Site (R12) to Rural Residential (Equestrian theme).

**BACKGROUND**

The Shire records show the owners of the subject land as a series of various owners of Strata lots which are administered by Strata Asset Services (WA) Pty Ltd for the Hambley Farm Body Corporate.

The Council considered a Scheme Amendment Request (SAR) for the possible rezoning of this land to Rural Residential at its meeting held on 27 August 2013. That consideration followed referral to three State government agencies (in accordance with Council Policy No. TP/SDC/6 – Scheme Amendment Requests) for preliminary comments.

From the comments offered by the government agencies, it was clear that any subsequent formal Scheme Amendment would need to address the following matters raised:

- Preparation of a Local Water Management Strategy as part of the Amendment to the satisfaction of the Department of Water (DOW);
  - Preparation of an assessment of the remnant vegetation on site to the satisfaction of the Department of Parks and Wildlife (DPAW); and
-

- Separation requirements for horse stabling set by the Environmental Protection Authority (EPA), DOW, Department of Health (DOH) and the Department of Agriculture and Food (DAFWA).

The Council at its meeting held on 27 August 2013 resolved:

*'That:*

- 1. The Scheme Amendment Request for Lot 51 Porongurup Road be agreed and the proponents be advised the Council will be prepared to consider a formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3.*
- 2. This support is subject to the various matters raised including (but not limited to):*
  - a) preparation of a Local Water Management Strategy;*
  - b) an assessment of remnant native vegetation on site;*
  - c) separation requirements of government agencies for horse stabling activities;*
  - d) separation and noise impact from the speedway and rifle range;*
  - e) preparation of a fire management plan; and*
  - f) servicing, screening and other rural residential requirements;*

*being addressed in the Amendment.'*

As the site is in close proximity to the Mount Barker Speedway and the Rifle Range the Amendment, it was recognised, would need to pay special attention to these activities that have the potential to create noise disturbance problems for both future residents and any horses on site. It was acknowledged that Lot 50 Porongurup Road which is located between the subsequent land and the speedway and rifle range has a house on it and the owners have horses and sheep.

As the site is presently under a Strata Title subdivision, the proponents intend to conclude the Strata subdivision and re-subdivide the land into freehold title lots. The proponents do not intend pursuing further tree plantation activity.

Another important issue that needed to be addressed as part of the Scheme Amendment was a fire management plan for the total site.

As this area of land has been identified for equestrian themed Rural Residential in the Council's draft Local Planning Strategy since June 2008 and the Planning Vision since 2010 (both of which have been advertised for comment), the proponent's request to not advertise the SAR was supported. Once the formal Scheme Amendment is initiated by the Council and authorised by the EPA to proceed, the Amendment will need to be advertised for 42 days to enable public comment to be made.

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

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Town Planning Regulations 1967 – these have set procedures for amending a Town Planning Scheme including, once initiated by the Council, referral to the EPA for 28 days. Once cleared by the EPA a 42 day advertising period applies. The Council must consider any submissions lodged within 42 days of the close of formal advertising and refer its recommendations to the Western Australian Planning Commission (WAPC) and the Minister within 28 days.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS 3) – Lot 51 is zoned Special Site (R12) which allows the following uses:

1. Strata Lots
  - (i) Grouped dwelling subject to prior approval of the Council
  - (ii) Home occupation subject to the prior approval of the Council.
  - (iii) Rural use ancillary to the use of the strata lot for residential purposes but excluding the keeping of pigs or any commercial rural activity
2. Common Property
  - (i) Rural use

## **EXTERNAL CONSULTATION**

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

## **FINANCIAL IMPLICATIONS**

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

## **POLICY IMPLICATIONS**

TPS Policy No. 18.1 (Planning Vision) – Lot 51 is shown as an area to be rezoned from Special Site to Rural Residential (equestrian). This is also reflected in the Local Planning Strategy.

## **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following strategy:

Strategy 2.2.1 – *'Encourage appropriate major land developments'*

## **OFFICER COMMENT**

The Amendment will rezone Lot 51 Porongurup Road to Rural Residential and insert special provisions for the subdivision and development of the land into Schedule 5 of TPS3. The Amendment includes a Subdivision Guide Plan which contains a total of

75 Rural Residential lots consisting of the 31 existing Strata lots (to be freeholded) and 44 new lots. A copy of the Subdivision Guide Plan is attached.

The proposal has been prepared to accommodate equestrian use (horse stabling) and incorporates bridle trails to be developed adjacent to the road reserves. The road reserves are to be 15m wide, then 6m wide bridle trails will be developed in the adjoining private land abutting the road reserves. The bridle trails are to be managed by a management committee of the owners which will be established as a condition of subdivision approval. Attached is a cross section of a typical road with the bridle trails shown.

The Amendment documentation includes a vegetation assessment, an extensive local water management strategy and a fire management plan. The documentation also addresses the other matters requested by the Council in August 2013 including separation and noise impact from the speedway and rifle range together with servicing and screening.

Schedule 5 of TPS3 is to include a range of special provisions relative to this particular Rural Residential zone including 15m boundary setbacks, the need for raised house pads in the lower areas identified in the local water management strategy, building envelopes on particular lots, the use of approved alternative systems for effluent disposal on all lots, road upgrading and construction conditions, establishment of bridle trails, rainwater tanks and compliance with the fire management plan.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That:**

- 1. Amendment No. 61 to Town Planning Scheme No. 3 be initiated and be referred to the Environmental Protection Authority in accordance with legislative requirements.**
- 2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.**
- 3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held in February 2015.**

**CARRIED (8/0)**

**NO. 194/14**

3:09pm Cr C Pavlovich returned to the meeting.

**9.1.3 LOT 205 MORPETH STREET, MOUNT BARKER - APPLICATION FOR TEMPORARY ACCOMMODATION**

**File No:** N31667  
**Attachments:** [Location Plan](#)  
[Site Plan](#)  
**Responsible Officer:** Peter Duncan  
Manager Development Services  
**Author:** Eric Howard  
Environmental Health Officer  
**Proposed Meeting Date:** 16 September 2014

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**PURPOSE**

The purpose of this report is to consider an application for temporary accommodation at Lot 205 Morpeth Street, Mount Barker.

**BACKGROUND**

Shire records show the owners to be G & J Barrett.

An application has been received from the owner of Lot 205 Morpeth Street, Mount Barker seeking approval to occupy a caravan located on the lot for a period of up to 12 months during the construction of a Class 1a dwelling.

A building permit (3737-2014) for the construction of a Class 1a dwelling has been issued to the applicant.

