



ORDINARY MINUTES

DATE: Tuesday, 29 April 2014

TIME: 3:00pm

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

John Fathers
ACTING CHIEF EXECUTIVE OFFICER

DISCLAIMER

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.

In certain circumstances members of the public are not entitled to inspect material, which in the opinion of the Chief Executive Officer is confidential, and relates to a meeting or a part of a meeting that is likely to be closed to members of the public.

No responsibility whatsoever is implied or accepted by the Shire of Plantagenet for any act, omission, statement or intimation occurring during Council or Committee meetings.

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 or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting 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 intimation of approval made by any member of 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 advises that anyone who has any application lodged 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.

The Shire of Plantagenet advises that any plans or documents contained within this agenda may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

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
4.1	NEIL SMITHSON – SMITHSON PLANNING.....	2
5	DISCLOSURE OF INTEREST.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE.....	4
7	CONFIRMATION OF MINUTES.....	4
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	5
9	REPORTS OF COMMITTEES AND OFFICERS.....	6
9.1	DEVELOPMENT SERVICES REPORTS.....	6
9.1.1	TOWN PLANNING SCHEME POLICY NO. 18.1 - PLANNING VISION - REVIEW - PUBLIC ADVERTISING CONCLUDED.....	6
9.1.2	LOT 151 ATHELTON STREET, MOUNT BARKER - OUTBUILDINGS EXCEEDING CUMULATIVE FLOOR AREA FOR RESIDENTIAL ZONE.....	13
9.1.3	LOT 101 DENMARK - MOUNT BARKER ROAD CORNER MUIR HIGHWAY, MOUNT BARKER - CAT KENNEL.....	16
9.1.4	TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 64 – REZONING VARIOUS LOTS IN MOUNT BARKER FROM SERVICE INDUSTRIAL TO COMMERCIAL AND RESIDENTIAL (R17.5).....	20

9.1.5	LOT 101 STRATA LOT 35 ALBANY HIGHWAY CORNER MUIR HIGHWAY, MOUNT BARKER - APPLICATION FOR TEMPORARY ACCOMMODATION	26
9.2	WORKS AND SERVICES REPORTS.....	29
9.2.1	COMMITTEE ESTABLISHMENT - HEAVY PLANT	29
9.3	COMMUNITY SERVICES REPORTS	32
9.3.1	SOUNNESS PARK STAGES TWO AND THREE - COMMUNITY DEVELOPMENT GRANT AND COMMUNITY SPORT AND RECREATION FACILITIES FUND	32
9.4	CORPORATE SERVICES REPORTS	35
9.4.1	FINANCIAL STATEMENTS – MARCH 2014.....	35
9.4.2	LIST OF ACCOUNTS - MARCH 2014.....	37
9.5	EXECUTIVE SERVICES REPORTS.....	39
9.5.1	ROCKY GULLY HALL - FUNDING FOR DEMOLITION.....	39
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	43
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	43
11.1	BUDGET REVIEW – SOUNNESS PARK STAGE 1 FINALISATION	43
12	CONFIDENTIAL.....	47
12.1.1	ORGANISATIONAL REVIEW - STAFF STRUCTURE	47
13	CLOSURE OF MEETING.....	48

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:03pm The Presiding Member declared the meeting open.

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

Members Present:

Cr K Clements	Shire President (Left the Chambers 3:21pm, returned 3:30pm)
Cr B Bell	Councillor
Cr A Budrikis	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor (Left the Chambers at 4:26pm, returned at 4:34pm)
Cr G Messmer	Councillor
Cr J Moir	Councillor
Cr C Pavlovich	Councillor (Left the Chambers 3:21pm, returned 3:30pm) (Left Chambers at 4:00pm, returned 4:03pm)
Cr J Oldfield	Councillor

In Attendance:

Mr John Fathers	Acting Chief Executive Officer
Mr Peter Duncan	Manager Development Services
Ms Fiona Saurin	Manager Community Services
Mr Dominic Le Cerf	Manager Works and Services
Mrs Linda Sounness	Executive Secretary
Mr Vincent Jenkins	Planning Officer

There was one member of the public in attendance.

Previously Approved Leave of Absence:

Cr G Messmer – 27 May 2014

Emergency Evacuation Procedures/Disclaimer:

Working to Occupational Safety and Health Best Practices, Mr John Fathers – Acting Chief Executive Officer, read aloud the emergency evacuation procedures for Councillors, staff and members of the public present in the Council Chambers.

Mr Fathers then read aloud the following disclaimer:

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

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any

such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 NEIL SMITHSON – SMITHSON PLANNING

Mr Smithson spoke for and uniformly endorsed the Officer's recommendation in Item 9.1.4. Mr Smithson also suggested some considerations in regard to the Council's Planning Vision (Item 9.1.1), commenting that it is good to have this document however, without energy considerations there could be major issues for future growth. Also, the need for a gas pipeline is becoming imperative.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr B Bell

Item 9.1.1
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA), Proximity (Section 5.60(B) LGA)
Nature: Owner of property in the Shire of Plantagenet.
Extent: Lot 1 Location 16 Albany Highway Mount Barker

Cr A Budrikis

Item 9.1.1
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA), Proximity (Section 5.60(B) LGA)

Nature: Owner of property in the Shire of Plantagenet.
Extent: Lot 306 Lake Matilda Road, Kendenup. Lot 371 Forster Road, Kendenup. Financial interest in Lot 369 Hawker Road Kendenup and Lot 701 Albany Highway Mount Barker

Cr K Clements

Item 9.1.1
Type: Proximity (Section 5.60(B) LGA
Nature: Owner of property in the Shire of Plantagenet
Extent: Lot 287 Mondurup Street Mount Barker

Item 9.1.4
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)
Nature: Director of Company that owns land in the rezoning area
Extent: Not required

Cr S Etherington

Item 9.1.1
Type: Closely Associated Person (Section 5.62 LGA)
Nature: Partner owns property in the Shire of Plantagenet
Extent: 8B Lot 2 Athelton Street and 10 Athelton Street Mount Barker

Cr L Handasyde

Item 9.1.1
Type: Proximity (Section 5.60(B) LGA
Nature: Owner of property in the Shire of Plantagenet.
Extent: Lots 13,14,22 and 21 Hay Location 37 Forest Hill and Hay Location 994 Boyup Road Forest Hill

Item 12.1.1
Type: Closely Associated person (Section 5.62 LGA)
Nature: Daughter works in the Council Offices
Extent: Not required

Cr G Messmer

Item 9.1.1
Type: Proximity (Section 5.60(B) LGA
Nature: Owner of property in the Shire of Plantagenet.
Extent: Lot 2 Location 5483 Muir Highway and Lot 4 Location T94 Langton Road Mount Barker.

Cr J Moir

Item 9.1.1
Type: Proximity (Section 5.60(B) LGA
Nature: Owner of property in the Shire of Plantagenet.
Extent: Location 2605, 6592 and 3981 Narrikup Road Narrikup

Cr J Oldfield

Item 9.1.1
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA), Proximity (Section 5.60(B) LGA)
Nature: Owner of Property in the Shire of Plantagenet.
Extent: Lot 462 Mitchell Street Mount Barker. 120 Happy Valley Road Kendenup. Hay Locations 525,1034,681, 505, 1298, 504, 524 and 523.

