



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2.45pm Tuesday 24 October 2006

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.46pm The Presiding Member declared the meeting open.

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

The Chief Executive Officer, Mr Rob Stewart, 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 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Williss	Deputy Shire President - East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr J Moir	South Ward
Cr K Clements	Town Ward
Cr J Mark	Town Ward
Cr K Hart	Kendenup Ward
Cr M Skinner	East Ward
Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Mr I Bartlett	Manager Works and Services
Mr P Duncan	Manager Development Services

Ms N Selesnew Manager Community services
Mrs K Skinner Executive Secretary
Miss C Delmage Administration Officer

Previously Approved Leave of Absence

Cr B Hollingworth 17 August – 23 November 2006 inclusive

There were four (4) members of the public present.

There was one (1) member of the media present.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Asked By: Mr Ron Cowie - Lot 1036 Harding Road, Kendenup (RV/182/2107)
Mr Cowie raised his concerns regarding the two (2) sheds / dwellings being erected. Mr Cowie asked 'Are these sheds dwellings?' Mr Cowie noted that he had received a letter from the Council addressing some of his concerns but believed that the value of the sheds was greater than the '\$12,000.00 or less' category on the building licence application. Mr Cowie noted that the buildings are approximately 20m x 15m in size. Mr Cowie also noted that people are residing there and that he would like the matter to be followed up.

Response By Mr Peter Duncan – Manager Development Services

Mr Duncan noted that as 'Owner / Builders', the owners are required to supply an estimated cost of their buildings. To receive temporary accommodation approval it is a requirement that they put in suitable ablution facilities. The Council is able to approve temporary occupancy for one (1) dwelling for a maximum of twelve months. If the owners wish to also occupy the second dwelling, approval would need to be received from the Minister for Local Government and Regional Development. Mr Duncan noted that the current buildings meet Council requirements.

Asked By: Mr Brett Bell – Great Southern Regional Cattle Saleyards (CA/126/1)

Mr Bell thanked the Council for the recent public meeting which was well attended. Mr Bell asked why out of district cattle producers are not paying a higher levy at the Great Southern Regional Cattle Saleyards. What is the reason? Is it covered under the Local Government Act 1995?

Response By: Mr Rob Stewart – Chief Executive Officer

This practice has attracted some criticism in other local governments and is still to be definitively decided. It would go against National Competition Policy and could be considered a form of discrimination. It is not considered good business to charge varying prices for a similar service.

Mr Bell noted that the Shire has charged different fees before eg: the local swimming pool was a different rate for non residents some years ago.

Response By: Mr Rob Stewart – Chief Executive Officer

Mr Stewart noted that the Town of Northam considered a differential fee for Shire of Northam residents to use the Town swimming pool but the matter was contested. The matter never went to Court as the differential fee proposal was dropped.

Response By: Cr Kevin Forbes – Shire President

Cr Forbes noted that the Council needed to encourage the usage of the facility and that using higher fees for some could discourage this.

Asked By: Mr Gavin Watson – Roy Weston Mount Barker

Mr Watson asked how the paperwork for the sale of the 'Station House' on Lot 700 (11) Albany Highway, Mount Barker was progressing.

Response By: Mr Rob Stewart – Chief Executive Officer

Mr Stewart noted that the paperwork had been signed and was ready to be returned. Mr Stewart advised Mr Watson to speak with Ms Donna Stevens – Senior Administration Officer regarding the matter.

Asked By: Mr Peter Thorn – Road Classification System – Item 9.4.1

Mr Thorn noted that he received his copy of the Council Agenda and the Minutes of the previous meeting on the Monday before Tuesday's meeting which did not allow him a great deal of time to consider them.

Mr Thorn raised his concerns regarding two (2) items ie: the proposed Road Classification System and the proposed revocation of Council Policy No. I/R/3 – Road Verge Maintenance.

Mr Thorn also mentioned his fifty year involvement with roadside conservation as State President of the Tree Society and advisor to Mr Don Aitken - former Commissioner of Main Roads WA.

Mr Thorn noted that he had discussed Porongurup Road with the Council and that Mr Ian Ranson - President of Porongurup Promotion Association had written to the Council expressing concern about the construction of the new section. It appears that no consideration has been given to our concerns and no mention of the flora roads (Millinup Road and North Woogenellup Road) which the late Councillor Mr Brian Hawkins had designated as such.

Mr Thorn read aloud, the attached foreword from the Roadside Manual which was written by Mr Bruce Donaldson – President – The Country Shire Councils' Association of WA (Inc).

Mr Thorn noted that the Council should reconsider some of these roads and the drainage width and backslopes which on A and B Class roads of 20m width would leave approximately only 1m of verge.

Mr Thorn also noted that he did not think it necessary to make roads to suit cyclone weather within this Shire and that the clearing or chemical spraying of backslopes is not conducive to native flora and fauna.

Mr Thorn also noted that leaving native vegetation prevents scouring and stabilises backslopes. Mr Thorn also noted that the topsoil should be put back as it contains wildflower seeds.

Mr Thorn again asked the Council to reconsider revoking Council Policy I/R/9 as not all roads can be considered the same, particularly tourist routes.

Response By: Mr Rob Stewart – Chief Executive Officer

Mr Stewart addressed Mr Thorn's comments regarding the Minutes and noted that the Statutory requirements are for unconfirmed Minutes to be made available to the public within ten (10) business days which was the case. Mr Stewart also noted that two (2) power failures resulted in the Minutes being sent a day later but still within the statutory requirements.

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Mr Brett Bell presented the Council with the following petition containing approximately 600 signatures and asked the Council to accept the petition and to consider the matter carefully.

'To the President and Councillors of the Shire of Plantagenet.

We, the undersigned, are opposed to the sale of the library building and the relocation of the library.'

Moved Cr J Moir, seconded Cr J Cameron:

That the petition be received and that the Chief Executive Officer prepare a report for the meeting of the Council to be held 14 November 2006.

CARRIED (8/0)

No. 346/06

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

Moved Cr K Hart, seconded Cr D Williss:

That the Minutes of the Ordinary Meeting of the Council held 10 October 2006 be confirmed subject to the vote for Item 11 being recorded as (6/1).

CARRIED (8/0)

No. 347/06

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 13.10.06 - Representatives from the Systemic Sustainability Review Committee presented their findings to Cr K Forbes – Shire President, Mr R Stewart – Chief Executive Officer and other representatives of our Council and four (4) surrounding Councils. The afternoon was considered very useful with the Committee noting that they are well aware of the problems within local government particularly external funding sources. Cr Forbes noted that he was confident that reducing local government by two (2) Councils through amalgamation will not result in any gains.
- 18.10.06 - Representatives of local bush fire groups met with representatives from the CALM Frankland District to discuss the National Park and Reserve Burning Program. Cr Forbes noted that the plan to spread the burning out to achieve a mosaic effect is the right one.
- 20.10.06 – Cr Forbes conducted two (2) naturalisation ceremonies.
- 23.10.06 – Cr D Williss – Deputy Shire President and Mr Ian Bartlett – Manager Works and Services attended a Regional Road Group meeting in Tambellup. Funding was received for both Woogenellup and Porongurup Roads in 2007 / 2008 but there was no success in receiving any black spot funding.
- 23.10.06 – Cr Forbes and Mr Stewart attended a meeting in Albany with representatives of Racing and Wagering Western Australia (RWWA). The State Committee was in attendance and conducted a presentation. They are looking at whether it would be possible to have one main racing facility within the Great Southern Region. Cr Forbes noted that he is hopeful of something positive for the Shire of Plantagenet. Cr Forbes also noted that if it was not possible to achieve a single facility, RWWA would then have to take a serious look at funding issues.
- 31.10.06 – Cr Forbes and Mr Stewart will meet with the Acting Commissioner of Main Roads WA regarding Category 2 Permits. Cr Forbes noted that there had been no new information since their June meeting re: road trains on local roads. Cr Forbes also noted that the satellite tracking of trucks will mean that trucks will not be able to use these roads which will affect approximately 50% of farmers within the area
- 31.10.06 – Cr Forbes and Mr Stewart will meet with solicitors regarding the 'charitable status' matter.
- 1.11.06 – Cr Williss, Cr M Skinner and Mr Stewart will meet with representatives of the Water Corporation at the Porongurup Shop.
- 6.11.06 – Cr Forbes and Mr Stewart will meet with Minister Chance regarding the Great Southern Regional Cattle Saleyards.
- 28.10.06 - Cr Forbes has been invited to attend the opening of the refurbished Kendenup Tennis Club facilities.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 COMMUNITY SERVICES REPORTS

9.1.1 MOUNT BARKER BOWLS AND SPORTING CLUB (INC) - TRANSFER OF LAND

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	GS/125/8
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	17 October 2006

Purpose

The purpose of this report is to advise the Council regarding the request from the Mount Barker Bowls and Sporting Club (Inc) to transfer ownership of portion of Mount Barker Town Lot 25 from the Shire of Plantagenet to the Club.

Background

At its meeting held on 26 September 2006 the Council resolved:

‘THAT:

- (1) That the Mount Barker Bowls and Sporting Club (Inc) be advised that at this time the Council is unable to consider disposing of that portion of Mount Barker Lot 25 Lowood Road (Mount Barker Bowls and Sporting Club buildings and playing surfaces) to the Club notwithstanding negotiations occurring during 1969 - 1974 between the Council and the Club indicating that transfer of the land at that time to the Council was for security purposes only to raise a self supporting loan and would revert when such loan was repaid, as legal advice received at the time by the Council indicated that such an agreement would not be binding and would appear not to have been finalised.*
- (2) The Chief Executive Officer be authorised to investigate ways to legally transfer the land to the Mount Barker Bowls & Sporting Club.’*

Statutory Environment

Section 3.58 of the Local Government Act relates to the disposition of property by a local government.

Importantly the Local Government (Functions and General) Regulations 1996 also apply.

Certain dispositions of land, pursuant to the regulations are exempt from the provisions of Section 3.58 of the Act. A disposition of land is an exempt disposition if (among other things) the land is disposed of to a body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.

Policy Implications

There are no policy implications for this report.

Financial Implications

Should the transfer of the property take place minimal consideration will be received and the property will be removed from the Council's Asset Register.

Strategic Implications

There are no strategic implications for this report.

Legal Implications

As noted above, Section 3.58 of the Local Government Act 1995 generally applies to the disposition of land except in certain instances. It would appear (subject to confirmation) that Section 3.58 will not apply to this disposition. It is hoped that a copy of the Club's constitution will be available by 24 October 2006.

Officer Comment

The report presented to the Council at its meeting held on 26 September 2006 noted:

'There appears to be little doubt that the parties involved in 1972 negotiations were of the opinion that the transfer of land to the Council was for the period of the loan only in order to effect that loan.'

The Shire Clerk at that time, by letter dated 30 May 1969 sought advice from Haynes, Robinson, Seymour and Mackay (Barristers and Solicitors).

The legal advice in reply referred to the appropriate legislation (S266 Local Government Act 1960) and stated 'we believe this sub section of the Act would prevent the Council from now making agreement with the Club to redeem the land when the loan was repaid.'

Nevertheless, the advice further stated that this would not prevent an agreement being made to return the land at the completion of the loan and when 'the land is not required for the purpose for which it is acquired by the Council.' The advice also notes that although an agreement would be an expression of interest of the parties, it nevertheless '...would not bind either the Governor...or the Shire Council.'

Further, it should be noted that improvements have been made over an adjacent Council road reserve and should any transfer be made, such land would not be incorporated in the transfer.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Moir:

That subject to the Chief Executive Officer being satisfied that the provisions of Section 3.58 of the Local Government Act 1995 do not apply, authority be granted to the Chief Executive Officer to arrange transfer of portion of Mount Barker Lot 25 Lowood Road (Mount Barker Bowls and Sporting Club Buildings and Playing Surfaces) to the Mount Barker Bowls and Sporting Club (Inc) for the sum of \$1.00 provided that all costs associated with the transaction such as stamp duty, transfer fees and the like be paid by the Club.

CARRIED (8/0)

No. 348/06

(Absolute Majority)

9.1.2 POLICY REVIEW – MULTI-USE REGIONAL EQUINE FACILITY

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	PR/120/2
Author:	Nicole Selesnew – Manager of Community Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	18 October 2006

Purpose

The purpose of this report is to review Council Policy No. CS/SC/1 which recognises the Council's endorsement of the establishment of a Multi-Use Regional Equine Facility at Frost Park.

Background

At its meeting held 22 November 2005, the Council adopted the following Policy:

'That the Council will, with regard to the development of a Multi Use Regional Equine Facility in the Great Southern, endorse the concept of Frost Park (Reserve A1790) and Pt Location 81 being utilised for such development, subject to:

- (1) The Council's contribution being limited to land only; and*
- (2) Community opinion being in favour of such direction.'*

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has taken place with the Mr Rob Stewart – Chief Executive Officer.

Policy Implications

This item reviews Council Policy No. CS/SC/1 – Multi Use Regional Equine Facility.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The continuation of the Policy is considered appropriate, in particular with reference to an item within this Agenda from the Mount Barker Turf Club, seeking permission to use land adjoining the Frost Park racing track to develop a training track.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr D Williss:

That Council Policy No. CS/SC/1 – Multi Use Regional Equine Facility as follows:

'The Council will, with regard to the development of a Multi Use Regional Equine Facility in the Great Southern, endorse the concept of Frost Park (Reserve A1790) and Pt Location 81 being utilised for such development subject to:

- (1) The Council's contribution being limited to land only; and**
- (2) Community opinion being in favour of such direction.'**

be endorsed.

CARRIED (8/0)

No. 349/06

9.1.3 LOCATION 81 MCDONALD AVENUE, MOUNT BARKER - TRAINING TRACK

Location / Address:	Location 81 McDonald Avenue, Mount Barker
Attachments: (1)	Letter - ITC
Name of Applicant:	Mount Barker Turf Club Inc.
File Reference:	RV/182/2203
Author:	Nicole Selesnew – Manager of Community Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	18 October 2006

Purpose

The purpose of this report is to seek support for the Mount Barker Turf Club's proposal to develop a sand training track around Location 81 McDonald Avenue, Mount Barker.

Background

The Mount Barker Turf Club Inc (MBTC) has spent considerable resources over the past five (5) years to identify ways to strengthen and stimulate the growth of the equine industry, in particular the racing component of the equine industry, in the Great Southern region.

A report titled '*Pre-Feasibility Study into the Establishment of a Multi-Use Regional Equine Facility in the Great Southern Region, Western Australia*' was commissioned by the Southern Horse Council in May 2005. The report was jointly funded by the MBTC and Albany and Districts Trotting Club, amongst other agencies.

The report identified a very high level of support for the overall concept of a multi-use regional equine facility for the Great Southern. Three options were suggested:

- (1) To establish a regional equine facility based at Frost Park, Mount Barker as a Shire-led development;
- (2) To investigate a developer-led facility at Narrikup; and
- (3) To develop further a regional equine network in and around Albany as a precursor to future development of facilities in Albany.

One of the recommendations arising from the report was that Option 1 was to be given priority. Following the distribution of the Pre-Feasibility Study, the MBTC wrote to the Shire in support of Option 1 and requested the Council's support.

On 11 November 2005 Cr Kevin Forbes - Shire President and Rob Stewart - Chief Executive Officer met with Mr Ray Bennet - Chief Executive Officer, Mr Ken Norkway - General Manager of Operations Racing and Mr David Hunter - Racing Manager from Racing and Wagering Western Australia (RWWA).

RWWA is the controlling authority for thoroughbred, harness and greyhound racing and off-course betting activities in Western Australia.

The visit to RWWA was to seek information relating to assistance that may be provided to the Council, for the development of racing facilities. At that time, RWWA

Location 81 McDonald Avenue, Mount Barker – Training Track (Cont.)

had twenty million set aside for the development of Regional Horse Racing in Western Australia.

RWWA advised they were commissioning a report to review racing in the Great Southern region, with the report to be finalised in March 2006.

Parallel to the review, the Council adopted the Multi-Use Regional Equine Facility policy (Policy No. CS/SC/1) which endorsed the development of a Multi Use Regional Equine Facility at Frost Park, subject to the Council's contribution being limited to land only and the community being in favour of such direction.

