



## **ORDINARY COUNCIL MEETING**

# **MINUTES**

Ordinary Meeting of the Council held at  
Frost Park Pavilion, McDonald Avenue, Mount Barker  
2:45pm Tuesday 27 September 2005

**John Byrne**  
**ACTING CHIEF EXECUTIVE OFFICER**

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

The Acting Chief Executive Officer, Mr John Byrne, 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 Willis	Deputy Shire President - East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr J Moir	South Ward
Cr K Clements	Town Ward
Cr K Hart	Kendenup Ward
Cr J Mark	Town Ward
Cr M Skinner	East Ward
Mr J Byrne	Acting Chief Executive Officer
Mr S Bell	Executive Director Technical and Development Services
Ms D Baesjou	Manager Development Services
Mrs K Skinner	Executive Secretary
Miss N Selesnew	Administration Assistant

There were no members of the public present.

There were no members of the media present.

Previously Approved Leave Of Absence

Cr B Hollingworth 23 September to 8 October 2005 inclusive

**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Councillor K Clements requested leave of absence for 25 October 2005.

**Moved Cr J Cameron, seconded Cr J Mark:**

**That Councillor K Clements be granted leave of absence for the period 25 October 2005.**

**CARRIED (8/0)**

**No. 286/05**

**7 CONFIRMATION OF MINUTES**

**Moved Cr D Williss, seconded Cr J Moir:**

**That the Minutes of the Ordinary Meeting of the Council held 13 September 2005 be confirmed subject to the following changes:**

**Page 17: The words 'Carried' and 'No. 266/05' being deleted.**

**Page 42: The words 'Carried' and 'No. 274/05' being deleted.**

**CARRIED (8/0)**

**No. 287/05**

## **8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

- Thank you to Cr Williss for presiding at the meeting of the Council held on 13 September 2005.
- I opened the Great Southern Art Exhibition at Goundrey's on 24 September 2005.
- I attended a teleconference of the Great Southern Zone of WALGA Executive held on 23 September 2005 with Acting Chief Executive Officer Mr John Byrne. The meeting lasted for approximately 2¼ hours.
- On Wednesday 5 October 2005 I will be attending a State Meeting of WALGA Executive.
- On Thursday 6 October 2005, along with Cr Williss and Chief Executive Officer Mr Rob Stewart, I will be attending an evening function in Albany with a number of State Liberal Shadow Cabinet Members.
- On Friday 7 October 2005 I will be meeting with the Shadow Minister for Local Government John Castrilli MLA along with the Chief Executive Officer.
- On Friday 7 October 2005 I will be attending the Wine Show Dinner along with Lyn.
- At 4:00pm today FESA will be demonstrating the Radio Changeover at the District Hall and would like Councillors to attend.
- At 5:30pm the Mount Barker Turf Club will be giving a presentation to the Council.
- At the conclusion of the Council Meeting there will be a discussion on Chillinup Road, TIRES, Lower Great Southern Planning Strategy and a Health Forum to be held on 20 October 2005.

## **9 REPORTS OF COMMITTEES AND OFFICERS**

### **9.1 EXECUTIVE SERVICES REPORTS**

#### **9.1.1 COMMITTEE MINUTES – TOWNSCAPE REVIEW STEERING COMMITTEE MEETING HELD 6 SEPTEMBER 2005; GREAT SOUTHERN REGIONAL CATTLE SALEYARDS COMMITTEE MEETING HELD 13 SEPTEMBER 2005**

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments:</b>	<b>Minutes</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>CA/103/1; LP/103/1</b>
<b>Author:</b>	<b>Cherie Delmage - Administration Officer Minutes and Agenda</b>
<b>Authorised By:</b>	<b>John Byrne – Acting Chief Executive Officer</b>
<b>Date of Report:</b>	<b>19 September 2005</b>

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#### **Purpose**

The purpose of this report is to receive the Minutes of the Townscape Review Steering Committee meeting held 6 September 2005 and the Minutes of the Great Southern Regional Cattle Saleyards Advisory Committee meeting held 13 September 2005.

