



ORDINARY MINUTES

DATE: Tuesday, 11 August 2009

TIME: 2.45 pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:46 pm The Presiding Member declared the meeting open.

Working to Occupational Safety and Health Best Practice, Mr Rob Stewart, Chief Executive Officer, read aloud the emergency evacuation procedures for the Council Chambers.

Mr Stewart then read aloud the following disclaimer:

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

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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

2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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

Members Present:

Cr K Forbes AM	Shire President - Rocky Gully/West Ward
Cr K Clements	Deputy Shire President -Town Ward
Cr A Budrikis	Kendenup Ward
Cr B Hollingworth	Town Ward
Cr S Grylls	Rocky Gully/West Ward
Cr J Mark	Town Ward

Cr J Moir South Ward
Cr D Nye-Chart East Ward
Cr M Skinner East Ward

In Attendance:

Mr Rob Stewart Chief Executive Officer
Ms Nicole Selesnew Manager Community Services
Mr Peter Duncan Manager Development Services
Mrs Kaye Skinner Executive Secretary
Ms Sharon Williams Senior Administration/Project Officer (Works and Services)
Mr Vincent Jenkins Planner

There were four (4) member(s) of the public in attendance.
There were nil (0) member(s) of the media in attendance.

Previously Approved Leave of Absence:

Cr J Mark 13 August 2009 to 10 September 2009 inclusive.

4 PUBLIC QUESTION TIME

Section 5.24 Local Government Act 1995

4.1 AMENDMENT NO. 51

Asked By: Mr Gary Mulder

Question 1.

Clearing has occurred in remnant vegetation on proposed Lot 29, an area that is part of Amendment 51. On June 9, 2009 Council approved the Subdivision Guide Plan of this property subject to the removal of Lot 29 from the plan. Neither the EPA nor DPI has records of having received this amendment.

- What is the current status of Amendment 51?
- Has anyone approved the clearing that has taken place on this land? and
- If approval has been given, does an exemption exist allowing the clearing of remnant vegetation which would appear to contravene the precinct structure plan and the Town Planning Scheme for this area?

Response by: Mr Peter Duncan Manager Development Services

Mr Duncan advised that the Council agreed to initiate Amendment 51 to zone the land and introduce a new guide plan at its June 2009 meeting subject to Lot 29 being deleted as it had too much vegetation and would be a fire threat if a house went on it. Ayton Baesjou planning are doing changes to the draft guide plan before the Council formally sends the amendment to the Department of Environment and Protection. The Department of Environment and Conservation may want to check the amount of clearing.

Question 2.

Since the land swap of the area in Amendment 51 we have asked the developer to contribute to boundary fencing. He has indicated he has no obligation to contribute to the fence, which appears to be contrary to the Dividing Fences Act of 1961. Has the Plantagenet Shire an agreement with the developer exempting him from this or does it have any regulations or guidelines which support the developer on this matter of boundary fences? Can you recommend how we should proceed?

Response by: Mr Peter Duncan Manager Development Services and Mr Rob Stewart Chief Executive Officer

Mr Duncan noted on the issue of fencing there is nothing in the Amendment referring to this fence in question

The Chief Executive Officer noted that the Dividing Fences Act was not an Act that local government enforced. The Chief Executive Officer suggested that Mr Mulder get in touch with the neighbour to request fencing as set out in the Act and if this wasn't successful that Mr Mulder may need to seek legal advice.

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

5.1 ROCKY GULLY BUSH FIRE BRIGADE ITEM 12.1.4

My name is Jo Wills, a farmer from Rocky Gully, and I wish to speak on behalf of the Rocky Gully Bush Fire Brigade in regard to Agenda item 12.1.4 – the Rocky Gully Oval.

The Fire Brigade is pleased that the recommendation for consideration by the Council is that the whole oval be set aside for 'Recreation' with management granted to the Council. As the Brigade expressed in its letter of 10 July, we see significant advantage in the event that the town is threatened by a major bush fire.

It is the view of the Brigade that the oval will provide a public assembly or congregation area that will complement the RSL hall as an evacuation area for use during a major fire. It is acknowledged this may not be the perfect safety zone, but it is better than any other area currently available and if the hazard separation zone proposed in the Town Planning Document were to be implemented the suitability of the area would certainly be improved.

Secondly, in the event of a major incident in the Western part of the Shire the oval could be used as a control point or assembly area for fire appliances and support vehicles, particularly as it is close to the public toilets, and the Rocky Gully Hall which has catering facilities.

I thank you for the opportunity to present the view of the Rocky Gully Bush Fire Brigade and encourage you to vote in favour of the recommendation.

Speaking now from a personal view point, I am pleased to see that the recommendation is to keep the oval at its current size. I note with some concern that the recommendation itself is not specific about the responsibility for maintenance of the oval. The preamble indicates that the recommendation is the preferred outcome on the basis that the Lions Club and the Action Group have accepted responsibility for maintenance of the oval.

While it is not surprising that the Council would move to take up the community offer to undertake the oval maintenance, the report to the Council contains a cost estimate of \$1,420 per annum, based on four visits to Rocky Gully to mow the oval. This is far more work than has been done on the oval in recent years and surely the Council budget can stretch to \$355.00 for a work group to mow the oval once a year - any additional work could then be done by the community, as was offered.

The Lions Club received strong support in making their offer, which I believe the community saw as being necessary if there were any hope of saving the oval. The data presented in the report indicates that maintenance cost savings alone should not have driven the original recommendation and in my opinion an outcome where Council and the community share the work would be seen positively by the community.

6 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Nil

7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

8 CONFIRMATION OF MINUTES

Moved Cr M Skinner, seconded Cr B Hollingworth:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 28 July 2009 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 218/09

9 COMMITTEE MINUTES

Moved Cr B Hollingworth, seconded Cr A Budrikis:

That the Minutes of the Recreation Advisory Committee held on 30 June 2009 as circulated be received.