**STATUTORY ENVIRONMENT**

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

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



**FINANCIAL IMPLICATIONS**

The \$110.75 application fee has been paid.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

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

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

**OFFICER COMMENT**

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

Ablution facilities are to be provided within an existing outbuilding. An on-site sewage and wastewater treatment and disposal system has been approved for installation and connection to the outbuilding ablution facilities and the proposed dwelling's wastewater services when completed.

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That the application for temporary accommodation at Lot 205 Morpeth Street, Mount Barker be approved for a period of 12 months effective from 16 September 2014 subject to:**

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

**ADVICE NOTE:**

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

**CARRIED (9/0)**

**NO. 195/14**

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## 9.2 WORKS AND SERVICES REPORTS

### 9.2.1 STAFF ESTABLISHMENT - PROPOSED AMENDMENTS

|                               |   |
|-------------------------------|---|
| <b>File No:</b>               | <b>N31514</b>   |
| <b>Attachments:</b>           | <a href="#">Staff Establishment Chart - Sept 2014</a>       |
| <b>Responsible Officer:</b>   | <b>Rob Stewart</b><br><b>Chief Executive Officer</b>        |
| <b>Author:</b>                | <b>Dominic Le Cerf</b><br><b>Manager Works and Services</b> |
| <b>Proposed Meeting Date:</b> | <b>16 September 2014</b>                                    |

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#### PURPOSE

The purpose of this report is to examine a proposed amendment to the existing Staff Establishment, including budget consideration for a new permanent full time position of Parks and Gardens Apprentice 1.0 Full Time Equivalent (FTE).

#### BACKGROUND

The current staff structure of Parks and Gardens is headed by the Supervisor Parks and Gardens. Under this position are two full time general hands. A third general hand is employed on a casual basis with an average of 25-30 hours per week. Where necessary, labour to assist the Parks and Gardens division is requested from the Works and Services maintenance and construction teams.

Due to the construction and expansion of Sounness Park and an emphasis on future townscape improvements, the requirements of the Parks and Garden section of Works and Services continues to increase. These expectations include specialised tasks such as sporting oval and public open space maintenance.

#### STATUTORY ENVIRONMENT

Pursuant to Section 5.36 9(b) of the Local Government Act 1995 – Local Government employees, a Local Government is to employ (other than a Chief Executive Officer):

*‘Such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.’*

And at Section 5.41(g) – Functions of CEO, (among other things) are to:

*‘Be responsible for the employment, management supervision, direction and dismissal of other employees.’*

## FINANCIAL IMPLICATIONS

Whilst being an employee of the Shire, the apprentice position would be contracted to ATC Work Smart. ATC Work Smart invoice the Shire on a fortnightly basis for all hours applicable to the employee.

The apprenticeship lasts for four years (contracted to ATC Work Smart for three) and involves study at TAFE to obtain a Certificate in Horticulture. The costs for the first three contracted years are as follows based on a standard 76 hour fortnight:

|             | Ordinary hourly rate | Fortnightly | Annually     |
|-------------|----------------------|-------------|--------------|
| First year  | \$17.66              | \$1,342.16  | \$34,896.16  |
| Second year | \$20.15              | \$1,531.40  | \$39,816.40  |
| Third year  | \$24.89              | \$1,891.64  | \$49,182.64  |
|             |                      |             | -----        |
|             |                      |             | \$123,895.20 |
|             |                      |             | =====        |

Currently, the Parks and Gardens general hand employed on a casual basis is paid an hourly rate of \$26.41. At approximately 60 hours a fortnight he receives \$1,584.60 with an annual figure of \$41,199.60. Comparing the figures above, the apprentice position would cost less to the Shire in the first and second years of an apprenticeship. Of additional benefit to the Shire is a fully trained horticulturist at the end of the apprenticeship.

## POLICY IMPLICATIONS

There are no policy implications for this report.

## STRATEGIC IMPLICATIONS

The Shire of Plantagenet Community Strategic Plan 2013-2023 provides at Outcome 1.4 (Opportunities for development and participation of our youth) the following:

Strategy 1.4.3 - *'Support youth training and employment programs.'*

And at Outcome 2.3 (Pleasant streetscapes, open spaces, parks and gardens) the following:

Strategy 2.3.1 - *'Manage and maintain the Council's parks, gardens and open space at appropriate standards',* and

Strategy 2.3.2 - *'Develop, maintain and enhance town streetscapes and public spaces.'*

## OFFICER COMMENT

A permanent full time Parks and Gardens Apprentice is requested for Works and Services. A position description has been drafted with the position being 1.0 FTE or 76 hours a fortnight. The Apprentice would work with the Parks and Gardens team and attend TAFE to achieve a Certificate II/III in horticulture. This apprenticeship is for four years.

Prior to 2009 the Parks and Gardens section employed four staff. In addition, Pardelup's Section 95 Division provided labour (2 inmates) for 3 to 4 days a week to assist the Parks and Gardens employees. This option is no longer available from Pardelup. Following a staff member's resignation, the Council requested the position not be re-filled. Parks and Gardens has been operating with three permanent employees since – a Supervisor and two general hands.

It is worth noting that at the time the Parks and Gardens employee was not re-filled in 2009, the Council had a telephonist position made redundant. This telephonist position has been reinstated for approximately 18 months.

As a result of the reduction in staff, some of the areas covered by Parks and Gardens have been given less priority such as; updating and maintaining declared rare flora areas (yellow 'hockey sticks'); managing noxious and declared weeds; garden upgrades; seasonal/annual planting and playground maintenance and inspections. Due to minimal time spent in these areas the Shire has received requests for removing weeds from garden beds, playground equipment to be repaired and trees/branches to be pruned or removed. Despite their best efforts, the level of service offered by Parks and Gardens is not as thorough as it was prior to 2009.

Since 2009, two skate parks, a large roundabout, medical centre gardens and additional gardens at the Community Centre have been constructed. In the 2013/14 financial year particularly, expectations of the Parks and Gardens division have increased. Stage 1 of Sounness Park is now complete, stages 2 (cricket/soccer oval) and 3 (synthetic hockey field) are proposed to commence construction at the end of September 2014. The Shire will then be responsible for all of the garden, oval and surrounds at Sounness Park. It is considered by the Manager Works and Services that an additional employee will be required for ongoing upkeep of the new facilities at Sounness Park, particularly the football oval which has been constructed to an AFL level.

In addition to these two new ovals, townscaping improvements are planned for the Shire of Plantagenet. The War Memorial is currently undergoing refurbishment, Wilson Park has been upgraded, the new cemetery landscaping involves the addition of new garden beds, and streetscapes within the townsite of Mount Barker are planned for upgrading. The Narrikup Cricket Club has also requested the oval surface be maintained at the sporting complex during the winter season

All these works require Parks and Gardens labour to maintain the facilities once initial work has been completed. Three full time staff is not enough to service the current workload, the proposed additional sporting facilities and townscape requirements.