#### **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 D Williss:**

**That the Minutes of the Townscape Review Steering Committee meeting held 6 September 2005 and the Minutes of the Great Southern Regional Cattle Saleyards Advisory Committee meeting held 13 September 2005 be received.**

**CARRIED (8/0)**

**No. 288/05**

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## 9.2 CORPORATE SERVICES REPORTS

### 9.2.1 LIST OF PAYMENTS - AUGUST 2005

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments:</b>	<b>List of Payments – August 2005</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>FM/64/1</b>
<b>Author:</b>	<b>Rayona Evans - Accounts Officer</b>
<b>Authorised By:</b>	<b>John Byrne - Acting Chief Executive Officer</b>
<b>Date of Report:</b>	<b>8 September 2005</b>

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#### **Purpose**

The purpose of this report is to present the list of payments that were made during the month of August 2005.

#### **Statutory Environment**

Regulation 13 of the Local Government (Financial Management) Regulations 1996 defines the reporting requirements to the Council for 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 Cameron:**

**That the payment of accounts, covering electronic payments, cheques 34388 to 34444, totalling \$435,773.52 and the Credit Card transactions for the months of May and June 2005, totalling \$1,967.61, be noted.**

**CARRIED (8/0)**

**No. 289/05**



**9.2.2 FINANCIAL STATEMENTS - AUGUST 2005**

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (1)</b>	<b>Financial Statements – August 2005</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>FM/65/1</b>
<b>Author:</b>	<b>David Blurton - Accountant</b>
<b>Authorised By:</b>	<b>John Byrne – Acting Chief Executive Officer</b>
<b>Date of Report:</b>	<b>19 September 2005</b>

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**Purpose**

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 August 2005.

**Statutory Environment**

Recent amendments to the regulations, gazetted on 31 March 2005 and effective from 1 July 2005 have repealed the former regulations (34 and 35) relating to monthly and quarterly / annual financial reports.

They have been substituted with a new Regulation 34 which only requires local governments to report on a monthly basis, although it is much more prescriptive as to what is required and its intention is to establish a minimum standard across the industry.

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

- (a) annual budget estimates;
- (b) budget estimates to the end of the month;
- (c) actual 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.

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**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr D Williss, seconded Cr J Mark:**

**That the financial statements for the month ending 31 August 2005 be received.**

**CARRIED (8/0)**

**No. 290/05**

**9.2.3 POLICY REVIEW - INSURANCE**

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>RM/120/2</b>
<b>Author:</b>	<b>Donna Stevens - Senior Administration / Human Resources Officer</b>
<b>Authorised By:</b>	<b>John Byrne – Acting Chief Executive Officer</b>
<b>Date of Report:</b>	<b>19 September 2005</b>

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**Purpose**

The purpose of this report is to review Council Policy PI2 - Insurance.

**Background**

Council Policy PI2 - Insurance reads as follows:

*'That it not be Council policy to accept responsibility for the cost of insurance of buildings erected by other organisations on land under Council control except on a prior arrangement basis.'*

**Consultation**

Consultation has taken place with the Executive Director of Corporate and Community Services.

**Policy Implications**

This policy review is presented to the Council as part the Council's ongoing policy review cycle.

**Strategic Implications**

The Council's Strategic Plan Key Result Area 1, New Initiative 1.4 provides the following:

- 1.1 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, procedures, standards and legislation.

**Officer Comments**

This policy is still relevant to the Council, although it would make more sense if reworded. The recommended policy has been re-worded accordingly.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr J Cameron, seconded Cr M Skinner:**

**That Council Policy PI2 - Insurance be altered to read:**

**That it be Council policy not to accept responsibility for the cost of insurance of buildings erected by other organisations on land under Council control except on a prior arrangement basis.**

**CARRIED (8/0)**

**No. 291/05**

### 9.3 DEVELOPMENT SERVICES REPORTS

#### 9.3.1 LOT 419 ALBANY HIGHWAY, MOUNT BARKER - FREE-STANDING SIGN

<b>Location / Address:</b>	<b>Lot 419 Albany Highway, Mount Barker</b>
<b>Attachments: (4)</b>	<b>Locality Plan Site Plan Sign Title</b>
<b>Name of Applicant:</b>	<b>David Berliner</b>
<b>File Reference:</b>	<b>RV/182/3675</b>
<b>Author:</b>	<b>Joe O'Keefe - Town Planner</b>
<b>Authorised By:</b>	<b>Delma Baesjou - Manager Development Services</b>
<b>Date of Report:</b>	<b>16 September 2005</b>

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#### **Purpose**

The purpose of this report is to consider an application for a free-standing advertising sign on Lot 419 Albany Highway, Mount Barker.