MBTC's recent communication with RWWA has indicated that due to more pressing issues in the racing industry, the review on racing in the Great Southern would not be started until December 2006 with findings not expected until early 2007. While MBTC and Albany Race Club (ARC) are operating on a profitable base, both clubs were considered 'low on the list of priorities' compared to more pressing issues in the racing industry that required immediate attention.

However, verbal advice from RWWA has suggested that the long term aim for Provincial Racing outside of the 'close metropolitan area' (Belmont, Ascot, Northam, Pinjarra and York) is to have a race club situated in Bunbury, Kalgoorlie, Geraldton and the 'Great Southern'. No indication has been given as to what the 'Great Southern' constitutes. RWWA advisors have alluded that the type and quality of facilities at the MBTC would impact on the overall decision to be made by RWWA when considering the future of racing facilities in the Great Southern.

Following RWWA's discussions, the MBTC has reviewed the current facilities and believe that the construction of a sand training track is integral to the future of the club.

At present trainers are using the outside area of the race track for 'fast work' training purposes which causes damage to the running surface over the duration of the season. Further, the race track is only available for a certain period throughout the year as, given Frost Park is shared with other ball sports, the track is amalgamated with the football oval during the winter season.

The development of a sand track would allow trainers access to training facilities suited for both slow and fast horse exercise work, year round.

The MBTC recently met with RWWA Track Managers at Frost Park to discuss the development of a sand training track. RWWA has advised that there is not enough room to build a training track in the centre of the race course however a training track adjacent to the race course, around the perimeter of the tree plantation on Location 81 McDonald Avenue, could be considered provided thought was given to several safety aspects.

The MBTC has written to Integrated Tree Cropping Limited (ITC), the current lessee of Location 81 McDonald Avenue, requesting the use of the perimeter of the block for the purpose of establishing a sand training track. ITC has responded in favour of the proposal subject to certain conditions being met. One of those conditions is the consent of the Shire of Plantagenet as the existing lease between ITC and the Shire prohibits any other activity on the land, other than tree farming. A copy of ITC's response is attached.

Location 81 McDonald Avenue, Mount Barker – Training Track (Cont.)

Statutory Environment

Location 81 McDonald Avenue is owned by the Council in fee simple. The land has been leased to ITC for twelve (12) years, commencing 1 April 2000, together with one (1) option of renewal for a further period not exceeding twelve (12) years.

Consultation

Consultation has taken place with the MBTC Committee, Mr Rob Stewart – Chief Executive Officer and members of the RWWA Executive.

Policy Implications

Although the MBTC is proposing the development of a sand training track adjacent to Frost Park on Location 81 McDonald Avenue, the intent of the development is aligned to Council Policy CS/SC/1 – Multi-Use Regional Equine Facility.

Financial Implications

ITC pay an annual rental of \$2,180.50 for Location 81 McDonald Avenue.

The MBTC has not requested financial assistance from the Shire for the construction of the sand track at this point in time.

Strategic Implications

The Council's Strategic Plan notes as a Key Result Area in Strategic Planning '*the coordination of long term planning for sustainable environmental, economic and social development of the Shire and the Great Southern.*' The Strategic Plan also notes the fostering of regional cooperation and the development of strategic partnerships.

Further, in Key Result Area No 3 - Community Services - the Strategic Plan '*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 MBTC is enthusiastic about developing a sand track around the perimeter of Location 81 McDonald Avenue, to provide race horse trainers with a year round training facility and to provide an attraction to trainers who are relocating from other racing centres to the Mount Barker district.

If RWWA was to conclude, at the completion of the review of racing in the Great Southern, that all racing facilities within the region should be relocated to a new green field site or relocated to outside the Shire, then a sand training track adjacent to Frost Park would continue to provide a training facility for local trainers and would continue to attract people to the area.

Preferably, if RWWA was to decide to relocate all regional racing facilities to Frost Park, the existence of a sand training track would provide a substantial racing facility from the outset.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr K Hart:

That the Mount Barker Turf Club be advised that the proposal to develop a sand training track around the perimeter of Location 81 McDonald Avenue is supported, provided the requirements detailed in the letter from Integrated Tree Cropping Limited dated 17 August 2006, are met.

CARRIED (8/0)

No. 350/06

9.2 EXECUTIVE SERVICES REPORTS**9.2.1 COMMITTEE MINUTES – AUDIT COMMITTEE – 10 OCTOBER 2006;
GREAT SOUTHERN REGIONAL CATTLE SALEYARDS COMMITTEE – 10
OCTOBER 2006**

Location / Address: N / A
Attachments: (2) Committee Minutes
Name of Applicant: N / A
File Reference: FM/103/1; CA/103/1
Author: Cherie Delmage - Administration Officer
Authorised By: John Fathers – Deputy Chief Executive Officer
Date of Report: 17 October 2006

Purpose

The purpose of this report is to receive the following Committee Minutes:

- Audit Committee – 10 October 2006
- Great Southern Regional Cattle Saleyards Committee – 10 October 2006

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.

Officer Comment

Any further issues or recommendations arising from these Minutes will be the subject of a separate report to the Council.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr M Skinner:

That the following Committee Minutes be received:

- Audit Committee – 10 October 2006
- Great Southern Regional Cattle Saleyards – 10 October 2006

CARRIED (8/0)

No. 351/06

9.2.2 ELECTIONS - LOCAL GOVERNMENT - PROPORTIONAL PREFERENTIAL VOTING

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	GO/25/2
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	17 October 2006

Purpose

The purpose of this report is to present a draft Motion of No Confidence from the Western Australian Local Government Association (WALGA) regarding the Government's proposal to introduce proportional preferential voting in Local Government Elections.

Background

Councillors are aware of the Government's proposal to change the method of voting in Local Government Elections from first past the post to proportional preferential representation voting. The change to the method of voting is being introduced into the Parliament as part of the Bill to change the date of local government elections from May to October.

No consultation with regard to this proposed change with Local Government, WALGA or Local Government Managers Australia (LGMA).

By way of further background, proportional preferential voting differs from the preferential voting that used to be utilised for local government elections. Although people would vote in the same way, the count differs in that a quota must be achieved to be elected. The quota for successive candidates in multi position elections differs on each count based on a variable mathematical weighting. It is argued that this method of voting is better than first past the post for a number of reasons. Primarily first past the post election candidates are not elected on absolute majorities and therefore the majority of voters may not prefer the winning candidate.

Nevertheless preferential voting is more complex than first past the post, and election results can take longer to work out. Furthermore, preferential ballot papers are more difficult to mark correctly.

Statutory Environment

The Bill before the Parliament proposes to amend the Electoral Regulations to take into account the voting method.

Consultation

The Minister for Local Government and Regional Development the Hon Jon Ford sponsored a breakfast for Lower Great Southern Council representatives on 12 October 2006 in Albany. The Minister indicated that the change in voting method was part of 'party policy'.

Media releases from WALGA and LGMA have been distributed to Councillors.

Policy Implications

There are no policy implications for this report.

Financial Implications

The Shire of Plantagenet has authorised the State Electoral Commission to undertake local government elections on behalf of the Shire in the past. As the Electoral Commission does not quote for this work (the number of elections can change due to nominations) the actual amount paid by the Council is variable. At the last elections the Council's cost to the Electoral Commission was \$11,596.00.

As proportional preferential voting is more complex one would expect the cost to rise.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

WALGA is asking all Councils to write to the Premier, Minister and Local Members of Parliament expressing discontent with the Government's action regarding this matter. The Association is also asking all Councils to adopt a proposed No Confidence Motion.

That draft motions reads 'We, the elected councillors of the Shire of Plantagenet hereby express our concern and alarm at the unilateral decision of the State Government to include provisions in the Local Government Amendment Bill 2006 to impose and apply a proportional-preferential voting system to Local Government elections.'

We believe that the proposed changes to the voting system will lead to factionalism and party politics in Local Government, will result in decreased voter turnout, increased informal votes and will impose substantially higher election costs on our communities.

We believe that the proposed changes to the voting system have been developed in contravention of the State Local Government Partnership Agreement and effectively contravene the intent of the tripartite Inter Governmental Agreement recently signed by the Commonwealth, all State and Territory Governments and the Australian Local Government Association.

We believe these actions to be unacceptable to the Local Government sector and to the Western Australian community at large and that the Minister for Local Government must be held accountable for them.

Therefore, we declare that we have no confidence in the Hon. Jon Ford JP MLC to continue to represent the local Government portfolio.'

Paragraphs one, two three and four are reasonable and could easily be adopted. Nevertheless, a declaration of no confidence in the Minister possibly goes too far as the Minister is quite new to the job and appears to be otherwise travelling smoothly. The Minister has acknowledged that the matter regarding voting is party policy and therefore the issue rests largely with the Premier.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) The Hon Jon Ford JP MLC, Minister for Local Government and Regional Development be advised that the Shire of Plantagenet is concerned and alarmed at the unilateral decision of the State Government to include provisions in the Local Government Amendment Bill 2006 to impose and apply a proportional-preferential voting system to Local Government elections.
- (2) The Minister be further advised that:
 - (a) The Council is of the opinion that the proposed changes to the voting system will lead to factionalism and party politics in Local Government, will result in decreased voter turnout, increased informal votes and will impose substantially higher election costs on our communities.
 - (b) The proposed changes to the voting system have been developed in contravention of the State Local Government Partnership Agreement and effectively contravene the intent of the tripartite Inter Governmental Agreement recently signed by the Commonwealth, all State and Territory Governments and the Australian Local Government Association.
 - (c) These actions to be unacceptable to the Local Government sector and to the Western Australian community at large and that the Minister for Local Government must be held accountable for them.

ALTERNATIVE MOTION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

THAT:

- (1) **The Hon Jon Ford JP MLC, Minister for Local Government and Regional Development and the Premier, the Hon Alan Carpenter MLA be advised that the Shire of Plantagenet is concerned and alarmed at the unilateral decision of the State Government to include provisions in the Local Government Amendment Bill 2006 to impose and apply a proportional-preferential voting system to Local Government elections.**
- (2) **The Minister be further advised that:**
 - (a) **The Council is of the opinion that the proposed changes to the voting system will lead to factionalism and party politics in Local Government, will result in decreased voter turnout, increased informal votes and will impose substantially higher election costs on our communities.**
 - (b) **The proposed changes to the voting system have been developed in contravention of the State Local Government Partnership Agreement and effectively contravene the intent of the tripartite Inter Governmental Agreement recently signed by the Commonwealth, all State and Territory Governments and the Australian Local Government Association.**

Elections – Local Government – Proportional Preferential Voting (Cont.)

- (c) **These actions are unacceptable to the Local Government sector and to the Western Australian community at large and that the Minister for Local Government must be held accountable for them.**

CARRIED (8/0)

No. 352/06

Reason For Change

Councillors wanted to ensure that the Premier, the Hon Alan Carpenter MLA was informed of the Shire's position.

9.3 CORPORATE SERVICES REPORTS

9.3.1 BUDGET REALLOCATIONS - SEPTEMBER 2006

A Financial Interest was disclosed by Cr K Forbes for Item 9.3.1

Nature of Interest: Cattle Producer

Extent of Interest: 240 head of mixed cattle

A Financial Interest was disclosed by Cr M Skinner for Item 9.3.1

Nature of Interest: Cattle Producer

Extent of Interest: 400 head of mixed cattle

A Financial Interest was disclosed by Cr J Cameron for Item 9.3.1

Nature Of Interest: Cattle Producer

Extent of Interest: Part owner - approximately 500 cattle

A Financial Interest was disclosed by Cr J Moir for Item 9.3.1

3.42pm Cr J Moir withdrew from the meeting.

Authority To Participate Pursuant Section 5.62 (E) Local Government Act 1995

Approval has been received from the Department of Local Government and Regional Development via letter dated 24 October 2006, giving permission for Cr K Forbes, Cr M Skinner and Cr J Cameron to participate in matters relating to the Great Southern Regional Cattle Saleyards for the ordinary meeting of the Council to be held on 24 October 2006.

The Chief Executive Officer read aloud the attached letter.

Location / Address: N / A

Name of Applicant: N / A

File Reference: FM/26/1

Author: John Fathers - Deputy Chief Executive Officer

Authorised By: John Fathers - Deputy Chief Executive Officer

Date of Report: 16 October 2006

Purpose

The purpose of this report is to adjust the adopted 2006 / 2007 Annual Budget to recognise variations in actual income and expenditure. This is necessary to facilitate effective financial control and ensure that the Council's financial resources are allocated in the most effective manner.

Background

The 2006 / 2007 Annual Budget was adopted by the Council at its meeting on 25 July 2006.

Statutory Environment

There is no specific section of the Local Government Act 1995 that deals with the re-allocation of funds however, Section 6.2(1) of the Local Government (Financial Management) Regulations 1996 governs budget requirements for Local Governments.

Budget Re-Allocations – September 2006 (Cont.)

Regulation 33A now requires a Local Government to conduct a mandatory budget review between 1 January and 31 March each year.

Consultation

Consultation has occurred with Mr Rob Stewart - Chief Executive Officer, Mr Ross MacDonald – Accountant and Department Managers.

Policy Implications

There are no policy implications for this report.

Financial Implications

The purpose of a budget review is to ensure that the expenditure for the current year is monitored in line with the adopted budget and, where exceptions to the adopted budget occur, make amendments to the budget or work scope as necessary. There are significant financial implications with this report, however the overall effect on the budget is a \$163,500 surplus (including profit on sale of Shire properties). There is a nil change to the operational budget.

Strategic Implications

There are no strategic implications for this report.

Officer CommentReview of Income and Expenditure

A number of discrepancies have been identified as requiring a budget amendment and the following action is recommended:

- (1) Middle Ward Fire Shed (510.3.136, page 6) - A sum of \$40,000.00 was included in the 2005 / 2006 budget for the Middle Ward Fire Shed. A total of \$34,748.00 was spent last year, however the project was not completed and therefore not acquitted. Up to an additional \$5,000.00 will be required to complete the phone connection and associated trenching. It is requested that an allocation of \$5,000.00 be made in the current year's budget, together with an income of \$40,000.00 when the acquittal is completed.
- (2) Subdivision Lot 337 Martin Street, Mount Barker (420.3.129, New, page 9) – A sum of \$25,000.00 was set aside for the subdivision of Lot 337 Martin Street, Mount Barker. This is unlikely to be required this financial year as the legal processes are not sufficiently progressed. It is recommended that these funds be made available for the subdivision of Lot 1963 Mitchell Street (cemetery). The Council has been informed in the last few days that the Minister for Planning and Infrastructure has approved Town Planning Scheme No. 3 Amendment 35 to enable this site to be rezoned. Subdivision approval is expected in the next week. This amount will therefore be required in the near future for headworks charges.
- (3) Library Server (New, page 12) - The sum of \$1,300.00 for an upgrade to the Library's server was inadvertently left off the current budget. It is recommended that this sum be made available for this continuing hardware upgrade program.
- (4) Saleyards Bitumen Repairs (New, page 15) - Worksafe has required that bitumen repairs be carried out at the delivery area. A sum of \$50,000 has been included and a more accurate quote is currently being prepared by the

Budget Re-Allocations – September 2006 (Cont.)

Manager Works and Services. It is likely that this will be carried out over a period of a week in early January. The timing will be subject to further discussion, but it may cause a temporary closure of the yards. It should be noted that the Council is currently in breach of a Worksafe order in this regard and the Council has an obligation to carry them out as soon as practicable.

- (5) Saleyards Cattle Grid (New, page 15) - Worksafe has required that a cattle grid be installed at the Great Southern Regional Cattle Saleyards. This has now been completed at a cost of around \$14,000.00. It is recommended that the budget be amended to provide for this unbudgeted expenditure.
- (6) National Saleyards Quality Assurance (NSQA) Improvements (New, page 15) - A letter was received from Livestock Exchange Consultancy which listed the following outstanding issues arising out of the recent NSQA presentation:
 - Certified test weights for the scales.
 - Attachment of spring loaded gates with signage at each end of the auctioneer's walkways.
 - Writing a description of the delivery procedures.

This matter was discussed by the Saleyards Advisory Committee, at its meeting held 12 September 2006. It was resolved to recommend to the Council that the matters raised by Livestock Exchange Consultancy in their letter dated 6 September 2006 be endorsed, subject to further investigation in relation to the applicable costs.

