



ORDINARY MINUTES

DATE: Tuesday, 17 September 2013

TIME: 3:00pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

MEMBERSHIP – Quorum (5)

Membership:

Cr K Clements – Shire President
Cr M Skinner – Deputy Shire President
Cr S Etherington JP
Cr B Bell
Cr C Pavlovich
Cr J Moir
Cr A Budrikis
Cr G Messmer
Cr L Handasyde

Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute the Council's decision until considered by the Council.

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:04pm The Presiding Member declared the meeting open.

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

Members Present:

Cr K Clements	Shire President
Cr M Skinner	Deputy Shire President
Cr B Bell	Councillor
Cr A Budrikis	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor
Cr C Pavlovich	Councillor

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Mr Peter Duncan	Manager Development Services
Mr Peter Kent	Relieving Manager Works and Services
Mrs Linda Sounness	Executive Secretary
Mr Vincent Jenkins	Planning Officer

There were no members of the public present.

Members on Leave of Absence:

Cr J Moir

Previously Approved Leave of Absence:

Nil

Emergency Evacuation Procedures/Disclaimer:

Working to Occupational Safety and Health Best Practices, Mr Rob Stewart - Chief Executive Officer, read aloud the emergency evacuation procedures for Councillors and staff present in the Council Chambers.

Mr Stewart then read aloud the following disclaimer:

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

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or

fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr A Budrikis

A Proximity (Section 5.60(B) LGA) Interest was disclosed in Item 9.5.1. Nature of Interest – Relative and business partner of owner of adjacent property.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Cr Handasyde requested Leave of Absence for the 8 October 2013.

Moved Cr B Bell, seconded Cr C Pavlovich:

That Cr Handasyde be granted Leave of Absence for 8 October 2013.

CARRIED (8/0)

NO. 211/13

7 CONFIRMATION OF MINUTES

Moved Cr S Etherington, seconded Cr G Messmer:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 27 August 2013 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 212/13

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 LOT 2007 LAKE MATILDA ROAD CORNER RED GUM PASS ROAD, KENDENUP - TELECOMMUNICATIONS INFRASTRUCTURE WITH REDUCED BOUNDARY SETBACK

File No:	N28012
Attachments:	Location Plan Overall Site Plan Site Set-out Plan West Elevation Submission
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	17 September 2013
Applicant:	Daly International Pty Ltd on behalf of Ericsson and the NBN Co Ltd

PURPOSE

The purpose of this report is to consider a proposal for telecommunication infrastructure at Lot 2007 Lake Matilda Road corner Red Gum Pass Road, Kendenup.

BACKGROUND

Council records show the registered owner of Lot 2007 is M Witworth.

The NBN Co Ltd is a Government Business Enterprise owned by the Federal Government and established to design, build and operate the National Broadband Network (NBN). The NBN Co Ltd has engaged Ericson as the equipment vendor and project manager to establish the infrastructure required to facilitate the fixed wireless component of the NBN.

The NBN is a high speed broadband network that is intended to utilise three technologies: that is, fibre, fixed wireless and satellite to provide broadband internet access to all Australian homes and businesses. The preferred technology in this instance is fixed wireless technology.

The facility proposed involves the installation of a 40m high monopole (rod-shaped), ancillary radio transmission equipment and two equipment shelters at ground level.

The proposed infrastructure location is considered to be suitable for the location based on coverage and technical objectives, surrounding landscape and the community's needs.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

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

Telecommunications Infrastructure is a discretionary 'AA' use under TPS3 meaning that the Council may, at its discretion, permit the use.

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.'

Building Code of Australia.

Local Government (Miscellaneous Provisions) Act 1960 – A building permit will need to be issued by the Principal Building Surveyor under delegated authority.

Telecommunications Act 1997 – The Act, amongst other things, establishes the criteria for 'low impact' telecommunication facilities. The proposed facility is not considered to be 'low impact' under the conditions contained in the Commonwealth legislation. Planning consent is required for the proposed telecommunications facility.

Radio Communications Act 1992 - The Act is to provide for management of the radiofrequency spectrum.

EXTERNAL CONSULTATION

The proposal was advertised for comment for a 21 day period closing on 5 September 2013. Letters were sent to the three adjoining landowners, notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site. Copies of the Planning Consent application were also made available at the Kendenup shop.

At the close of the advertising period one submission had been received from Brookfield Rail (copy attached) and this raised no objection.

FINANCIAL IMPLICATIONS

The application fee of \$640.00 and a bond of \$500.00 for advertising costs have been paid.

A building permit fee will be required to be paid.

POLICY IMPLICATIONS

WAPC State Planning Policy 5.2 – Telecommunications Infrastructure.

This policy provides the framework for the preparation, assessment and determination of applications for planning approval of telecommunications

infrastructure within the context of the Western Australian planning system. The proposal is consistent with this policy.

Town Planning Scheme Policy No. 18 (Planning Vision) – shows Lot 2007 as possible Light Industry.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 3.5 (Appropriate infrastructure that supports sustainable economic development) the following Strategy 3.5.3:

'Advocate for improved telecommunications infrastructure in the region.'