#### **Background**

Lot 419 Albany Highway, Mount Barker is on the northern entry to Mount Barker, opposite the Mount Barker Caravan Park. The Mount Barker Speedway lease part of a crown reserve, Pt Reserve No 16271, vested in the Shire of Plantagenet for Recreation Purposes. It is zoned Recreation Reserve under Town Planning Scheme No. 3. There is a blue 'fingerboard' sign stating 'Speedway' at the junction of Porongurup Road and the road south to Reserve No 16271.

This application is to place a 2.6 metre high advertising sign (2.4m x 1.2m) on a Residential zoned lot some 7km from the Reserve, to advertise the speedway to motorists entering Mount Barker from the north along Albany Highway.

#### **Statutory Environment**

Town Planning and Development Act, effected by:

The land subject to the application for the sign is zoned Residential (coded R10), under the Shire of Plantagenet Town Planning Scheme No. 3. This zone has two references to Residential Zone 'signs' in Schedule X – EXEMPTED ADVERTISEMENTS; both restrict signage to 0.2m<sup>2</sup> for any approved Home Occupation and restricted to that same size for one professional name plate per dwelling.

Clause 5.6.1 of the scheme sets out:

'5.6.1 Council's objective in the control of advertising is to secure the orderly and proper planning and the amenity of the Scheme Area through the control of advertisements by the examination and determination of applications for advertising signs in the light of:

- the impact of new advertisements upon residential, rural and recreational areas;

**Lot 419 Albany Highway, Mount Barker - Free-Standing Sign (Cont.)**

- the potential of any proposed advertisement to enhance or detract from the visual amenity and character of an area; and
- the potential for the rationalisation, consolidation or removal of existing advertisements where amenity is already impaired by poor, excessive or derelict advertising.'

The speedway on Reserve No 16271 as an alternative site for an advertising sign, is impacted on by the following extract from Town Planning Scheme No. 3, Schedule X, EXEMPTED ADVERTISEMENTS:

<b>Land Use And/Or Development Requiring Advertisement</b>	<b>Exempted Sign Type And Number (Includes The Change Of Posters On Poster Signs And Applies To All Illuminated Unless Otherwise Stated)</b>	<b>Maximum Area Of Exempted Sign</b>
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and street	N / A

**Consultation**

Discussions have been undertaken with the applicant, Mr Berliner and the President of the Mount Barker Speedway, Mr Drage.

**Policy Implications**

There is no Council policy that refers to signs for sporting groups, either on leased land, or on other sites.

**Financial Implications**

There are no financial implications for the Council from the proposal to locate a sign on Lot 419 Albany Highway, Mount Barker.

An alternative site on Pt Reserve 16271 may involve costs to the Council as it would be a development on crown land vested in the Council.

**Strategic Implications**

From the Councils 'Strategic Plan':

'Aims

Development Services – Town Planning aims to:

- Encourage and guide local development in accordance with the Strategic Plan and Town Planning Scheme No. 3 (as amended).
- Protect existing rural land from inappropriate land uses.
- Conserve and enhance the natural environment, the rural landscape and the features and views unique to the Shire, such as the Stirling & Porongurup Ranges.'