CARRIED (9/0)

NO. 219/09

10 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 5 August 2009 - Along with Cr Clements and Chief Executive Officer I attended the 2009 Road Conference in Perth on Wednesday and happy to again receive the Local Government Road Safety Award.
- 6 - 9 August 2009 - Local Government Conference – Main discussion took place on the possible amalgamations of local authorities with the Minister being asked to extend the response time to end of September 2009. Crs Skinner, Clements and Moir were presented with the 'Long and Loyal Service Award and I was presented with a 'Certificate of Appreciation'.
- Attended the Western Australian Local Government Association's (WALGA) Meeting - changes of management to FESA. WALGA needs to have more input into policies and regulations.
- State Planning Commission – the presentation that Mr Duncan did on our Strategy was one of the best received and was commented on. Was advised that the work coming from the Albany Office was unsatisfactory.
- 12 August 2009 - All Councillors are requested to attend a Special Meeting of the Southern Link Voluntary Regional Organisation of Councils to be held at the Shire of Cranbrook commencing at 1.00pm.
- 21 August 2009 - The new building for the Home and Community Care will be opened at 2.00pm. Councillors are invited to attend.
- 24 - 25 August 2009 - I will be attending Fire Emergency Services Authority (FESA) Bushfire forum and Amendments to the Bush Fires Act.
- 28 August 2009 - I will be attending a Capital Grants Commission meeting to be held on Perth.
- 31 August 2009 - I have received an invitation to attend a Progress Function to Muchea Saleyards.
- 25 August 2009 - I will be an apology for the next meeting of the Council.

11 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr S Grylls

- Attended a Bush Fire Advisory Committee Meeting on 6 August 2009.
- Attended Timbercorp landholders meetings.
- Attended a Timber 2020 meeting on Thursday 6 August 2009 in the Council Chambers with Senator Mathias Cormann and Nigel Hallett.

Cr B Hollingworth

- Attended a Timber 2020 meeting on Thursday 6 August 2009 in the Council Chambers with Senator Mathias Cormann and Nigel Hallett. Expressed thanks to Cr Grylls, Mr Peter Duncan and Ms Nicole Selesnew for their input.

Cr J Mark

- Attended a meeting of the Mount Barker Tourist Bureau which is heading towards their annual general meeting and are 'in the black'.

Cr D Nye-Chart

- Attended a Recreation Advisory Committee on 11 August 2009.

Cr M Skinner

- Local Government Week – Congratulations on those who received awards. Thought that the theme should have been on amalgamation and that we should look at the situation very closely.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 DEVELOPMENT SERVICES REPORTS

12.1.1 LOT 101 MILLS STREET, MOUNT BARKER – NEW GARAGE WITH OUTBUILDINGS EXCEEDING THE MAXIMUM CUMULATIVE FLOOR AREA REQUIREMENT AND REDUCED SIDE BOUNDARY SETBACK

File No:	N12200
Attachments:	Locality Plan Site Plan Elevations
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	11 August 2009
Applicants:	Ronald and Tania Jacobs

PURPOSE

The purpose of this report is to consider a proposal for an additional outbuilding (garage) on Lot 101 Mills Street, Mount Barker.

BACKGROUND

The proposal is for an additional outbuilding of 43.4m² (5.87m x 7.39m) with a wall height of 3m and combined with various other existing outbuildings of 65.1m². The cumulative area exceeds the 80m² area set by Council policy.

Town Planning Scheme Policy No. 16 (Outbuildings) sets a maximum wall height of 3m and a maximum cumulative total floor area for outbuildings in Residential zones at 80m².

The owners are further seeking approval for the side boundary setback to be 5m where a side boundary setback of 7.5m is required.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

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

Clause 5.2 of TPS3 provides the Council with the ability to vary development standards for development other than residential development.

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 (RCodes).

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

'Discretion shall be exercised having regard to the following considerations:

- a) the stated purpose and aims of the scheme;*
- b) the provisions of parts 1-7 of the codes, as appropriate;*
- c) the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
- d) the explanatory guidelines of the codes that correspond to the relevant provisions;*
- e) any local planning strategy incorporated into the scheme;*
- f) a provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- g) orderly and proper planning.'*

The variation required here relates to 2.5.2(b) above as the building setback requirements are in part 6 of the RCodes.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 16 (Outbuildings) limits outbuildings to a maximum wall height of 3m and a maximum cumulative floor area of 80m² for Residential zones. The cumulative floor area of all outbuildings currently on site totals 65.1m² excluding the proposed the new outbuilding of 43.4m². The cumulative floor area of all outbuildings on site including the new outbuilding will then total 108.5m². The wall height of the proposed outbuilding is 3m. Given the large size of the lot (6,965m²), the total area of outbuildings is considered acceptable in this instance. 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 101 is 6,965m² in area and is zoned Residential (R2.5). The RCodes at Table 1 – General site requirements, require a 7.5m side setback for buildings and the proposed outbuilding is to be placed 5m from the side boundary.

An existing outbuilding (double garage) with a side boundary setback of 5m was approved by the Shire in September 1996. The outbuilding location lines up directly behind the existing outbuilding. This allows for integration with existing development on the property, efficient use of space and minimises the visual impact of the proposed new outbuilding. The 5m setback is supported.

The cumulative floor area of all outbuildings on the property including the new outbuilding will total 108.5m². The wall height of the proposed outbuilding is within the limit set by the policy. No difficulties are seen with the maximum cumulative floor area of outbuildings being 108.5m² given the size of the lot being 6,965m².

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr A Budrikis:

That in respect to the proposed outbuilding at Lot 101 Mills Street, Mount Barker:

- 1. In accordance with clause 2.5.2 of the Residential Design Codes, the proposed outbuildings with a reduced side boundary setback of 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 (Outbuildings) be varied and the proposed outbuilding be approved which will mean a cumulative area of all outbuildings on site exceeding the maximum of 80m².**

CARRIED (9/0)

NO. 220/09

12.1.2 LOT 1011 FIFTH AVENUE, KENDENUP – RELOCATED DWELLING

File No: N12199

Attachments: [Locality Plan](#)
[Site Plan](#)
[Elevations](#)
[Floor Plan](#)
[Photographs](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 11 August 2009

Applicants: Gabrielle Betti and Murray Andrews

PURPOSE

The purpose of this report is to consider an application for a relocated dwelling at Lot 1011 Fifth Avenue, Kendenup.

BACKGROUND

Shire records show the owners to be Gabrielle Betti and Murray Andrews. Lot 1011 is 2ha in area and is located in the settlement of Kendenup. The current development on the lot consists of two double garage outbuildings and three small garden type outbuildings. The proponents intend relocating the purpose built transportable house from 303 Simmons Road, Narrogin to Lot 1011 Fifth Avenue, Kendenup.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

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

FINANCIAL IMPLICATIONS

A \$5,000.00 bond will be required as a condition of approval.