Cr C Pavlovich

Item 9.1.1
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61LGA), Proximity (Section 5.60(B) LGA)
Nature: Joint and owner of property within the Shire of Plantagenet
Extent: 124 Braidwood Road, 31672 Albany Highway, 6 Braidwood Road Mount Barker

Item 9.1.4
Type: Closely Associated Person (Section 5.62 LGA). Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)
Nature: Parents own land in Amendment 64
Extent: Not required

Item 9.3.1
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61LGA)
Nature: Potential financial interest. Possible water supply in the future.
Extent: Not required.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995
Nil

7 CONFIRMATION OF MINUTES

Moved Cr G Messmer, seconded Cr C Pavlovich:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 1 April 2014 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 69/14

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes previously.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 TOWN PLANNING SCHEME POLICY NO. 18.1 - PLANNING VISION - REVIEW - PUBLIC ADVERTISING CONCLUDED

Cr B Bell

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA), Proximity (Section 5.60(B) LGA)
Nature: Owner of property in the Shire of Plantagenet.
Extent: Lot 1 Location 16 Albany Highway Mount Barker

Cr A Budrikis

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA), Proximity (Section 5.60(B) LGA)
Nature: Owner of property in the Shire of Plantagenet.
Extent: Lot 306 Lake Matilda Road, Kendenup. Lot 371 Forster Road, Kendenup. Financial interest in Lot 369 Hawker Road Kendenup and Lot 701 Albany Highway Mount Barker.

Cr K Clements

Type: Proximity (Section 5.60(B) LGA)
Nature: Owner of property in the Shire of Plantagenet.
Extent: Lot 287 Mondurup Street Mount Barker

Cr S Etherington

Type: Closely Associated Person (Section 5.62 LGA)
Nature: Partner owns property in the Shire of Plantagenet.
Extent: 8B Lot 2 Athelton Street and 10 Athelton Street Mount Barker.

Cr L Handasyde

Type: Proximity (Section 5.60(B) LGA)
Nature: Owner of property in the Shire of Plantagenet.
Extent: Lots 13,14,22 and 21 hay Location 37 Forest Hill and Hay Location 994 Boyup Road Forest Hill.

Cr G Messmer

Type: Proximity (Section 5.60(B) LGA)
Nature: Owner of property in the Shire of Plantagenet.
Extent: Lot 2 Location 5483 Muir Highway and Lot 4 Location T94 Langton Road Mount Barker.

Cr J Moir

Type: Proximity (Section 5.60(B) LGA)
Nature: Owner of property in the Shire of Plantagenet.
Extent: Location 2605, 6592 and 3981 Narrikup Road Narrikup

Cr J Oldfield

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

Nature: Owner of Property in the Shire of Plantagenet.
Extent: Lot 462 Mitchell Street Mount Barker. 120 Happy Valley Road Kendenup. Hay Locations 525,1034,681, 505, 1298, 504, 524 and 523.

Cr C Pavlovich

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61LGA), Proximity (Section 5.60(B) LGA)
Nature: Joint and owner of property within the Shire of Plantagenet
Extent: 124 Braidwood Road, 31672 Albany Highway, 6 Braidwood Road Mount Barker.

Authority to participate pursuant to Section 5.69(3)(a) and (b) of the Local Government Act 1995

Approval has been received from the Department of Local Government and Communities via a letter dated 22 April 2014 giving permission for Councillors Brett Bell, Andrus Budrikis, Ken Clements, Sue Etherington, Len Handasyde, Gert Messmer, Jeff Moir, Jon Oldfield and Chris Pavlovich to participate in discussion and decision making procedures relating to the Council's Planning Vision (Town Planning Scheme Policy No. 18).

Mr J Fathers read aloud the letter, a copy of which is attached to these minutes.

File No: N30070
Attachments: Draft Town Planning Scheme Policy No. 18.1
(separate attachment)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 29 April 2014

PURPOSE

The purpose of this report is to consider the result of public advertising of a review of the existing Town Planning Scheme Policy No. 18 – Planning Vision to become Town Planning Scheme Policy No. 18.1.

BACKGROUND

The Council at its meeting held on 9 March 2010 when considering draft Town Planning Scheme Policy No. 18 – Planning Vision, resolved:

'That in respect to the draft Town Planning Scheme Policy No. 18 (Planning Vision):

- 1. The final draft Town Planning Scheme Policy No. 18 (Planning Vision) be adopted subject to the modifications contained in the Schedule of Final Modifications being carried out.*

2. *The draft Town Planning Scheme Policy No. 18 be modified accordingly and then advertised publicly as being finalised.'*

Councillors considered proposed changes and updates to the Planning Vision at a workshop held on 17 September 2013.

The Council at its meeting held on 8 October 2013 when considering the reviewed draft Town Planning Scheme Policy No. 18.1 resolved:

'That:

1. *Draft Town Planning Scheme Policy No. 18.1 – Planning Vision be advertised in accordance with clause 7.6.2(a) of Town Planning Scheme No. 3 for a period of 42 days.*
2. *At the conclusion of the advertising period a further report be prepared for consideration of the Council no later than its meeting to be held in February 2014.'*

Councillors held a workshop on the Planning Vision on 4 March 2014 following its consideration of this document on 4 February 2014 where it was resolved:

'That the question be adjourned to allow a workshop to be held on 4 March 2014 with a further report being presented at the meeting of the Council to be held on 1 April 2014.'

On 25 March 2014 a workshop was held to discuss details of the Planning Vision. It was agreed at that workshop that the intensive agricultural proposals for rural planning unit P6 be removed from the document. It was also agreed that minimum lot sizes for intensive agricultural proposals for the western parts of rural planning units P8 and P11 be increased. The 40ha minimum lot size was to become 50ha, the 30ha of good soil area on the 40ha lot was to become 40ha and the 50ha balance lot minimum was to be increased to 80ha.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

TPS3 Clause 7.6 'Power to Make Policies', which reads:

7.6 POWER TO MAKE POLICIES

- 7.6.1 *In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the control of development.*
- 7.6.2 *A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:*

- (a) *the Council, having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council;*
- (b) *the Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy;*
- (c) *Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.*

7.6.3 *A Town Planning Scheme Policy may only be altered or rescinded by:*

- (a) *preparation and final adoption of a new policy pursuant to this clause, specifically worded to supercede an existing policy;*
- (b) *publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*

7.6.4 *A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.'*

To alter a policy, clause 7.6.3(a) is relevant as is the procedure involving advertising set by clause 7.6.2.

EXTERNAL CONSULTATION

In accordance with TPS3 Clause 7.6.2, the Council is required to advertise a draft policy once a week for two consecutive weeks within a newspaper circulating within the area. The advertisement is to contain details of where the draft policy may be inspected and in what form submissions can be made during a period of not less than 21 days.

The draft policy was advertised for comment for a 42 day period closing on 28 November 2013. Notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board.

At the close of the advertising period no submissions had been received.

FINANCIAL IMPLICATIONS

The cost of advertising was met from the Town Planning Advertising Budget.

POLICY IMPLICATIONS

This is an alteration to a Town Planning Scheme Policy adopted by the Council in March 2010.

STRATEGIC IMPLICATIONS

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

'Strategy 2.1.1: Review, update and implement the Planning Vision.'

OFFICER COMMENT

When considering the Local Planning Strategy (LPS) for final adoption with the last WAPC modifications on 30 July 2013 it was agreed some of the content of the LPS was out of date. The reason for this was the LPS took five years to progress through the WAPC/DOP.

As part of the discussion on the LPS it was agreed that the Council's Planning Vision (Town Planning Scheme Policy No. 18) which was adopted on 9 March 2010 would be updated by staff. The Planning Vision is seen as the Council's long term (20 plus years) strategic planning document. There are parts of the Planning Vision that the WAPC/DOP do not support based on government policies and ideology.