OFFICER COMMENT

Lot 2007 is located approximately 100m east of the Kendenup Townsite on Lake Matilda Road corner Red Gum Pass Road. Lot 2007 is 1.21ha in area and existing development consists of a house, one outbuilding and one farm dam.

The telecommunications facility location is at the northwestern corner of Lot 2007 adjacent to Lake Matilda Road and Lot 310. The proposed facility is setback 8m to Lake Matilda Road and 5m to Lot 310. The proposed location does not conform to the 10m rear boundary setback requirement for Rural zones. Lot 310 abuts the subject land to the north and east. Existing development at Lot 310 consists of irrigation infrastructure for wastewater for the Mount Barker Chicken abattoir approved by the Council in November 2010. The proposed facility is not likely to have any significant adverse effect on the amenity of the locality or neighbouring properties.

The facility involves the installation of a 40m high monopole, ancillary radio transmission equipment and two equipment shelters within a secure compound approximately 96m² in area. The proposed monopole will feature a circular headframe at the top accommodating three panel antennae and one dish antenna at a 36m height.

The proposal includes access from the facility to Lake Matilda Road. The construction of a crossover will be required as a condition of approval.

Pursuant to the Telecommunications Act 1997 and the Radio Communications Act 1992, the Australian Communications and Media Authority (ACMA) sets standards that limit human exposure to electromagnetic emissions. The Radio Communications (Electromagnetic Radiation - Human Exposure) Standard 2003 adopted by the ACMA sets the mandatory standards that base stations are to conform to. This telecommunication facility will operate within the required standard.

The nearest house (other than the one on the subject land) is located approximately 125m (Lot 7753 Hassel Avenue) to the west. The ACMA has licensed the NBN fixed wireless broadband network for the exclusive use of the OFDMA2300 frequency band. The NBN Co Ltd is the exclusive licensee of this sub-band and emissions from its equipment within the frequency band are highly unlikely to cause interference.

The telecommunication infrastructure use is compatible with the existing Rural and proposed future Light Industry zones. The proposed facility is not likely to adversely

affect the visual amenity and cultural, historical or environmental heritage significance of the location and surrounding area.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

That in accordance with Clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the application for telecommunication infrastructure with a reduced rear boundary setback of 5m at Lot 2007 Lake Matilda Road corner Red Gum Pass Road, Kendenup be approved subject to:

- 1. The development being in accordance with the plans dated 26 July 2013.**
- 2. A crossover being constructed, sealed and drained to the satisfaction of the Manager Works and Services.**

CARRIED (8/0)

NO. 213/13

9.1.2 LOT 355 RED GUM PASS ROAD, KENDENUP - CELLAR SALES

File No:	N28000
Attachments:	Location Plan Site Plan Floor Plan Summary of Submissions
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	17 September 2013
Applicants:	John and Gaye Robinson

PURPOSE

The purpose of this report is to consider an application for cellar sales at Lot 355 Red Gum Pass Road, Kendenup.

BACKGROUND

Council records show the registered owners of Lot 355 are G and J Robinson.

Lot 355 is 30.8ha in area and existing development comprises an olive grove, vineyard, one house and various outbuildings.

The vineyard was established in 1997 and the first vintage from the vineyard was in 2005 coinciding with the granting of the producers' liquor licence. Wines from Arcadia are currently only sold to retail outlets within Western Australia limiting growth into new markets.

The owners of the property are seeking approval for a cellar sales for the sale of wine and to serve wine for tasting and consumption on the premises.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

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

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

EXTERNAL CONSULTATION

In accordance with Delegation LG035 the proposal was advertised for comment for a 21 day period closing on 5 September 2013. Letters were sent to the four adjoining land owners, notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site.

At the close of the advertising period one submission had been received and this is contained in the attached summary of submissions.

FINANCIAL IMPLICATIONS

The application fee of \$139.00 and a bond of \$500.00 for advertising costs have been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 3.2 (Diverse, profitable and sustainable local business) the following Strategy:

'Strategy 3.2.2 – Facilitate the identification and attraction of value adding and compatible new industries to the region.'

OFFICER COMMENT

The subject land is located approximately 2km east of the Kendenup Townsite on Red Gum Pass Road.

The 30.8ha property is rectangular in shape and is located in the Rural zone. The proposed cellar sales area will include the 45m² enclosed verandah (3m x 15m) to the front of the existing house. Also included are two proposed 27m² (4.5m x 6.0m) decked patio additions to the enclosed verandah. The existing house location is approximately 40m from the south property boundary and approximately 90m from the west property boundary.

The proposed cellar sales use is not likely to affect the landscape, rural character or amenity of the area.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr A Budrikis, seconded Cr S Etherington:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, planning consent be granted for cellar sales at Lot 355 Red Gum Pass Road, Kendenup subject to the development being in accordance with the plans dated 28 June 2013.