Employing a Parks and Gardens Apprentice can only bring benefits to the Shire workforce. The Parks and Gardens division will benefit from another full time employee and after four years, the Shire will benefit from a qualified horticulturist able to help maintain the sporting ovals and additional town landscaped areas. Another major benefit to the Shire is that the current Supervisor Parks and Gardens, will gain professional development in his own role by teaching and passing on knowledge.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That:**

- 1. A position of Parks and Gardens Apprentice (1 FTE) be created.**
- 2. The total Staff Establishment for the Shire of Plantagenet be amended from 58.4 FTE to 59.4 FTE.**

**CARRIED (9/0)**

**NO. 196/14**

**9.2.2 ST WERBURGHS ROAD / MITCHELL STREET INTERSECTION -  
REALIGNMENT ROAD CLOSURE**

|                               |  |
|-------------------------------|--|
| <b>File No:</b>               | <b>N31643</b>  |
| <b>Attachments:</b>           | <a href="#"><u>St Werburghs Rd Mitchell St Intersection Road Closure</u></a>           |
| <b>Responsible Officer:</b>   | <b>Dominic Le Cerf<br/>Manager Works and Services</b>                                  |
| <b>Author:</b>                | <b>Amy Chadbourne<br/>Senior Administration/Project Officer Works<br/>and Services</b> |
| <b>Proposed Meeting Date:</b> | <b>16 September 2014</b>   |

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**PURPOSE**

The purpose of this report is to obtain a formal Council resolution for the permanent closure of a portion of land known as Lot 377 on DP 71527 shown now as Lot 554 on DP 76836 St Werburghs Road (see attachment) which was realigned in 2013 using State Black Spot funding.

**BACKGROUND**

The Council, at its meeting held on 14 August 2012, resolved:

*'That:*

- 1. A request be made to the Minister for Lands to dedicate the land running through C Class Reserve 460 as shown on the attached Realignment Plan dated 17 July 2012 as road under Section 56(1)(a) of the Land Administration Act 1997.*
- 2. The Minister for Lands the Department of Regional Development and Lands be indemnified against any costs, including any claims for compensation and costs that may be reasonably incurred by the Minister in considering and granting the request to dedicate the land as a road.'*

Following approval from the Minister for Lands and a clearing permit from the Department of Environment and Conservation [now the Department of Environmental Regulation (DER)], a portion of St Werburghs Road was realigned at the intersection with Mitchell Street using State Black Spot Funding.

**STATUTORY ENVIRONMENT**

Land Administration Act 1997, Section 58 relates to the permanent closure of roads.

**EXTERNAL CONSULTATION**

Consultation has occurred with the Department of Lands (DOL).

As required by Section 58 of the Land Administration Act 1997, public notice of the intended road closure needs to be placed in the Albany Advertiser and the

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Plantagenet News. Also, written notice of the road closure needs to be provided to public utility service providers for comment.

### **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 2.4 (Safe and reliable transport infrastructure) the following strategy:

Strategy 2.4.1 - *'Maintain and further develop roads and pathways at appropriate standards'*.

### **OFFICER COMMENT**

The intersection of St Werburghs Road with Mitchell Street was realigned in 2013 using State Black Spot funding. Previously, the Council on 14 August 2012, resolved to dedicate a section of C Class Reserve 460 to allow construction of the realignment.

Appropriate application was made to the DOL for road dedication of the new alignment and a clearing permit was applied for from the DER.

Following receipt of a permit to clear in March 2013, work commenced on the realignment of the intersection. On completion of the new intersection, the relevant portion of Lot 554 was reinstated and revegetated to DER permit guidelines.

The DOL has a guide for local governments wishing to apply for a permanent road closure. The Local Government Checklist to Close a Road itemises the advertising and public consultation required before an application can be submitted. Once the items on the checklist have been completed and provided no objection is received from public utility service providers, it is required that, in this case, the Council resolves to request the Minister for Lands to permanently close the portion of Lot 377 shown now as Lot 554 St Werburghs Road and that it be amalgamated into Lot 555.

The DOL advised they will lodge documents to dedicate Lot 557 as a road at the same time as formalising road closure actions for Lot 554.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr G Messmer:

That:

1. Pursuant to Section 58 of the Land Administration Act 1997, local public notice be given of the proposal to permanently close the portion of Lot 377 on DP 71527 shown as Lot 554 on DP 76836 St Werburghs Road and that it be amalgamated into Lot 555 on DP76836 (C Class Reserve 460) as shown on the attached plan; and
2. Pursuant to section 58 of the Land Administration Act 1997, should no objection be received from the prescribed persons, the Hon Minister for Lands be requested to permanently close the portion of Lot 377 on DP 71527 shown as Lot 554 on DP 76836 St Werburghs Road and that it be amalgamated into Lot 555 on DP76836 (C Class Reserve 460).

**CARRIED (9/0)**

**NO. 197/14**



**9.2.3 POLICY REVIEW - NATIVE FLORA COLLECTION**

|                               |  |
|-------------------------------|--|
| <b>File No:</b>               | <b>N31607</b>  |
| <b>Attachments:</b>           | <a href="#">NRM/C/2 - Native Flora Collection</a>                                      |
| <b>Responsible Officer:</b>   | <b>Dominic Le Cerf<br/>Manager Works and Services</b>                                  |
| <b>Author:</b>                | <b>Amy Chadbourne<br/>Senior Administration/Project Officer Works<br/>and Services</b> |
| <b>Proposed Meeting Date:</b> | <b>16 September 2014</b>   |

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**PURPOSE**

The purpose of this report is to review Council Policy NRM/C/2 – Native Flora Collection.

**BACKGROUND**

Council Policy NRM/C/2 was last reviewed by the Council at its meeting held on 4 September 2012.

**STATUTORY ENVIRONMENT**

Local Government Act 1995, Section 3.54 – ‘Reserves under control of a local government’

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008, Division 8 – ‘Commercial wildflower harvesting on thoroughfares’

Wildlife Conservation Act 1950, Section 6 – ‘Terms used, and declaration by Minister’

**EXTERNAL CONSULTATION**

Consultation has occurred with the Regional Leader Nature Conservation, Department of Parks and Wildlife (South Coast Region) to obtain advice regarding the content of the policy and statutory implications.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

## STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013–2023, provides at Outcome 2.7 (Protection of natural environment), the following:

Strategy 2.7.1 - *‘Provide effective environmental management and maintenance of the Council’s land and reserves.’*

## OFFICER COMMENT

This report is part of the annual review of Shire of Plantagenet Policies.