Councillors on 17 September 2013 held a workshop to discuss the proposed alterations to the Planning Vision which essentially will bring the document up to date. At that workshop it was agreed to increase the lower R Codings in Mount Barker from R2 to R5 and also to update and improve some of the photographs.

The Planning Vision still retains the proposal for supporting lots for intensive agricultural food production in the western parts of rural planning units P8 and P11 provided the property in question has adequate good quality soil and adequate on site water supplies. Following the workshop held on 25 March 2014 the Planning Vision has been adjusted to remove rural Planning Unit P6 (Forest Hill) from the intensive agricultural food production concept. The western parts of rural Planning Units P8 and P11 have been retained. The minimum lot size for these intensive agricultural lots has been increased from 40ha to 50ha. The minimum good quality soil area on these lots has been increased from 30ha to 40ha. The balance lot (remaining portion of the original lot) minimum has been increased from 50ha to 80ha. These changes may be found to be more acceptable to the Department of Agriculture and Food. These changes to lot sizes have been carried out on pages 16, 17 and 18 of the main text and on pages 13, 16, 17, 21 and 22 of Appendix 6. The intensive agricultural lots potential has been removed from rural planning unit P6 (Forest Hill) on page 13 of Appendix 6.

Following on from that 25 March 2014 workshop, other changes have been made to the Planning Vision. These changes are:

1. 3.5.2 Bush Fire (pg 70) – has been edited to include changes suggested by a TME fire planning consultant at 3.5.2.2 and 3.5.2.6. These changes were discussed at the workshop.
2. 3.1.4.1.5(ii) Subdivision General (pg 16) – the reference to the WAPC state wide figure of 80ha has been removed as it has recently been deleted by the WAPC in its document.

3. 3.1.4.8 Agricultural Trade lots (pg 22) – the 40ha minimum has been increased to 50ha at (i) and the 50ha balance lot has been increased to 80ha at (v) as these reflect the changes made for intensive agricultural lots discussed above.
4. 3.1.5.5.6 Outbuildings in Rural Residential zones (pg 32) – the maximum floor area has been increased from 150m² to 200m² at (i). This matches recent changes approved by the WAPC for areas such as Geraldton and Kalgoorlie where it was recognised that outbuildings in rural towns need to be larger. The Council's Outbuildings TPS Policy No 16.1 will be reviewed shortly.
5. 3.1.6.5.6 Outbuildings in Rural Smallholdings zones (pg 42) – the maximum floor area has been increased from 200m² to 300m². This increase in size is as discussed at 4 above.

The Planning Vision also retains long term Rural Residential lands south of O'Neill Road and east of Precinct 7 at Mount Barker. These areas may not be developed for 20 years but they should be identified. The document retains land north of Spencer Road, Narrikup for Rural Residential as the growth potential for Narrikup is extremely limited without this option.

The Planning Vision also retains the proposals for creating Rural Residential and Rural Smallholdings zonings in the already subdivided Kendenup area. Such zonings would then bring in subdivision controls and land use conflict controls in a more appropriate form than retaining the present Rural zoning. This approach also reflects the Council's Town Planning Scheme Policy No. 19 (Kendenup Rural Surrounds) adopted on 1 March 2011.

The Vision includes an updated section on the Porongurup rural village by reference to the Structure Plan which was approved in September 2011 and Town Planning Scheme Policy No. 20 (Porongurup Rural Village Design Guidelines) adopted in July 2012.

The WAPC/DOP required reference to Landscape Protection zoning to be deleted from the LPS in 2009. This section has been reinserted into the Planning Vision as it recognises this is a legitimate zone within TPS3 and should not be ignored by deleting reference to it.

There are various other edits to the Planning Vision that update the document. These edits include changing government agency names to their present terminology, including reference to the windfarm, deleting reference to investigations for a new waste disposal site and updating areas where rezonings have been completed (such as the depot Industrial zone, the former Mount Barker Primary School site to Residential and the Enterprise zones at Kendenup and Rocky Gully).

It is recommended in this report that the draft Town Planning Scheme Policy No. 18.1 (Planning Vision) be adopted.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr A Budrikis:

That Town Planning Scheme Policy No. 18.1 – Planning Vision, be adopted in accordance with Clause 7.6 of the Shire of Plantagenet Town Planning Scheme No. 3.

CARRIED (9/0)

NO. 70/14

Cr Moir asked that it be recorded that although he supported the recommendation, he supports the views of the WA Planning Commission and Department of Planning on this matter.

**9.1.2 LOT 151 ATHELTON STREET, MOUNT BARKER - OUTBUILDINGS
EXCEEDING CUMULATIVE FLOOR AREA FOR RESIDENTIAL ZONE**

File No: N30216

Attachments: [Location Plan](#)
[Site Plan](#)
[Elevation](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 29 April 2014

Applicant: Ian Cooke

PURPOSE

The purpose of this report is to consider a proposal for an additional outbuilding at Lot 151 Athelton Street, Mount Barker. This outbuilding, combined with two other existing outbuildings, means the cumulative floor area set by Council policy is exceeded.

BACKGROUND

Council records show the registered owners of Lot 151 are IC and JR Cooke.

This proposal is for an additional outbuilding of 54m² (4.5m x 12m) with a wall height of 4.5m. Two other existing outbuildings have a combined floor area of 60m². The cumulative floor area of all outbuildings (including the additional outbuilding) will total 114m². The 114m² cumulative floor area exceeds the 80m² floor area set by Council policy for the Residential zone. In addition, the wall height of 4.5m exceeds the 3.0m wall height set by the policy.

The reason provided by the proponent for the additional outbuilding is to protect their caravan from the weather.

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 outbuilding requirements are in part 5 of the R-Codes.

EXTERNAL CONSULTATION

The proponents, as part of lodging this application, sought comment from the landowners of adjoining Lots 8 and 150 Athelton Street, Lots 14 and 105 Martin Street and Lot 101 Mills Street. These landowners 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 80m² for Residential zones. The cumulative floor area of all outbuildings on site including the additional outbuilding will total 114m². The wall height of the proposed outbuilding is 4.5m. 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 151 Athelton Street is 7,407m² in area and is zoned Residential (R2.5). The proposed outbuilding is setback 14m from the southern boundary and 14m from the western boundary. The proposed outbuilding location meets the setback requirements of the Residential (R2.5) zone.

The proposed outbuilding will be constructed in Classic Cream Colorbond® to match the existing garage and house colour scheme. The cumulative floor area of all outbuildings on the property including the proposed outbuilding will total 114m². The wall height of the proposed outbuilding will be 4.5m.

No difficulties are seen with the maximum cumulative floor area of outbuildings being 114m² and the wall height of the outbuilding being 4.5m given the size of the lot being 7,407m².

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr J Moir:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3 and the plans dated 24 March 2014 and 8 April 2014, the proposed outbuilding at Lot 151 Athelton Street, Mount Barker be approved which will mean a cumulative area of all outbuildings being 114m² which is in excess of the 80m² in Town Planning Scheme Policy No. 16.1 (Outbuildings) and the outbuilding wall height being 4.5m which is in excess of the 3.0m in Town Planning Scheme Policy No. 16.1 (Outbuildings).

CARRIED (9/0)

NO. 71/14

**9.1.3 LOT 101 DENMARK - MOUNT BARKER ROAD CORNER MUIR HIGHWAY,
MOUNT BARKER - CAT KENNEL**

File No: N30175

Attachments: [Location Plan](#)
[Site Plan 1](#)
[Site Plan 2](#)
[House Floor Plan](#)
[Summary of Submissions](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 29 April 2014

Applicant: Vicki Williams

PURPOSE

The purpose of this report is to consider an application for a kennel to breed cats at Lot 101 Denmark-Mount Barker Road corner Muir Highway, Mount Barker.

