



## ORDINARY MINUTES

**DATE:** Tuesday, 1 March 2011

**TIME:** 2:45pm

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

**Rob Stewart**  
**CHIEF EXECUTIVE OFFICER**

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

### Members Present:

Cr K Clements	Shire President
Cr M Skinner	Deputy Shire President
Cr B Bell	Councillor
Cr S Grylls	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor
Cr J Moir	Councillor

### In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Mr Dominic Le Cerf	Manager Works and Services
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mr Vincent Jenkins	Planning Officer
Mrs Linda Sounness	Executive Secretary

### Apologies

Cr S Etherington

There were twelve (12) members of the public present.

### Previously Approved Leave of Absence:

Cr A Budrikis – 1 March 2011

Cr G Messmer – 5 July 2011

### Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart then read aloud the following disclaimer:

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

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

Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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

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

Mr Stewart then read aloud the following disclaimer:

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

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

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### **3 PUBLIC QUESTION TIME**

#### **3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

##### **3.1.1 NIL**

### **3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995**

#### **3.2.1 MRS LARISSA SEAH - EXPENDITURE ON TOURISM ADVERTISEMENTS AND PROMOTION**

Asked by: Mrs Larissa Seah, Mount Barker Tourist Bureau Inc.

Mrs Seah asked the Chief Executive Officer:

1. What was the amount of money provided to mountbarker.com to place a full page advertisement in the Australian South West Holiday Planner produced in January this year?
2. From what account in the Shire Budget was this money withdrawn from?
3. Please provide an explanation of why money was allocated out of ratepayers funds to advertise/promote a private businesses concern?

#### **Response by: Mr Rob Stewart - Chief Executive Officer**

Mr Stewart noted that he had received no prior notice of the questions. He advised:

1. I believe the amount was in the vicinity of \$8,000.00.
2. I believe the account used was 'Area Promotions'
3. With funding problems affecting the Tourist Bureau (Inc) and Visitor Centre, there was a need to maintain marketing profile for the District.

#### **3.2.2. MR BILL HOLLINGWORTH - PROPOSED OPENING OF THE O'NEILL ROAD WASTE DISPOSAL SITE – SHED/SHOP**

Mr Bill Hollingworth asked when will the shed/shop at the O'Neill Road Waste Disposal site would be open.

#### **Response by: Mr Dominic Le Cerf –Manager Works and Services**

Mr Le Cerf replied that it would be unlikely for the tip shop to be operational this financial year and that a workshop with Councillors would be held to determine how the tip shop would be run and staffed.

## **4 PETITIONS / DEPUTATIONS / PRESENTATIONS**

### **4.1.1 TONY MOORE – TOWN PRESENTATION**

Good afternoon Shire President, Councillors and Council Staff.

I would like to submit a petition stating our disappointment in the presentation of Mount Barker gardens, parks and upkeep of the town.

A well presented town instils pride in the residents and is welcoming to visitors. You have developed great garden beds but now they are left un-kept.

Examples of this are:

- Outside the Council Chambers – eight dead bushes, garden beds full of kikuyu grass. There are two broken sprinkler heads creating holes in the ground and they have been broken for at least four weeks.

- Outside the Old Railway Station – ten dead bushes. One garden bed completely overgrown by kikuyu grass. All other garden beds full of kikuyu.
- New northern entrance – Garden bed wind damaged exposing irrigation pipes and leaving soil bare this has been like this for over one year. Wild radish the main feature of the area.
- Paths and verges – throughout the town overgrown with weeds and pathways broken up.

When complaints are expressed to the Shire the usual reply is we will inform the Parks and Garden Staff.

An example of this is when I expressed my concerns with the number of 'No Standing' signs at Lowood Road/Mondurup Street intersection. Rob Stewart quoted in the Plantagenet News on 9 June 2010 '*Some of these signs will now be removed to lessen the visual clutter as the community is aware of the restrictions.*'

Dominic Le Cerf quoted in correspondence on 11 November 2010 '*No Standing' signs arrangements are in hand to remove the offending signs.* As yet nothing has happened.

Concern was voiced regarding the maintenance of the grass in this area from Plantagenet Sheds and Steel around the corner due to drains and uneven ground.

Dominic Le Cerf quoted in correspondence on 11 November 2010. '*The Parks and Garden staff will top dress and level the lawn area on the corner.*' As yet nothing has happened.

Once again I would like to emphasise a tidy town instils pride in the whole community and could the Shire allocate more resources to maintain the towns appearance.

**Moved Cr B Bell, seconded Cr G Messmer:**

**That the Petition relating to Town Presentation be received and referred to the Chief Executive Officer for investigation with a report to be presented to the Council at its meeting to be held on 22 March 2011.**

**CARRIED (7/0)**

**NO. 44/11**

#### 4.1.2 HAZEL RUTTER PLANTAGENET HISTORICAL SOCIETY– ITEM 11.1.4 PROPOSED OUTBUILDING – POLICE STATION MUSEUM

With regard to Item 11.1.4 there was an error on the location map which was submitted with the proposed outbuilding application. The correct location for the outbuilding is on the south side of the Farm Truck and Machinery Shed, not the west side as originally presented. I have spoken with Council's



Planning Officer and Outdoor world and upon their recommendation I am now presenting the amended plan with the new location shown in red. Outdoor World have extended an apology for any inconvenience.