The current policy allows up to four seed collectors in three different categories to obtain a permit from the Shire to collect native flora from roads and other reserves controlled by the Council.

The Native Flora Collection Policy is relevant with all licence holders on the Shire register falling within the seed collection category.

It is recommended a common expiry date for all licence holders be included in the policy. This will simplify administration requirements and ensure all licence holders will be reminded of their obligation to renew their licence annually. It is recommended this Policy commence as of 1 July 2015.

It is also recommended that the word ‘will’ in point 1 of the Policy be changed to ‘may’. By making this wording change, the Council can decide whether approval may be granted to individuals applying to seek timber for fence posts, saw logs and firewood.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr G Messmer:

That:

1. **Amended Council Policy NRM/C/2 – Native Flora Collection as follows:**

**OBJECTIVE**

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

**POLICY**

1. **The Council may permit the collection of flora (within the meaning of the Wildlife Conservation Act 1950) including seed from road and other reserves controlled by the Council for commercial purposes by operators licensed by the Department of Parks and Wildlife conditional upon:**

- i) The obtaining of a permit from the Council on an annual basis expiring on 30 June annually;
    - ii) Collection being restricted to areas subject to clearing for road works, fence lines, service authorities or other activities as specifically approved by the Council; and
    - iii) Agreement by the licensed collector that where the Council requires materials collected they will be available for purchase by the Council at an agreed price as a first option.
  2. The Council may seek expressions of interest from licensed collectors for the commercial harvesting from reserves vested in the Council of:
    - i) Timber for fence posts, saw logs and firewood;
    - ii) Native seed; and
    - iii) Mulch and chippings.
  3. The collection of flora not be permitted within reserves controlled by the Council unless for scientific purposes or any prescribed purpose licensed by the Department of Environment and Conservation.
  4. The number of licensed collectors approved by the Council to operate on the Council managed reserves is limited to the following number of collectors per reserve. Additional collectors may be approved subject to provision of evidence that the reserve and/or species they wish to collect can be sustainably harvested:
    - i) Flora collection (including seeds and wildflower specimens) – four;
    - ii) Mulch and woodchips – four; and
    - iii) Sawlogs, fence posts and firewood – four.be endorsed.
2. The amended Native Flora Collection Policy be advertised in the Plantagenet News.'

CARRIED (9/0)

NO. 198/14

### 9.3 COMMUNITY SERVICES REPORTS

#### 9.3.1 COMMUNITY SPORT AND RECREATION FACILITIES FUND - GRANT RATING - KENDENUP COMMUNITY RECREATION CENTRE

|                               |  |
|-------------------------------|--|
| <b>File No:</b>               | <b>N31383</b>  |
| <b>Attachment:</b>            | <a href="#">Memorandum of Understanding</a>              |
| <b>Responsible Officer:</b>   | <b>Rob Stewart</b><br><b>Chief Executive Officer</b>     |
| <b>Author:</b>                | <b>Fiona Saurin</b><br><b>Manager Community Services</b> |
| <b>Proposed Meeting Date:</b> | <b>16 September 2014</b>                                 |

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#### PURPOSE

The purpose of this report is to consider an application to the Department of Sport and Recreation's 2014 / 2015 – 2016 / 2017 Community Sport and Recreation Facilities Fund (CSRFF) –Forward Planning Grants Round

#### BACKGROUND

The CSRFF grant scheme is managed by the Department of Sport and Recreation (DSR) and provides grant funding for facility and infrastructure provision / upgrades to sport and recreation clubs and local government. CSRFF is provided in two rounds: a Small Grants Round (for projects with a total budget not exceeding \$150,000.00) and the Annual/Forward Planning Grants Round (for projects of \$150,000.00 and above). The grant scheme is advertised annually by DSR.

The CSRFF grant scheme generally funds projects on a basis of one third of the total project cost. Applications are required to be submitted to the local government for endorsement and a ranking prior to a review by the regional DSR office then final consideration by the DSR's State Office.

The CSRFF Annual/Forward Planning Grants Round applications have closed with one application received for consideration, that being from the Shire of Plantagenet. (on behalf of the Kendenup Community Recreation Centre (Inc.) (KCRC(Inc)). This application is for funding to build a multipurpose community activity and recreation building in Kendenup.

The Council has considered the subject of this report in the past. At its ordinary meeting held on 1 May 2012, the Council resolved:

*'That:*

- 1. The Draft Memorandum of Understanding between the Kendenup Community Recreation Centre (KCRC) and the Shire for the purpose of constructing a community facility be endorsed for negotiations with the KCRC.*
  - 2. Notwithstanding the above in part 1, the Council records that its primary interest/intent is the redevelopment of Sounness Park.'*
-

Following that meeting the Memorandum of Understanding was negotiated and signed which is valid until 30 June 2015.

The Council also considered this project at its Ordinary meeting on 17 September 2013, at which time it was prioritised for the CSRFF 2014/2015 grant round. At this meeting the Council resolved:

*'That the applications submitted to the 2014/2015 Community Sport and Recreation Facilities Fund (Forward Planning Grants) be supported and prioritised as follows:*

*Priority One*

*Applicant: Shire of Plantagenet*

*Project: Sounness Park Stages Two and Three*

*Total Cost: \$2,378,966.00*

*Priority Two*

*Applicant: Kendenup Community and Recreation Centre Incorporated*

*Project: Kendenup Community and Recreation Centre*

*Total Project Cost: \$1,845,000.00'*

## **STATUTORY ENVIRONMENT**

There are no statutory implications for this report

## **EXTERNAL CONSULTATION**

Consultation has taken place with representatives from the (KCRC Inc.) and DSR – Great Southern Branch.

## **FINANCIAL IMPLICATIONS**

The total project cost to build the multipurpose community activity and recreation centre is \$1,929,000.00. The Shire of Plantagenet has allocated \$120,000.00 to the project to upgrade the existing ablution facilities. The KCRC (Inc) is contributing \$100,000.00 of its funds to the project, with an estimated \$50,000.00 in donated materials also being contributed.

The project funding balance (\$1,465,271.00) will be sought from Lotterywest for the construction of the facility. However, the Lotterywest funding model has changed and there is an expectation that applicants provide funding in the region of 50% of the overall project budget. This will require a contribution by the Shire in the region of \$675,000.00.