Advice Notes

- 1. The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including WA Food Act 2008.**
- 2. The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including the Building Code of Australia.**

CARRIED (8/0)

NO. 214/13

9.1.3 LOT 77 MOKARE RISE, MOUNT BARKER - OUTBUILDINGS EXCEEDING CUMULATIVE FLOOR AREA FOR RURAL SMALLHOLDING ZONE

File No: N27996

Attachments: [Location Plan](#)
[Site Plan](#)
[Floor Plan](#)
[Elevation 1](#)
[Elevation 2](#)
[Letter from Applicant](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 17 September 2013

Applicant: Mike Jenkins

PURPOSE

The purpose of this report is to consider a proposal for an additional outbuilding at Lot 77 Mokare Rise, Mount Barker. This outbuilding combined with the two existing outbuildings means the cumulative floor area set by Council policy is exceeded.

BACKGROUND

Council records show the registered owners of Lot 77 are M and EJ Jenkins.

This proposal is for an additional outbuilding of 91m² (7m x 13m) with a wall height of 3.6m. Two other existing outbuildings have a cumulative floor area of 265m². The cumulative floor area of 356m² exceeds the 200m² area set by Council policy for this rural smallholding area. In addition, the wall height of 3.6m exceeds the 3.5m wall height set by the Council's outbuilding policy.

Town Planning Scheme Policy No. 16.1 (Outbuildings) sets a maximum wall height of 3.5m and a maximum total floor area of 200m² for outbuildings in Rural Smallholding zone.

The proponent has submitted a letter (copy attached) explaining the request to construct an additional outbuilding. The reason given was to relocate a utility vehicle, tractor, trailer, motorbike and woodworking equipment to the proposed additional outbuilding. The other outbuilding will then be used as a hobby workshop.

STATUTORY ENVIRONMENT

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Rural Smallholding.

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.'

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 3.5m and a maximum cumulative floor area of 200m² for Rural Smallholding zones. 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 77 Mokare Rise is 4.94ha in area and is zoned Rural Smallholding. The proposed outbuilding is setback 26m from the northern boundary and 54m from the western boundary. The proposed outbuilding meets the setback requirements of the Rural Smallholding zone.

The proposed outbuilding will be 91m² (7m x 13m) in area with a 3.6m wall height. The roof and external walls will be green in colour. The proposed outbuilding meets the colour requirements of the Rural Smallholding zone.

No difficulties are seen with the maximum cumulative floor area of outbuildings being 356m² and the wall height of the outbuilding being 3.6m given the size of the lot being 4.94ha.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr C Pavlovich:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3 and subject to the development being in accordance with the plans dated 14 June 2013 and 12 August 2013, planning consent be granted for an additional outbuilding at Lot 77 Mokare Rise, Mount Barker which will mean Town Planning Scheme Policy No. 16.1 (Outbuildings) be varied resulting in the cumulative area of all outbuildings being 356m² and the addition outbuilding having a wall height of 3.6m.

CARRIED (8/0)

NO. 215/13

9.2 WORKS AND SERVICES REPORTS

Nil

9.3 COMMUNITY SERVICES REPORTS

9.3.1 BUDGET AMENDMENT - DOG REGISTRATION FEES

File No: N28070
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 17 September 2013

PURPOSE

The purpose of this report is to recommend the adoption of revised fees for the registration of dogs.

BACKGROUND

Revised fees for dog registrations were gazetted on 23 August 2013. These revised fees differ from those adopted in the 2013 / 2014 Annual Budget.

STATUTORY ENVIRONMENT

Dog Amendment Regulations 2013

Local Government Act 1995

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

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

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

**Absolute majority vote required.'*

Section 6.19 states:

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

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.'*

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

EXTERNAL CONSULTATION

No consultation has occurred in relation to the dog registration fees as these are statutory fees set by the State Government.

FINANCIAL IMPLICATIONS

These revised fees will assist to offset the management of compliance issues relating to dogs and dog registrations.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023, provides at Outcome 1.9 (A Safe Plantagenet) the following Strategy 1.9.1:

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

OFFICER COMMENT

The revised registration fees for dogs, to be implemented from 1 November 2013, are as follows:

Description of Fee	Fee
Registration of an unsterilized dog for one year	\$50.00
Registration of a sterilized dog for one year	\$20.00
Registration of an unsterilized dog for three years	\$120.00
Registration of a sterilized dog for three years	\$42.50
The registration fee payable in relation to a dog that is <i>bona fide</i> used in the droving or tending of stock	25% of the fees detailed in lines 1 to 4 above that would otherwise be payable.
Pensioner fee	50% of the fees detailed in lines 1 to 4 above that would otherwise be payable.
Approved kennel licence fees (paid in lieu of a separate registration fee in respect of each dog)	\$200.00 per establishment

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr A Budrikis:

That

1. The 2013/2014 adopted Council Budget (Fees and Charges) be amended to include the revised registration fees for dogs from 1 November 2013 as follows:

Description of Fee	Fee
Registration of an unsterilized dog for one year	\$50.00
Registration of a sterilized dog for one year	\$20.00
Registration of an unsterilized dog for three years	\$120.00
Registration of a sterilized dog for three years	\$42.50
The registration fee payable in relation to a dog that is <i>bona fide</i> used in the droving or tending of stock	25% of the fees detailed in lines 1 to 4 above that would otherwise be payable.
Pensioner fee	50% of the fees detailed in lines 1 to 4 above that would otherwise be payable.
Approved kennel licence fees (paid in lieu of a separate registration fee in respect of each dog)	\$200.00 per establishment

2. Prior to the new fees being imposed, Local Public Notice be given pursuant to Section 6.19 of the Local Government Act (1995) of the Council's intention to impose a fee and the date from which that fee will be imposed.