BACKGROUND

Council records show the registered owners of Lot 101 are VJ Williams, GP Brunetti and AJ Farrel.

The proponent originally sought planning consent (PC) on 18 December 2013 to develop a cat kennel at Lot 101 Denmark-Mount Barker Road corner Muir Highway, Mount Barker. As the application was incomplete, further information was sought.

This proposal involves a kennel for breeding Burmese cats. The breeding unit will consist of seven cats involving five actively breeding cats (one male and four females) and two retired breeding cats. The annual kitten yield is expected to be approximately 25 animals.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

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

Kennels is a discretionary 'AA' use under TPS3 meaning that the Council may, at its discretion permit the use. The interpretation of 'Kennels' includes the breeding or keeping of dogs or cats.

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.'

Cat Act 2011 - requires the identification, registration and sterilisation of domestic cats, and gives local governments the power to administer and enforce the legislation. The Act also requires that a person who chooses to breed cats must apply to the local government for a permit.

The Act also requires cats that are to be sold or given away by breeders, are to be micro-chipped, sterilised and registered with the Shire, prior to being transferred to the new owner. If the cat cannot be sterilised due to its young age, the breeder must provide a prepaid sterilisation voucher to the new owner.

Cat (Uniform Local Provisions) Regulations 2013 - For the purposes of these regulations a cat under 6 months of age is not to be included when calculating the number of cats ordinarily at prescribed premises.

Shire of Plantagenet Health Local Law 2008, Part 5 Cats

Clause 5.2.4 reads:

- (1) Subject to subsection (6), a person shall not, without an exemption in writing from the local government, keep more than 2 cats over the ages of 3 months on premises on any land within the District.*
- (2) An owner or occupier of premises may apply in writing to the local government for exemption from the requirements of subsection (1).*
- (3) The local government shall not grant an exemption under this Section unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.*
- (4) An exemption granted under this Section shall specify—*
 - (a) the owner or occupier to whom the exemption applies;*
 - (b) the premises to which the exemption applies; and*
 - (c) the maximum number of cats which may be kept on the premises.*
- (5) A person who is granted an exemption under subsection (3) may be required by the local government to -*
 - (a) provide for each cat kept at or on the premises, a properly constructed shelter with an enclosure complying with the following—*
 - (i) each shelter shall have a floor area of not less than 0.5 square metres for each cat over the age of 3 months kept or to be kept therein; and*
 - (ii) the area of the enclosure appurtenant to each shelter shall be not less than 3 times the area of the shelter;*
 - (b) ensure every shelter and enclosure is situated at a distance of not less than -*
 - (i) 2 metres from the boundary of any lot not owned or occupied by the person by whom the cats are kept;*
 - (ii) 10 metres from any dwelling, church, schoolroom, hall or premises in which food is manufactured, packed or prepared for human consumption;*
 - (c) keep all shelters, enclosures, yards and grounds in which cats are kept in a clean condition and free from vectors of disease at all times and clean, disinfect or otherwise deal with them as directed by an Environmental Health Officer from time to time.*

- (6) *A person may keep more than 2 cats on premises used for veterinary purposes or as a pet shop.'*

The Council may grant exemption under clause 5.2 4 for a person to keep more than two cats over the age of three months at a premises if it is satisfied it will not be a nuisance, injurious or dangerous to health.

EXTERNAL CONSULTATION

The proponents, as part of lodging this application, sought comment from the landowners of adjoining Lot 103 Muir Highway to the east and Lot 5600 Denmark-Mount Barker Road to the south. These landowners raised no objection to this proposal.

Letters were sent to the Department of Environment Regulation (DER), Department of Parks and Wildlife (DPAW), Department of Health (DOH) and the Royal Society for the Prevention of Cruelty to Animals (RSPCA) for comment for a 21-day period closing on 21 March 2014.

At the close of this period, two submissions had been received and these are contained in the attached summary of submissions.

FINANCIAL IMPLICATIONS

The application fee of \$184.00 has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The subject land is located approximately 10km west of the Mount Barker Townsite at the south-west corner of the Denmark-Mount Barker Road/Muir Highway junction. Lot 101 is 47.88ha in area and existing development at the lot consists of a 147m² house, one rainwater tank, one outbuilding and four farm dams.

This PC application involves a cat-breeding unit of five animals consisting of one male and four females. This proposal also includes the keeping of two additional retired breeding animals at the property. The annual kitten yield is expected to be approximately 25 animals.

The breeding of animals will be carried out in the house and a 10.24 m² cat run outbuilding that will be the stud area. The animals will have access to most of the house excluding one bedroom and adjoining activity area. The animals will also have access to the surrounding verandah area. This outdoor area will be wire fenced to ensure animals do not roam free.

The house and breeding cat run outbuilding locations are approximately 160m from the Denmark-Mount Barker Road, 460m from Muir Highway, 535m from the house at adjoining Lot 5600 Denmark-Mount Barker Road and 940m from the house at Lot 103 Muir Highway.

The DOH commented that the kennel will need to be maintained in a hygienic condition. The DPAW and adjoining landowners (Lots 103 and 5600) raised no objection to this proposal. The Council's Environmental Health Officer, Mr Eric Howard is supportive of the proposal subject to cats areas being maintained in a hygienic condition and not being dangerous to Health.

Given all the cats will be restricted to the house, breeding cat run outbuilding or verandah area and, subject to cat areas being maintained in a hygienic condition, the kennel is not likely to be a nuisance, injurious or dangerous to health in the locality. The proposal is supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr S Etherington:

That:

- 1. In accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3 the proposed kennel for a maximum of seven cats over the age three months at Lot 101 Denmark-Mount Barker Road corner Muir Highway, Mount Barker be approved subject to:**
 - a) Compliance with the plans dated 18 December 2013 and 5 February 2014.**
 - b) Compliance with the Health Act 1911.**
 - c) Compliance with the Shire of Plantagenet Health Local Law 2008.**
 - d) Compliance with the Cat Act 2011.**
 - e) Compliance with the Cat (Uniform Local Provisions) Regulations 2013.**
- 2. In accordance with clause 5.2.4 of the Shire of Plantagenet Health Local Law 2008, exemption be granted for a maximum of seven cats over the age of three months to be kept at Lot 101 Denmark-Mount Barker Road corner Muir Highway, Mount Barker.**

CARRIED (9/0)

NO. 72/14

9.1.4 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 64 – REZONING VARIOUS LOTS IN MOUNT BARKER FROM SERVICE INDUSTRIAL TO COMMERCIAL AND RESIDENTIAL (R17.5)

Cr K Clements

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)
Nature: Director of Company that owns land in the rezoning area
Extent: Not required

Cr C Pavlovich

Type: Closely Associated Person (Section 5.62 LGA). Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)
Nature: Parents own land in Amendment 64
Extent: Not required

3:21pm Cr K Clements and Cr C Pavlovich withdrew from the meeting.

Deputy Shire President Cr L Handasyde assumed the Chair.

File No: N30045
Attachments: [Location Plan](#)
[Summary of Comments](#)
[Amendment No. 64](#) (separate attachment)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 29 April 2014

PURPOSE

The purpose of this report is to consider preliminary landowner comments received on a proposed Amendment to Town Planning Scheme No. 3 to rezone various lots in Mount Barker from Service Industrial to Commercial and Residential (R17.5). This form of Amendment enacts recommendations contained within the Council's Local Planning Strategy (LPS) and the Planning Vision.