## **POLICY IMPLICATIONS**

The Council's Borrowing Program and Asset Financing Policy applies. Section 4 states:

- ‘4. The Council may consider borrowing proposals on their merits from time to time and give favourable consideration to borrowing money for the acquisition or construction of an asset under the following circumstances:
- a) Where the asset to be acquired is a new addition to Council’s asset base and the project contributes to the achievement of an identified strategic objective; or
  - b) Where the asset replaces an existing asset and has an useful life of greater than 10 years; or
  - c) Where the asset is required urgently and unexpectedly or a significant community need for the asset has been identified; and
  - d) One of the following funding conditions exists:
    - i) The project will reduce operating costs to an extent sufficient to cover the cost of the project and generate further savings to the Shire;
    - ii) The borrowing cost could be supported by additional revenue over the effective life of the project;
    - iii) All alternative options for undertaking the project without borrowing have been investigated and proven less advantageous to the Council;
    - iv) The income stream from the asset to be acquired or constructed exceeds the cost of borrowing over the life of that asset;
    - v) Repayments will be met by a third party such as self supporting loans and the financial stability of that party meets the criteria as set out in the Self Supporting Loans Policy;
    - vi) To save for the acquisition or construction will result in the actual cost being greater than the cost of borrowing the money and acquiring it today; or
    - vii) To delay a project would jeopardise it due to grant funding restrictions or opportunities.’

It is considered that the proposal would meet the general funding criteria under Sections 4(b) and 4(d)(iii) of the policy.

Section 6 of the Policy states:

- ‘6. The Council will, with regard to setting its annual budget and making decisions on borrowings from external agencies, aim to maintain the following financial ratios within the limits stated:
- a) Debt Service Ratio A – Less than 10%  
This ratio means:  
$$\frac{\text{Debt Service Cost}}{\text{Available Operating Revenue}}$$
  - b) Debt Service Ratio B – Less than 30%  
This ratio means:  
$$\frac{\text{Debt Service Cost}}{\text{Available Operating Revenue}}$$

*Total Rate Revenue*

- c) *Gross Debt to Revenue Ratio – Less than 60%*

*This ratio means:*

$$\frac{\text{Gross Debt}}{\text{Total Revenue}}$$

The proposal to borrow a sum of \$675,000.00 would not currently meet the financial criteria of the policy. As at the end of 2013/2014, the Debt Service Ratio A is 11.25% and the Debt Service Ratio B is 9.89%. The Gross Debt to Revenue Ratio is 22.9%.

Assuming a new loan over 10 years, the Debt Service Ratio A would be 12.9% and the Debt Service Ratio B would be 12.7%. The Gross Debt to Revenue Ratio would be 27.5%.

The Debt Service Ratio A is currently marginally outside the policy level and a new loan would worsen this situation. In addition, while the WATC considers all applications on their merits and it is probable that a loan could be secured, this might jeopardise the opportunity for future loans for other purposes.

**LEGAL IMPLICATIONS**

If successful, the CSRFF process will require the Council to enter into a Financial Assistance Agreement with the State Government.

**ASSET MANAGEMENT IMPLICATIONS**

It should be noted that any infrastructure built would be a Council asset and the Life Cycle Cost (LCC) analysis, undertaken by KCRC(Inc), identified operating losses of \$37,400.00 in the first year reducing until year 17 when the first profit of \$5,100.00 is forecast. It needs to be noted that this LCC analysis assumes income to KCRC(Inc) of between \$60,000.00 and \$80,000.00 per annum.

Shire staff have revised the KCRC(Inc) figures to develop a more realistic LCC analysis with the assumption the facility will operate under a lease agreement. This negates the need to consider staffing costs and operational income. The revised LCC analysis indicates annual deficits of between \$81,850.00 and \$98,905.00 without including income.

Whilst a lease will minimise ongoing operating costs for the Shire, the sustainability of a lease arrangement that runs at a considerable deficit to the community needs to be considered.

A capital renewal program will also need to be considered to ensure the Council has the funds to replace this asset when needed. Based on 2% of the initial capital outlay, this will amount to approximately \$40,000.00 per annum.

**STRATEGIC IMPLICATIONS**

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

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Strategy 1.5.1 - *'Maintain and improve sporting and recreation facilities in the District based on catchment needs.'*

This project is not identified in the Corporate Business Plan.

### **OFFICER COMMENT**

The KCRC Committee was formed in 2004 with the vision of developing a multipurpose community activity and recreation building/precinct.

Last year the KCRC committee submitted an application to the Department of Sport and Recreation (DSR), Community Sport and Recreation Facilities Fund (CSRFF). At its meeting on 17 September 2013, the Council rated the KCRC application as priority two behind Sounness Park.

Subsequently, the application to DSR was unsuccessful. One reason given was the tenure of the facility and it was suggested that the application would have a greater chance of success if it came from the landowner, namely, the Shire of Plantagenet.

Through the development of the CSRFF application, Shire staff have discussed alternative options with KCRC(Inc) with regard to the design and the potential for staging the construction of the facility. Further to those discussions some internal wall changes have been made. However, the committee is reluctant to make substantial alterations to the plans as its members are committed to providing the facilities as planned. It should be noted that the committee has been informed that the scale and scope of this project could affect the success of funding applications.

The Local Government assessment of the project requires the Council to apply a rating to each project submitted. The ratings are as follows;

- A Well planned and needed by municipality
- B Well planned and needed by applicant
- C Needed by municipality, more planning required
- D Needed by applicant, more planning required
- E Idea has merit, more planning work required
- F Not recommended

Subsequent to a meeting with Department of Sport and Recreation representatives on 8 August 2014, the author of this report formed the opinion that demonstrated substantial financial support from the Council is necessary for the application to proceed. The only committed Council funding is \$120,000.00.

### **VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That the application to the Department of Sport and Recreation's Community Sport and Recreation Facilities Fund for a multipurpose community activity and recreation centre at Lots 15 and 16 Chauvel Road Kendenup, not be submitted.**

**CARRIED (9/0)**

**NO. 199/14**

## 9.4 CORPORATE SERVICES REPORTS

### 9.4.1 FINANCIAL STATEMENTS – AUGUST 2014

|                               |  |
|-------------------------------|--|
| <b>File No:</b>               | <b>N31679</b>  |
| <b>Attachment:</b>            | <a href="#">Financial Statement (separate attachment)</a>    |
| <b>Responsible Officer:</b>   | <b>John Fathers</b><br><b>Deputy Chief Executive Officer</b> |
| <b>Author:</b>                | <b>Brendan Webb</b><br><b>Accountant / Office Manager</b>    |
| <b>Proposed Meeting Date:</b> | <b>16 September 2014</b>                                     |

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#### **PURPOSE**

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

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr C Pavlovich, seconded Cr J Moir:**

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

**CARRIED (9/0)**

**NO. 200/14**

**9.4.2 LIST OF ACCOUNTS - AUGUST 2014**

**File No:** N31658  
**Attachment:** [August 2014](#)  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Emma Gardner  
Accounts Officer  
**Proposed Meeting Date:** 16 September 2014

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**PURPOSE**

The purpose of this report is to present the list of payments that were made during the month of August 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 (27 May 2014). 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 J Oldfield, 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 August 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 \$431,862.37; and
- b. Municipal Cheques 44757 - 44804 totalling \$76,982.41.