CARRIED (8/0)

NO. 216/13

Absolute Majority

9.3.2 BUDGET AMENDMENT - CAT REGISTRATION FEES

File No: N28055
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 17 September 2013

PURPOSE

The purpose of this report is to recommend the adoption of new fees for the registration of cats.

BACKGROUND

The new fees for cat registrations were gazetted on 23 August 2013.

These proposed and revised fees are new fees and therefore have not been adopted in the 2013 / 2014 Annual Budget.

STATUTORY ENVIRONMENT

Cat Amendment Regulations (No. 2) 2013

Local Government Act 1995

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

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

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

**Absolute majority vote required.'*

Section 6.19 states:

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

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.'*

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

EXTERNAL CONSULTATION

No consultation has occurred in relation to the cat registration fees as these are statutory fees set by the State Government.

FINANCIAL IMPLICATIONS

These statutory fees will assist to offset the cost of implementation and compliance issues relating to the introduction of the new Cat Regulations.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023, provides at Outcome 1.9 (A safe Plantagenet) the following Strategy 1.9.1:

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

OFFICER COMMENT

The new registration fees for cats, to be implemented from 1 November 2013, are as follows:

Description of Fee	Fee
New or renewed registration for one year	\$20.00
New or renewed registration for one year – if the application is made after 31 May until the next 31 October	\$10.00
New or renewed registration for three years	\$42.50
Registration for life	\$100.00
Fee for approved breeding cats	\$100.00 per breeding cat (male or female)
Pensioner fee	50% of the fee that would otherwise be payable.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That:

1. The 2013 / 2014 adopted Council Budget (Fees and Charges) be amended to include registration fees for cats, to be implemented from 1 November 2013, as follows:

Description of Cat Registration Fee	Fee
New or renewed registration for one year	\$20.00
New or renewed registration for one year – if the application is made after 31 May until the next 31 October	\$10.00
New or renewed registration for three years	\$42.50
Registration for life	\$100.00
Fee for approved breeding cats	\$100.00 per breeding cat (male or female)
Pensioner fee	50% of the fee that would otherwise be payable.

2. Prior to the new fees being imposed, Local Public Notice be given pursuant to Section 6.19 of the Local Government Act (1995) of the Council's intention to impose a fee and the date from which that fee will be imposed.

CARRIED (8/0)

NO. 217/13

Absolute Majority

9.3.3 MOUNT BARKER URBAN WETLANDS RESTORATION AND RSL MEMORIAL PARK PROJECT

File No: N28064
Attachment: [Mount Barker Wetlands and RSL Project Plans](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 17 September 2013

PURPOSE

The purpose of this report is to seek direction regarding the Mount Barker Urban Wetlands Restoration and RSL Memorial Park project, to address fencing requirements imposed by Brookfield Rail.

BACKGROUND

The Council, at its Ordinary Meeting held on 28 May 2013, resolved:

'That:

- 1. The plans for the proposed stage two (as attached) of the Mount Barker Urban Wetlands Restoration and RSL Memorial Park Project dated 15 May 2013 be approved and works progressed as funds become available.*
- 2. The capital expenditure of \$141,623.00, revenue and estimated maintenance costs of \$210.00 per fortnight for stages one and two of the Mount Barker Urban Wetlands restoration and RSL Memorial Park project be noted.'*

Following the adoption of the Wetlands and RSL Memorial Park plans, Shire staff sought funding for the project. The funding to construct the wetland ponds has been secured, comprising funds from the Department of Environment and Conservation (\$40,000.00), State Natural Resource Management Fund (\$40,000.00), Foundation for Rural and Regional Renewal (\$5,000.00), the Wilson Inlet Catchment Committee (\$5,000.00) and the Shire of Plantagenet (\$69,415.00).

As plans for the wetlands area were being finalised, Brookfield Rail imposed a requirement for both sides of the rail corridor to be fenced. Brookfield Rail has the exclusive long term lease for the rail freight network, including the rail corridor land. If the Mount Barker Urban Wetlands Restoration and RSL Memorial Park project is to progress, a licence for the land will need to be obtained from Brookfield Rail.

The proposed fencing is to extend from the southern end of the railway station buildings through to the pedestrian crossing located near the Centenary / Wilson Park gazebo. The proposed fencing is to be 1.8m high chain mesh with two barbed wire lines on the western side of the railway line and 1.5m high ringlock style fencing with two barbed wire lines on the eastern side of the railway line.