POLICY IMPLICATIONS

Council Policy No. TP/SDC/5 – Housing – Relocation Second Hand Houses – requires various conditions to be satisfied including a \$5,000.00 bond, engineer's certification, and removal of asbestos cladding if being brought into the Shire. The bond is required to ensure the house is completed to an acceptable standard. The bond is refundable upon completion of the house.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The subject lot is 2ha in area and is located in the settlement of Kendenup. The house is a purpose built transportable home and in a good condition (photographs are included). No asbestos material was used to construct the house.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr A Budrikis, seconded Cr J Mark:

That approval be granted for a relocated dwelling at Lot 1011 Fifth Avenue, Kendenup subject to:

- 1. Development to be in accordance with the plans dated 28 July 2009 and 10 August 2009.**
- 2. Payment of a refundable bond of \$5,000.00 prior to the issue of a building licence.**
- 3. A crossover to be constructed to the satisfaction of the Manager Works and Services.**

CARRIED (9/0)

NO. 221/09

12.1.3 LOT 152 LAKE BARNES ROAD, NARRIKUP - RELOCATED DWELLING

File No: N12201
Attachments: [Locality Plan](#)
[Site Plan](#)
[Photographs](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Vincent Jenkins
Planning Officer
Proposed Meeting Date: 11 August 2009
Applicant: Mr Richard Thompson

PURPOSE

The purpose of this report is to consider an application for a relocated dwelling at Lot 152 Lake Barnes Road, Narrikup.

BACKGROUND

This lot is currently vacant and Shire records show the owner to be Mr R H Thompson. Mr Thompson presently lives at Ocean Beach Caravan Park in Denmark and intends relocating the purpose built transportable house from the caravan park to Lot 152 Lake Barnes Road, Narrikup.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

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

FINANCIAL IMPLICATIONS

A \$5,000.00 bond will be required as a condition of approval.

POLICY IMPLICATIONS

Council Policy No. TP/SDC/5 – Housing – Relocation Second Hand Houses – requires various conditions to be satisfied including a \$5,000.00 bond, engineer's certification, and removal of asbestos cladding if being brought into the Shire. The bond is required to ensure the house is completed to an acceptable standard. The bond is refundable upon completion of the house.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The subject lot is located in a rural zone 6km north west of Narrikup Townsite. The house is a purpose built transportable home and in a good condition (photographs are included). No asbestos material was used to construct the house.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Grylls, seconded Cr J Moir:

That approval be granted for a relocated dwelling at Lot 152 Lake Barnes Road, Narrikup subject to:

- 1. Development to be in accordance with the plans dated 16 July 2009.**
- 2. Payment of a refundable bond of \$5,000.00 prior to the issue of a building licence.**
- 3. A crossover to be constructed to the satisfaction of the Manager Works and Services.**

CARRIED (9/0)

NO. 222/09

12.1.4 RESERVE 23435 ARBOUR STREET, ROCKY GULLY - CHANGE IN PURPOSE OF RESERVE - RECONSIDERATION

File No: N12194

Attachments: [Plan showing DPI proposal](#)
[Suggested Alternative to Dividing Line](#)
[Aerial photo showing facilities](#)
[Existing zoning under TPS3](#)
[Possible smaller recreation area](#)
[Alternative Areas](#)
[Letters of Support](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 11 August 2009

PURPOSE

The purpose of this report is to reconsider a request from the Department for Planning and Infrastructure (DPI) for comment on a proposal to subdivide Reserve 23435 Arbour Street to excise the area containing the school oval. The oval is planned to be set aside for 'Recreation' with management granted to the Council.

BACKGROUND

In April 1993 the Ministry of Education Nomenclature Committee advised that the Minister for Education had approved the naming of the oval as 'Higgins Oval'. In February 1994 the Department of Land Administration advised the purpose of Reserve 23435 had been changed from 'Schoolsite' to 'Schoolsite and Recreation'.

In 1994 the preparation of a Deed of Licence over the oval portion of Reserve 23435 between the State and the Council was commenced. That Deed of Licence was to be for the Council maintaining the oval and the public having the ability to use the oval out of school times.

The Primary School was closed at the end of 2003.

The future use of the buildings has been under consideration by the Department of Education and Training (DET) and the Council for many years. The most recent initiatives in this regard are contained in the Council's draft Local Planning Strategy. Earlier proposals for the buildings included industrial type zoning but no Amendments to the Town Planning Scheme were initiated formally.

The Council when it considered the request from DPI at its meeting held on 14 October 2008 resolved at Resolution 205/08:

'That the Council proceed to the next business.'

During the consideration of this matter at that meeting, the Council's Strategic Sport and Recreation Plan of July 2008 was discussed. That Plan when discussing infrastructure at Rocky Gully stated:

'Sport facilities in Rocky Gully over cater for the current population and amount of organised sport within the area.

The Department of Education and Training recently closed the local primary school in Rocky Gully. Continued maintenance of Higgins Park (located adjacent to the school and owned by the Department of Education and Training) is currently being negotiated between the Shire of Plantagenet and the Department of Education and Training. Higgins Park has extensive open space. An option could be to revegetate some area so as to cut down the amount of maintenance required.

The damaged shed located near Higgins Park Oval is a safety hazard and should be removed.'

The Plan included recommendations specific to Rocky Gully as follows:

'5.10.3 That the Council's resolution regarding the vesting of Higgin's (sic) Park (Rocky Gully oval) to the Shire of Plantagenet be reconsidered.

Or, alternatively,

That maintenance on Higgin's (sic) Park Oval, in Rocky Gully, and associated infrastructure be discontinued and that infrastructure be removed when deemed unsafe.

5.10.4 The maintenance on Rocky Gully's Tennis Courts and associated infrastructure be discontinued and that infrastructure be removed when deemed unsafe.'

These recommendations were made on the basis that according to: *'Infrastructure Benchmarks per capita, an active public open space or oval should be available for every 3,500 people and a tennis court should be available for every 1,000 people. Narrikup and Rocky Gully facilities are not within a population catchment area justifying such infrastructure.'*

The Recreation Advisory Committee has since met and agreed recommendation 5.10.3 and 5.10.4 be treated as a high priority.