Discussions have been held with Mettler Toledo in relation to certified test weights for the scales. Mettler Toledo have advised that they will certify cement 'roll on' weights at a minimal cost. A quote has been obtained for the spring loaded gates. The cost is estimated at \$2,160.00 installed. The cost for the writing a description of the delivery procedures will be covered in house. It is therefore recommended that a budget allocation of \$2,400.00 be endorsed for NSQA Improvements.

- (7) Ward Boundary Amendment (New, page 50) - At its meeting held 14 March 2006, the Council resolved that it be recommended to the Local Government Advisory Board that an order be made under Section 2.2(1) to alter the ward boundaries. An invoice has already been received from the Department of Land Information for the technical description of the boundary change, at a cost of \$990.00. The Minister of Local Government and Regional Development is expected to approve the boundary change in the near future. It is likely that the Council will also have to meet other costs such as advertising in the Government Gazette. As there was no amount included in the adopted budget, it is recommended that a sum of \$2,000.00 be made available.
- (8) Recruitment / Relocation (420.1.38, page 52) - The relieving accountant, Mr Ross MacDonald, has now signed a contract of employment for a period of three (3) years. It has been agreed that the Shire will provide accommodation for Mr MacDonald at Redman House on a caretaker basis, together with minimal furniture. It is recommended that a sum of \$2,000.00 be provided for this purpose and that the Recruitment / Relocation Budget item be increased by this amount.

Budget Re-Allocations – September 2006 (Cont.)

- (9) Relief Staff & Contractors (420.1.181, 420.1.21, page 52) – This Budget Item was established with \$10,000.00 and an amount of \$12,746.00 has currently been charged against it, being the costs associated with the relief accountant. As stated above, the accountant has now signed a contract. Nevertheless, it is recommended that a further \$5,000.00 be reallocated from Budget Item Salaries to cover this over-expenditure and any further invoices to come. It should be noted that these additional costs will be more than offset by an estimated saving of \$20,000.00 in Administration Salaries, as detailed below.
- (10) Travel and Accommodation (420.1.42, Page 52). A sum of \$5,000.00 was set aside in the budget of which \$2,600.00 has already been spent, a large proportion on the Accountant's accommodation. It is requested that this Budget item be increased by \$2,000.00.
- (11) Professional Services (420.1.180, page 53) – As detailed in the Savings area below, the Council has advertised the sale of the Station House and three (3) lots in Rocky Gully. Budget Item Professional Services should be adjusted to account for the agents fees associated with these sales. These amount to approximately \$7,800.00 and \$2,300.00 respectively. It is recommended that this Budget Item be adjusted by \$10,100.00 accordingly.
- (12) Plantagenet Medical Centre (New, page 60) - The Shire, in conjunction with the Plantagenet Medical Group, is investigating the construction of a new medical centre to service the growing needs of the Plantagenet, Cranbrook and Frankland communities. The existing medical centre is cramped and extensions to the centre are not feasible due to space restrictions. The Plantagenet Medical Group has approached the Shire for assistance. A number of sites have been considered and a preferred site has been selected, however in order to seek Federal Government funding, architectural drawings will be required. No funds have been budgeted for this purpose and it is therefore recommended that a sum of \$50,000.00 be allocated for architectural fees.
- (13) Home and Community Care Facilities (HACC) (New, page 62) - An extension is being sought to the Lesser Hall for a new HACC facility. A government grant of \$273,000.00 has been made available, however the Regional HACC Contract Manager has advised that the existing funding may not be available after this financial year. Building plans have been revised with input from HACC clients and staff and staff from the Plantagenet District Hospital to reflect the amount provided in the grant. No funds have been set aside in the current budget for this project. A sum of \$50,000.00 will be required to assist with the connection to power and water services and complete refurbishments (kitchen upgrade and new carpet) within the area currently occupied in the Lesser Hall. It is recommended that this be held over until the 2007 / 2008 financial year as the funds should not be required until the modular building has been completed.
- (14) Child Care Centre Building Maintenance (830.1.338, page 62) - The Child Care Centre Committee recently purchased a cubby house for the Centre. This was put together by a member of Council staff which, amongst other things has caused the building maintenance budget (\$4,500.00) to be over-expended by \$1,422.00. It is recommended that an additional \$800.00 be made available for building maintenance for the remainder of the year. Maintenance is currently required to doors and the clothes dryer. It is

Budget Re-Allocations – September 2006 (Cont.)

- understood that the Child Care Centre Committee will meeting to discuss a donation back to the Council as a contribution towards the cost of building the cubby house.
- (15) Water Monitoring O'Neil Road Site (1010.1.307, page 64) - A sum of \$2,000.00 was budgeted for water monitoring at the O'Neil Road Tip Site. This is likely to be insufficient as the monitoring is required to be carried out four (4) times per year at a cost of around \$1,500.00 per time for laboratory fees. It is recommended that an additional \$6,000.00 be allocated.
- (16) Environmental Licence - O'Neil Road Tip Site (New, page 64) - A renewal of the Environmental Licence at the O'Neil Road Tip Site will be required at an estimated cost of \$1,500.00. No funds were budgeted for this. It is recommended that an additional \$1,500.00 be allocated.
- (17) Townscape – Lowood Road Precinct (1040.1.182, page 66) - The Townscape Review Committee has recently given consideration to erecting banners in Lowood Road. The Committee has requested that designs and quotes be obtained for banners. It is currently estimated that the cost would be around \$5,500.00 if the Council wishes to proceed with banners in Lowood Road in this financial year. It is recommended that this not be proceeded with until next financial year.
- (18) Town Planning Advertising (1040.1.173, 1040.1.177, page 66) - A sum of \$3,000.00 was provided for Town Planning advertising and \$5,000.00 for the Town Planning Scheme (TPS) Review. The sum for advertising is likely to be insufficient and the funds for the TPS Review will not all be required this year, It is suggested that \$2,000.00 be transferred from the TPS Review to the advertising budget.
- (19) Recreation Centre Salaries (1131.1.21, page 71) – The current budget allocation for this item is \$55,577.00, whereas last year's budget and actual were \$67,002.00 and \$69,995.00 respectively. It is unclear why this year's budget allocation was set much lower than that required, bearing in mind that a Club Development Officer has been appointed. It is requested that this year's allocation be increased by \$15,000.00.
- (20) Frost Park Water Reuse Scheme (New, page 72) - The Council resolved, at its meeting held 22 August 2006 resolved that *'at the quarterly financial review to be undertaken at the Council meeting to be held 24 October 2006, consideration be given for the unbudgeted expenditure of up to \$10,000.00 to engage the services of a suitably qualified Environmental Engineer to undertake detailed site investigations of the Frost Park Sports Ground for the operation of a regular Wastewater Reuse Scheme at Frost Park....'* This is the subject of another report to the Council at its meeting to be held 24 October 2006. Subject to a decision in that regard, it is recommended that \$10,000.00 be made available for that study.
- (21) Valuation of Artwork (New, page 73) - A sum of \$6,500.00 is sought to enable a valuation and overview of restoration work to be carried out for the Claude Hotchins Gallery, acquisitive art purchases and other art work. No sum has currently been budgeted and will need to be held over until the next financial year.

Budget Re-Allocations – September 2006 (Cont.)

- (22) Library Training (1140.1.44, page 73) - A sum of \$500.00 was set aside in the budget for training of Library staff. This item has been over-expended by \$238.00. It is recommended that a reallocation of \$250.00 be made from Budget Item Local Collection, which has a budget of \$1,000.00 and nil currently expended.

This brings the total over-budget amount to \$172,100.00. A number of budget line items in relation to the Cattle Saleyards are currently over what would be expected. It is intended to organise a workshop with Elected Members to discuss these issues.

Savings are more difficult to predict at this stage of the year. It is expected that at the next Budget Review, the Council will be in a better position to identify more savings than has currently been the case. Savings or unbudgeted income are currently expected to be achieved in the following areas:

- (1) Sale of Property (New, page 5) - The Council has recently resolved to advertise for public comment, the sale of Lot 55 Muirs Highway, Lot 61 Bateman Street and Lot 66 Westfield Street, Rocky Gully and Lot 700 (11) Albany Highway, Mount Barker. Unbudgeted income of \$223,600.00 is expected from the sale these properties. This will be offset by some agent fees, as described above.
- (2) FESA Grants (510.4.147, page 7) - An unbudgeted grant of \$40,000.00 is expected from the Fire and Emergency Services Authority (FESA) for the Middle Ward Fire Shed. This should have been received last financial year and will be partially offset by expenditure of \$5,000.00.
- (3) Wilson Park (1133.3.136, page 12) – The Council has set aside \$30,750.00 for playground equipment for Wilson Park. It is unlikely that this will be proceeded with in the current financial year as the Safety / Lighting study is a necessary step prior to this. This sum could be used for other purposes this year.
- (4) Interim rates – Mount Barker Townsite (310.2.727, page 48) – A figure of \$1,500.00 was budgeted and at of the date of this report, approximately \$3,500.00 has been received. It is estimated that a total of \$7,000.00 will be received over the 2006 / 2007 year and it is recommended that the budget be adjusted upwards by \$5,500.00.
- (5) Administration – Salaries (420.1.21, page 52) – This Budget Item was established with \$543,986.00 and an amount of \$108,986.00 has currently been charged against it. As stated above, it has been recommended that a sum of \$5,000.00 be reallocated from Budget Item Salaries to Budget Item Relief Staff and Contractors to cover the over-expenditure associated with the employment of a relief accountant. It is anticipated that savings of \$19,250 will be made due to the absence of a salaried accountant for some months.
- (6) Child Care Fees (830.2.784, page 62) – In the Review of Fees and Charges section of this report, it is suggested that the Child Care fees be amended. If this recommendation is approved, the probable impact is an increase in fees from the budgeted sum of \$60,000.00 to \$64,000.00.
- (7) Playground Equipment Risk Audit (1133.1.29, page 73) – A sum of \$8,000.00 was established in the budget. This will now not be required as the Council's insurers, Local Government Insurance Services are undertaking this as part of their service.

Budget Re-Allocations – September 2006 (Cont.)

- (8) Street Lighting Subsidy (New, page 76) - An unbudgeted subsidy of \$4,500.00 for street lighting is expected to be received from the State Government.

Total savings and unbudgeted income amount to \$335,600.00. The total surplus is therefore \$163,500.00 (\$335,600.00 - \$172,100.00). Of the profit from sale of the Shire's landholdings of \$213,500.00 (\$223,600.00 - \$10,100.00), it is recommended that \$50,000.00 be applied to the Medical Centre project and that the remaining \$163,500 be set aside for other capital projects.

Review of Fees and Charges

Some fees and charges have been reviewed as part of the budget review process, however this review is not intended to be exhaustive.

- (1) Town Planning Fees and Charges. These are currently under review by the Manager Development Services and will be the subject of a separate report to the Council at its meeting to be held 24 October 2006. It is understood that the fees and charges will be brought into line with statutory requirements and that the total fees should increase marginally, however, it is not recommended that this budget item be increased.
- (2) A review has been undertaken of Child Care Centre fees, which were last increased approximately 18 months ago. It is proposed to set the fees for the three rooms at different rates. Babies have a higher child/staff ratio as required by the regulations and to offset this expense, the fees for babies are proposed to be higher than toddlers.

Currently it is cheaper for children to attend for five (5) days when their child care percentage is taken into consideration than it is for them to attend for four (4) days. An attempt has been made to balance the weekly fee to cover this gap without increasing the fees by a great degree. A weekly fee has been introduced for school aged children. It is proposed that these fee increases be introduced effective 5 February 2007 and that a further review be undertaken for the next financial year. The fee increases will be advertised in accordance with the provisions of Section 6.19 of the Local Government Act 1995.

The current and proposed fees are detailed below:

		Current	Proposed
0-2 years	Weekly	\$180.00	\$210.00
	Daily	\$ 45.00	\$ 48.00
	Session	\$ 25.00	\$ 28.00
2-3 years	Weekly	\$180.00	\$210.00
	Daily	\$ 45.00	\$ 47.00
	Session	\$ 25.00	\$ 27.00
3-6 years	Weekly	\$180.00	\$190.00
	Daily	\$ 40.00	\$ 43.00
	Session	\$ 23.00	\$ 26.00

Vacation Care (School Holidays – school aged children) – When a school aged program is implemented:

Per Week	\$150.00
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Budget Re-Allocations – September 2006 (Cont.)

Per Day	\$29.00	\$ 32.00
Half Day (Session)	\$17.00	\$ 20.00

- (3) It has been realised that the fee for the Shared Equine Facility at Frost Park (used for the Polocrosse Association of WA, Australian Stock Horse Society and Riding For The Disabled) is listed in the budget as \$300.00 per day, when this is supposed to be an annual fee. It is recommended that this be corrected and that a daily fee of \$50.00 be introduced for use by other clubs, where an event does not clash with use by the abovementioned organisations.

Voting Requirements

A simple majority is required for all items except when making changes to the adopted budget (then an absolute majority is required).

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr M Skinner:

THAT:

- (1) The 2006 / 2007 Annual Budget be amended as follows:

<u>Account Description</u>	<u>Original Budget (\$)</u>	<u>New Budget (\$)</u>
Interim Rates Mount Barker Townsite – 310.2.727	1,500	7,000
Ward Boundary Adjustment – New	0	(2,000)
Administration Salaries – 420.1.21	(543,986)	(519,736)
Recruitment / Relocation – 420.1.38	(5,000)	(7,000)
Travel & Accommodation – 420.1.42	(5,000)	(7,000)
Professional Services – 420.1.180	(3,500)	(13,600)
Relief Staff & Contractors – 420.1.181	(10,000)	(15,000)
Sale of Lot 700 (11) Albany Highway – New	0	190,000
Sale of Lots in Rocky Gully - New	0	33,600
Subdivision Lot 337 Martin Street – 420.3.129	(25,000)	0
Subdivision Lot 1963 Mitchell Street – 420.3.129	0	(25,000)
Middle Ward Fire Shed – 510.3.136	0	(5,000)
FESA Grants – 510.1.147	246,380	286,380
Plantagenet Medical Centre - New	0	(50,000)
Child Care Centre Building Maintenance – 830.1.338	(4,500)	(5,300)
Child Care Centre Fees – 830.2.784	60,000	64,000
Water Monitoring O'Neil Road Site – 1010.1.307	(2,000)	(8,000)
Environmental Licence O'Neil Road Site – New	0	(1,500)
Town Planning Advertising – 1040.1.173	(3,000)	(5,000)
Town Planning Scheme Review – 1040.1.177	(5,000)	(3,000)

Budget Re-Allocations – September 2006 (Cont.)

Recreation Centre Salaries – 1131.1.21	(55,577)	(70,577)
Frost Park Water Reuse Scheme – New	0	(10,000)
Playground Equipment Risk Audit – 1133.1.29	(8,000)	0
Playground Equipment Wilson Park – 1133.3.136	(30,750)	0
Library Training – 1140.1.44	(500)	(750)
Local Collection – 1140.1.161	(1000)	(750)
Library Server - New	0	(1,300)
Street lighting Subsidy - New	0	4,500
Saleyards Bitumen Repairs – New	0	(50,000)
Saleyards Cattle Grid – New	0	(14,000)
Saleyards NSQA Improvements - New	0	(2,400)

- (2) The following revised Child Care Centre fees be adopted to take effect from 5 February 2007:

Child Care:

0-2 years	Weekly	\$210.00
	Daily	\$ 48.00
	Session	\$ 28.00
2-3 years	Weekly	\$210.00
	Daily	\$ 47.00
	Session	\$ 27.00
3-6 years	Weekly	\$190.00
	Daily	\$ 43.00
	Session	\$ 26.00

Vacation Care (School Holidays – school aged children):

Per Week	\$150.00
Per Day	\$32.00
Half Day (Session)	\$20.00

- (3) The following fees for the Shared Equine Facility at Frost Park be adopted to take effect from 1 November 2006:

Annual Fee	\$300.00
Daily Fee	\$ 50.00

- (4) The amendments to the Council's schedule of fees and charges in Parts (2) and (3) above be advertised in accordance with the provisions of Section 6.19 of the Local Government Act 1995.