BACKGROUND

There are 28 lots presently zoned Service Industrial that are to be rezoned to Commercial as proposed in the LPS and Planning Vision. There are three lots which are to be rezoned to Residential (R17.5). All of these 31 lots are owned by a variety of different landowners.

The Council prepared its LPS as a draft in 2008. That LPS was finalised in 2013 with its adoption by the Council in July 2013 and endorsement by the Western Australian Planning Commission (WAPC) in August 2013. The proposals contained within this Amendment to rezone Service Industrial lots have been contained in the

LPS from its initial adoption as a draft in 2008 through to its final endorsement in 2013.

The Council when it initially considered this draft Amendment No. 64 at its meeting held on 4 February 2014 resolved:

'That the question be adjourned to enable consultation with affected landowners notifying them of the intention of the proposed amendment and a further report being presented to the Council no later than its meeting to be held on 29 April 2014.'

Letters were subsequently sent to all landowners. The letters included extracts from the LPS and a copy of the draft Amendment No. 64 document and requested comments by 28 March 2014.

A workshop on this proposed Amendment was held with Councillors on 25 March 2014.

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 WAPC and the Minister within 28 days.

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

- Existing land uses can continue to be carried out in accordance with the Non-Conforming Use provisions of Part 4 of the Scheme which reads:

'PART 4 - NON-CONFORMING USES

4.1 NON-CONFORMING USE RIGHTS

No provision of the Scheme shall prevent:

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme; or*
- (b) the carrying out of any development thereon for which, immediately prior to that time, a Permit or Permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.*

4.2 EXTENSION OF NON-CONFORMING USE

A person shall not alter or extend a Non-Conforming Use or erect alter or extend a building used in conjunction with a Non-Conforming Use without first having applied for and having obtained the planning consent of the

Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

4.3 CHANGE OF NON-CONFORMING USE

Notwithstanding anything contained in the Zoning Table the Council may grant its planning consent to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the existing use and is, in the opinion of the Council, closer to the intended uses of the zone or reserve.

4.4 DISCONTINUANCE OF NON-CONFORMING USE

4.4.1 When a non-conforming use of any land or building has been discontinued for a period of six months or more, such land or building shall not thereafter be used other than in conformity with the provisions of the Scheme.

4.4.2 The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

4.5 DESTRUCTION OF BUILDINGS

If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 75% or more of its value the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the building shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.'

EXTERNAL CONSULTATION

All landowners were written to and asked to provide comment by 28 March 2014. Written comments were received from four landowners. These are contained in the Summary of Comments attached. The Manager Development Services held verbal discussions with three landowners and advised them of non conforming use rights and Commercial land uses.

The Amendment will need to be formally advertised for 42 days with letters to all affected landowners and various government agencies, newspaper notices, a notice on the Council's notice board and some strategically located signs.

FINANCIAL IMPLICATIONS

The mapping for the Amendment has been prepared by the Department of Planning at a cost of \$121.50. Minor adjustments to the mapping by the Department of Planning cost \$81.00.

The Amendment document has been prepared in-house. The formal advertising cost will be met by the Town Planning Advertising budget.

POLICY IMPLICATIONS

This Amendment is in accordance with the Council's Planning Vision (TPS Policy No. 18).

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.1: (Long Term Planning and development guided by the Planning Vision) the following strategy:

'Strategy 2.1.1 - Review, update and implement the Planning Vision';

and at Outcome 2.2: (Appropriate development which is diverse in nature and protects local heritage) the following strategy:

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

OFFICER COMMENT

Councillors were provided with a full copy of the Amendment with the 4 February 2014 agenda. Another copy of this adjusted Amendment is now provided.

In respect to the proposals within the Amendment, the Council's LPS at Appendix 1 states:

'4.1 There is a large area of Service Industrial zoned land on Lowood Road between Mondurup Street and Montem Street and this has led to the establishment of some land uses that are not considered appropriate to this important entry to the town centre. This area should be rezoned to Commercial and once zoned the existing service industrial uses could remain subject to the normal non-conforming use Scheme requirements. There are two other areas of Service Industrial zoned land, one at the north west junction of Muir Street and Lowood Road and the other on the north east corner of Marion Street and Mount Barker Road and these areas should also be zoned Commercial. With these additional Commercial zoned areas, Mount Barker will have adequate Commercial land to allow for growth into the future.'

and

'6.3 An area of Service Industrial zoning on Marion Street between Eaton Avenue and Mount Barker Road is proposed to be zoned Residential as the Service Industrial zoning is not appropriate in this area which is largely housing.'

With the introduction of the Commercial zone to replace the Service Industrial zone, there are several land uses which will no longer be permissible. These uses are: Automotive Panel Beating Spraypainting, Automotive Repairs, Automotive Wrecking, Builders Storage Yard, Dog Kennel, Fuel Depot, Marine Collectors Yard, Motor Repair Station. Having said that, there are some of those uses which are already

established in the subject area. In accordance with the Non-Conforming Use provisions Part 4 of TPS3, those established uses can continue. Any proposal to alter or extend a non-conforming use must receive the approval of the Council.

With the introduction of the Commercial zoning, there are other uses which will become permissible and these include: Bed and Breakfast, Consulting Rooms, Craft Shop and Gallery, Education Establishment, Eating House, Fast Food Take Away, Hospital, Hotel, Motel, Grouped Dwelling, Restaurant and Tourist Accommodation.

There is a range of other uses that are permissible under both the Commercial and Service Industrial zones. Examples of these are: Office, Open Air Display, Place of Public Worship, Single House, Service Station, Shop, Showrooms, Tavern, Transport Depot, Veterinary Consulting Rooms and Warehouse.

With the land being rezoned from Service Industrial to Commercial it was considered at this point in time there was potentially too much Commercial for this Amendment. The proposal now put forward does not include the land west of Lowood Road between Montem Street and Mondurup Street. In the short to medium term that land will remain zoned Service Industrial until such a time as a further Amendment to the Scheme is put forward.

This Amendment differs marginally from the LPS in that it proposes to include two lots (16 and 17) Lowood Road adjacent to the corner of Hambley Street as Commercial. The remainder of this eastern leg of Lowood Road is to be Commercial and retaining these two lots isolated as Residential was considered inappropriate.

There are three lots fronting Eaton Avenue, Marion Street and Mount Barker Road (Lots 37, 23 and 37) which are to be zoned Residential (R17.5) in this Amendment. Lot 37 Mount Barker Road and Lot 23 Marion Street have houses on them. Lot 37 on the corner of Eaton Avenue and Marion Street is being used for storage of truck trailers as part of a former transport depot use of that land. On 1 November 1995 a condition of the Council approval to establish a transport depot at Lot 7653 Albany Highway read:

'6) that the zoning of the current Transport Depot site at Marion Street, Mount Barker be changed – in due course – to residential at the applicants expense.'

That condition of approval has never been acted on. This Amendment will zone that lot Residential (R17.5). Recently a grouped dwelling development has been completed on Lot 36 Eaton Avenue to the north and a Plantagenet Village Homes residential development is under construction on Lot 98 Marion Street to the south and as such a Residential zoning of Lot 37 is considered more appropriate than Service Industrial.

The change in zoning proposed by this Amendment will enact proposals set out in the Council's 2013 LPS. These proposals are also shown in the Council's TPS Policy No. 18.

Existing land uses that may not be permissible in either the Commercial zone or Residential zone can continue to operate under the Non-Conforming Use provisions of the Scheme.

Over time, some of these sites may be redeveloped with conforming land uses considered to be more appropriate to the centre of Mount Barker.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That:

- 1. Amendment No. 64 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.**
- 2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.**
- 3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 19 August 2014.**

CARRIED (7/0)

NO. 73/14

3:30pm Cr K Clements and Cr C Pavlovich returned to the meeting.