The Council again considered this matter at its meeting held on 16 December 2008 and resolved at resolution 293/08:

'That:

- 1. The proposal to subdivide Reserve 23435 Arbour Street, Rocky Gully with the oval being set aside for 'Recreation' with management granted to the Council is not supported.*

2. *An area consisting of approximately 9,100m² of Reserve 23435 Arbour Street, Rocky Gully being set aside for 'Recreation' with management to the Council as marked on the attached plan dated December 2008 be supported subject to:*
- a) *The badly damaged shed housing the water pump being replaced with a new shed;*
 - b) *The reticulation pump and reticulation equipment being serviced and in good working order;*
 - c) *Underground power connection to the shed being provided from an independent metered source from either Bateman Street or Arbour Street;*
 - d) *The damaged portable grandstands being removed from the site and disposed of as they are in an unsafe condition; and*
 - e) *The smaller area being adequately fenced with rural type fencing to delineate the eastern and southern boundaries.'*

Following various requests from members of the Rocky Gully Community, Councillors discussed this matter at a workshop held on 14 July 2009 and requested this report be presented to the Council for further consideration.

STATUTORY ENVIRONMENT

Land Administration Act – Reserve 23435 is a Crown Reserve for 'Schoolsite and Recreation' with a Management Order with the Minister for Education.

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) - Local Scheme Reserve – Public Purpose. A Scheme Amendment will be required once the draft Local Planning Strategy is finalised.

CONSULTATION

The DPI staff have been liaising with Council staff on this matter for some time.

The Recreation Advisory Committee met and discussed this matter when considering the recommendations in the Strategic Sport and Recreation Plan.

Councillors discussed this matter at a workshop held on 14 July 2009.

Letters of support for the retention of the whole oval have been received from the Rocky Gully Volunteer Bush Fire Brigade (2), St John Ambulance Rocky Gully Sub Centre, Rocky Gully Action Group, Lions Club of Rocky Gully Incorporated, Rocky Gully Country Women's Association and the Rocky Gully Youth Association Incorporated. Copies of these letters are attached.

Mr William Waud made a presentation to the Council at its meeting held on 23 June 2009 in favour of retention of the whole oval. The Rocky Gully Action Group has also written regarding this matter on various occasions.

FINANCIAL IMPLICATIONS

If the area of the oval has its purpose changed to 'Recreation', DPI will issue a Management Order in favour of the Shire and long term management and maintenance of the oval will become a Council responsibility. The Council presently does provide some basic maintenance in terms of occasional lawn mowing.

The Council's Manager Works and Services has estimated that to mow the full oval would cost in the order of \$355.00 and to mow half that area would cost in the order of \$302.00. To maintain and mow the oval some four visits to Rocky Gully would be required per annum costing \$1,420.00 for the full oval or \$1,208.00 for half of the oval. It can be seen there is very little difference between all of the oval and half. The main cost is to send the work crew to Rocky Gully and back.

In its letter dated 25 July 2009 the Lions Club of Rocky Gully Inc has offered to be the organiser of the maintenance of the oval and this would include the Club's insurance to protect volunteers whilst working on the oval. The Rocky Gully Action Group has advised it is prepared to support the Lions Club in respect to the maintenance.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The proposal from DPI is generally in accordance with the Council's draft Local Planning Strategy (LPS) which is being advertised for public comment as a draft Town Planning Scheme Policy. If the DPI proposal does not proceed then the LPS will need to be modified after advertising.

OFFICER COMMENT

The proposed boundary between the two reserves is shown on the attached DPI plan (attachment 1). The area to be retained by DET is a long rectangular site in the order of 1.3ha. This would leave approximately 3.5ha vested in the Council for the oval.

The proposed boundary put forward by the DPI impacts on existing shed structures forming part of the school buildings in Arbour Street. It would be preferable if the boundary was relocated some 20m to the west so that the sheds are retained with the school buildings.

The proposed DPI boundary is some 60m from the eastern boundary of the present reserve and this encroaches onto the edge of the oval. It would be preferable if the boundary was located 50m from the eastern boundary so as to not impact on the oval.

A proposed alternative boundary was put to the Council on 14 October 2008 and that is shown on the attached plan (attachment 2). That alternative boundary would marginally reduce the area to be retained by DET to approximately 1.25ha.

The oval itself is in fair condition with football goal posts still in place at the southern end. From the oval extremities to the west and southern boundary of the reserve are

areas of remnant vegetation. There is a concrete water tank on the west side of the oval and a badly damaged shed incorporating a water pump. Part of the shed roof and walls are missing. The pump is electrically powered but the source of the power supply is not evident from the power lines in Bateman Street hence the power may come from an underground line from the school buildings. Various pieces of reticulation equipment are evident near the tank and shed and these include a large impact sprinkler and a series of surface pipes.

Two old portable grandstands are on the west side of the oval. These are in a very bad condition and are to be removed by Works and Services staff.

The DPI in previous negotiations has agreed to provide a new shed (erected by the Council) to protect the pump, to service the pump to ensure it is in good working order, to provide a separate electrical power connection to the pump from either Bateman or Arbour Streets and to fence the area retained as recreation from the school buildings. In earlier discussions with DPI the request for a new 25hp ride on lawn mower for oval mowing purposes was not supported by that Department and also the Department of Education and Training.

The Strategic Sport and Recreation Plan states the damaged shed should be removed, but as this contains the water pump, some form of protection for the pump should be provided hence the request for a new shed.

In the Council report considered on 14 October 2008 it was recommended the alternative boundary be agreed to subject to several conditions.

Recommended conditions of any handover were the replacement of the damaged shed containing the pump with a new larger shed of a suitable size to house a 25hp ride on mower and maintenance equipment as well as the pump. The electrical power to the pump must be from a completely independent source from the school. This will involve an underground cable from Bateman Street or Arbour Street with an independent meter. The water pump must also be serviced and if necessary repaired to be in full working order.

The Strategic Sport and Recreation Plan essentially stated that the option of the Council taking over the former School oval be not proceeded with as the population numbers do not justify such a large facility. The Plan did mention revegetating some area so as to cut down the amount of maintenance required. As stated above, the Recreation Advisory Committee considered the vesting in the Shire of the oval being reconsidered was a high priority.