CARRIED (7/0)

No. 353/06

(Absolute Majority)

4.04pm Cr J Moir returned to the meeting.

9.3.2 FINANCIAL STATEMENTS – SEPTEMBER 2006

Location / Address:	N / A
Attachments: (1)	Financial Statements – September 2006
Name of Applicant:	N / A
File Reference:	FM/65/1
Author:	Ross MacDonald - Accountant
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	12 October 2006

Purpose

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 30 September 2006.

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 amounts 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'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr D Williss:

That the financial statements for the month ending 30 September 2006 be received.

CARRIED (8/0)

No. 354/06

9.3.3 POLICY REVIEW - MINIMUM RATES AND VALUATIONS

Location / Address:	N / A
Attachment: (1)	VGO Policy 4.310 Group Valuations – Unimproved Values in Rural Areas
Name of Applicant:	N / A
File Reference:	RV/120/2; RV/120/3; RV/120/5
Author:	John Fathers - Deputy Chief Executive Officer
Authorised By:	John Fathers - Deputy Chief Executive Officer
Date of Report:	13 October 2006

Purpose

The purpose of this report is to review Council Policy No. A/PA/7 and Council Policy No. A/PA/9 relating to single lot and group rating.

Background

At its meeting held 24 November 1992, the Council adopted the following policy:

'That single lot rating be applied to all lots in the Shire of Plantagenet Townsites from the 1993/94 Financial Year.'

This policy came about as a result of a review of townsite rating. At the time Mount Barker was rated on a per lot basis if more than one lot was held by a landowner. In all other townsites and rural areas, all rating was on an assessment basis. This meant that persons owning more than one lot could have them group rated as one assessment.

The Council also has a Policy No. A/PA/9, which states as follows:

'That Council adopt as a policy for land valuation purposes, that adjoining land in separate family ownership, be considered as one parcel for the purpose of valuation and non adjoining land be valued as separate farming units, with any doubtful applications being referred to Council for final decision.'

Statutory Environment

Group rating of land parcels is covered by the Valuation of Land Act 1978 and is also subject to legal precedent as detailed in the attached VGO Policy 4.310.

Consultation

Consultation has taken place with the Mr Ross MacDonald – Accountant and Mr Colin Molloy – Rates / Finance Officer.

Policy Implications

This item reviews Council Policy No. A/PA/7 - Minimum Rates and Council Policy No. A/PA/9 - Valuations.

Financial Implications

There are no specific financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The Valuer General's Office (VGO) provides valuation details to local government for the purposes of applying property rates. The Council has no choice but to apply rates and charges on land parcels as valued by the VGO.

The VGO has a policy (4.310) of valuing adjoining rural lots as a single valuation entity where the land is *'contiguous rural land held in the same ownership and occupied as one property and which would normally be expected to sell as one holding'*. There are some conditions attached to this, as detailed in the attached policy. It is understood that the VGO will often apply a wider interpretation as to ownership than the policy states, as long as the land is used as a single rural entity.

The vast majority of group rated lots are for farming properties, however any rural land can be subject to group rating. A significant proportion of lots in the Kendenup townsite are zoned Rural and there are some lots that have been group rated as they pass the conditions applied by the VGO policy.

Applications for group rating are made direct to the VGO by property owners and the Shire is bound to accept the ruling made by the VGO. The outcome of applications to the VGO to group rate lots are not pre-determinable by the Council.

It is considered appropriate for the Council to reaffirm a policy that reflects the current practice of applying single lot rating to all lots within the Shire, except for situations where the VGO applies a group valuation to them.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr J Moir:

That Council Policy No. A/PA/7 and Council Policy No. A/PA/9 be revoked and replaced with Council Policy No. A/PA/13 – Group Rating as follows:

OBJECTIVE:

To clarify the situations where group rating of separate lots can be applied.

POLICY:

The Council will individually rate all separate lots unless the Valuer General's Office applies a group valuation in accordance with that Department's policy.'

CARRIED (8/0)

No. 355/06

9.3.4 POLICY REVIEW - RATE INCENTIVE PRIZE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RV/120/4
Author:	John Fathers - Deputy Chief Executive Officer
Authorised By:	John Fathers - Deputy Chief Executive Officer
Date of Report:	13 October 2006

Purpose

The purpose of this report is to review Council Policy No. A/PA/8 that establishes conditions for the annual rate incentive prize.

Background

At its meeting held 28 October 1997, the Council adopted the following Policy:

'That as from 1998 only 1 entry per rate assessment notice, not per ratepayer and that all councillors and staff and their immediate families (ie: spouses/partners) are ineligible for the Rates Incentive Prize.'

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has taken place with the Mr Ross MacDonald – Accountant and Mr Colin Molloy – Rates / Finance Officer.

Policy Implications

This item reviews Council Policy No. A/PA/8 – Rate Incentive Prize.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

A continuation of the Policy is considered appropriate. However, the Policy could be reworded to incorporate the objective of the prize and the current situation with regard to the sponsorship.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr J Mark, seconded Cr D Williss:

That amended Council Policy No. A/PA/8 – Rate Incentive Prize:

OBJECTIVE:

To encourage ratepayers to pay the full amount of their assessed rates and charges by the due date.

POLICY:

- (1) An annual Rate Incentive Prize will be offered by the Council.
- (2) Prizes will be awarded to first and second entries drawn at random.
- (3) Only ratepayers with their rate account paid in full by the due date will be eligible.
- (4) One (1) entry per assessment notice (not per ratepayer) is to be entered into the draw.
- (5) All Councillors and staff and their immediate families (ie: spouses and partners) are ineligible for the prizes.
- (6) The Council will seek sponsorship from local organisations for the annual Rates Incentive Prize.'

be endorsed.

AMENDMENT

Moved Cr K Clements, seconded Cr M Skinner:

That the words 'Senior Staff and the rates officer' replace the word 'staff' in Part (5) of the Motion.

LOST (2/6)

THE ORIGINAL MOTION WAS PUT TO THE VOTE:

CARRIED (7/1)

No. 356/06

Cr J Moir requested that his statement of intention to foreshadow a Motion to revoke Council Policy No. A/PA/8 be recorded in the Minutes.

9.3.5 LIST OF PAYMENTS – SEPTEMBER 2006

Location / Address:	N / A
Attachments:	List of Payments – September 2006
Name of Applicant:	N / A
File Reference:	FM/65/3
Author:	Rayona Evans - Accounts Officer
Authorised By:	John Fathers – Deputy Chief Executive Officer
Date of Report:	16 October 2006

Purpose

The purpose of this report is to present the list of payments that were made during the month of September 2006.

Statutory Environment

Regulation 13 of the Local Government (Financial Management) Regulations 1996 defines the reporting requirements to the Council of the list of accounts.

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'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr J Mark:

That the payment of accounts for the month of September 2006 covering electronic payments, cheques 35745, 35751 to 36037, totalling \$2,368,320.75 and the payment of trust cheques 134-136, totalling \$1,319.20, be noted.

CARRIED (8/0)

No. 357/06

9.4 TECHNICAL SERVICES REPORTS

9.4.1 ROAD CLASSIFICATION SYSTEM

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/120/4
Author:	Anthony Svanberg - Engineering Cadet
Authorised By:	Ian Bartlett- Manager Works and services
Date of Report:	5 October 2006

Purpose

The purpose of this report is to adopt a policy which will rate all Shire roads into one of three categories. These classifications will be used to streamline funding and incorporate minimum standards of construction.

Background

The road hierarchy classification system provides a template to identify priority roads for asset maintenance purposes. The ratings system incorporates traffic volume and design characteristics which will identify priority roads and major regional routes which require higher levels of funding and maintenance. Level of construction is an important determining factor in the classification system. The aim is for all relevant staff and contractors to know what the ratings mean and the simple criteria behind them. This will assist communication between Councillors, staff, ratepayers and utilities. The hierarchy includes three (3) classifications, A, B and C Class roads.

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has taken place with Councillors and staff participating in a Workshop in September 2006. Some amendments to the use of the proposal were highlighted at the Workshop as to the rankings of individual roads.

Policy Implications

This report formalises a policy for road classification. No specific policy has been adopted previously by the Shire relating to a specific hierarchy. This policy will overlap with four (4) existing technical services policies.

Policy No. I/R/3- Road Verge Maintenance

Policy No. I/R/4- Road Works Program

Policy No. I/R/5- Roads- Developing Road Construction Plan

Policy No. I/R/9- Rural Roads Widening

Financial Implications

There are no financial implications for this report.

Road Classification System (Cont.)**Strategic Implications**

The provision of transport services is highlighted in the Shire of Plantagenet Strategic Plan, Key Result area 2 – Infrastructure.

Officer Comment

Some amendments to the application of the proposal were highlighted at the Workshop as to the rankings of individual roads.

A multiple classification (eg: A / B) indicates that parts of the road meet different classification criteria.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr D Williss, seconded Cr K Hart:

That Council Policy No. I/R/16 – Rural Road Hierarchy as follows:

OBJECTIVE:

The road hierarchy classification system provides a template to identify priority roads for asset maintenance purposes and the setting of minimum standards of construction for rural roads. This system incorporates traffic volume and design characteristics into the ratings system which will identify priority roads and major regional routes which require higher levels of funding and maintenance. Level of construction is the determining factor in the classification system. The aim is for all relevant staff and contractors to know what the ratings mean and the simple criteria behind them. This will assist communication between Councillors, staff, ratepayers and utilities. The hierarchy includes three (3) classifications, A, B and C Class roads.

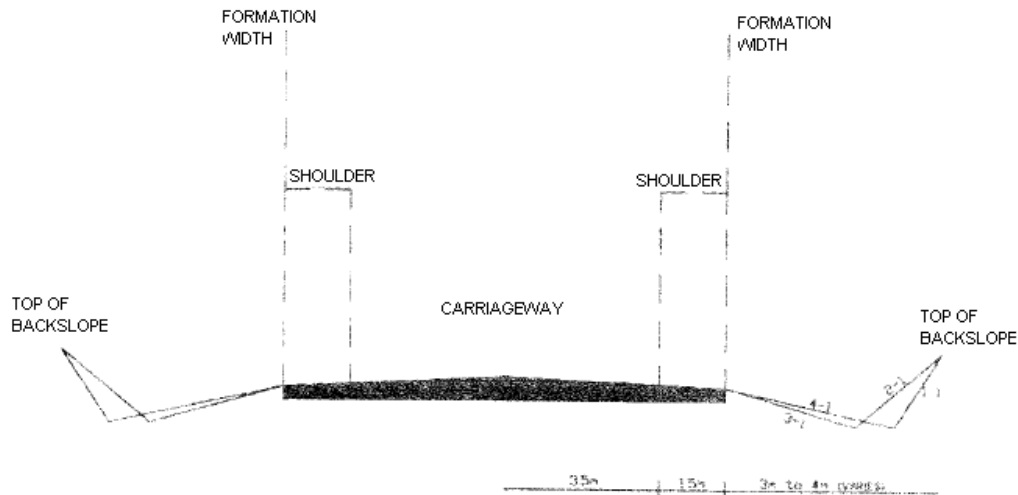
POLICY:

That Council roads be grouped into the three (3) categories below:

A Class Road

- Major sealed strategic travel routes with major connecting purpose.
- 200 or more average vehicle movements.
- Depending on design and development characteristics, the speed limits are set between 50kph in heavily built up areas with the open road limit being 110kph - topography permitting.
- Equates to a level five (5) road Hierarchy on the RoMan database. These roads will get priority budgeting consideration.
- 7m or higher sealed section.
- 1.5m shoulders left and right.
- 10m formation.
- 4%-5% cross fall.
- Batter grade to be minimum 1-3 and maximum 1-4.
- Extent of clearing to be to the top of back slope. Drains will be cleared annually for re-growth by clearing or chemical spraying.
- Floodways to be equipped with a minimum of two (2) x 237mm culverts and headwalls.

Road Classification System (Cont.)

PROFILE AND SPECIFICATIONS
A & B CLASS ROADS**B Class Roads**

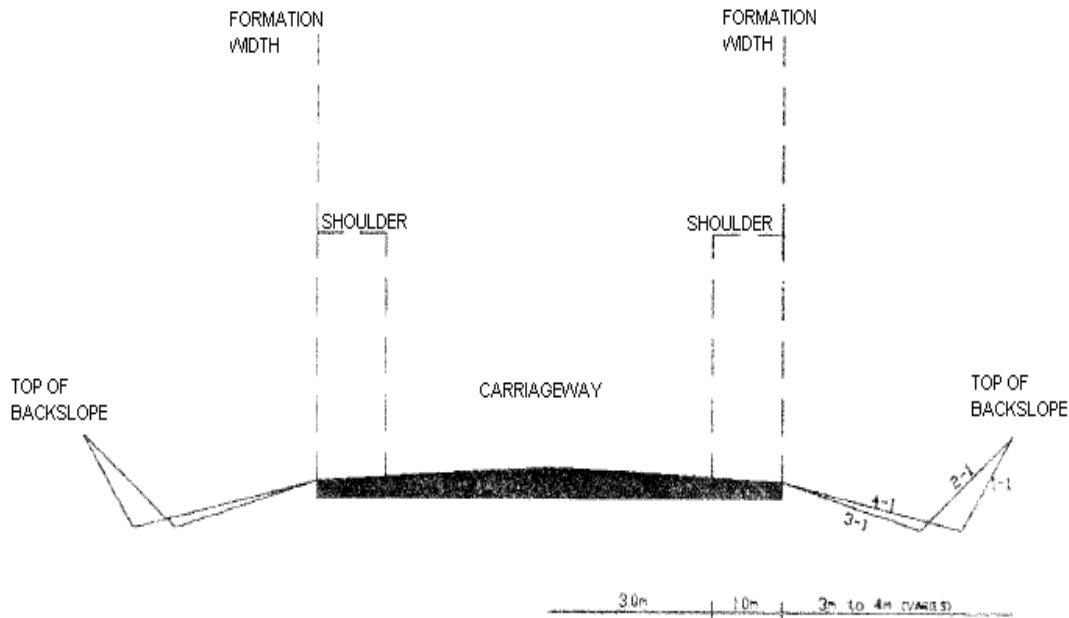
- This rating is for formed and paved gravel roads built to a pre-seal standard.
- These roads would be of strategic feeder and arterial significance.
- Gravel roads are de-restricted for speed and the driver is responsible for selecting a safe traveling speed.
- There should be no impairment for heavy goods vehicles: however passage in wet weather is actively discouraged.
- 30-200 average daily vehicle movements.
- These roads are designed with the intention of potential bitumen sealing at a later time when traffic volumes justify it.
- Must have a 10m formation, 7m lane, 1.5m shoulders left and right and a 5% maximum cross fall.
- Batter grade to be minimum 1-3 and maximum 1-4.
- Extent of clearing to be to the top of back slope. Road reserves will be cleared annually for re-growth by clearing or chemical spraying.
- Floodways to be equipped with a minimum of two (2) x 237mm culverts and headwalls.
- 4-5% cross fall range.

C Class Roads

- Non strategic property gravel / dirt access roads.
- 10-30 average daily vehicle movements.
- Heavy goods vehicles should not be regular users of these roads and access may be compromised on some roads.
- 8m formation width.
- 6m carriageway width with 1m shoulders on both sides on formed roads.

Road Classification System (Cont.)

- Roads may include table drains with the batter grade to be minimum 1-3 and maximum 1-4.
- May include minimally constructed roads.
- Roads not mentioned previously will be in this category.



Name	Hierarchy
Beverley Road	A
Carbarup Road	A
Chillinup Road	A
Denbarker Road	A
Frankland - Rocky Gully Road	A
Hannan Way	A
Martagallup Road	A
Mount Barker - Porongurup Road	A
Oatlands Road	A
Pardelup Road	A
Perillup Road	A
Settlement Road	A
Spencer Road	A
Sturdee Road	A
Tower Road	A
Woogenellup Road	A
Yellanup Road	A
Blue Lake Road	A / B
Bolganup Road	A / B
Boyup Road	A / B
Chauvel Road	A / B
Chorkerup Road	A / B
Eulup - Manurup Road	A / B
Jackson Road	A / B

Road Classification System (Cont.)