Shire President Cr K Clements resumed the Chair.

**9.1.5 LOT 101 STRATA LOT 35 ALBANY HIGHWAY CORNER MUIR HIGHWAY,
MOUNT BARKER - APPLICATION FOR TEMPORARY ACCOMMODATION**

File No: N30095
Attachments: [Location Plan](#)
[Site Plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 29 April 2014
Owner: J Boonzaaier

PURPOSE

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

BACKGROUND

Shire records show the owners of Strata Lot 35 Albany Highway/Muir Highway, Mount Barker to be J Boonzaaier.

An application has been received from the owner of Strata Lot 35 Albany Highway/Muir Highway, Mount Barker (known as the Valley View Tree Farm) seeking approval to occupy a caravan located on the lot for a period of 12 months during the construction of a Class 1a dwelling.

A building permit (3688-2014) 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 provided within a recently constructed outbuilding. An approved on-site sewage and wastewater treatment and disposal system has been installed and connected to the outbuilding ablution facilities and is available for connection to the proposed dwelling wastewater services when completed.

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Oldfield:

That the application for temporary accommodation at Strata Lot 35 Albany Highway/Muir Highway, Mount Barker be approved for a period of 12 months effective from 29 April 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. 74/14

9.2 WORKS AND SERVICES REPORTS

9.2.1 COMMITTEE ESTABLISHMENT - HEAVY PLANT

File No:	N30178
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Dominic Le Cerf Manager Works and Services
Proposed Meeting Date:	29 April 2014

PURPOSE

The purpose of this report is to recommend to the Council the formation of a Heavy Plant Committee.

BACKGROUND

At the Plant Replacement workshop held on 1 April 2014, some Councillors suggested the formation of a Heavy Plant Committee.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 5.8, states a Committee can be formed such that its members are Council members only, Council members and employees or Council members, employees and other persons. The creation of a committee and appointment of its members must be by absolute majority decision.

FINANCIAL IMPLICATIONS

There will be additional administrative requirements for this committee. Although it is expected that any such requirements would occur during normal office hours, staff members will nevertheless be taken away from their other duties.

It is also expected that the committee will undertake wide ranging consultation, requiring travel to other Councils and suppliers.

POLICY IMPLICATIONS

Policy I/PM/1 - Plant – General Policy applies.

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’

Also, at Outcome 4.6 Effective and efficient corporate and administrative services, the following strategy:

Strategy 4.6.4 - 'Provide support services for works and plant operations'.

OFFICER COMMENT

At the meeting of the Council held on 1 April 2014, the Manager Works and Services presented two reports to the Council recommending changeover of a roller and a grader based on the guidelines provided in Shire policy I/PM/1 Plant – General Policy. Although sufficient funds were available in the current budget and the purchases are in line with the Council's Policy, the purchases were referred to the 2014/2015 budget.

The purpose of a Heavy Plant Committee could be to review the existing Policy regarding heavy plant purchases including, but not limited to, making recommendations to the Council regarding:

- a) Specifications of heavy plant;
- b) Type and number of heavy plant;
- c) Maintenance Regime; and
- d) Optimum replacement.

It is expected that the Committee would be made up of Councillors only, it would seek advice widely.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr L Handasyde, seconded Cr G Messmer:

That:

- 1. A Committee of the Council be formed pursuant to Section 5.9(2)(a) of the Local Government Act to be named the Heavy Plant Committee.**
 - 2. The functions of the Committee shall be to review the existing Policy I/PM/1 Plant – General Policy and make recommendations to the Council regarding:**
 - a) Specifications of heavy plant;**
 - b) Type and number of heavy plant;**
 - c) Maintenance Regime; and**
 - d) Optimum replacement.**
 - 3. The membership of the Committee shall be comprised of three Councillors.**
 - 4. Cr L Handasyde, Cr J Oldfield and Cr C Pavlovich be appointed as members of the Heavy Plant Committee.**
 - 5. The Committee shall report to the Council on or before its meeting to be held on 16 September 2014 at which time the Committee shall be dissolved.**
-

Moved Cr G Messmer,

That the motion now be put.

The motion lapsed for want of a seconder.

AMENDMENT

Moved Cr J Moir, seconded Cr C Pavlovich:

That in part 2 after the word ‘regarding’ the words ‘but not limited to’ be added.

**CARRIED (9/0)
NO. 75/14**

AMENDMENT

Moved Cr A Budrikis, seconded Cr G Messmer:

That a part 2 (e) be added to the motion:

‘Operator efficiency and productivity’

and the motion be recast accordingly.

**CARRIED (8/1)
NO. 76/14**

COUNCIL DECISION

That:

- 1. A Committee of the Council be formed pursuant to Section 5.9(2)(a) of the Local Government Act to be named the Heavy Plant Committee.**
- 2. The functions of the Committee shall be to review the existing Policy I/PM/1 Plant – General Policy and make recommendations to the Council regarding but not limited to:
 - a. Specifications of heavy plant;**
 - b. Type and number of heavy plant;**
 - c. Maintenance Regime;**
 - d. Optimum replacement; and**
 - e. Operator efficiency and productivity.****
- 3. The membership of the Committee shall be comprised of three Councillors.**
- 4. Cr L Handasyde, Cr J Oldfield and Cr C Pavlovich be appointed as members of the Heavy Plant Committee.**
- 5. The Committee shall report to the Council on or before its meeting to be held on 16 September 2014 at which time the Committee shall be dissolved.**

**CARRIED (9/0)
NO. 77/14
Absolute Majority**

9.3 COMMUNITY SERVICES REPORTS

9.3.1 SOUNNESS PARK STAGES TWO AND THREE - COMMUNITY DEVELOPMENT GRANT AND COMMUNITY SPORT AND RECREATION FACILITIES FUND

Cr C Pavlovich

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

Nature: Potential financial interest. Possible water supply in the future.

Extent: Not required.

4:00pm Cr C Pavlovich withdrew from the meeting.

File No: N30284

Attachments: [Funding Agreement - Department for Infrastructure and Regional Development](#)

[Funding Agreement - Department of Sport and Recreation](#)

Responsible Officer: Fiona Saurin
Manager Community Services

Author: Fiona Saurin
Manager Community Services

Proposed Meeting Date: 29 April 2014

PURPOSE

The purpose of this report is to seek endorsement to enter into a funding agreement with the Commonwealth of Australia (Department for Infrastructure and Regional Development) and a funding grant with the Western Australia Department of Sport and Recreation in relation to Stages Two and Three of the Souness Park Community Recreation Facility development.

BACKGROUND

At its workshop held on 4 March 2014, Councillors gave a strong indication to progress Stages Two and Three of Souness Park, depending on funding sources.

The Shire has been successful in securing \$1,454,300.00 of funding for Stages Two and Three of the Souness Park development. This will result in the construction of a second playing oval (cricket and soccer) and a synthetic hockey facility, which will complete the recreation development.

The Shire was successful in an application to the Department of Infrastructure and Regional Development Community Development Grants program (formerly the Regional Development Australia Fund), to the value of \$1,004,300.00 (GST exclusive) for Stages Two and Three. The Department of Sport and Recreation Community Sport and Recreation Facilities Fund (CSRFF) has also approved a grant of \$450,000.00 (GST exclusive) which is to be spent on Stage Two only.

STATUTORY ENVIRONMENT

There are no statutory implications for this report

EXTERNAL CONSULTATION

Negotiations have been undertaken with a representative of the Australian Government Department for Infrastructure and Regional Development.