Rocky Gully only has two areas of land zoned for Recreation under TPS3 (plan attached). The first is the area on the north side of Muirs Highway in the vicinity of the truck rest bay. The other is Reserve 39558 in Westfield Street which is undeveloped and has a Crown purpose for 'Pony Club'. Westfield Street and the unnamed road to the east are unconstructed adjacent to this Reserve 39558.

If the concept of the oval transfer is not pursued, then Rocky Gully will not have any developed area available for recreation purposes. The Council on 16 December 2008 agreed to the option of retaining a smaller portion of the site as a recreational area for the community. This smaller portion could involve some of the grassed oval area, some remnant vegetation and the pump/water tank facilities. A plan attached

shows the possible area of some 9,100m² which will provide a grassed area for limited active recreation and it will retain the pump, shed and water tank. The remainder of the School site could then be shown as the Rocky Gully Enterprise Zone in the draft LPS. The Government could then dispose of the remainder of the site.

On a recent inspection of the oval it was observed that electrical contractors have commenced the provision of an independent power source to the pump via an underground cable to a steel pole near Arbour Street. This has not as yet been connected to the grid.

Following the approaches from various Rocky Gully community members and groups and the Councillors consideration of the matter at a workshop held on 14 July 2009, this report has been prepared to enable the Council to reassess the earlier decision on this matter made on 16 December 2008.

At the Councillors' workshop on 14 July 2009 other options of providing an increased area were discussed. These included an area of 90m in depth on Arbour Street providing 1.9ha (with 7,200m² of grass). Another option was providing an area of 110m in depth on Arbour Street providing 2.4ha (with 1.12ha of grass). In respect to the maintenance cost it can be seen there is very little difference between portion of the oval and the full oval with the main cost being sending the crew to Rocky Gully. Now that the Rocky Gully Lions Club Incorporated and the Rocky Gully Action Group have offered to carry out the maintenance of the oval, then the cost to the Council will be negligible.

It is considered the option of taking the whole oval to the suggested boundary shown as the alternative to the dividing line on the October 2008 plan (attachment 2) is the preferred outcome on the basis that the Lions Club and the Action Group have accepted responsibility for the maintenance of the oval.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Grylls, seconded Cr J Moir:

That notwithstanding the Council's resolution 293/08 made on 16 December 2008 the proposal to subdivide Reserve 23435 Arbour Street, Rocky Gully with the oval being set aside for 'Recreation' with management granted to the Council be supported subject to the following requirements:

- 1. The dividing boundary being adjusted as marked on the attached plan showing the suggested alternative dividing line to retain sheds with the school and all of the oval within the 'Recreation' area (attachment 2).**
- 2. The badly damaged shed housing the water pump being replaced with a new shed to accommodate the pump.**
- 3. The reticulation pump and reticulation equipment being serviced and in good working order.**

4. **Underground power connection to the shed being provided from an independent metered source from either Bateman Street or Arbour Street.**
5. **The area being adequately fenced with rural type fencing to delineate the eastern boundary.**

CARRIED (9/0)

NO. 223/09

12.2 WORKS AND SERVICES REPORTS

12.2.1 MUIRS HIGHWAY – NORTHERN BYPASS - PROCLAMATION

File No:	N12182
Attachments:	Muirs Highway Drawings (separate attachment)
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Sharon Williams Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date:	11 August 2009

PURPOSE

The purpose of this report is to obtain the Council's support for the proclamation of Muirs Highway and deproclamation of Langton Road, Lowood Road and Mondurup Street.

BACKGROUND

The realignment of Muirs Highway to the north of the Mount Barker townsite has altered the function of Langton Road and sections of Lowood Road and Mondurup Street from main road to that of local road.

To formalise the transfer of the old route and confirm Main Roads WA responsibility for the northern bypass road, the Commissioner of Main Roads WA seeks formal endorsement by the Council of drawings 9422-014-02 and 9422-030-02 as a main road in accordance with Section 13 of the Main Roads Act and to deproclaim the former main road route through Mount Barker.

Main Roads WA has advised that footpaths will be excluded from the proclamation and where they exist, will therefore be the responsibility of the Council.

STATUTORY ENVIRONMENT

Main Roads Act 1930 – Section 13.

EXTERNAL CONSULTATION

This matter has been discussed with officers from Main Roads WA.

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's Strategic Plan, Key Result Area 2 Infrastructure provides the following as one of its aims:

'Maximise the benefit to the community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and buildings infrastructure within the financial resources of the Shire.'

OFFICER COMMENT

The Shire of Plantagenet and Main Roads WA jointly inspected Langton Road, Lowood Road and Mondurup Street and agreed to a schedule of defects requiring rectification prior to deproclamation. All works in the schedule of defects have now been completed to the satisfaction of the (former) Manager Works and Services.

Proclamation of Muirs Highway and deproclamation of the former main road route through Mount Barker is necessary to formalise management responsibilities.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Mark:

That:

- 1. The proclamation of Muirs Highway as shown on Drawings 9422-014-02 and 9422-030-02 as a main road pursuant to Section 13 of the Main Roads Act 1930 be supported; and**
- 2. The deproclamation of Langton Road, Lowood Road and Mondurup Street as shown on Drawings 9422-014-02 and 9422-030-02 as a main road pursuant to Section 13 of the Main Roads Act 1930 be supported.**

CARRIED (9/0)

NO. 224/09

12.2.2 CARBARUP ROAD - RESERVE 18816 - ROAD DEDICATION

File No: N12175
Attachments: [Carbarup Road Map](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Sharon Williams
Senior Administration/Project Officer (Works
and Services)
Proposed Meeting Date: 11 August 2009

PURPOSE

The purpose of this report is to obtain the Council's support for the dedication of that portion of land known as Carbarup Road that runs through C Class Reserve 18816 (Lot 5008) as road reserve.

BACKGROUND

Following an investigation by State Land Services for the dedication of the western end of Barrow Road it was discovered that the southern end of Carbarup Road runs through C Class Reserve 18816 and is not contained within a dedicated road reserve.

STATUTORY ENVIRONMENT

Land Administration Act 1997

The Department of Regional Development and Lands is the responsible agency. There are no management orders for this reserve and the purpose of the reserve is quarry (gravel).

Native Title Act 1993 – as this is Crown Land the Department of Regional Development and Lands will need to determine whether there are any Native Title implications.

EXTERNAL CONSULTATION

This matter has been discussed with an officer from State Land Services.