STATUTORY ENVIRONMENT

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

EXTERNAL CONSULTATION

Consultation has occurred with representatives from Brookfield Rail and the Public Transport Authority regarding the fencing requirements.

FINANCIAL IMPLICATIONS

It is expected that purchase of fencing materials and erection will be in the vicinity of \$15,000.00. Quotes are being sought. This amount is unbudgeted. Further, at this early stage of the year, this would require a reallocation from another as yet unidentified project.

Stage One of the project (the construction of the wetlands ponds) has been costed at \$160,415.00. Grant funding and Shire funding has been secured for Stage One of the project.

The RSL Memorial components of the project (Stage Two) is budgeted to cost \$141,623.00. This cost includes arches, plinths, storyboards, seating, signage, boardwalks and plaques. Funding of \$10,000.00 has been secured for Stage Two with applications submitted to the Department of Veteran Affairs, Australia Post, Tourism Industry Regional Development Fund and Bendigo Bank.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

‘Strategy 2.3.2 – Develop, maintain and enhance town streetscapes and public spaces’

and

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

‘Strategy 2.7.4: Promote and support community based environmental initiatives and protections’

OFFICER COMMENT

Brookfield Rail has imposed the requirement to fence the area adjacent to the railway line to address safety concerns. The fence would need to allow for access to the railway line by Brookfield Rail workers, but prevent members of the public from entering on to the railway line area. Attached is a proposed plan of the fencing.

The initial fencing requirements were a 1.8m high chain mesh fence with two lines of barbed wire on the top, along both sides of the railway line. A site meeting was held with representatives from Brookfield Rail and the fencing requirements were negotiated to a 1.5m high 'pool safety type fence' on the eastern side of the railway line. Further negotiation resulted in Brookfield Rail agreeing to a 1.5m high rural mesh fence with two lines of barbed wire along the eastern side of the railway line.

The area which requires fencing is presently unfenced. The site is public open space and members of the public are moving throughout the area without safety concerns.

There is some fencing along areas of the rail corridor near the wetlands site which is 1.8m high chain mesh with barbed wire which extends as far as the former Fruit Dehydration Shed.

The installation of both a 1.8m high chain mesh fence and a 1.5m high rural fence adjacent to the wetlands area and Centenary / Wilson Park will impact on the aesthetics of the area.

The requirement for barbed wire on the 1.5m high rural type fence is a concern and would pose a safety risk having barbed wire close to face / eye height. It is proposed that a plain wire be used instead.

Brookfield Rail's requirements have been raised with both the Hon Terry Waldron MLA and Mr Tony Crook MP. Both were concerned that the project may not progress, however they also acknowledged that Brookfield Rail is a private company and not subject to Government regulation.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. A meeting be sought with the Minister for Transport, the Hon Troy Buswell MLA, to discuss concerns about Brookfield Rail's fencing requirements for the Mount Barker Urban Wetlands Restoration and RSL Memorial Park project.
2. The additional fencing cost of \$15,000.00 be noted and funds be sought in the next budget review so the project may continue.
3. It be noted that if the fence concerns and funding shortfalls cannot be satisfactorily concluded, the project may be unable to proceed.

MOTION TO ADJOURN THE QUESTION

Moved Cr S Etherington, seconded Cr G Messmer:

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

CARRIED (8/0)

NO. 218/13

9.3.4 BUDGET AMENDMENT - RECREATION CENTRE (CRÈCHE AND MEMBERSHIP) FEES

File No: N28071
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 17 September 2013

PURPOSE

The purpose of this report is to recommend the adoption of new fees for the operation of the crèche at the Rec.Centre (formerly known as the Mount Barker School Community Recreation Centre).

BACKGROUND

The Rec.Centre has reviewed the fees charged for the crèche service and is creating a new membership fee which includes access to the crèche.

These new fees are not included in the adopted 2013 / 2014 Annual Budget.

STATUTORY ENVIRONMENT

Local Government Act 1995

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

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

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

**Absolute majority vote required.'*

Section 6.19 states:

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

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.'*

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

EXTERNAL CONSULTATION

Consultation has occurred with crèche users and adjoining local governments when considering the proposed new fees for the Rec.Centre.

FINANCIAL IMPLICATIONS

The proposed new fees for the crèche will help address the cost of a heavily subsidised service.

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 1.5.5:

Strategy 1.5.5 - *'Improve and promote Recreation Centre services and programs to encourage increased patronage'*.

OFFICER COMMENT

The proposed new crèche fees for the Rec.Centre are \$4.00 per child for a one hour session, or \$6.00 per child for a two hour session. These fees will contribute to the cost of running the service, which is offered to encourage parents of young children to participate in Rec.Centre programs.