**CARRIED (9/0)**

**NO. 201/14**

**9.4.3 POLICY REVIEW - FINANCIAL ASSISTANCE (CAPITAL) TO ORGANISATIONS AND CLUBS**

**File No:** N31528  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 16 September 2014

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**PURPOSE**

The purpose of this report is to review Council Policy CF/DG/1 – Financial Assistance (Capital) to Organisations and Clubs.

**BACKGROUND**

The policy was last reviewed at the Council meeting held on 24 July 2012.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**FINANCIAL IMPLICATIONS**

Council Policy CF/DG/1 forms part of the annual budget process.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

Shire of Plantagenet Strategic Community Plan 2013-2023 at Outcome 1.3 (A cohesive and supportive community) provides the following:

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

**OFFICER COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr A Budrikis, seconded Cr B Bell:

That Council Policy CF/DG/1 as follows:

**OBJECTIVE:**

To assist clubs and organisations in improving community based facilities.

**POLICY:**

This policy relates to financial assistance by the Council to incorporated organisations and clubs occupying land owned by, or vested in the Council. Financial assistance will not be given to clubs and organisations occupying Crown Land not vested in the Council or private property. This policy shall only apply where works of a capital nature are being undertaken.

Organisations and clubs are not to expect as a right any financial assistance from the Council, as requests will only be considered in respect to the overall priorities of other projects within the Shire and will also be subject to the availability of finance.

Funds will only be provided for capital works on the subject land and ownership of all infrastructure ultimately vests in the Council on behalf of the Community.

**1. Funding Contributions**

- a) As the proposed facility will benefit the community as well as the group concerned, the Council may assist in three way, equal shares, comprising of the organisation, the Council and another funding body. Under this arrangement the Council's contribution is limited to 33.33% of the total project cost and may include the provision of materials, staff time, and loans of plant and equipment so long as the combination of the dollar value of the in kind support plus financial contribution does not exceed 33.33% of the total project cost;
- b) In other circumstances the Council may consider a contribution larger than the above. It will be the responsibility of the group concerned to prove to the Council that a larger contribution is justified and reasonable and/or that third party funding as in (a) above was not available; and
- c) Eligible organisations must demonstrate, at the time of submission of applications, that their contribution will be available for the project under consideration, and that any in kind contribution is demonstrably a substitute for a component in the project budget, with some evidence that the support will be forthcoming.

**2. Pre-requisites of Financial Assistance**

- a) Complete requests for financial assistance should be received before the closing date (as advertised in local newspapers each February). Incomplete applications will not be considered;
- b) Funding will not be provided for retrospective works;

- c) Organisations should also make application to the appropriate State or Federal fund for assistance (if applicable);
- d) The organisation or club must demonstrate to the Council that there is sufficient expertise within the organisation, or available to it, to provide appropriate plans and specify accurately materials and services required to complete the project;
- e) Applications must include a current profit and loss (income and expenditure) statement; and
- f) Funds will only be released after documentary proof of expenditure is submitted.

### 3. Prioritising Applications

The Council will determine its total financial commitment to community funding for the upcoming financial year, as part of its budget preparation and may exclude projects on the basis that it cannot be accommodated in the budget. The Council reserves the right to refuse to make available funding for projects under the following circumstances:

- a) When the Council believes that the proposal for funding is not a high priority;
- b) When the Council considers that its financial commitments for the upcoming financial year preclude it from making funding available;
- c) When the proposal will lead to an unacceptable ongoing financial commitment by the Council;
- d) When the ongoing management of the capital items is unclear or places an unacceptable burden on Council staff and resources;
- e) When the legal and / or financial status of the organisation or clubs is in doubt;
- f) Where the applicant cannot demonstrate that it can provide adequate expertise to prepare appropriate plans and/or to specify accurately materials and services required for the project.

Applicants need to be aware of, and comply with, the funding requirements of third party funding bodies (eg: State and Federal Government) and ensure that the Council is also made aware of those requirements.

Organisations and clubs will be notified of the result of their application immediately following the adoption of the Council's annual budget.'

be endorsed.

CARRIED (9/0)

NO. 202/14



#### 9.4.4 POLICY REVIEW - FINANCIAL ASSISTANCE TO INCORPORATED ORGANISATIONS AND CLUBS

**File No:** N31527  
**Attachments:** [Amended Policy CF/DG/2](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 16 September 2014

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#### PURPOSE

The purpose of this report is to review Council Policy CF/DG/2 – Financial Assistance to Incorporated Organisations and Clubs.

#### BACKGROUND

The policy was last reviewed at the Council meeting held on 24 July 2012.

#### STATUTORY ENVIRONMENT

There are no statutory implications for this report.

#### FINANCIAL IMPLICATIONS

Council Policy CF/DG/2 forms part of the annual budget process.

#### POLICY IMPLICATIONS

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

#### STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Community Plan 2013-2023 at Outcome 1.3 (A cohesive and supportive community) provides the following:

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

#### OFFICER COMMENT

There has been an amendment in Clause 4 of the policy in regard to the provision that the Council may decide to reimburse all or part of an organisation's annual rates and charges in lieu of a donation. This clause now notes the restrictions in Council Policy A/PA/14 – Sporting and Community Organisations using Council and Vested Land – Rateability, as follows:

5. *All lessees are responsible for fees and charges otherwise applicable, such as rubbish collection charges and the Emergency Services Levy.*
6. *Lessees responsible for paying Shire rates are not eligible to apply for an annual donation, in lieu of the rates, as a part of the Shire's annual Financial Assistance Grants process.'*

In line with the Council's practice over the last two years, it is considered appropriate to amend clause 5(f) which currently states that Category 3 applications for

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administration or general operational costs will not be considered. It is proposed that this clause provide that Category 3 applications for administration or general operational costs are likely to receive a lower priority than other applications.

It is also recommended that the name of the policy be changed to Financial Assistance (Operating) to Incorporated Organisations and Clubs to differentiate this policy from policy CS/DG/1-Financial Assistance (Capital) to Organisations and Clubs.