FINANCIAL IMPLICATIONS

All costs associated with the dedication of the subject land as road will be the responsibility of the Shire.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet's Strategic Plan, Key Result Area 2 Infrastructure provides the following as one of its aims:

'Maximise the benefit to the community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and buildings infrastructure within the financial resources of the Shire.'

OFFICER COMMENT

The land running through reserve 18816 is used by the public as a road and should therefore come under the care, control and management of the Council.

It is a requirement of the Land Administration Act 1997 to request the dedication of Crown Land to become a public road reserve.

It is recommended that the Council support the dedication to regularise the legal status of the road.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr B Hollingworth:

That:

- 1. A request be made to the Minister for Lands to dedicate the land running through C Class Reserve 18816 as shown on the attached plan dated 30 July 2009 as road under Section 56(1)(a) of the Land Administration Act 1997.**
- 2. The Minister for Lands and the Department of Regional Development and Lands be indemnified against any costs, including any claims for compensation and costs that may reasonably be incurred, by the Minister in considering and granting the request to dedicate the land as a road.**

CARRIED (9/0)

NO. 225/09

12.2.3 ROADWISE STEERING COMMITTEE – RESIGNATION OF MEMBERS

File No: N12190
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Sharon Williams
Senior Administration/Project Officer (Works
and Services)
Proposed Meeting Date: 11 August 2009

PURPOSE

The purpose of this report is to note the resignation of two members of the RoadWise Steering Committee and to consider the appointment of replacement members.

BACKGROUND

The RoadWise Steering Committee was created with the following functions:

- (1) *To provide a structural forum for stakeholders to consider and discuss road safety issues; and*
- (2) *To discuss and make recommendation regarding the identification and appropriate counter measures to negative attitudinal, behavioural and environmental factors linked to enforcement, engineering, education, encouragement and evaluation of road safety initiatives.*

Existing membership is Councillor John Mark, Mr Ian Bartlett - Manager Works and Services, Ms Andrea Smithson – Road Safety Officer, Ms Julie MacQueen representing Main Roads WA, Sergeant Alan Spicer representing the Mount Barker Police, Mr Wes Beck representing the Mount Barker Senior High School, Mr David Williss (Community Representative) and Mr Len Handasyde representing One Community One College Parents and Citizens Association.

Councillor Ken Clements was appointed as Deputy to act on behalf of the Council Elected member representative unable to attend any meeting.

STATUTORY ENVIRONMENT

The RoadWise Steering Committee was created pursuant to Section 5.9(2)(c) of the Local Government Act 1995. This means that the committee has as its members Council Members, Employees and other persons.

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's Strategic Plan, Key Result Area 5 Strategic Planning provides the following aims:

- *'The development of strategic partnerships'; and*
- *'The fostering of regional cooperation.'*

OFFICER COMMENT

Mr Ian Bartlett and Ms Andrea Smithson, pursuant to Section 5.11 of the Act no longer hold the office by virtue of which the person became a member.

It would be proper to replace Mr Bartlett and Ms Smithson and it is suggested that the vacancies be filled by the successful candidates appointed to the Manager Works and Services and Road Safety Officer positions.

Mr Bartlett and Ms Smithson served the committee well and it is fitting that they be thanked for their service.

Councillor Mark has indicated his wish to be no longer a member of the committee except in the capacity of Deputy for the Council elected member representative. Previously Councillor Clements fulfilled the role of deputy and it is suggested that these two positions be interchanged.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr D Nye-Chart:

That:

- 1. The resignations of Mr Ian Bartlett and Ms Andrea Smithson from the RoadWise Steering Committee be confirmed and Mr Bartlett and Ms Smithson be thanked for their services.**
- 2. Cr K Clements, Mr Dominic Le Cerf Manager - Works and Services and Ms Kendra Green – Road Safety Officer be appointed as members on the RoadWise Steering Committee.**
- 3. Cr Mark be appointed as Deputy to act on behalf of the Council elected member representative unable to attend any meeting.**

CARRIED (9/0)

NO. 226/09

(Absolute Majority)

12.3 COMMUNITY SERVICES REPORTS

Nil

12.4 CORPORATE SERVICES REPORTS

Nil

12.5 EXECUTIVE SERVICES REPORTS

Nil

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr Moir has given notice pursuant to Clause 3.7 of Standing Orders that he intends to move:

'That:

1. The Chief Executive Officer be requested to commence necessary consultation to change the name of the Mount Barker Porongurup Road inclusive of Oatlands Road to Porongurup Road such that the name Porongurup Road be applied between Albany Highway and Chester Pass Road.
2. Should opposition to the change proposed in part one above be significant, a report be presented to the Council seeking the change of Mount Barker Porongurup Road to Porongurup Road.'

Comment

Residents of Porongurup have sought my assistance to bring about the changes referred to above.

Moved Cr J Moir, seconded Cr B Hollingworth:

That:

1. **The Chief Executive Officer be requested to commence necessary consultation to change the name of the Mount Barker Porongurup Road inclusive of Oatlands Road to Porongurup Road such that the name Porongurup Road be applied between Albany Highway and Chester Pass Road.**
2. **Should opposition to the change proposed in part one above be significant, a report be presented to the Council seeking the change of Mount Barker Porongurup Road to Porongurup Road.**

CARRIED (9/0)

NO. 227/09

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

Moved Cr K Clements, seconded Cr A Budrikis:

That new business of an urgent nature, namely:

- Structural Reform of Local Government
- Royalties for Regions - Country Local Government Fund -
Amendment to Allocation.

be introduced to the meeting.

CARRIED (9/0)

NO. 228/09

MOTION TO SUSPEND STANDING ORDERS

Moved Cr K Clements, seconded Cr S Grylls:

3.30 pm That those sections of Standing Orders that would prevent any Councillor from speaking twice to a motion or which would prevent a Councillor speaking when no motion was before the Chair be suspended.

CARRIED (9/0)

NO. 229/09

MOTION TO RESUME STANDING ORDERS

Moved Cr K Clements, seconded Cr B Hollingworth:

4.42 pm That Standing Orders be resumed.

CARRIED (9/0)

NO. 230/09

14.1.1 STRUCTURAL REFORM OF LOCAL GOVERNMENT

File No: N12351
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 11 August 2009

PURPOSE

The purpose of this report is to present a recommendation to the Council regarding the Structural Reform of Local Government and possible changes to the adopted position of the Shire of Plantagenet.