It is also proposed to create new membership fees which incorporate crèche fees. These are as follows:

Silver Membership including crèche

	Concession	Adult	Family
1 month	\$72.00	\$97.00	\$142.00
3 months	\$155.00	\$205.00	\$305.00
6 months	\$270.00	\$370.00	\$505.00
12 months	\$480.00	\$635.00	\$940.00

Gold Membership including crèche

	Concession	Adult	Family
12 months	\$530.00	\$685.00	\$1,040.00

Direct Debit Membership including crèche

	Concession (fee payable per fortnight)	Adult (fee payable per fortnight)	Family (fee payable per fortnight)
Silver 6 month	\$25.85	\$33.50	\$43.90
Silver 12 month	\$22.40	\$28.35	\$40.10
Gold 12 month	\$24.30	\$30.25	\$43.95

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr A Budrikis:

That the 2013/2014 adopted Council budget (Fees and Charges) be amended to include:

1. A new fee for the Rec.Centre Crèche of \$4.00 per child for a one hour session and \$6.00 per child for a two hour session.
2. New membership fees for the Rec.Centre comprising:
 - a) Rec.Centre Silver Membership including crèche:

	Concession	Adult	Family
1 month	\$72.00	\$97.00	\$142.00
3 months	\$155.00	\$205.00	\$305.00
6 months	\$270.00	\$370.00	\$505.00
12 months	\$480.00	\$635.00	\$940.00

- b) Rec.Centre Gold Membership including crèche:

	Concession	Adult	Family
12 months	\$530.00	\$685.00	\$1,040.00

- c) Rec.Centre Direct Debit Membership including crèche

	Concession (fee payable per fortnight)	Adult (fee payable per fortnight)	Family (fee payable per fortnight)
Silver 6 month	\$25.85	\$33.50	\$43.90
Silver 12 month	\$22.40	\$28.35	\$40.10
Gold 12 month	\$24.30	\$30.25	\$43.95

3. Prior to the new fees being imposed, Local Public Notice be given pursuant to Section 6.19 of the Local Government Act (1995) of the Council's intention to impose a fee and the date from which that fee will be imposed.

CARRIED (8/0)

NO. 219/13

Absolute Majority

**9.3.5 COMMUNITY SPORT AND RECREATION FACILITIES FUND - GRANT
PRIORITISATION - KENDENUP COMMUNITY RECREATION CENTRE
AND SOUNNESS PARK**

File No: N28083
Attachment: [KCRC - Plans](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 17 September 2013

PURPOSE

The purpose of this report is to prioritise two applications to the Department of Sport and Recreation's 2014 / 2015 Community Sport and Recreation Facilities Fund (CSRFF) – Forward Planning Grants Round.

BACKGROUND

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

The CSRFF grant scheme generally funds projects on a basis of one third of the total project cost. Applications are to be submitted to the local government for endorsement and a ranking (if more than one application is submitted), prior to a review by the Regional Department of Sport and Recreation office then final consideration by the Department's State Office.

The CSRFF Forward Planning Grants Round has closed and two applications have been submitted for consideration: The Kendenup Community Recreation Centre (KCRC) and Sounness Park – Stages Two and Three.

The Council has considered both projects in the past. At its Ordinary Meeting held on 1 May 2012, the Council resolved:

'That:

1. The Draft Memorandum of Understanding between the Kendenup Community Recreation Centre (KCRC) and the Shire for the purpose of recognising the wish of the KCRC to lease land from the Council for the purpose of constructing a community facility be endorsed for further negotiations with the KCRC.

2. Notwithstanding the above in part 1, the Council records that its primary interest/intent is the redevelopment of Sounness Park.'

STATUTORY ENVIRONMENT

The KCRC Committee is affiliated with the Kendenup Agricultural Grounds Committee. It is proposed that the KCRC building be constructed on the Agricultural Grounds site. Lease negotiations have been initiated with the Agricultural Grounds Committee for the site and will need to be finalised prior to the KCRC proposal progressing.

EXTERNAL CONSULTATION

Consultation has occurred with the KCRC Committee and the Sounness Park Working Group. Shire staff have also liaised with representatives from the Department of Sport and Recreation – Great Southern Office, the Western Australian Cricket Association and Hockey Western Australia.

FINANCIAL IMPLICATIONS

The total project cost for the KCRC construction is \$1,845,000.00 and revenue sources identified are:

- \$180,000.00 KCRC Committee cash and donated materials (confirmed);
- \$930,000.00 Lotterywest funding (unconfirmed);
- \$120,000.00 Shire of Plantagenet (unconfirmed); and
- \$615,000.00 CSRFF grant request.

The 2013 / 2014 Annual Budget lists \$120,000.00 for the demolition of the Kendenup Agricultural Grounds ablution block and the construction of a new ablution area.

If the KCRC construction is going ahead, it would be advisable to consider reallocating the \$120,000.00 to the KCRC building, provided the ablution area was made available to the public. Demolition of the old toilet block would still need to occur.

The total construction cost for Stages Two and Three of Sounness Park is \$2,378,966.00 (excluding project management). Revenue sources include:

- \$1,004,300.00 Regional Development Australia Funds (unconfirmed);
- \$581,677.40 Shire contribution; and
- \$792,988.67 CSRFF grant request.