Mallawillup Road	A / B
Mount Barker Road	A / B
Nornalup Road	A / B
Palmdale Road	A / B
Red Gum Pass Road	A / B
St Werburghs Road	A / B
Takalarup Road	A / B
Taylor Road	A / B
Woodlands Road	A / B
O'Neill Road	A / C
Pellew Road	A / C
Bangalup Road	B
Barrow Road	B
Bloxidge Road	B
Ferry Road	B
Halsey Road	B
Harwood Road	B
Healy Road	B
Hudson Road	B
Jellicoe Road	B
Jutland Road	B
Knight Road	B
Kwornicup Road	B
Lake Matilda Road	B
Martagallup - Tenterden Road	B
Moorilup Road	B
Morande Road	B
Narrikup - Chorkerup Road	B
Old Coach Road	B
Perillup South Road	B
Poorarecup Road	B
Quangellup Road	B
Quindabellup North Road	B
Quindabellup South Road	B
Rocky Gully Road	B
Settlement Road East	B
Seymour Road	B
Sidcup Road	B
Stirling School Road	B
Syred Road	B
The Springs Road	B
Turpin North Road	B
Turpin Road	B
View Range Road	B
Washpool Road	B
Wilson Road	B
Woogenellup North Road	B
Surrey Downs Road	B TO TIP / C
Burnside Road	B / C

Road Classification System (Cont.)

Harvey Road	B / C
Jones Road	B / C
Mill Road	B / C
Reynolds Road	B / C
Watermans Road	B / C
Allenby Road	C
Amarillup Road	C
Angwin Park Road	C
Armstrong Road	C
Arnolds Road	C
Austin Street	C
Bails Road	C
Ball Road	C
Beattie Road	C
Belfield Road	C
Bevan Road [Mount Barrow]	C
Bore Road	C
Bostock Road	C
Boxhill Road	C
Branson Road	C
Bridges Road	C
Brunton Road	C
Bunker Road	C
Caldwell Road	C
Camballup Road	C
Carmendale Road	C
Carr Road	C
Castle Rock Road	C
Chapel Road	C
Clearhills Road	C
Collins Road	C
Coopers Road	C
Costello Road	C
Craddock Road	C
Creek Road	C
Crockerup Road	C
Crystal Brook Road	C
De Pledge Road	C
Duck Road	C
Duggan Road	C
Dunn Road	C
Duthie Road	C
Elliot Road	C
Fawcett Road	C
Filmer Road	C
Fisher Road	C
Ford Road	C
Forest Hill Road	C
Forster Road	C

Road Classification System (Cont.)

Gaalgegup Close	C
Garyup Road	C
Gidley Lane	C
Gills Road	C
Gorton Road	C
Gough Road	C
Goundrey Road	C
Greenhills Road	C
Greeuw Road	C
Haig Road	C
Halden Road	C
Happy Valley Road	C
Harding Road	C
Hawker Road	C
Hay River Road	C
Hobbs Road	C
Holmes Road	C
Hope Valley View	C
Hughes Road	C
James Road	C
Jolly Road	C
Kalgan Plains Road	C
Kent River Road	C
Kidman Road	C
Kirkwood Road	C
Lake Barnes Road	C
Lake Katherine Road	C
Lionetti Road	C
Luscombe Road	C
Magpie Hill Road	C
Marks Road	C
McCook Road	C
McKeaig Road	C
McMahon Road	C
Merfield Road	C
Mildura Road	C
Millinup Pass Road	C
Millinup Road	C
Mills Road	C
Mira Flores Ave	C
Mitchell Road	C
Monash Road	C
Mulcahy Road	C
Munro Road	C
Newdegate Road	C
Newman Road	C
Nindiup Road	C
Papes Road	C

Road Classification System (Cont.)

Pavlovich Road	C
Pearce Road	C
Pettit Rise	C
Pugh Road	C
Randell Road	C
Rawlinson Road	C
Red Hill Road	C
Renmark Road	C
Revett Brook Road	C
Riches Road	C
Robertson Road	C
Rogers Road	C
Ross Road	C
Sanders Road	C
Scott Road	C
Shanhun Road	C
Simpson Road	C
Sixpenny Road	C
Skinner Road	C
Smoker Road	C
Smuts Road	C
South Marmion Road	C
Spring Road	C
St Jack Road	C
Steicke Road	C
Stirlings Road	C
Stothard Road	C
Teddington Road	C
The Pass Road	C
Tingelup Road	C
Todd Road	C
Toone Road	C
Townsend Road	C
Trent Road	C
Wamballup Road	C
Wandoo Road	C
Wansbrough Walk	C
Warburton Road	C
Ward Road	C
Waycott Road	C
Webb Road	C
Whitworth Road	C
Williams Road	C
Williss Road	C
Woodville Road	C
Wragg Road	C
Wyuna Heights	C
Yallambe Road	C
Yaralla Road	C

Road Classification System (Cont.)

Yerriminup Road	C
Young Road	C

be endorsed.

CARRIED (8/0)

No. 358/06

9.4.2 POLICY REVIEW – VERGE MAINTENANCE AND DEVELOPMENT FOR TOWNSITES

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/120/12
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	16 October 2006

Purpose

The purpose of this report is to review Council Policy No. I/R/14 – Verge Maintenance and Development For Townsites.

Background

Council Policy No. I/R/14 – Verge Maintenance and Development For Townsites reads as follows:

‘The maintenance of the verge in front of private property is the responsibility of the landowner. It is the responsibility of the landowner to obtain “dial before you dig” before commencement of any works. Residents can develop the street verge in front of their property as follows:

(1) Treatment One

Plant and maintain lawn.

(2) Treatment Two

Plant and maintain a garden provided that:

- (a) Clear sight visibility must be maintained at all times for pedestrians and motorists in the vicinity of intersection corners and bends in the roadway. Landscaping inhibiting visibility may be removed at the discretion of Council.
- (b) No plant or other vegetation making up the garden is of a thorny or poisonous nature or may otherwise create a hazard.
- (c) At all times pedestrians must have two metres safe access along the verge adjacent to the kerb.

(3) Treatment Three

Install a hard verge over no more than one third ($\frac{1}{3}$) of the area of the verge (excluding any crossover) with an acceptable material and plant and maintain either a lawn or a garden on the balance provided that:

- (a) In the event that a garden is planted and maintained on the balance no person shall park on that balance.
 - (b) Clear sight visibility must be maintained at all times for pedestrian and motorist in the vicinity of intersection corners and bends in the roadway. Landscaping inhibiting visibility may be moved at the discretion of Council.
 - (c) No plant or other vegetation making up the garden is of a thorny or poisonous nature or may otherwise create a hazard.
-

Policy – Verge Maintenance & Development For Townsites (Cont.)

- (d) At all times pedestrians must have two metres safe access along the verge adjacent to the kerb.

Directions for correct Planting Alignment

Corner Blocks – Trees on corner blocks should be planted 11 metres from the kerb line (the corner), should be 10 metres apart and 2.7 metres from the property boundary line.

Ordinary Frontage – Street trees for blocks with an ordinary frontage should be planted 10 metres apart and 2.7 metres from the property boundary line.

Use of Raised Edging

No Kerbing or other raised edging may be installed within two metres of the edge of road pavement. The use of all other kerbing is to be strictly at the discretion of the Manager of Works and Services. Refer also to Council's Specifications for Crossovers.

Verge Obstructions

Persons are not permitted to construct obstructions in the road verge, (ie: walls, posts, fences, placing of stones etc.) without written approval of Council. Council may require the landowner to carry public Liability Insurance to cover the possibility of accidents occurring during the obstructions.

An owner or occupier who installs and maintain a verge treatment shall;

- (a) Indemnify the Council against all or any damage or injury caused to any person or thing including any street, pavement, footpath or crossing of any pipe or cable and shall make good at such owner's or occupier's expense all such damage caused.
- (b) Keep the treatment in good and tidy condition and ensure, where the verge treatment is a garden or lawn that no obstruction of any sort is caused to any footpath, pavement or street.
- (c) Lay, install or pave a hard surface with an acceptable material only.
- (d) Not place any obstruction on or around any verge treatment.
- (e) Not water or maintain a verge treatment in such a manner.

'Acceptable material' means brick, brick-paving, bitumen, concrete, concrete blocks and slabs.

The public utilities may undertake works that may disturb any of these treated verges in gaining the necessary access to their utilities. They do not necessarily have to reinstate planting or paving. Reinstatement may be at the property owner's cost and responsibility

Clear sight visibility must be maintained at all times for pedestrians and motorists in the vicinity of intersection corners and bends in the roadway. Landscaping inhibiting visibility may be removed at the discretion of the Director of Works and Services.'

Statutory Environment

There are no statutory implications for this report.

Policy – Verge Maintenance & Development For Townsites (Cont.)

Consultation

Consultation has occurred between Mr Ian Bartlett - Manager Works and Services, Mr Jim Robertson - Engineering Technical Officer, Mr Anthony Svanberg - Cadet Engineer and Ms Megan Sounness - Administration Officer who have responsibility for this area.

Policy Implications

The adoption of the recommendation will result in a new policy for the Council.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Verges form part of the Road Reserve and therefore come under the Council's care, control and management pursuant to Main Roads Act 1930 Section 32 (2) (c). However, the Council understands that under many circumstances the landowner may wish to maintain their verge to a standard higher than that which would be maintained by the Council.

Therefore, it will be recommended that the Policy be amended to reflect this position.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr K Clements, seconded Cr J Mark:

That amended Council Policy No. I/R/14 – Verge Maintenance And Development For Townsites as follows:

'Landowners wishing to maintain the verge adjacent to their property shall abide by the following conditions:

(1) **Treatment One**

Plant and maintain lawn.

(2) **Treatment Two**

Plant and maintain a garden provided that:

- (a) Clear sight visibility must be maintained at all times for pedestrians and motorists in the vicinity of intersection corners and bends in the roadway. Landscaping inhibiting visibility may be removed at the discretion of the Council.
- (b) No plant or other vegetation making up the garden is of a thorny or poisonous nature or may otherwise create a hazard.
- (c) At all times pedestrians must have 2m safe access along the verge adjacent to the kerb.

(3) Treatment Three

Install a hard verge over no more than one third of the area of the verge (excluding any crossover) with an acceptable material and plant and maintain either a lawn or a garden on the balance provided that:

- (a) In the event that a garden is planted and maintained on the balance no person shall park on that balance.
- (b) Clear sight visibility must be maintained at all times for pedestrian and motorist in the vicinity of intersection corners and bends in the roadway. Landscaping inhibiting visibility may be moved at the discretion of the Council.
- (c) No plant or other vegetation making up the garden is of a thorny or poisonous nature or may otherwise create a hazard.
- (d) At all times pedestrians must have 2m safe access along the verge adjacent to the kerb.

(4) Directions for correct Planting Alignment

Corner Blocks – Trees on corner blocks should be planted 11m from the kerb line (the corner), should be 10m apart and 2.7m from the property boundary line.

Ordinary Frontage – Street trees for blocks with an ordinary frontage should be planted 10m apart and 2.7m from the property boundary line.

(5) Use of Raised Edging

No kerbing or other raised edging may be installed within 2m of the edge of road pavement. The use of all other kerbing is to be strictly at the discretion of the Manager Works and Services. Refer also to the Council's Specifications for Crossovers.

(6) Verge Obstructions

Persons are not permitted to construct obstructions in the road verge ie: walls, posts, fences, placing of stones etc. without prior written approval of the Council. The Council may require the landowner to carry Public Liability Insurance to cover the possibility of accidents occurring during the obstructions.

An owner or occupier who installs and maintains a verge treatment shall:

- (1) Indemnify the Council against all or any damage or injury caused to any person or thing including any street, pavement, footpath or crossing of any pipe or cable and shall make good at such owner's or occupier's expense all such damage caused.
- (2) Keep the treatment in good and tidy condition and ensure, where the verge treatment is a garden or lawn that no obstruction of any sort is caused to any footpath, pavement or street.
- (3) Lay, install or pave a hard surface with an acceptable material only.
- (4) Not place any obstruction on or around any verge treatment.
- (5) Not water or maintain a verge treatment in such a manner.

'Acceptable material' means brick, brick-paving, bitumen, concrete, concrete blocks and slabs.

Policy – Verge Maintenance & Development For Townsites (Cont.)

The public utilities may undertake works that may disturb any of these treated verges in gaining the necessary access to their utilities. They do not necessarily have to reinstate planting or paving. Reinstatement may be at the property owner's cost and responsibility.

Clear sight visibility must be maintained at all times for pedestrians and motorists in the vicinity of intersection corners and bends in the roadway. Landscaping inhibiting visibility may be removed at the discretion of the Manager Works and Services.'

be endorsed.

MOTION TO ADJOURN QUESTION

Moved Cr D Williss, seconded Cr K Hart:

That the question be adjourned pending further staff consideration and that a further report be presented to the Council at its meeting to be held 28 November 2006.

CARRIED (8/0)

No. 359/06

9.4.3 POLICY REVIEW – FUTURE STREET AND RESERVE NAMES

Location / Address: N / A
Name of Applicant: N / A
File Reference: LP/120/9
Author: Ian Bartlett - Manager Works and Services
Authorised By: Rob Stewart – Chief Executive Officer
Date of Report: 16 October 2006

Purpose

The purpose of this report is to review Council Policy No. RS/RR/1 – Future Street and Reserve Names.

Background

Council Policy No. RS/RR/1 – Future Street and Reserve Names reads as follows:

Policy:**Road Name Register**

ID	Geographic Road Name	Requested By
1	Adams	CE Nicholls
2	Baesjou	GP & SR Richardson
3	Beech	CE Nicholls
4	Bloomfield	Harry Reeves
5	Burnell	Harry Reeves
6	Celia Dowling Rest	Geoff & Jennifer Dowling
7	Chester	Harry Reeves
8	Clothier	Harry Reeves
9	Crofts	Harry Reeves
10	Douglas (Kendenup)	Harry Reeves
11	Duff (Kendenup)	RA Kelly
12	Dufty	CE Nicholls
13	Enright	Harry Reeves
14	Faulkner	Harry Reeves
15	Hambley	Harry Reeves
16	Harris (Narrikup)	CE Nicholls
17	Herbert	Harry Reeves
18	Hicks	CE Nicholls
19	Hotchin (Perillup)	Harry Reeves
20	Iffla	Harry Reeves
21	McClure	CE Nicholls
22	McLeod	Harry Reeves
23	Mead	CE Nicholls
24	Pearse (Reserve / Park)	Harry Reeves
25	Phipps (Rocky Gully)	Harry Reeves
26	Pickles	Harry Reeves
27	Preston	Harry Reeves
28	Reeves	Harry Reeves
29	Roberts	Harry Reeves

Policy Review – Future Street & Reserve Names (Cont.)

30	Squire	Harry Reeves
31	Toone	RA Kelly
32	Verazzi (Porongurup)	Harry Reeves'

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred between Mr Ian Bartlett - Manager Works and Services, Mr Jim Robertson - Engineering Technical Officer, Mr Anthony Svanberg - Cadet Engineer and Ms Megan Sounness - Administration Officer, who have responsibility for this area.

Policy Implications

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

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Strategic Plan Key Results Area, New Initiative 1.4 provides the following:

'1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence; and
- Promote and provide access to policies, standards and legislation.'

Officer Comment

It is considered that this Policy should be amended to include reference to the objective of the policy, being to provide clear guidelines to the Council and its Officers for receipt of applications for future street and reserve names. Also it is considered that the Policy should be amended to include details relating to applications received for future street and reserve names. This will enable Council Officers to accurately advise residents as to correct proceedings.

Further, it is recommended that the section of the Council's policy (I/R/7) relating to construction of unconstructed roads, referring to naming of such roads, be transferred to policy LP/120/9.

It is appropriate for the actual list of names to be removed from the Policy and be placed in a Road Name Register and maintained by the Deputy Chief Executive Officer.

The Policy also needs to reflect that the Nomenclature (Advisory) Committee is now named the Geographic Names Committee.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That amended Council Policy No. RS/RR/1 – Future Street And Reserve Names as follows:

OBJECTIVE:

To provide clear guidelines to the Council and its officers for receipt of applications for future street and reserve names.