The remaining parts of the policy are sufficient and should be endorsed.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr A Budrikis, seconded Cr C Pavlovich:**

**That amended Council Policy CF/DG/2 Financial Assistance (Operating) to Incorporated Organisations and Clubs as follows:**

### **OBJECTIVE:**

**To assist incorporated clubs and organisations in meeting their objectives for the benefit of the residents of Plantagenet.**

### **POLICY:**

- 1. Applications for donations to a maximum of \$200.00 may be submitted at any time throughout the year. Such applications will be referred to the Chief Executive Officer for consideration under delegated authority, for which a budget allocation not exceeding \$3,000.00 will be made.**
- 2. The Council will deal with all other applications only as part of its annual budget process. Such applications will be prioritised based on what the Council believes will provide the greatest overall benefit to the quality of life of the residents of the Shire of Plantagenet. Applicants will be categorised as follows in order to assist in determining priority of funding:**
  - a) Category 1 - Groups which can show that they are expending resources in maintaining or overseeing Shire facilities or equipment. Grant amounts will consider savings to the Council as a result of the Group's activities;**
  - b) Category 2 – Groups which undertake tourism and economic development activities which have a positive economic benefit to the Shire. Grant amounts will consider the scope of economic benefits provided; and**
  - c) Category 3 - All other applications, which should focus on provision of equipment, not administration or general operational costs.**
- 3. With regard to Category 3 applications, the Shire provides and maintains facilities such as the swimming pool, recreation centre, halls, buildings and ovals. Modest fees are charged for the use of these facilities. The general presumption is that each user group will be**

- responsible for operational costs such as equipment, uniforms, administration, membership, umpires, coaching etc.
4. Notwithstanding the categories listed above, the Council may decide to reimburse all or part of an organisation's annual rates and charges in lieu of a donation, unless restricted by Council Policy A/PA/14 – Sporting and Community Organisations using Council and Vested Land – Rateability.
  5. Applications from incorporated organisations or clubs must meet the following criteria to be considered:
    - a) The group is to be based in the Shire of Plantagenet, or benefit residents within the Shire;
    - b) Applications should clearly identify the Shire of Plantagenet group(s) who will benefit from the funding;
    - c) The group should be actively operating and meeting on a regular basis;
    - d) Applications must include a current profit and loss (income and expenditure) statement;
    - e) Applications must be made in full with supporting documentation and must be received by the due date. Incomplete applications or applications not received by the advertised deadline, will not be considered;
    - f) Applications must state the reason for funding and amount required. Category 3 applications for administration or general operational costs are likely to receive a lower priority than other applications; and
    - g) Applicants must show that they are actively seeking assistance from other funding bodies. Applicants must also disclose if they are seeking grant funding from other donors for this application.
  6. Approved grants will not be disbursed until the organisation's GST status has been determined and proof of expenditure/purchase of approved grant has been provided, where applicable.
  7. The Council will determine its total financial commitment to community funding for the upcoming financial year, as part of its budget preparation, and may exclude projects on the basis that it cannot be accommodated in the budget.
  8. Organisations and clubs will be notified of the result of their application immediately following the adoption of the Council's annual budget.'

be endorsed.

**CARRIED (9/0)**

**NO. 203/14**

## 9.5 EXECUTIVE SERVICES REPORTS

### 9.5.1 RESERVE 24660 - FUTURE MANAGEMENT

#### Cr C Pavlovich

Type: Proximity (Section 5.60(B) LGA  
Nature: Adjacent land owner  
Extent: Not required

3:30pm Cr C Pavlovich withdrew from the meeting.

**File No:** N31655  
**Attachments:** [Map](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Donna McDonald  
Senior Administration/Human Resources  
Officer  
**Proposed Meeting Date:** 16 September 2014

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#### **PURPOSE**

The purpose of this report is to consider a proposal from the Department of Parks and Wildlife to transfer management of Crown Reserve 24660 from the Department of Water to the Conservation Commission of Western Australia to be managed as a Forest Conservation Area.

#### **BACKGROUND**

Reserve 24660 is 6125ha in area and contains vegetation in good condition. The reserve is expected to contain a similar variety of rare and priority species of flora and fauna as is located in the nearby Mount Lindesay National park.

The reserve is currently managed by the Department of Water for the purpose of 'Water Catchment area Denmark River'. The majority of the reserve is also part of State Forest No 64.

The Department of Parks and Wildlife has been asked by the Department of Lands, on behalf of the Department of Water to accept management of the entire reserve, equating to an additional 136.4023 hectares.

#### **STATUTORY ENVIRONMENT**

There are not statutory implications for this report.

#### **FINANCIAL IMPLICATIONS**

There are no statutory implications for this report.

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

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**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following strategies:

Strategy 2.2.4 – *‘Actively work with other government bodies on state, regional planning and development issues’; and*

Strategy 2.2.6 – *‘Support the conservation and maintenance of heritage buildings, heritage items and places of interest.’*

**OFFICER COMMENT**

To enable the management of Reserve 24660 as a Forest Conservation Area it must first be vested in the Conservation Commission. The Department of Parks and Wildlife proposed that all of Reserve 24660 be vested as State Forest No. 64. This vesting will then allow the Minister for Environment to proclaim this area as a Forest Conservation Area.

Due to the expected populations of rare and priority flora and fauna, it is considered that the Council should support the proposal to vest Reserve 24660 in the Conservation Commission to enable it to be proclaimed a Forest Conservation Area.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That the proposal by the Department of Parks and Wildlife to:**

- 1. Transfer the management of Reserve 24660 to the Conservation Commission of Western Australia as State Forest; and**
- 2. The proclamation of the area as a Forest Conservation Area**

**be supported.**

**CARRIED (8/0)**

**NO. 204/14**

3:31pm Cr C Pavlovich returned to the meeting.

**9.5.2 SUBLEASE - COMMUNITY AGRICULTURAL CENTRE**Cr A Budrikis

Type: Proximity (Section 5.60(B) LGA)  
Nature: Relative and business partner of adjacent land  
Extent: Not required

3:31pm Cr A Budrikis withdrew from the meeting.

**File No:** N30621  
**Attachments:** [Sublease Wilson Inlet](#)  
[Sublease Oyster Harbour](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Donna McDonald  
Senior Administration/Human Resources  
Officer  
**Proposed Meeting Date:** 16 September 2014

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**PURPOSE**

The purpose of this report is to consider two five year sublease agreements with both the Wilson Inlet Catchment Committee Incorporated (WICC) and the Oyster Harbour Catchment Group (OHCG) for a portion each of the Mount Barker Railway Station, currently subleased by the Department of Agriculture and Food (DAFWA).