BACKGROUND

In February 2009 the Minister for Local Government announced Local Government Reform Strategies designed to '*encourage* each local government in Western Australia to embrace the opportunity for voluntary amalgamations to achieve much needed structural reform...'

The Minister has noted that the local government industry has recognised the need for reform of existing local government structures, through such reports as the Western Australian Local Government Association's Sustainability report.

The Department of Local Government and Regional Development has indicated a range of benefits that should be achieved through the reform process including:

- a) Increased capacity for local government to better plan, manage and deliver services to their communities with a focus on social, environmental and economic sustainability;
- b) Increased capacity for local government to have adequate financial and asset management plans in place;
- c) Enhanced efficiency in the processing of planning, building and other licence applications made by business and the community;
- d) Greater ability to attract and retain staff including the provision of further career development opportunities;
- e) Greater competition for positions on council and, in conjunction with other reforms, potential for enhanced governance capacity; and
- f) Larger local governments with greater capacity to partner with State and Federal Government, and the private sector, to further improve services to communities.

At the meeting of the Council held on 28 April 2009 it was resolved:

'That the Local Government Reform Check List attached be endorsed and forwarded to the Minister for Local Government the Hon. John Castrilli with the comment that

after completion of the Check List, the Shire of Plantagenet is of the opinion that it (the Shire) meets all reasonable requirements to remain an autonomous local government authority.'

During Local Government Week it became apparent for all those attending that the Government's position relating to structural reform of local government, had firmed somewhat and that earlier prevarication from the Minister was diminishing. A gathering of the Southern Link Voluntary Regional Organisation of Councils (VROC) members was organised which resolved to call a Special Meeting of the VROC on Wednesday 12 August 2009 in Cranbrook.

There appeared to be consensus from those in attendance that unless voluntary amalgamation now took place, forced amalgamations may occur, to be brought about through attrition of funding.

STATUTORY ENVIRONMENT

Part 8 (Scrutiny of the affairs of local governments) of the Local Government Act 1995 (Division 1 Inquiries by the Minister or an authorised person) gives the Minister far reaching powers '*...to inquire into all local governments and their operations and affairs,*' through the departmental CEO.

Further, Schedule 2.1 (Provisions about creating, changing the boundaries of, and abolishing districts) of the Act provides that '*a proposal*' may be made to the Advisory Board by the Minister, an affected local government, or two or more affected local governments.

CONSULTATION

The Shire of Plantagenet has undertaken consultation with its ratepayers and residents. The results of five public meetings have already been distributed and the questionnaire which was sent to all households has now closed. An initial examination of results follows:

The total number of questionnaires distributed was 2,350. The total number of valid questionnaires returned was 314. This is a 13.36% return rate which would generally be seen to be a statistically significant sample and therefore has a high index of confidence. In analysing the results it was apparent that no question was answered by all respondents. A number of respondents also wrote responses but didn't tick any of the boxes.

Question 1(a) - Do you support or oppose boundary adjustments between the Shire of Plantagenet and Cranbrook? (N=301)

Support = 138 (46%)
Oppose = 121 (40%)
No Opinion = 12 (4%)
Unsure = 30 (10%)

Question 1(b) - Do you support or oppose boundary adjustments between the Shire of Plantagenet and Albany? (N=288)

Support = 31 (11%)
Oppose = 245 (85%)
No Opinion = 7 (2%)
Unsure = 5 (2%)

Question 2(a) - Do you support or oppose an amalgamation between the Shire of Plantagenet and Cranbrook? (N=297)

Support = 155 (52%)
Oppose = 104 (35%)
No Opinion = 6 (2%)
Unsure = 32 (11%)

Question 2(b) - Do you support or oppose an amalgamation between the Shire of Plantagenet and Denmark? (N=274)

Support = 22 (8%)
Oppose = 232 (84%)
No Opinion = 7 (3%)
Unsure = 13 (5%)

Question 2(c) - Do you support or oppose the amalgamation between the Shire of Plantagenet and Albany? (N=278)

Support = 31 (12%)
Oppose = 240 (86%)
No Opinion = 4 (1%)
Unsure = 3 (1%)

Question 3 - Do you support or oppose an amalgamation between Plantagenet, Broomehill-Tambellup, Cranbrook and Kojonup? (N=285)

Support = 42 (15%)
Oppose = 201 (70%)
No Opinion = 10 (4%)
Unsure = 32 (11%)

Question 4 - Do you support or oppose an amalgamation between the Shire of Plantagenet and all other Shires in the Great Southern Region (inc. Albany, Denmark, Katanning, Broomehill-Tambellup, Cranbrook, Gnowangerup, Kent, Woodanilling, Jerramungup and Kojonup? (N = 292)

Support = 7 (2%)
Oppose = 273 (94%)
No Opinion = 4 (1%)
Unsure = 10 (3%)

These results would indicate that most people oppose boundary adjustments between the Shire of Plantagenet and Albany and Denmark.

Further, most people oppose an amalgamation of the Southern Link VROC Councils and an amalgamation of the Councils making up the Great Southern.

However, an amalgamation between the Shires of Plantagenet and Cranbrook is supported by a majority (52%).

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result 5 (Strategic Planning) notes that an aim of the Council:

'...is to develop strategic partnerships, fostering regional cooperation and coordinate the long term planning for sustainable environmental, economic and social development of the Shire and the Great Southern.'

OFFICER COMMENT

Given the hardening of the Government's attitude, it will now be recommended that the Shire of Plantagenet adopt, as its position, that the four member Councils of the Southern Link VROC amalgamate to form one Council. This is already the adopted position of the Shires of Broomehill-Tambellup and Kojonup if staying the same is not an option. The main reasoning for this change in position stems from the realisation that the Government is adamant in its resolve to bring about structural reform and that structural reform means fewer Councils in Western Australia. Further, by undertaking a voluntary process it is expected that funding will be made available and that some control over the amalgamation process will be presented.

The amalgamated Council would cover some 14,000sq kilometres and have a population of over 9,500. Total revenue would be in the vicinity of \$25million with total rates \$10million. Total length of roads would be 4,620km (sealed and unsealed).