**Officer Comment**

The proposed site is on a small residential lot on Albany Highway, Mount Barker and is not supported by Town Planning Scheme No. 3. Clause 5.6.1 requires an impact assessment by the Council on residential, rural and recreational areas. The proposed site is on a Residential lot, near the entry of town. There are existing

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**Lot 419 Albany Highway, Mount Barker - Free-Standing Sign (Cont.)**

advertising signs for businesses adjacent to the site (eg the Motel and Caravan Park with signs on their respective lots). More signage, specifically for activities which are not located there, is confusing for passing motorists and regarded as excessive, impacting on the amenity of the area. The proposed sign is in conflict with the amenity requirements of Clause 5.6.1. It is not consistent with the aims of the Council's Strategic Plan.

Other opportunities exist to place such a sign. A roster of signs in the adjacent information bay on Albany Highway opposite the caravan park would enable the speedway to locate signage, off site, in the vicinity they have identified as desirable to them (ie: the northern entry to Mount Barker).

An alternative site for another sign for the speedway is regarded as being on the Porongurup Road frontage of Reserve No 16271.

Such a sign would require approval of the Council, as it would be visible from outside the speedway complex and is not exempted as per Schedule X.

The lease for the Speedway states:

**'3.12 Alterations**

*The Lessee shall not make or permit to be made any alterations, additions or improvements to the Premises without the permission of the Chief Executive Officer being first sought and obtained.'*

The advantages of a sign to advise the public what recreational facilities are available in the Recreation Reserve would have greater information content than the current blue 'fingerboard' sign. That sign is limited in its information to the public. A bill board sign may include other recreational facilities near Reserve No 16271, e.g. the rifle range on Reserve No 16447 (zoned Public Purpose Reserve), to the south. There may be other recreational club facility opportunities on these reserves.

An application to develop a sign on Reserve No 16271 would not necessarily cost the Speedway an application fee as it is a development application required by a lease of crown land vested in the Council. The Acting Chief Executive Officer has indicated a willingness to waive such an application fee for the Speedway where the sign was erected on Reserve No 16271.

Such an application could propose cost sharing on similar proposals to the Council. The deletion of the blue 'fingerboard' sign would allow for all signage for the activity to be contained on the lot itself. This is regarded as the most consistent outcome in terms of Clause 5.6.1 of Town Planning Scheme No. 3.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr K Hart, seconded Cr J Moir:

**THAT:**

- (1) Planning consent be refused in respect of Application No 31/05 for Lot 419 Albany Highway, Mount Barker to be used for the purpose of Free-Standing Sign in accordance with plans dated 9 September 2005 for the following reasons:
  - (a) The advertising device is inappropriate within land zoned Residential, in which the maximum area of advertising signage is 0.2m<sup>2</sup>.
  - (b) The advertising device is inconsistent with the objectives of Clause 5.6.1 of Town Planning Scheme No. 3 and will have a negative impact on the residential zone and entry to Mount Barker.
  - (c) The advertising device will result in proliferation and is inconsistent with Clause 5.6.1 of Town Planning Scheme No. 3 as it will detract from the visual amenity and character of the area.
- (2) The Lessee of Reserve No 16271, the Mount Barker Speedway, be invited to submit a proposal, consistent with the current lease, regarding possible signage on Reserve No 16271, facing Porongurup Road.
- (3) The application fees associated with new Speedway signage located on Pt Reserve No 16271 be waived.

**CARRIED (7/1)**

**No. 292/05**

**FURTHER MOTION**

Moved Cr J Moir,

That Council staff investigate the feasibility of installing banner poles on Albany Highway.

**MOTION LAPSED FOR WANT OF A SECONDER**

**FURTHER MOTION / COUNCIL DECISION**

Moved Cr J Mark, seconded Cr K Hart:

That Council staff investigate the establishment of a policy and guidelines governing signage at entrances to townsites.

**CARRIED (7/1)**

**No. 293/05**



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Lot 419 Albany Highway, Mount Barker - Free-Standing Sign (Cont.)

**FURTHER MOTION**

**Moved Cr J Moir,**

**That the establishment of a signage policy and guidelines be considered during the 2006 / 2007 budget deliberations.**

**MOTION LAPSED FOR WANT OF A SECONDER**

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

Nil

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

Nil

**12 CONFIDENTIAL**

Nil

**13 CLOSURE OF MEETING**

3:52pm      The Presiding Member declared the meeting closed.

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