POLICY:**THAT:**

- (1) The Council shall cause to be maintained a Road Name Register which shall be a record of names to be used for future roads and reserves such Register being endorsed by the Geographic Names Committee.
- (2) Additions and deletions to the Road Name Register shall only be by Council decision.
- (3) Applications for future road and reserve names shall be accompanied by sufficient information from the applicant to include that name on the Register, in addition to any further information required by the Geographic Names Committee.
- (4) The Geographic Names Committee makes the final decision from those listed on the Road Name Register.'
- (5) No road shall be named until it is constructed, except where construction by Main Roads (WA) is scheduled and the Department of Land Information has requested such naming and the project involves the extension of existing, named roads.

be endorsed.

ALTERNATIVE MOTION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Moir:

THAT:

- (1) **Amended Council Policy No. RS/RR/1 – Future Street And Reserve Names as follows:**

OBJECTIVE:

To provide clear guidelines to the Council and its officers for receipt of applications for future street and reserve names.

POLICY:**THAT:**

- (1) **The Council shall cause to be maintained a Road Name Register which shall be a record of names to be used for future roads and reserves such Register being endorsed by the Geographic Names Committee.**

Policy Review – Future Street & Reserve Names (Cont.)

- (2) Additions and deletions to the Road Name Register shall only be by Council decision.**
- (3) Applications for future road and reserve names shall be accompanied by sufficient information from the applicant to include that name on the Register, in addition to any further information required by the Geographic Names Committee.**
- (4) The Geographic Names Committee makes the final decision from those listed on the Road Name Register.'**
- (5) No road shall be named until it is constructed, except where construction by Main Roads (WA) is scheduled and the Department of Land Information has requested such naming and the project involves the extension of existing, named roads.'**

be endorsed.

- (2) The following roads be deleted from the Road Names Register as they have already been utilised:**

**Celia Dowling Rest
McLeod
Toone**

**Geoff & Jennifer Dowling
Harry Reeves
RA Kelly**

CARRIED (8/0)

No. 360/06

Reason For Change

Councillors noted that Celia Dowling Rest (Rocky Gully), Toone Road (Kendenup) and McLeod Avenue (Mount Barker Senior High School) had already been allocated.

9.4.4 POLICY REVIEW –ROAD VERGE MAINTENANCE, ROAD WORKS PROGRAM, ROADS – DEVELOPING ROAD CONSTRUCTION PROGRAM, RURAL ROADS - WIDENING

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/120/6, RO/120/7, RO/120/8, RO/120/9
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	16 October 2006

Purpose

The purpose of this report is to review the following Council Policies:

- Council Policy No. I/R/3 – Road Verge Maintenance
- Council Policy No. I/R/4 – Road Works Program
- Council Policy No. I/R/5 – Roads-Developing Road Construction Program
- Council Policy No. I/R/9 – Rural Roads - Widening

Background

Council Policy No. I/R/3 – Road Verge Maintenance reads as follows:

‘That road verge maintenance be carried out at the convenience of the works organization on all formed roads within the Shire with the exception of the Muir Highway, Chester Pass Road, Albany Highway and Denmark-Mt Barker Road and all roads within the boundaries of National Parks, and conditionally on such maintenance being limited to the confines of existing roads formations to avoid undue destruction of natural vegetation.’

Council Policy No. I/R/4 – Road Works Program reads as follows:

‘That the allocation of funds for construction purposes be according to asset preservation principles allocated on a ward basis with project grant roads excluded from consideration.

That ROMAN modelling be the basis for future road construction programs.

The resolution varied policy P.R.11: Road Works Programme which read:

‘That the allocation of funds for construction purposes be according to asset preservation principles allocated on a ward basis with project grant roads excluded from consideration.’

Council Policy No. I/R/5 – Roads-Developing Road Construction Program reads as follows:

- ‘(1) That Council policy for developing the Road Construction Program be:
- Improvement and other projects not of a preservation nature be listed for consideration and funded separately of preservation projects;
 - Preservation projects be selected from those identified by R.O.M.A.N. modelling with funds distributed to wards proportionally to the asset preservation value until R.O.M.A.N. modelling is suitably developed;

Policy Review – Road Verge Maintenance, Road Works Program, Roads - Developing Road Construction Program, Rural Roads – Widening (Cont.)

- Projects not completed in a given financial year be listed for reconsideration by Council in the next roadworks program;
- Improvement projects be limited to a maximum 20% of the road construction budget, excluding project grants.'

Council Policy No. I/R/9 – Rural Roads-Widening reads as follows:

'That Council adopt as future policy, that widening of rural roads be undertaken to the best advantage for the preservation of roadside vegetation.'

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred between Mr Ian Bartlett - Manager Works and Services, Mr Jim Robertson - Engineering Technical Officer, Mr Anthony Svanberg - Cadet Engineer and Ms Megan Sounness - Administration Officer who have responsibility for these areas.

Policy Implications

The review of these Policies is presented to the Council as part of the ongoing Council policy review cycle.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Strategic Plan Key Results Area, New Initiative 1.4 provides the following:

'1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence; and
- Promote and provide access to policies, standards and legislation.'

Officer Comment

It is considered that the current policies are no longer required as they all form part of a new Road Hierarchy Policy.

Voting Requirements

Simple Majority

Policy Review – Road Verge Maintenance, Road Works Program, Roads - Developing Road Construction Program, Rural Roads – Widening (Cont.)

OFFICER'S RECOMMENDATION

Moved Cr D Williss, seconded Cr K Hart:

That the following Council Policies:

- Council Policy No. I/R/3 – Road Verge Maintenance
- Council Policy No. I/R/4 – Road Works Program
- Council Policy No. I/R/5 – Roads - Developing Road Construction Program; and
- Council Policy No. I/R/9 – Rural Roads - Widening

be revoked.

AMENDMENT

Cr J Cameron, seconded Cr K Clements:

That the words 'Council Policy No. I/R/9 – Rural Roads – Widening' be deleted from the Motion.

CARRIED (6/2)

No. 361/06

COUNCIL DECISION

That the following Council Policies:

- Council Policy No. I/R/3 – Road Verge Maintenance
- Council Policy No. I/R/4 – Road Works Program; and
- Council Policy No. I/R/5 – Roads - Developing Road Construction Program.

be revoked.

CARRIED (8/0)

No. 362/06

9.4.5 POLICY REVIEW – PLANT - GENERAL POLICY

Location / Address: N / A
Name of Applicant: N / A
File Reference: PS/120/6
Author: Ian Bartlett - Manager Works and Services
Authorised By: Rob Stewart – Chief Executive Officer
Date of Report: 16 October 2006

Purpose

The purpose of this report is to review Council Policy No. I/PM/1 – Plant - General Policy.

Background

Council Policy No. I/PM/1 – Plant-General Policy reads as follows:

‘That Plant purchases be structured around a 10 year replacement program intended to maintain consistent annual expenditure and based generally upon the following criteria.

Heavy Plant

Graders	6 years	9,000hrs
Dozer	6 years	9,000hrs
Heavy Loader	6 years	9,000hrs
Backhoe/Loaders	5 years	6,000hrs
Heavy Trucks 6x4	5 years	350,000km
Med Trucks 4x2	5 years	250,000km
Light Trucks	5 years	200,000km
Light Vehicles	2 years	40,000km

Misc Plant to Council's adopted Schedule.’

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred between Mr Ian Bartlett - Manager Works and Services, Mr Jim Robertson - Engineering Technical Officer, Mr Anthony Svanberg - Cadet Engineer, Mechanic and Ms Megan Sounness - Administration Officer who have responsibility for this area.

Policy Implications

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

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Strategic Plan Key Results Area, New Initiative 1.4 provides the following:

Policy Review – Plan – General Policy (Cont.)

'1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence; and
- Promote and provide access to policies, standards and legislation.'

Officer Comment

It is considered that this Policy should be amended so that it supports a change of plant that is due to occur (removal of Dozer and inclusion of Excavator). Also is it considered that a five (5) year replacement period for Heavy Trucks 6 x 4, Med Trucks 4 x 2 and Light Trucks is too long, allowing plant to become excessively worn, and therefore that the Policy should be amended to reflect a four (4) year replacement period instead. It is considered that Light Vehicles should be removed from the Heavy Plant list as they are more suited for inclusion in the Vehicle Tendering Policy. Finally it is considered that 350,000km is too excessive for Heavy Trucks 6 x 4, and therefore should be reduced to 250,000km.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Mark:

That amended Council Policy No. I/PM/1 – Plant-General Policy as follows:

'That plant purchases be structured around a ten (10) year replacement program intended to maintain consistent annual expenditure and based generally upon the following criteria:

Heavy Plant

Graders	6 years	9,000hrs
Excavator	6 years	9,000hrs
Heavy Loader	6 years	9,000hrs
Backhoe / Loaders	5 years	6,000hrs
Heavy Trucks 6 x 4	4 years	250,000km
Med Trucks 4 x 2	4 years	250,000km
Light Trucks	4 years	200,000km

Miscellaneous Plant to the Council's adopted Schedule'
be endorsed.

CARRIED (8/0)

No. 363/06

9.4.6 POLICY REVIEW – ROAD BUILDING MATERIALS - GRAVEL

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/120/13
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	16 October 2006

Purpose

The purpose of this report is to review Council Policy No. NRM/EI/1 – Road Building Materials - Gravel.

Background

Council Policy No. NRM/EI/1 – Road Building Materials - Gravel reads as follows:

‘That Council wherever possible obtain gravel and other road building materials for road making purposes from private property by consultation with the landowner, in accordance with Schedule 3.1 and 3.2 of the Local Government Act, with Council responsible for:

- Satisfactory rehabilitation of the pit area, including drainage, upon completion of extraction.
- Construction where necessary and satisfactory repair of affected haul roads, gates, fences or other structures.
- Negotiated compensation to the landowner for materials extracted and associated justifiable imposts.’

Statutory Environment

Pursuant to Schedule 3.1 of the Local Government Act 1995, a Local Government has the ‘Powers under notices to owners or occupiers of land’

Further, Schedule 3.2 of the Act notes the ‘Particular things local governments can do on land even though it is not local government property’

Consultation

Consultation has occurred between Mr Ian Bartlett - Manager Works and Services, Mr Jim Robertson - Engineering Technical Officer, Mr Anthony Svanberg - Cadet Engineer and Ms Megan Sounness - Administration Officer, who have responsibility for this area.

Policy Implications

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

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Strategic Plan Key Results Area, New Initiative 1.4 provides the following:

'1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence; and
- Promote and provide access to policies, standards and legislation.'

Officer Comment

It is considered that the current policy is adequate and does not need amending.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr K Hart:

That Council Policy No. NRM/EI/1 – Road Building Materials - Gravel as follows:

'That wherever possible, the Council obtain gravel and other road building materials for road making purposes from private property by consultation with the landowner, in accordance with Schedule 3.1 and 3.2 of the Local Government Act 1995, with the Council responsible for:

- (1) Satisfactory rehabilitation of the pit area, including drainage, upon completion of extraction.**
- (2) Construction where necessary and satisfactory repair of affected haul roads, gates, fences or other structures.**
- (3) Negotiated compensation to the landowner for materials extracted and associated justifiable imposts.'**

be endorsed.

CARRIED (8/0)

No. 364/06

9.4.7 POLICY REVIEW – ROAD RENAMING

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	LP/120/8
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	16 October 2006

Purpose

The purpose of this report is to review Council Policy No. I/R/1 – Road Renaming.

Background

Council Policy No. I/R/1 – Road Renaming reads as follows:

‘That the naming of roads for business promotional purposes not be accepted.’

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred between Mr Ian Bartlett - Manager Works and Services, Mr Jim Robertson - Engineering Technical Officer, Mr Anthony Svanberg - Cadet Engineer and Ms Megan Sounness - Administration Officer who have responsibility for this area.

Policy Implications

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

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council’s Strategic Plan Key Results Area, New Initiative 1.4 provides the following:

‘1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.’

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence; and
- Promote and provide access to policies, standards and legislation.’

Officer Comment

It is considered that the current policy is adequate and does not need amending.

Voting Requirements

Simple Majority

Policy Review – Road Renaming (Cont.)

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr J Moir:

That Council Policy No. I/R/1 – Road Renaming as follows:

'That the naming of roads for business promotional purposes not be accepted.'
be endorsed.

CARRIED (8/0)

No. 365/06

9.4.8 POLICY REVIEW – ROADS - UNCONSTRUCTED ROADS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/120/10
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	16 October 2006

Purpose

The purpose of this report is to review Council Policy No. I/R/7 – Roads - Unconstructed Roads.

Background

Council Policy I/R/7 – Roads-Unconstructed Roads reads as follows:

‘That where Council receives requests that Council undertakes construction of unconstructed roads in existing road reserves then the request is to be drawn to Council attention and listed for budgetary consideration in future road construction programmes.

That where the person making the request wishes to undertake construction at his expense then the procedure be as outlined for subdivisional development by section 295 of the Local Government (Miscellaneous Provisions) Act, being either to

Arrange for the local government to carry out the work on his behalf; or

Employ a consulting engineer to design and submit drawings for approval and supervise construction and drainage to Council satisfaction as nominated by the Shire of Plantagenet Subdivision Development Policy.

That where the person making the request wishes to undertake construction at his expense then Council contribution towards construction will require a decision of Council.

That Council not name any road until it is constructed.

‘That Council not name any road until it is constructed.’ However, this need not apply in the instance if the construction by Main Roads is scheduled, DOLA has requested naming and the project involves extension of existing, named roads.

Statutory Environment

Local Government (Miscellaneous Provisions) 1960 - Section 295

Consultation

Consultation has occurred between Mr Ian Bartlett - Manager Works and Services, Mr Jim Robertson - Engineering Technical Officer, Mr Anthony Svanberg - Cadet Engineer and Ms Megan Sounness - Administration Officer who have responsibility for this area.

Policy Implications

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

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Strategic Plan Key Results Area, New Initiative 1.4 provides the following:

'1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence; and
- Promote and provide access to policies, standards and legislation.'

Officer Comment

It is considered that the current policy is adequate, except for possibly sexist language. It is also considered appropriate for part (4) to be transferred to the Policy Future Street and Reserve Names.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark:

That Council Policy No. I/R/7 – Roads - Unconstructed Roads as follows:

'THAT:

- (1) Where a request that the Council undertakes construction of unconstructed roads in existing road reserves, then the request is to be drawn to the Council's attention and listed for budgetary consideration in future road construction programs.**
- (2) Any person making such a request wishing to undertake construction at their expense then the procedure be as outlined for subdivisional development by Section 295 of the Local Government (Miscellaneous Provisions) Act 1960, being either to:**
 - (a) Arrange for the local government to carry out the work; or**
 - (b) Employ a consulting engineer to design and submit drawings for approval and supervise construction and drainage to the Council's satisfaction as nominated by the Shire of Plantagenet Subdivision Development Policy.**
- (3) Where the person making the request wishes to undertake the construction, then any Council contribution towards construction will require a decision of the Council.'**

be endorsed.

CARRIED (8/0)

No. 366/06

9.4.9 POLICY REVIEW – SCHOOL BUS ROUTES

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	TT/120/2
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	16 October 2006

Purpose

The purpose of this report is to review Council Policy No. I/R/10 – School Bus Routes.

Background

Council Policy No. I/R/10 – School Bus Routes reads as follows:

'That Council require a minimum of one month after the submission of application for the approval of School Bus Routes.'

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred between Mr Ian Bartlett - Manager Works and Services, Mr Jim Robertson - Engineering Technical Officer, Mr Anthony Svanberg - Cadet Engineer and Ms Megan Sounness - Administration Officer who have responsibility for this area.

Policy Implications

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

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Strategic Plan Key Results Area, New Initiative 1.4 provides the following:

'1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.'

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence; and
- Promote and provide access to policies, standards and legislation.'

Officer Comment

It is considered that this Policy should be amended so that the period of approval for an application is reduced to fourteen working days instead of one (1) month. This will

Policy Review – School Bus Routes (Cont.)

result in a more efficient turnaround of applications. It is also considered that the Policy should be amended to include the Council receiving an updated map of school bus routes for each school, yearly. It is considered vital that the Council have this up to date information for safety / emergency reasons and also maintenance work.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr D Williss:

That amended Council Policy No. I/R/10 – School Bus Routes as follows:

'That the Council will, with regard to School Bus Routes require:

- (1) A minimum of fourteen working days after the submission of application for the approval of School Bus Routes.
- (2) Notification of alterations to School Bus Routes yearly by receipt of an updated map from each school highlighting any changes made. That maps be forwarded to the Council by 14 February each year. That a new map be forwarded each year regardless of whether a change has occurred or not.'

be endorsed.