The Regional Development Australia (RDA) funds were endorsed by the RDA and a Financial Assistance Agreement was submitted to the Department. The Agreement was not signed off prior to the government moving into 'caretaker mode' in preparation for the election last weekend, and therefore these funds are now questionable. Shire staff are liaising with the RDA Great Southern Executive Officer, Great Southern Development Commission and candidates for the O'Connor electorate to lobby for these funds to remain.

The Shire's contribution to the project was to be supported by the Royalties for Regions Country Local Government Funding (CLGF). The recent State Government

Budget has shown a reduction in the amount of CLGF available to Local Governments. The Hon Terry Waldron MLA has been made aware of the importance of CLGF funds for the Sounness Park project and he has encouraged the Shire to forward a letter to the Hon Brendan Grylls MLA outlining the Shire's concerns. This letter has been sent, along with a letter to the Great Southern Development Commission also outlining these concerns.

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

OFFICER COMMENT

Agricultural Grounds

The KCRC Committee was formed in 2004 with the vision of developing a multi-purpose Community Activity and Recreation Building / Precinct.

A Feasibility Study was commissioned to determine the scope of the project and to identify management structures, capital and operational budgets.

It is proposed that the building will be managed by a volunteer Management Committee, including representatives from the different sporting groups which function at the Agricultural Grounds, community and Shire representatives.

The projected operating budget for the first three years indicates an operating loss. This loss will be minimised by using volunteers to manage the Centre rather than a paid administrator. There is no information within the application identifying how the operating loss will be addressed.

The building plans (attached) provide for a versatile community and recreation centre. The building will be located where the Agricultural Pavilion is currently sited, replacing the Pavilion structure. The building design plan includes activity spaces, meeting rooms, a health and fitness room, kitchen and servery area, crèche, changerooms, ablutions and storage facilities.

Sounness Park

Stages Two and Three of Sounness Park comprise the construction of a second playing oval including cricket wickets and a synthetic hockey surface with competition standard lighting. The detailed design plans and tender documentation for Stages Two and Three has been prepared by MCG Architects as part of their Detailed Design Planning contract.

Stage One of Sounness Park will finish in February 2014 and, if the CSRFF grant is successful and other funding sources are consolidated, work on Stages Two and Three will be able to commence soon afterwards.

Stages Two and Three conclude the current development plans for the site and will result in four different ball sports located at Sounness Park, comprising seven different clubs. These clubs will also be supported by community groups accessing the Sounness Park facilities, such as the Speedsters Club.

It is proposed that the Sounness Park application be prioritised ahead of the KCRC application, which is supported by the Council's resolution from 1 May 2012.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr A Budrikis:

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

Priority One

Applicant: Shire of Plantagenet

Project: Sounness Park Stages Two and Three

Total Cost: \$2,378,966.00

Priority Two

Applicant: Kendenup Community and Recreation Centre Incorporated

Project: Kendenup Community and Recreation Centre

Total Project Cost: \$1,845,000.00

CARRIED (8/0)

NO. 220/13

9.4 CORPORATE SERVICES REPORTS

9.4.1 FINANCIAL STATEMENTS – AUGUST 2013

File No:	N28051
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	17 September 2013

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 31 August 2013.

STATUTORY ENVIRONMENT

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

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

The Statement is to be accompanied by:

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

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That the Financial Statements for the month ending 31 August 2013 be received.

CARRIED (8/0)

NO. 221/13

9.4.2 LIST OF ACCOUNTS - AUGUST 2013

File No: N28085
Attachment: [List of Accounts](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 17 September 2013

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of August 2013.

STATUTORY ENVIRONMENT

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments (12 May 2012). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Council Policy F/FM/7 – Purchasing and Tender Guide applies.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended August 2013 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$887,665.43;
- b. Municipal Cheques 43958 – 43979 and 43981 - 44027 totalling \$35,616.27; and
- c. Cancelled cheque 43980.

CARRIED (8/0)

NO. 222/13

9.4.3 REQUEST TO WRITE OFF SEPTAGE DISPOSAL CHARGES – WHALE PLUMBING

File No: N28053
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 17 September 2013

PURPOSE

The purpose of this report is to consider a request from Whale Plumbing to reduce a recent account for septage disposal charges to reflect the 2012/2013 charge.

BACKGROUND

In adopting the 2013/2014 budget, the Council increased the septage disposal charge from \$11.20 per kL to \$44.80 per kL. The budget was adopted on 9 July 2013, although the charges have been backdated to 1 July 2013.

Whale Plumbing disposed of approx 38 kl of septage waste in the O'Neill Road refuse site from 1 July to 31 July 2013. An account for \$1,542.34 (ex GST) was subsequently issued. They have also disposed of 46.57 kl during August, which has not yet been invoiced.

The proprietors of Whale Plumbing have advised that they were unaware of the extent of the increase (approx 300%) in charges and have not had an opportunity to recover those costs from customers. They have requested that these amounts be amended to reflect the 2012/2013 charge.