**BACKGROUND**

At its meeting held on 17 September 2013 the Council resolved:

*'That authority be granted to the Shire President and the Chief Executive Officer to affix the Shire of Plantagenet's common seal to the sublease agreement between the Shire of Plantagenet and the Wilson Inlet Catchment Committee Inc for a period of five years, for a portion of the Mount Barker Railway Station, subject to the following conditions:*

- 1. The Wilson Inlet Catchment Committee Inc will allow one staff member of the Department of Agriculture and Food WA to continue to be located at the premises; and*
- 2. A memorandum of Understanding be entered into between Wilson Inlet Catchment Committee Inc and Oyster Harbour Catchment Group Inc for shared use of the premises.'*

**STATUTORY ENVIRONMENT**

Local Government Act 1995 Section 3.58 applies with regard 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:

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*'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 which are not enlisted or permitted to receive a pecuniary profit from the body's transactions.'*

Both the sublease to WICC and OHCG would be an exempt disposition.

Any sublease of the Railway Station requires that the Public Transport Authority of Western Australia (PTAWA) as the Head Lessor, be a party to the lease.

### **EXTERNAL CONSULTATION**

Consultation has taken place with representatives from WICC and OHCG.

### **FINANCIAL IMPLICATIONS**

The proposed subleases to WICC and OHCG will be peppercorn rentals.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following strategy:

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

Further at Outcome 2.7 (Protection of natural environment) the following strategies:

Strategy 2.7.1 – *'Provide effective management and maintenance of the Council's land and reserve';*

Strategy 2.7.2 – *'Support the management of feral animals';*

Strategy 2.7.3 – *'Provide weed management on roadsides'; and*

Strategy 2.7.4 – *'Promote and support community based environmental initiatives and protections.'*

### **OFFICER COMMENT**

Subsequent to the Council meeting held on 17 September 2013, the DAFWA has advised that it is now not their intention to continue to have a DAFWA staff member located at the Railway Station.

Despite extensive consultation between the two groups, WICC and OHCG have failed to reach a Memorandum of Understanding and alternatively wish to enter into separate sublease agreements for a portion of the office space.

Should the DAFWA relinquish their sublease on the property without a sublease to WICC and OHCG being entered into, both organisations would lose their office accommodation on the premises.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr G Messmer:

That

1. Authority be granted to the Shire President and the Chief Executive Officer to affix the common seal of the Shire of Plantagenet to the sublease agreement between the Shire of Plantagenet and the Wilson Inlet Catchment Committee Inc for a period of five years, for a portion of the Mount Barker Railway Station for the purpose of office space.
2. Authority be granted to the Shire President and the Chief Executive Officer to affix the common seal of the Shire of Plantagenet to the sublease agreement between the Shire of Plantagenet and the Oyster Harbour Catchment Group for a period of five years, for a portion of the Mount Barker Railway Station for the purpose of office space.

**CARRIED (8/0)**

**NO. 205/14**

3:36pm Cr A Budrikis returned to the meeting.



**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Moved Cr J Moir, seconded Cr S Etherington:

That new business of an urgent nature, namely:

Heavy Plant Committee – Change of Function

be introduced to the meeting.

**CARRIED (9/0)**

**NO. 206/14**

**11.1 HEAVY PLANT COMMITTEE – CHANGE OF FUNCTION****COUNCIL DECISION**

Moved Cr G Messmer, seconded Cr C Pavlovich:

That the Heavy Plant Committee Function (2) be amended as follows:

That the Heavy Plant Committee shall report to the Council on or before its meeting to be held in January 2015 at which time the Committee shall be dissolved.

**CARRIED (9/0)**

**NO. 207/14**

**Absolute Majority**

**12 CONFIDENTIAL****12.1.1 MOUNT BARKER COMMUNITY RESOURCE CENTRE**

**File No:** N31662  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 16 September 2014

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**PURPOSE**

The purpose of this report is to recommend to the Council that separate leases be entered into with the State Government of Western Australia and Baptist Churches of Western Australia (BCWA) for the first floor and ground floor of the Community Resource Centre building situated at Lot 53 Lowood Road Mount Barker.

**MOTION TO PROCEED BEHIND CLOSED DOORS**

**Moved Cr G Messmer, seconded Cr B Bell,**

**3:42pm** That the meeting be closed to members of the public pursuant to Section 5.23 (2)(c) of the Local Government Act as the matter to be considered relates a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

**CARRIED (9/0)**

**NO. 208/14**

**MOTION TO PROCEED IN PUBLIC**

**Moved Cr J Moir , seconded Cr B Bell:**

**3:56pm** That the meeting proceed in public.

**CARRIED (9/0)**

**NO. 209/14**

**OFFICER RECOMMENDATION**

That:

1. The concept of separate leases being entered into between the Council and the Western Australian Government for the purpose of a Mount Barker Campus of the Great Southern Institute of Technology being situated on the first floor of the Community Resource Centre, situated at Lot 53 Lowood Road Mount Barker and a lease between the Council and Baptist Churches of WA for the ground floor of the Community Resource Centre, situated at Lot 53 Lowood Road Mount Barker be endorsed.
2. The Chief Executive Officer be requested to further negotiate with both the Western Australian State Government, the Great Southern Institute of Technology and Baptist Churches of WA regarding the intent of part one above noting that the concept of tenancy revenue being derived from the occupation of the first floor by the Great Southern Institute of Technology being forwarded to the Baptist Churches of WA being endorsed subject to such funds being used for the reduction of debt between the Baptist Church Mount Barker and Baptist Churches of WA and also to cleaning responsibilities for common areas being undertaken by the Baptist Church Mount Barker.
3. A further report be presented to the Council at its meeting on 11 November 2014.

**COUNCIL DECISION**

Moved Cr J Moir, seconded Cr S Etherington:

That:

1. The concept of separate leases being entered into between the Council and the Western Australian Government for the purpose of a Mount Barker Campus of the Great Southern Institute of Technology to be located on the first floor of the Community Resource Centre, situated at Lot 53 Lowood Road Mount Barker and a lease between the Council and Baptist Churches of WA for the ground floor of the Community Resource Centre, situated at Lot 53 Lowood Road Mount Barker be endorsed.
2. The CEO be advised that in the opinion of the Council:
  - a. As multiple leases are proposed within one Council structure, then those leases should have, where possible, common starting and ending dates;
  - b. Lease terms should generally be for a maximum period of 10 years inclusive of any extension; and
  - c. Any extension shall be at the discretion of the Council,
3. A further report be presented to the Council at its meeting on 11 November 2014.

**CARRIED (9/0)**

**NO. 210/14**

Reason for Change

Councillors wished to include direction regarding lease terms.

**CLOSURE OF MEETING**

3:57pm The Presiding Member declared the meeting closed.

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