CARRIED (8/0)

No. 367/06

9.4.10 POLICY REVIEW – TELSTRA - DEPARTMENT LINE CLEARING

Location / Address: N / A
Name of Applicant: N / A
File Reference: ET/120/2
Author: Ian Bartlett - Manager Works and Services
Authorised By: Rob Stewart – Chief Executive Officer
Date of Report: 16 October 2006

Purpose

The purpose of this report is to review Council Policy No. I/R/11 – Telstra-Department Line Clearing.

Background

Council Policy No. I/R/11 – Telstra-Department Line Clearing reads as follows:

‘That Council adopt existing Telstra standards, in accordance with their written instructions to field staff, as the maximum clearing requirement for telephone line installations and maintenance on road reserves.’

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred between the Manager Works and Services, Engineering Technical Officer, Cadet Engineer and Administration Officer-Works and Services, who have responsibility for this area.

Policy Implications

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

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council’s Strategic Plan Key Results Area, New Initiative 1.4 provides the following:

‘1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.’

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence; and
- Promote and provide access to policies, standards and legislation.’

Officer Comment

It is considered that the current policy is adequate and does not need amending.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Moir:

That Council Policy No. I/R/11 – Telstra-Department Line Clearing as follows:

'That Council adopt existing Telstra standards, in accordance with their written instructions to field staff, as the maximum clearing requirement for telephone line installations and maintenance on road reserves.'

be endorsed.

CARRIED (8/0)

No. 368/06

9.4.11 POLICY REVIEW – TENDERS - CANVASSING OF COUNCILLORS

Location / Address: N / A
Name of Applicant: N / A
File Reference: CM/120/2
Author: Ian Bartlett - Manager Works and Services
Authorised By: Rob Stewart – Chief Executive Officer
Date of Report: 16 October 2006

Purpose

The purpose of this report is to review Council Policy No. I/T/1 – Tenders - Canvassing of Councillors.

Background

Council Policy No. I/T/1 – Tenders-Canvassing of Councillors reads as follows:

‘That canvassing of individual Councillors or senior staff by Business Houses or their staff, when tenders are called to supply to the Plantagenet Shire Council, plant, goods or services, will automatically disqualify that tenderer. "Canvassing of individual Councillors will disqualify Tenderer" to be displayed on Tender advertisements and associated correspondence.’

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred between Mr Ian Bartlett - Manager Works and Services, Mr Jim Robertson - Engineering Technical Officer, Mr Anthony Svanberg - Cadet Engineer and Ms Megan Sounness - Administration Officer who have responsibility for this area.

Policy Implications

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

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council’s Strategic Plan Key Results Area, New Initiative 1.4 provides the following:

‘1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence; and
- Promote and provide access to policies, standards and legislation.’

Officer Comment

It is considered that the current policy is adequate and does not need amending.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr J Mark:

That Council Policy No. I/T/1– Tenders - Canvassing of Councillors as follows:

'That canvassing of individual Councillors or senior staff by business houses or their staff, when tenders are called to supply to the Plantagenet Shire Council, plant, goods or services, will automatically disqualify that tenderer. 'Canvassing Of Individual Councillors Will Disqualify Tenderer' to be displayed on Tender advertisements and associated correspondence.'

be endorsed.

CARRIED (8/0)

No. 369/06

9.4.12 POLICY REVIEW – VEHICLE CROSSOVERS

Location / Address: N / A
Name of Applicant: N / A
File Reference: RO/120/11
Author: Ian Bartlett - Manager Works and Services
Authorised By: Rob Stewart – Chief Executive Officer
Date of Report: 16 October 2006

Purpose

The purpose of this report is to review Council Policy No. I/R/13 – Vehicle Crossovers.

Background

Council Policy No. I/R/13 – Vehicle Crossovers reads as follows:

'That the procedures and Specifications for construction of a Vehicle Crossover be adopted as policy.

That within townsites sealed crossings of concrete, brick paving or asphalt be required where the crossing adjoins a sealed road.

That Council issue notices requiring repairs to crossovers pursuant to Local Government (Uniform Local Provisions) Regulations 1996 Schedule 9.1 cl. 7 (3) of the Local Government Act seek expressions of interest from contractors for the construction and repair of crossovers on behalf of Council contribute 50% to the cost of repairs carried out to Council satisfaction.'

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred between Mr Ian Bartlett - Manager Works and Services, Mr Jim Robertson - Engineering Technical Officer, Mr Anthony Svanberg - Cadet Engineer and Ms Megan Sounness - Administration Officer who have responsibility for this area.

Policy Implications

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

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Strategic Plan Key Results Area, New Initiative 1.4 provides the following:

'1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

Policy Review – Vehicle Crossovers (Cont.)

- Revise all policies, procedures and delegations to ensure internal consistency and convergence; and
- Promote and provide access to policies, standards and legislation.'

Officer Comment

It is considered that this Policy should be amended to include reference to the thickness of gravel contained in crossings outside townsites. This specification for crossings outside townsites is currently not mentioned and clarification is therefore required in the form of inclusion in this policy.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr J Moir:

That amended Council Policy No. I/R/13 – Vehicle Crossovers as follows:

Objective:

To achieve a standard of vehicle crossovers in line with Council guidelines.

Policy:**THAT:**

- (1) The procedures and Specifications for construction of a Vehicle Crossover be adopted as policy.
- (2) Within townsites, sealed crossings of concrete, brick paving or asphalt be required where the crossing adjoins a sealed road.
- (3) Outside townsites, crossings contain gravel consisting of a minimum thickness of 100mm.
- (4) The Council issue notices requiring repairs to crossovers pursuant to Local Government (Uniform Local Provisions) Regulations 1996 Schedule 9.1 Clause 7 (3) of the Local Government Act 1995 seeking expressions of interest from contractors for the construction and repair of crossovers on behalf of the Council contribute fifty percent to the cost of repairs carried out to the Council's satisfaction.'

be endorsed.

CARRIED (8/0)

No. 370/06

9.5 DEVELOPMENT SERVICES REPORTS

9.5.1 PLANNING FEES AND CHARGES

Location / Address:	N / A
Attachments: (1)	Present 2006 / 2007 Schedule Town Planning Fees & Charges
Name of Applicant:	N / A
File Reference:	FM/64/5
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	11 September 2006

Purpose

The purpose of this report is to propose some adjustments to the Town Planning Fees and Charges contained in the 2006 / 2007 Budget papers.

Background

The Council's adopted 2006 / 2007 Annual Budget contains a Schedule of Fees and Charges. Some of the fees and charges under the Town Planning section are not strictly correct in terms of the Town Planning (Local Government Planning Fees) Regulations 2006.

The Western Australian Planning Commission (WAPC) in 2000 released its Planning Bulletin No. 44 on the Local Government Planning Fees. That Bulletin advised of the then new Regulations and requested local governments to adopt the fees in accordance with the system introduced by the Regulations. The use of the Regulations made under the then Town Planning and Development Act provides a consistent method of charging fees for services provided by local governments. The system of fees is based on the following principles identified by a working group consisting of representatives from the Department for Planning and Infrastructure, WALGA and industry groups:

- The underlying principle of 'fee for service' provides a legitimate fee structure for the extent and quality of service proposed;
- It is clear and simple to administer;
- For ease of administration, fees for processing development applications represent the average cost in providing the service;
- There is reasonable equity between the benefits gained by the service user (applicant) and the service provider (local government);
- The cost of governance as it relates to the Council's consideration of applications at the Council meetings has been excluded from the fees;
- A maximum fee structure enables local governments to charge less or not at all;
- Justification for a fee higher than the specified maximum, or for additional charges when and where there are exceptional circumstances beyond what is normally undertaken by most local governments; that is, for applications which require:

Planning Fees & Charges (Cont.)

- Specific assessments (eg: environmental assessment studies);
- Extensive consultation procedures (eg: for exceptionally large, unusual or complicated proposals);
- Technical resources and equipment (eg: computer modelling); and/or
- Specialist skills (eg: heritage conservation).

The Regulations provide for fees for:

- Development applications;
- Subdivision clearances;
- Town Planning Scheme amendments;
- Adoption of structure plans;
- Home occupations;
- Change of use;
- Zoning certificates;
- Property settlement questionnaires; and
- Written planning advice.

In respect to development applications, the Regulations set a minimum fee of \$100.00 where the estimated cost of development is up to \$50,000.00. Fees are capped at a maximum fee of \$25,000.00 for developments with an estimated cost of \$21.5 million or more. The fee for determination of a development application for an extractive industry is \$500.00. The cost of specialist reports are separate charges.

The applicant is to estimate the cost of the development. Where a local government is not satisfied that the estimated cost is a reasonable estimate of the proposed development, it may require the applicant to provide additional information to justify the cost.

A separate fee for Scheme Amendments and structure plans will apply and this is to be based on estimated salary costs, direct costs, specialist report costs and documentation costs. The fees are payable by the applicant at the time of the request for the amendment or structure plan. The cost of specialist services or reports required by the local government to adequately assess a scheme amendment or structure plan proposal is payable by the applicant, and the local government may permit this work (or part thereof) to be undertaken directly by the applicant.

Also in respect to Amendment and structure plans fees the following apply:

- Details of the calculation used to derive a fee are to be made available to the applicant on request;
- Fees are not payable for a scheme amendment where the sole purpose of the amendment is to achieve consistency between a region scheme and a local planning scheme;
- Fees may be waived by a local government, at its discretion;
- Any fees not expended are to be refunded where a scheme amendment or structure plan is discontinued; and
- If an applicant is not satisfied that the fees calculated by a local government are a reasonable estimate of the services, then the matter may be referred to the Fees Arbitration Panel.

To approximate likely fees for this method of calculation, estimations have been prepared for a simple Amendment (\$2,100.00), an average Amendment (\$3,000.00),

Planning Fees & Charges (Cont.)

a complex Amendment (\$6,000.00) and a typical Structure Plan (\$3,500.00). The GST is to be applied to these fees. Although the fee estimate for a typical structure plan has been calculated by the approved method (at \$3,500.00) it is considered this fee should be capped at \$1,000.00 (exc GST) to encourage the preparation of such plans where appropriate.

The Council adopted a Scheme Amendment Request policy at its meeting held on 10 October 2006. The fee recommended here is \$500.00 (exc GST).

The Council's present Town Planning fees set in the 2006 / 2007 Annual Budget are similar to the fees required by the Regulations but there are some inconsistencies which do require adjustment.

Statutory Environment

Planning and Development Act 2005

Town Planning (Local Government Planning Fees) Regulations 2000

Local Government Act 1995

Consultation

The matter has been discussed with Mr Rob Stewart – Chief Executive Officer, Mr John Fathers – Deputy Chief Executive Officer and Mr Ian Bartlett – Manager Works and Services.

Policy Implications

There are no policy implications for this report.

Financial Implications

This will involve an adjustment to the adopted Schedule of Fees and Charges.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

As stated earlier, the Town Planning Fees presently set are similar to those required by the Regulations but there are some inconsistencies.

As an example the present Schedule of Fees and Charges contain specified charges for developments such as residential units, outbuildings, chalets, bed and breakfast accommodation where the fees charged should be based on the value of the actual development. The fees also should be based on whether the use is classified 'P', 'AA' or 'SA' in the scheme.

The present Schedule also charges fees for advertising of 'AA' and 'SA' use proposals and such a fee should not be charged as this has been incorporated into the fees calculation set by the Regulations.

For the issue of a zoning certificate and the issue of written planning advice the Council's fee is set at \$55.00 where the Regulations cap this fee at \$50.00 as a maximum to be charged.

The issue of cash in lieu of car parking in the commercial area is not included in the Schedule but rather in Policy No. TP/SDC/3. With Amendment No. 41 proposing to introduce the ability to charge cash in lieu for car parking, the Schedule should include the \$1,500.00 figure. The Policy will be altered to delete the \$1,500.00 figure when reviewed as part of the policy review process.

Planning Fees & Charges (Cont.)

Amendment No. 41 is also proposing to introduce the ability for the Council to issue retrospective planning consent and as such there should be a fee for such a matter in the Schedule. It is proposed this fee be four times the normal fee for the proposal to act as a deterrent for this type of activity (ie: a building constructed or a use commenced without Council approval).

It is also proposed to introduce a fee for road maintenance contributions for tourist accommodation units such as chalets. The fee will be based on the number of units and will be payable at the time of approval. This will only apply where the proposal is located on a gravel (non-bitumenised) road. The fee will be applicable to other tourist activities (such as cellar sales) located on gravel roads where appropriate. The fee will be a once off contribution and not an annual fee.

The Schedule should also be adjusted to include relevant fees for applications and permit renewals for trading in public places under the Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law. This matter is not linked to the Planning Fees Regulations but such a charge should be included in the Schedule as the Local Law refers to such fees.

To change the Schedule of Fees and Charges once the Annual Budget has been adopted the Council must follow the procedures and requirements of S 6.19 of the Local Government Act 1995 which requires the Council to give local public notice of its intention to introduce the new fees and the date from which the fees are to be imposed before introducing the fees.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr M Skinner:

THAT:

(1) The Schedule of Fees and Charges in the 2006 / 2007 Annual Budget be amended to delete the following subsections under Town Planning:

- **Applications for Planning Consent**
- **Commercial, Industrial and Intensive Rural Industry**
- **Advertising**
- **Administration**
- **Extractive Industries**
- **Rezoning / Scheme Amendment Applications**
- **Subdivisions**

and to insert the revised Schedule of Town Planning Fees and Charges as follows:

Planning Fees & Charges (Cont.)

**'Schedule Of Town Planning Fees & Charges
2006 / 2007**

Item	Description of Planning Service	Maximum Fee	
1.	Determination of a planning consent application for 'P' developments for a Single House where Residential Design Code variations are required.	\$100	GST Free
1A.	Determination of a planning consent application for all 'AA' and 'SA' developments where the estimated cost of the development is –		GST Free
	(a) not more than \$50,000	\$100	
	(b) more than \$50,000 but not more than \$500,000	0.23% of the estimated cost of development	
	(c) more than \$500,000 but not more than \$2.5 million	\$1,150 + 0.18% for every \$1 in excess of \$500,000	
	(d) more than \$2.5 million but not more than \$5 million	\$4,750 + 0.15% for every \$1 in excess of \$2.5 million	
	(e) more than \$5 million but not more than \$21.5 million	\$8,500 + 0.1% for every \$1 in excess of \$5 million	
	(f) more than \$21.5 million	\$25,000	
1B	Determination of a Planning Consent Application for all developments applied for in accordance with Clause 5.1.3 (retrospective approval)		GST Free
	(a) 'P' uses / developments	\$400	
	(b) 'AA' and 'SA' uses / developments based on the estimated cost of the development (see Item 1A above)	The fee at Item 1A above is used but it is multiplied by 4	
	(c) application for signs	\$200	
	(d) application for home occupation	\$400	
	(e) change of use or continuation of non-conforming use	See (a) above	
2	Determination of a planning consent application for signs	\$50	GST Free
3	Provision of a subdivision clearance –		GST Free
	(a) not more than 5 lots	\$50 per lot	
	(b) more than 5 lots but not more than 195 lots	\$50 per lot for the first 5 lots and then \$25 per lot	
	(c) more than 195 lots	\$5,000	
4.	Application for approval of home occupation		GST Free
	(a) initial fee	\$100	
	(b) renewal fee	N / A	
5.	Applications for change of use or for change or continuation of a non-conforming use where 'development' is not occurring.	See 1 (Planning Consent applications) up to \$100 maximum for 'use' only	GST Free
6.	Issue of a zoning certificate	\$50	GST Free
7.	Reply to a property settlement questionnaire	\$55	
8.	Issue of a written planning advice	\$0	
9.	Liquor Licensing Certificate charge – Section 40	\$50	GST Free

 Planning Fees & Charges (Cont.)
Scheme Amendments and Structure Plans

The fees, charges and costs associated with processing and considering Scheme Amendments and Structure Plans will be determined using the Town Planning (Local Government Planning Fees) Regulations 2000 fees structure guidelines. In general terms the fees will be determined after making allowance for officer's time, direct costs involved and a percentage allowance to recover operating overhead costs. GST will be charged where applicable. (Further details can be obtained from the Manager Development Services.)