FINANCIAL IMPLICATIONS

In signing these contracts the Shire of Plantagenet will be able to access the Community Development Grant funding of \$1,004,300.00 and CSRFF funding of \$450,000.00. If the Shire cannot secure sufficient own source funding to commence the project, there will be no ramifications other than to refuse the grant funding.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 1.5.3 – ‘Develop Sounness Park as the primary ball sports facility in the District.’

OFFICER COMMENT

Planning for Stages Two and Three of the Sounness Park Community Recreation Facility development is in the early stages, particularly in regard to the options for contracting out versus doing earthworks and the like ‘in house’.

Nevertheless, in order to progress with the development at all, the Shire must sign agreements with both government departments in order to access this critical funding. Copies of the agreements are attached, however, it should be noted that there have been changes to the Australian Government funding program and departmental name which will appear in the executed document.

There are no particularly onerous conditions in either agreement. Milestone reports certified by the project manager and audited financial reports on completion are required. Funding body acknowledgment will also be required through means of signage or other forms of acknowledgment at the site.

The Community Development Grant contract has to be signed by 6 June 2014.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr L Handasyde:

That the Chief Executive Officer be authorised to sign the funding agreements with the:

1. Department of Infrastructure and Regional Development for an amount of \$1,004,300.00 for Stages Two and Three of the Sounness Park Development.
2. Department of Sport and Recreation for an amount of \$450,000.00 for Stage Two of the Sounness Park Development.

CARRIED (8/0)

NO. 78/14

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

9.4 CORPORATE SERVICES REPORTS

9.4.1 FINANCIAL STATEMENTS – MARCH 2014

File No:	N30227
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	29 April 2014

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 31 March 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 L Handasyde, seconded Cr S Etherington:

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

CARRIED (9/0)

NO. 79/14

9.4.2 LIST OF ACCOUNTS - MARCH 2014

File No: N30173
Attachment: [March 2014](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 29 April 2014

PURPOSE

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

The list of accounts paid is presented for information. It would be appreciated if queries in regard to payments could be directed to the Deputy Chief Executive Officer, prior to the Council meeting.

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr B Bell:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended March 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 \$1,756,066.95;
- b. Municipal Cheques 44419 – 44448 and 44450 – 44467 totalling \$38,075.12;
- c. Trust Cheques 361-362 totalling \$20,000.00;
- d. Cancelled cheque 44449.

CARRIED (9/0)

NO. 80/14

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 ROCKY GULLY HALL - FUNDING FOR DEMOLITION

File No: N30279
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 29 April 2014

PURPOSE

The purpose of this report is to recommend to the Council that sufficient funds be set aside in the 2014/2015 Council budget for the demolition of the Rocky Gully Hall.

BACKGROUND

At its meeting held on 22 March 2011 the Council adopted the following policy:

'The Council is of the opinion that community halls in the district should be:

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

Subsequently, at its meeting held on 30 April 2013 in endorsing the policy, the Council altered the word 'will' in part 3 of the policy and changed that to 'may'.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 3.58 relates to the disposition of property and the manner by which the Local Government can dispose of property.

EXTERNAL CONSULTATION

Initial external consultation occurred with the Rocky Gully community regarding the maintenance needs of the Hall and the potential for demolition. Although most understood the Council's concerns, demolition wasn't a favoured option.

FINANCIAL IMPLICATIONS

In the 2013/2014 Financial Year total revenue for the hire of the Rocky Gully Hall has amounted to \$36.30. This is the equivalent to 1.5 days hire. Expenditure on the Hall has amounted to \$7,138.20.

Expenditure on the hall has been minimised as far as possible due to the low revenue.

At present Western Power has an order on the building that a new power board be installed due to the potential for receiving electric shocks. On 22 July 2013 an

electric shock was received by a user of the hall. As the hall is classified as a public building this incident needed to be reported to Western Power.

Quotes received for the replacement of the power board are in the vicinity of \$5,000.00. Since the inspection by Western Power, power has been restored to the building but not the lighting.

It is estimated that the cost to demolish a structure made out of asbestos would be in the vicinity of \$50,000.00.

POLICY IMPLICATIONS

The Council has a number of policies regarding the usage of Council buildings including hours of use, charges and alcohol consumption. These policies do not apply to the subject of this report.

ASSET MANAGEMENT IMPLICATIONS

The Rocky Gully Hall is a liability and a risk to the Shire of Plantagenet.

There is no case for repair or refurbishment and, as the structure is made largely out of asbestos, the risk profile is exacerbated. The Hall should be demolished.

STRATEGIC IMPLICATIONS

The Council's Strategic Community Plan 2013-2023 at Outcome 2.5 (Council buildings and facilities that meet community needs) the following Strategy:

Strategy 2.5.1 – 'Ensure Council buildings, facilities and public amenities are provided and maintained to an appropriate standard.'

Further,

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

The lack of use of this particular building would indicate that it does not meet minimum community needs. Further, due to it being constructed largely of asbestos, it is not appropriate that the building be sold or relocated.

OFFICER COMMENT

The Rocky Gully Hall should be demolished as soon as possible. It is deteriorating quickly and its asbestos construction poses a health risk to the community.

This report will not address community meeting needs of the Rocky Gully Community should the Council endorse demolition. It is acknowledged that the Forest Hill Hall (which is maintained by the Community with Council assistance) is most likely too far away to be of convenient use for the Rocky Gully Community. The CWA rooms in Rocky Gully may be suitable for small meetings but not for community gatherings.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. The demolition of the Rocky Gully Community Hall in the 2014/2015 Financial Year be endorsed.
2. Consideration be given for the allocation of sufficient funds in the Council's 2014/2015 Budget for the demolition of the Rocky Gully Hall.
3. The Council's decision regarding the need for demolition of the Rocky Gully Hall be reported in the Plantagenet News.

COUNCIL DECISION

Moved Cr G Messmer, seconded Cr B Bell:

That the demolition of the Rocky Gully Community Hall be endorsed.

AMENDMENT

Moved Cr J Oldfield , seconded Cr C Pavlovich:

That a part 2 be added 'That the reserve be retained for community use.'

CARRIED (5/4)

NO. 81/14

AMENDMENT

Moved Cr J Moir, seconded Cr a Budrikis:

That a part 3 and part 4 be added:

- '3. Consideration be given for the allocation of sufficient funds in future budgets for the demolition of the Rocky Gully Hall; and**
- 4. The Council's decision regarding the need for demolition of the Rocky Gully Hall be reported in the Plantagenet News.'**

CARRIED (8/1)

NO. 82/14

COUNCIL DECISION

That:

- 1. The demolition of the Rocky Gully Hall be endorsed;**
- 2. The reserve be retained for community use;**
- 3. Consideration be given for the allocation of sufficient funds in future budgets for the demolition of the Rocky Gully Hall; and**
- 4. The Council's decision regarding the need for demolition of the Rocky Gully Hall be reported in the Plantagenet News.**

CARRIED (9/0)

NO. 83/14

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr L Handasyde, seconded Cr G Messmer:

That new business of an urgent nature, namely:

Budget Review – Sounness Park Stage 1 Finalisation

be introduced to the meeting.

CARRIED (9/0)

NO. 84/14

11.1 BUDGET REVIEW – SOUNNESS PARK STAGE 1 FINALISATION

File No:	N30286
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	29 April 2014

PURPOSE

The purpose of this report is to review and adjust the adopted 2013/2014 Annual Budget to recognise variations in expenditure associated with Sounness Park Stage 1.