STATUTORY ENVIRONMENT

Section 6.12(1) (c) of the Local Government Act states:

*'(1) Subject to subsection (2) and any other written law, a local government may –
(c) Write off any amount of money, which is owed to the local government.'*

FINANCIAL IMPLICATIONS

The impact would be to write off a sum of \$1,156.76 from the July account, which totalled \$1,542.34. In addition, the Council is asked to reduce what would have been a \$1,896.66 account for August by \$1,422.50 (All figures exclude GST).

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Whale Plumbing operates a local septage collection and disposal service and disposes of the waste material at the Shire's O'Neill Road waste management

facility. In recent times the Council has began an upgrade to its septage receival facility as a result of Department of Environment Regulation licence conditions. In addition, a large Albany operator has started disposing of large amounts of waste material in the Shire's facility. These factors combined, resulted in the Council making the decision to significantly increase its charges.

Whale Plumbing was unaware of the significant increase in charges, some of which was disposed of prior to the adoption of the budget. The request is supported.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr S Etherington, seconded Cr L Handasyde:

That:

1. A sum of \$1,156.76 be written off from Whale Plumbing's sundry debtor account dated 15 August 2013 for July 2013 septage disposal.
2. The account August 2013 septage disposal be charged at \$11.20 per kL, being a total of \$474.16 (ex GST).

AMENDMENT

Moved Cr B Bell, seconded Cr M Skinner:

That a part three be added to the motion as follows:

'Whale Plumbing be advised that all Council fees are reviewed annually and that therefore as fees may not remain unchanged, members of the public should take sufficient action to make themselves aware of charges that may have impact upon them.'

CARRIED (6/2)

NO. 223/13

COUNCIL DECISION

That:

1. A sum of \$1,156.76 be written off from Whale Plumbing's sundry debtor account dated 15 August 2013 for July 2013 septage disposal.
2. The account August 2013 septage disposal be charged at \$11.20 per kL, being a total of \$474.16 (ex GST).
3. Whale Plumbing be advised that all Council fees are reviewed annually and that therefore as fees may not remain unchanged, members of the public should take sufficient action to make themselves aware of charges that may have impact upon them.

CARRIED (8/0)

NO. 224/13

Absolute Majority

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 SUBLEASE - COMMUNITY AGRICULTURAL CENTRE

A Proximity (Section 5.60(B) LGA) Interest was disclosed by Cr A Budrikis. Nature and Extent of interest – Relative and Business partner of owner of adjacent property.

3:42pm Cr A Budrikis withdrew from the meeting.

File No: N28096
Attachments: [Sublease - Wilson Inlet](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Donna McDonald
Senior Administration/Human Resources Officer
Proposed Meeting Date: 17 September 2013

PURPOSE

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

BACKGROUND

The Shire of Plantagenet has subleased a portion of the Mount Barker Railway Station to DAFWA since March 1997. The most recent sublease expired in September 2007 and has not been renewed. Therefore occupancy has been on a monthly basis.

At its meeting held on 14 August 2012 the Council resolved:

‘That the concept of leasing to either the Wilson Inlet Catchment Committee Inc or the Oyster Harbour Catchment Group Inc part of the Mount Barker Railway Station at a peppercorn rental be endorsed’.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act 1995 applies with regard to the disposition of property, including leasing. Under Functions and General Regulations a disposition of land is an exempt disposition, and is excluded from the application of section 358, if:

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

A sublease to WICC would be an exempt disposition.

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

EXTERNAL CONSULTATION

Consultation has taken place with DAFWA, a representative from WICC and PTAWA.

FINANCIAL IMPLICATIONS

An amount of \$8,247.27 was received from DAFWA in the 2012/2013 financial year for the sublease of the property. The proposed sublease to WICC will be a peppercorn rental.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012/2022 (SCP) provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following strategy:

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

The SCP also provides at Outcome 2.7 (Protection of natural environment) the following strategies:

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

Strategy 2.7.2 – Support the management of feral animals;

Strategy 2.7.3 – Provide weed management on roadsides; and

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

OFFICER COMMENT

The DAFWA supports the Shire of Plantagenet entering into a sublease agreement with WICC but have expressed a desire to have a DAFWA staff member stay on at the Railway Station due to the lack of alternative office space available in the area. It is recommended that the sublease be conditional on WICC allowing a DAFWA employee to continue to be located in the building.

It should also be noted that the Oyster Harbour Catchment Group Incorporated (OHCG) also occupy the leased area and have, in the past, expressed concerns regarding their accommodation future should the DAFWA relinquish the sublease on the property. Therefore it is recommended that any sublease agreement with WICC be conditional on the receipt of a Memorandum of Understanding between WICC and OHCG for shared use of the leased premises.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

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

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

CARRIED (7/0)

NO. 225/13

3:43pm Cr A Budrikis returned to the meeting.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

3:44pm The Presiding Member declared the meeting closed.

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