Scheme Amendment Requests

A new procedure for the lodgement of Scheme Amendment Requests was introduced on 10 October 2006. This procedure enables preliminary consideration to be given to an Amendment proposal prior to the preparation of formal and detailed documentation. The fee for such a request is \$550.00 and is payable prior to the request being assessed.

Extractive Industries		
Development Application	\$500	GST Free
Annual Licence Fee under Local Law	\$155	
Transfer of Licence Fee under Local Law	\$55	
Licence Renewal Fee under Local Law	\$55	
Performance Guarantee (per hectare or part thereof) under Local Law	\$2,200	

Activities in Thoroughfares and Public Places and Trading Local Law		
Application for Permit Fee	\$110	
Permit Renewal Fee	\$55	

Cash in Lieu of Car Parking		
Payment per car bay	\$1,650	

Strata Titles		
Issue of Local Government Authority certificate – fees as per Strata Titles General Regulations – Schedule 1		
Relocated Dwellings		
Bond for Relocated Dwelling – under 12 years old	\$2,500	GST Free
Bond for Relocated Dwelling – over 12 years old	\$5,000	GST Free

Road Maintenance Contribution		
Road Maintenance contribution per tourist accommodation unit (eg: Chalet) and other tourist related uses depending upon scale etc when such developments are not located with direct access to a bitumen sealed road.	\$2,860	

Note: All charges include GST unless otherwise stated.'

Planning Fees & Charges (Cont.)

- (2) The revised Schedule of Town Planning Fees and Charges be adopted to take effect from 1 December 2006.
- (3) The changes at Part (1) and (2) above be advertised in accordance with the provisions of the Local Government Act 1995.

CARRIED (8/0)

No. 371/06

(Absolute Majority)

9.5.2 LOCATION 1036 HARDING ROAD, KENDENUP - APPLICATION FOR TEMPORARY ACCOMMODATION

Location / Address:	Location 1036 Harding Road, Kendenup
Attachment: (1)	Location plan
Name of Applicant:	L & C Jones
File Reference:	RV/182/2107
Author:	Eric Howard - Environmental Health Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	9 October 2006

Purpose

The purpose of this report is to consider an application for Temporary Accommodation at Location 1036 Harding Road, Kendenup.

Background

An application has been received from the owners of Location 1036 Harding Road, Kendenup seeking approval to occupy two (2) caravans located on the site for a period of twelve (12) months to enable the construction of their Class 1a dwelling, also to be located on the land.

A building Licence (B/L No. 2484) was issued for the construction of two (2) Outbuildings (sheds) on the land for the storage of building materials. Two (2) separate on site affluent disposal systems were also installed in the sheds in anticipation of receiving Temporary Accommodation approval.

The applicants (L & C Jones) intend to reside within one (1) caravan located adjacent to one (1) shed situated on the western portion of the property and the applicant's daughter and two (2) young children intend to occupy a second caravan located adjacent to the second shed situated on the eastern portion of the property.

The proposed 'single' Class 1a dwelling is being specifically designed to accommodate both family groups and therefore all family members will be contributing to the construction of the dwelling and need to reside on site.

A subsequent application for a Building Licence (Building Licence No. 2653) has now been received for the construction of a Class 1a dwelling, however further plans, construction details and specifications will be required prior to a licence being issued.

Statutory Environment

Caravan Parks and Camping Grounds Act 1995

Caravan Parks and Camping Grounds Regulations 1997 in this instance, deal specifically with two (2) issues.

1. Regulation 11. Defines where a person may camp and identifies the specific approving body and time limits for approval (ie: the Local Government or the Minister), and;
2. Regulation 12. Specifies the approval process and specific approving body for the occupation of more than one (1) caravan on a Lot. (ie: the local government or the Minister for Local Government and Regional Development)

Regulation 11.

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

Regulation 12.

- (1) A person who owns or has a legal right to occupy a lot is to ensure that-
- (a) not more than one caravan is being used to camp on the lot at any one time; or
 - (b) where more than one caravan is being used to camp on the lot at any one time, he or she has written approval under sub-regulation (2) and is complying with that approval.
- (2) Written approval may be given to a person for more than one caravan, as specified in the approval, to be used to camp on a lot for a period of time specified in the approval-
- (a) by the local government of the district where the lot is situated, if the period of time does not exceed 3 months; or
 - (b) By the Minister (for local government) if the period of time exceeds 3 months.'

Consultation

This application has been a protracted one and discussed in detail with the following former and present Council staff:

- Ms Delma Baesjou – former Manager Planning and Development Services;
- Mr Joe O'Keefe – former Town Planner;
- Mr Alan Watkins – Principal Building Surveyor;
- Mr Peter Duncan – Manager Development Services; and
- Miss Marta Osipowicz – Planning Officer.

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.

Officer Comment

The applicant, through extensive consultation with Council staff, has specifically designed and staged the development to enable the construction of outbuildings prior to the dwelling for the purpose of being capable of receiving approval for temporary accommodation during the construction of the Class 1a dwelling.

An inspection of the caravans and ablution facilities have confirmed that the facilities provided do conform to the basic health and safety standards required for this type of accommodation.

The applicants have agreed to comply with the provisions and conditions expressed in the Councils 'Application for Temporary Accommodation' information / application document.

Having regard to the proposed dwelling size being large and the method of construction proposed, it is anticipated that the period of temporary accommodation may conceivably extend beyond the twelve month period. In this instance, the applicant would need to re-apply to the Council for temporary accommodation approval for a further twelve month period to enable completion of the dwelling construction.

Approval for the use and occupation of a second caravan for temporary accommodation on any lot is with the Minister for Local Government and Regional Development. The Department of Local Government and Regional Development (the Department) would seek comment from the Council concerning an application for approval to use a second caravan on a lot and therefore it would be reasonable for the Council at this stage, to consider supporting, with conditions if necessary, or otherwise that matter prior to the applicant making a formal application to the Department.

The Council will be considering the application for approval to occupy a single caravan for temporary accommodation on the land whilst the Minister for Local Government and Regional Development will be considering the use of a second caravan, also for temporary accommodation purposes once the applicant applies to the Department.

The Council may revoke the temporary accommodation approval at any time during this approval period should it not be satisfied with the progress of building construction.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr J Moir, seconded Cr J Mark:

THAT:

- (1) Approval be granted to L & C Jones to occupy Temporary Accommodation at Location 1036 Harding Road, Kendenup for a maximum period of twelve (12) months subject to:**

Location 1036 Harding Road, Kendenup – Application For Temporary Accommodation (Cont.)

- (a) Approval to occupy temporary accommodation is limited to the use of one (1) caravan only;
 - (b) Compliance with the provisions and conditions of the Shire of Plantagenet Temporary Accommodation information document;
 - (c) Satisfactory progress being achieved with the construction of the Class 1a dwelling; and
 - (d) The approval to occupy temporary accommodation may be revoked at any time within the twelve (12) month approval period should unsatisfactory progress be made in the construction of the dwelling.
- (2) The applicant is required to apply for and receive approval from the Minister for Local Government and Regional Development for the use and occupation of a second caravan on the lot for the purpose of providing Temporary Accommodation.
- (3) Should the applicant seek the Minister for Local Government and Regional Development approval at (2) above, staff be authorised to advise the Department of Local Government and Regional Development the Council supports the use and occupation of a second caravan on the land for the purpose of temporary accommodation during the construction of the Class 1a dwelling.

AMENDMENT

Moved Cr K Clements, seconded Cr D Williss:

That the word 'supports' be replaced with the words 'does not support' in Part (3) of the Motion.

CARRIED (7/1)

No. 372/06

COUNCIL DECISION

THAT:

- (1) Approval be granted to L & C Jones to occupy Temporary Accommodation at Location 1036 Harding Road, Kendenup for a maximum period of twelve (12) months subject to:
- (a) Approval to occupy temporary accommodation is limited to the use of one (1) caravan only;
 - (b) Compliance with the provisions and conditions of the Shire of Plantagenet Temporary Accommodation information document;
 - (c) Satisfactory progress being achieved with the construction of the Class 1a dwelling; and
 - (d) The approval to occupy temporary accommodation may be revoked at any time within the twelve (12) month approval period should unsatisfactory progress be made in the construction of the dwelling.

Location 1036 Harding Road, Kendenup – Application For Temporary Accommodation (Cont.)

- (2) The applicant is required to apply for and receive approval from the Minister for Local Government and Regional Development for the use and occupation of a second caravan on the lot for the purpose of providing Temporary Accommodation.
- (3) Should the applicant seek the Minister for Local Government and Regional Development approval at (2) above, staff be authorised to advise the Department of Local Government and Regional Development the Council does not support the use and occupation of a second caravan on the land for the purpose of temporary accommodation during the construction of the Class 1a dwelling.

CARRIED (8/0)

No. 373/06

9.5.3 RESERVE 1790 MCDONALD AVENUE, MOUNT BARKER - WASTEWATER REUSE SCHEME - FROST PARK SPORTING GROUND

Location / Address: N / A
Name of Applicant: N / A
File Reference: WS/118/1, RV/182/812
Author: Eric Howard - Environmental Health Officer
Authorised By: Peter Duncan - Manager Development Services
Date of Report: 9 October 2006

Purpose

The purpose of this report is to consider the requirement for the development of a detailed environmental investigation for the source, collection, storage and use of irrigation water supplies for the future use on the Council's parks, gardens, ovals and reserves.

Background

A report (Item No 9.5.10) was presented to the Council at its Meeting held 22 August 2006 requesting consideration and recommending the continuance of the existing agreement between the Hardy Wine Company (HWC) and the Shire of Plantagenet (the Shire). The agreement was for the delivery of 25% of the total annual wastewater delivered to HWC from the Water Corporation to be supplied to the Shire for irrigation onto the Frost Park sporting grounds.

It was also recommended that to enable the continuation of the agreement to receive wastewater for re-use, the Council considered approving the un-budgeted expenditure of \$10,000.00 for the development of a comprehensive Environmental Impact Assessment and Nutrient Irrigation Management Plan for Frost Park. This would enable compliance with Department of Environment and Conservation requirements and the Health Act 1911.

The Council requested staff to undertake further preliminary investigations for the viability of alternative water sources for irrigation in lieu of treated wastewater.

The Council on 22 August 2006 resolved (Resolution No. 255/06)

'Moved Cr D Williss, seconded Cr K Hart:

THAT:

- (1) *At the quarterly financial review to be undertaken at the Council meeting to be held 24 October 2006, consideration be given for the unbudgeted expenditure of up to \$10,000.00 to engage the services of a suitably qualified Environmental Engineer to undertake detailed site investigations of the Frost Park Sports Ground for the operation of a regular Wastewater Reuse Scheme at Frost Park to:*
 - (a) *Develop an Environmental Impact Assessment and Nutrient Irrigation Management Plan for the proposed Frost Park Wastewater Reuse Scheme;*

Reserve 1790 McDonald Avenue, Mount Barker – Wastewater Reuse Scheme - Frost Park Sporting Ground (Cont.)

- (b) *Submit to the Department of Environment an application for a licence to store or discharge waste as part of the proposed Frost Park Wastewater Reuse Scheme, on behalf of the Shire of Plantagenet; and*
 - (c) *Provide technical support for the application for funding under the Australian Government Water Fund 'Community Water Grants' program for the investigation and implementation of the Frost Park Wastewater Reuse Scheme.*
- (2) *The Hardy Wine Company Limited be advised that the Council intends to continue with the current agreement to receive 25% of the annual wastewater volume delivered to Omrah Vineyards by WA Water Corporation, provided the Shire receives delivery of that wastewater intermittently throughout the summer months until such a time as a licence is received as per Part (1) above and then in accordance with the provisions and conditions of the licence.*
- (3) *A report being provided to the Council following advice from the Department of Environment detailing the operational conditions of licence for the Wastewater Reuse Scheme at Frost Park to:*
- (a) *Consider the specific conditions of licence imposed by the Department of Environment; and*
 - (b) *Seek the Council's consideration for the implementation of the Frost Park Wastewater Reuse Scheme, in accordance with the conditions of licence.*

Unbudgeted funds for this project are being sought through the Council's current Budget Review, which is the subject of another report to the Council meeting to be held on 24 October 2006.

Preliminary site investigations and discussions have confirmed the potential for harvesting additional storm water run-off possibly from the new by-pass road however investigations, assessment and costings will be required.

HWC have provided 'in principle' agreement to supply wastewater to the Shire intermittently during the summer months, however HWC will need to undertake further feasibility studies and accordingly will advise the Council of its decision upon completion.

Statutory Environment

Environmental Protection Act 1986
Environmental Protection Regulations 1997
Western Australia Health Act 1911

Consultation

Discussions relating to the concept of determining an alternative viable source of irrigation water for use on the Shire's parks, gardens, ovals and reserves has occurred with the following persons:

- Mr Rob Stewart – Chief Executive Officer
- Mr John Fathers – Deputy Chief Executive Officer
- Mr Ian Bartlett – Manager Works and Services
- Mr Peter Duncan – Manager Development Services
- Ms Kate McCormack – Environmental Engineer - ATA Environmental

Reserve 1790 McDonald Avenue, Mount Barker – Wastewater Reuse Scheme - Frost Park Sporting Ground (Cont.)

Policy Implications

There are no policy implications for this report.

Financial Implications

This matter is to be addressed through the Council's current Budget Review process.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Irrespective of the water source, the Shire has a finite supply of water suitable for irrigation onto its parks, gardens and ovals. It remains the responsibility of the Council to establish and maintain its parks and ovals to a standard expected by the community.

The detailed site investigation and development of a comprehensive Environmental Impact Assessment and Nutrient Irrigation Management Plan for an environmentally sustainable irrigation system for the Shire's parks, gardens, ovals and reserves is an imperative.

A summary and cost analysis of the viable options would be presented to the Council for further consideration once the above Assessment and Plan have been prepared.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) Council approval be granted for a 2006-2007 Budget allocation of \$10,000.00 to be made for the preparation of a detailed site investigation and comprehensive Environmental Impact Assessment and Nutrient Irrigation Management Plan for an environmentally sustainable irrigation system for the Shire's parks, gardens, ovals and reserves; and
- (2) Following the development of the Nutrient Irrigation Management Plan, a detailed report is to be provided identifying options for the environmentally sustainable irrigation system for use on the Shire's parks, gardens, ovals and reserves including the option of a new dam to collect runoff from the northern bypass road.

Reserve 1790 McDonald Avenue, Mount Barker – Wastewater Reuse Scheme - Frost Park Sporting Ground (Cont.)

ALTERNATIVE MOTION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr D Williss:

THAT:

- (1) Approval be granted for a 2006-2007 Budget allocation of \$10,000.00 to be made for the preparation of a detailed site investigation and comprehensive Environmental Impact Assessment and Nutrient Irrigation Management Plan for an environmentally sustainable irrigation system for the Frost Park and Sounness Park precinct; and
- (2) Following the development of the Nutrient Irrigation Management Plan, a detailed report is to be provided identifying options for the environmentally sustainable irrigation system for use on the Frost Park and Sounness Park precinct including the option of a new dam to collect runoff from the northern bypass road.

CARRIED (8/0)

No. 374/06

Reason For Change

Councillors wanted the recommendation to reflect the intent to investigate the Frost Park and Sounness Park precinct rather than all the Shire's parks, ovals, gardens and reserves.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr K Hart, seconded Cr J Mark:

5.25pm That the meeting be adjourned.

CARRIED (8/0)

No. 375/06

RESUMPTION

9.08pm The Presiding Member resumed the meeting.

Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Williss	Deputy Shire President - East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr J Moir	South Ward
Cr K Clements	Town Ward
Cr J Mark	Town Ward
Cr K Hart	Kendenup Ward
Cr M Skinner	East Ward
Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Mr I Bartlett	Manager Works and Services
Mr P Duncan	Manager Development Services
Ms N Selesnew	Manager Community services
Mrs K Skinner	Executive Secretary

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

9.09pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ **DATE:/..../....**