BACKGROUND

The 2013/2014 annual budget was adopted by the Council at its meeting on 9 July 2013. That budget provided a carried forward sum of \$3,605,684.00 for Stage 1 of the Sounness Park Recreation Plan (2012/2013 budget sum of \$5,825,753.00 less 2012/2013 expenditure of \$2,219,492.00). This was sourced from CLGF \$2,653,753.00, Action Agenda \$1,900,000.00, CSRFF \$875,000.00, loan of \$370,000.00 and the remainder being municipal funds.

The budget review in January 2014 dealt with the impact of changes implemented by the State Government regarding the Country Local Government Fund (CLGF), which have created a situation such that the final payment (allocated for Stage One of Sounness Park) in the amount of \$593,798.00 will not be made. To date this has largely been funded from savings in capital and operational accounts and a greater than anticipated recoup of WANDRRA storm damage costs.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

The overall recommended effect on the budget is \$nil.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The construction of Stage 1 of the Sounness Park Redevelopment is all but complete. It is opportune to review the current expenditure in order to authorise the purchase of additional fitout components and to enable a more accurate review of the Shire's budget and hence assist in budget deliberations for 2014/2015.

A table is shown below which summarises the current state of play with the various components. Most of these items have been spent and the expenditure is accurate, however some are still at quotation stage.

Project Details	Amount (\$)
Wauters price as per Tender C03-12/13, including adopted variations	\$5,496,650.00
Contract administration fees for MCG including variations	\$80,300.00
Engineers' fees during construction including variations	\$83,335.00
Water inputs and connections to reticulation system	\$33,097.00
Power connection - subdivision	\$4,971.00
Power box	\$18,567.00
Site fencing	\$15,000.00
Development approval fees (Shire)	\$7,025.00
Power upgrade to the site	\$67,624.00
Carpet	\$12,931.00
Installation of sub-meters for water and gas	\$4,907.00
Installation of power sub-meter	\$2,000.00
Fencing Sounness Park on new boundary	\$1,400.00
Final settlement costs and rates - Purchase of Demon Downs	\$15,168.00
Oven trays	\$1,200.00
Glass racks for bar	\$1,500.00
Fingerboard signs for entrance	\$1,000.00
Connect Bolganup water	\$15,695.00
Frost Park cricket wicket	\$4,664.00
Door signs, funding body recognition sign and door latches on clubroom doors	\$5,000.00
Oval lighting disks	\$1,500.00
Kitchen and bar fitout (Shire)	\$12,000.00

Kitchen and bar fitout (Lotterywest Grant)	\$53,757.00
Additional costs in excess of Lotterywest grant for fitout	\$900.00
Total	\$5,940,192.00
Budget Amount (excl Contingency)	\$5,825,753.00
Contingency Required	\$114,439.00
Contingency Required if Lotterywest Grant Received	\$60,682.00

Two other matters may go to arbitration and if these do not go in the Council's favour, there may be some additional costs to be borne. One of those relates to headworks charges (Water Corporation sewer connection fees - approx \$44,000.00). When the original tender documentation was sent out it was stated that the Council would pay these, however a tender addendum was issued stating that this was the tenderer's responsibility. Changes were also required to the carpark as Wauters had imported some electronic drawings from TME into their CAD system and the scale was incorrect. The cost of removing and installing replacement kerbing was around \$2,400.00.

As noted above, the Council has applied for a Lotterywest grant for some of the fitout components, as detailed in the table below. At this stage, it is assumed that the Lotterywest grant will be successful, however if this is not the case, this additional sum (\$53,757.00) will also need to be reallocated.

Lotterywest Grant - Item descriptions	Amount (\$)
Café style tables x 10 *	\$4,536.36
Café style stools x 40 *	\$4,181.81
Projector, screen & sound system incl installation & fittings	\$15,080.00
Meeting room table	\$590.90
Meeting room and office chairs x 20	\$5,436.36
Chairs for function room x 150	\$13,500.00
Chair trolley	\$340.90
Trolley for function room tables	\$409.09
Tables for function room x 15	\$4,568.18
Office desk	\$343.64
Cleaner's trolley x 2	\$709.09
Freezers x 2 (for kitchen use)	\$2,710.90
First aid bed	\$850.00
Office Table	\$499.77
Total	\$53,757.00

The total sum required to be reallocated to the project at this stage is \$60,682.00. This is as close as can be estimated at the moment, however, some other minor issues may arise in the coming weeks and if necessary, these will be dealt with in a future budget review.

The original budget foresaw that any contingency amount could be funded from an additional loan. It is not proposed to borrow this relatively small amount and therefore, two accounts have been identified where these funds may be reallocated from.

Budget Item 'Sounness Parks - Land Purchase (Demon Downs)' has a sum of \$43,125.00. This is the first of four payments to the Mount Barker Bulls Football Club for the part of 'Demon Downs' purchased from the Club for Sounness Park. This sum

is not required to be paid until 31 July 2014, (next financial year) and may be reallocated at this stage.

Budget Item 'Parks and Recreation Grounds - Professional Services' was allocated \$35,000.00. A sum of \$12,343.00 has been allocated (or committed) against this account at this stage, and the remaining part is available for reallocation.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr S Etherington:

That the 2013/2014 Annual Budget be amended as follows:

No.	Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
1	51498.0251	Sounness Park - Implement Recreation Plan	(\$3,605,684)	(\$3,720,123)	(\$114,439)
2	20208.0030	Parks and Recreation Grounds - Professional Services	(\$35,000)	(\$17,443)	\$17,557
3	51475.0251	Sounness Parks - Land Purchase (Demon Downs)	(\$43,125)	\$0	\$43,125
4	41120.0487	Lotterywest Grant – Sounness Park Fitout	\$0	\$53,757	\$53,757
	Total		(\$3,683,809)	(\$3,683,809)	\$0

CARRIED (9/0)

NO. 85/14

Absolute Majority

12 CONFIDENTIAL

12.1.1 ORGANISATIONAL REVIEW - STAFF STRUCTURE

Cr L Handasyde

Type: Closely Associated person (Section 5.62 LGA)

Nature: Daughter works in the Council Offices

Extent: Not required

4:26pm Cr L Handasyde withdrew from the meeting.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr G Messmer , seconded Cr B Bell :

4:26pm That the meeting be closed to members of the public pursuant to Section 5.23 (2)(a) of the Local Government Act as the matter to be considered relates to a matter affecting an employee or employees.

CARRIED (8/0)

NO. 86/14

MOTION TO PROCEED IN PUBLIC

Moved Cr S Etherington, seconded Cr J Moir:

4:27pm That the meeting proceed in public.

CARRIED (8/0)

NO. 87/14

COUNCIL DECISION

Moved Cr B Bell, seconded Cr A Budrikis:

That:

1. The position of Administration Assistant (1.0 FTE) be deleted.
2. The position of Occupational Safety and Health Officer (0.2 FTE) be deleted.
3. The position of Assistant Principal Works Supervisor (1.0 FTE) be deleted.
4. The position of Senior Administration/Project Officer be increased to 1.0 FTE.
5. A position of Community Development Officer (1.0 FTE) be created.
6. The position of Relief/Administration Officer be reduced to 0.5 FTE.
7. A position of Recreation Officer (0.6 FTE) be created.
8. A position of Cleaner (0.3 FTE) be created.

- 9. The 0.4 FTE Waste position be reduced to 0.15 FTE.
- 10. The FTE allocation to the Parks and Gardens section be increased by 0.25 FTE.
- 11. Total staff establishment for the Shire of Plantagenet be amended from 59 FTE to 58.4 FTE.

CARRIED (8/0)

NO. 88/14

4:34pm Cr L Handasyde returned to the meeting.

13 CLOSURE OF MEETING

4:34pm The Presiding Member declared the meeting closed.

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