It is also stressed that this position is recommended even though no compelling financial, social or economic reasons are immediately obvious for such action and that the position would be adopted entirely due to pressure from the State Government to reduce the number of local government authorities in Western Australia. In summary:

- a) The Government has indicated its firm intention to reduce the number of local governments in Western Australia; and
- b) The Minister for Local Government has advised that voluntary amalgamation of local governments will be viewed favourably; and
- c) The Premier has indicated the 'status quo' position is not an option; and

- d) The Leader of the National Party has indicated that Voluntary Regional Organisation of Council and the formation of Regional Council's will at best be seen as short term solutions; and
- e) The Premier has further indicated that smaller Councils will 'wither on the vine'.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr K Clements:

That in the opinion of the Shire of Plantagenet the best structural reform outcome for the Southern Link Voluntary Regional Organisation of Councils is that the member Councils of Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet indicate their willingness to amalgamate and form one local government.

CARRIED (8/1)

NO. 231/09

14.1.2 ROYALTIES FOR REGIONS - COUNTRY LOCAL GOVERNMENT FUND - AMENDMENT TO ALLOCATION

File No: O17531
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 11 August 2009

PURPOSE

The purpose of this report is to seek approval to amend the adopted budget relating to the allocation of Royalties for Regions Country Local Government Funding, specifically relating to skate park funding and the development of Frost and Sounness Parks.

BACKGROUND

At its meeting held on 23 June 2009 the Council resolved:

'That notwithstanding the decisions of the Council at its meetings held on 20 January 2009 and 12 May 2009, the allocation of Royalties for Regions funding be amended such that:

1. *The \$100,000.00 identified to be transferred to a Reserve Fund for Skate Parks in Mount Barker and Kendenup be allocated to the following:*
 - a) *\$50,000.00 for the upgrade/refurbishment of Frost Pavilion; and*
 - b) *\$50,000.00 for the construction of a skate park in either Mount Barker or Kendenup.*
2. *\$20,000.00 of the original \$80,000.00 identified for the implementation of the signs policy be allocated to the provision of sanitary and lighting facilities in Council attended waste facilities.'*

The reason for the funding reallocation was due to advice from the Department of Local Government that future Royalties for Regions Country Local Government Funding (RFR) will only be received when all previous year's funds had been committed or spent.

At the time of the report only one skate park site had been confirmed placing doubt on the capacity to construct two skate parks (one in Mount Barker and one in Kendenup) within the 2009 / 2010 financial year.

Funds were also reallocated from the Sounness Park Sport and Recreation Facility Master Planning project to refurbish / upgrade Frost Park as the Department had advised Master Planning was not eligible within the RFR criteria.

At the Recreation Advisory Committee meeting held on 28 July 2009 the Committee members debated the effectiveness of spending funds at Frost Park when plans for future facility upgrades were not available. The Sport and Recreation Precinct Plan prepared by Gerard Healy, presently in draft form, indicates changes to both the Frost Pavilion and Skinner Pavilion buildings. Detailed architectural plans are required to determine the scope and scale of these changes.

The Committee agreed that the RFR funding allocated for Frost Park would be more appropriately spent at Sounness Park to initiate the redevelopment program, namely the oval refurbishments and improvements such as subsoil drainage, reticulation and turf improvements.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

External consultation has occurred with Chris Thompson, Regional Manager (Great Southern) for the Department of Sport and Recreation.

FINANCIAL IMPLICATIONS

There are no net financial implications for this report. However, this report will recommend budget reallocations.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire's Strategic Plan, Key Result Area 3, Community Services, aims to 'Deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural well-being of the community'.

OFFICER COMMENT

The construction of skate parks in Kendenup and Mount Barker has been community driven. The Mount Barker Skate Park Committee has surveyed local businesses, school children and the community about the preferred location for a skate park and the desired location.

The Kendenup Community Development Committee (formerly the Kendenup Skate Park Committee) has also surveyed the Kendenup community and Primary School regarding the preferred site for a skate park.

Advice has been received from the Public Transport Authority (PTA) that they would be willing to lease a section of land along the eastern side of the railway line in Kendenup subject to:

1. a fence of a minimum 1.8m height being constructed along the length of the leased area;

2. no pedestrian crossing being installed and the existing level vehicular crossings being the only access points to the eastern side of the railway precinct; and
3. no lighting being installed within the leased site.

Due to these requirements the Council decided, at its meeting held on 28 July 2009, that the skate park and passive recreation site be relocated to the western side of the railway line where the Shire has a pre-existing lease of land in the rail precinct from Beverley Road / Hassell Road intersection through to north of Simons Street.

Shire officers met with Val Saggars and David Williamson from the Kendenup Community Development Association to discuss the relocation of the skate park and passive recreation site to the western side of the railway line, which received their support.

Given that sites for both skate parks are now confirmed it would be appropriate to reconsider a total \$100,000 of RFR funding towards skate park developments, rather than the \$50,000 for skate parks which is presently provided for in the budget. An increase in the skate park project budget to \$100,000 would place the Shire in a position to construct two skate parks in the 2009 / 2010 financial year, creating the opportunity to negotiate with skate park construction companies and concrete companies for a reasonable construction price. The reallocation would also provide more leverage to attract funding from other sources. Shire officers are confident the funds could be spent, or at the least, committed within the 2009 / 2010 financial year.

The reallocation of RFR funds from Frost Park to Sounness Park will enable the multi-sports development to get underway in line with the Sport and Recreation Precinct Plan prepared by Gerard Healy. The expenditure would be focussed on oval refurbishments including sub-soil drainage, reticulation and turf replacement.

The Recreation Advisory Committee discussed the funding reallocations at its meeting held on 11 August 2009.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

That it be a recommendation to the Council:

That notwithstanding the decisions of the Council at its meetings held on 20 January, 12 May and 23 June 2009, the allocation of Royalties for Regions funding as identified in the 2009 / 2010 adopted budget, be amended such that the \$150,000 identified for the upgrade / refurbishment of Frost Pavilion (Account Number 51105.0252) be reallocated to the following:

1. **An additional \$50,000 for the construction of skate parks (Account Number 51141.0251); and**

2. **\$100,000 for the construction of a multi-sports precinct at Sounness Park, Mount Barker (New Account).**

CARRIED (9/0)

NO. 232/09

(Absolute Majority)

15 CONFIDENTIAL

Nil

16 CLOSURE OF MEETING

4:47 pm The Presiding Member declared the meeting closed.

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