#### 4.1.3 LYNN HEPPELL AND BILL HOLLINGWORTH, WILSON INLET CATCHMENT COMMITTEE – ITEM 11.5.2

Lynn and Bill gave an overview of the Wilson Inlet Catchment Committee's activities and the potential synergies between the Shire and the Committee and spoke in support of the Memorandum of Agreement which was being considered by the Council at Item 11.5.2.

#### 4.1.4 DAVID WILLIAMSON - KENDENUP COMMUNITY DEVELOPMENT ASSOCIATION

David spoke in appreciation of the contribution and support from the Shire and in particular the Manager of Community Services, for the Kendenup Skate Park the construction of which was completed on 25 February 2011. David advised that a Skate Club had been commenced in Kendenup and it was hoped to move to join forces with Mount Barker once their Skate Park was completed.

#### 4.1.5 JULIE ROSS – SOUTH COAST NATIONAL LANDSCAPES STEERING COMMITTEE

Julie Ross gave a presentation on National Landscapes and the activities of the South Coast National Landscapes Steering Committee since its inception. Key strengths of the South Coast within the National Landscape program have been identified as: Nature in Australia; Major Journeys; Aussie Coastal Lifestyle; Aboriginal Culture and Food and Wine. Next steps having the South Coast declared a national Landscape – which means being officially included in Tourism Australia's international marketing initiatives and the coordination of an Experience Development Plan. The strategy for Experience Development represents a tool for focused destination management planning, driven by the national landscape brand to improve the stock of world class experiences and their delivery.

Julie thanked the Council for their monetary contribution to this major marketing initiative.

## 5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr Len Handasyde disclosed a Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct) purchased stock from Griffiths some years – in Item 11.1.7.

Mr John Fathers disclosed a Financial/Indirect Financial Interest (Section 5.70 LGA Employee) – Reside in a Shire owned house in the affected area – in Item 11.1.1

Mr Rob Stewart disclosed a Financial/Indirect Financial Interest (Section 5.70 LGA Employee) – Tenant of building subject of report – Item 11.1.1

Mr John Fathers disclosed a Financial/Indirect Financial Interest (Section 5.70 LGA Employee) – Board member of Plantagenet Community Financial Services – Bendigo Bank – Item 11.4.3.

## **6 APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 Local Government Act 1995

Nil

## **7 CONFIRMATION OF MINUTES**

Moved Cr L Handasyde, seconded Cr J Moir:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 8 February 2011 as circulated, be taken as read and adopted as a correct record.

**CARRIED (7/0)**

**NO. 45/11**

## **8 COMMITTEE MINUTES**

Moved Cr G Messmer, seconded Cr J Moir:

That the Minutes of:

Local Emergency Management Committee Meeting - 2 November 2010

Bush Fire Advisory Committee Meeting - 3 November 2010

Townscape Review Steering Committee Meeting - 2 February 2011

be received.

**CARRIED (7/0)**

**NO. 46/11**

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

- 9 February 2011 - Mr Stewart and I attended a luncheon with the Minister for Health at the Plantagenet District Hospital to discuss ongoing help for the Hospital and Medical Centre.
- 11 February 2011 - Cr Handasyde and I took part in a Great Southern Zone WALGA teleconference meeting.
- 21 February 2011 - I attended a meeting convened by the Albany Chamber of Commerce to see if there was any interest in establishing a Mount Barker Chapter in the Plantagenet Shire.
- 22 February 2011 - Mr Stewart and I met with the members of the Community Resource Centre and representatives of the Bendigo Bank.
- 28 February 2011 - Ms Selesnew and I attended a board meeting of the Community Resource Centre.
- 1 March 2011 - Mr Stewart and I met with members of the Rotary Club to discuss the proposed Tower Hill Lookout

## **10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION**

### Cr M Skinner

- 1 March 2011 – attended the Great Southern Regional Cattle Saleyards Committee Meeting.

### Cr S Grylls

- 1 March 2011 – attended the Great Southern Regional Cattle Saleyards Committee Meeting

### Cr L Handasyde

- 11 February 2011 – participated in the Great Southern Zone WALGA teleconference meeting.
- 1 March 2011 – attended the Great Southern Regional Cattle Saleyards Committee Meeting.

## 11 REPORTS OF COMMITTEES AND OFFICERS

### 11.1 DEVELOPMENT SERVICES REPORTS

#### 11.1.1 LOT 337 MARTIN STREET CORNER OATLANDS ROAD, MOUNT BARKER - BUSINESS PLAN

Mr R Stewart - Chief Executive Officer and Mr J Fathers – Deputy Chief Executive Officer disclosed an interest (S 5.70 of the Local Government Act 1995) for this item as respective tenants of Council owned houses on the subject Lot.

Further as Mr Stewart has made a submission on the Business Plan he will vacate the Council Chambers during discussion and decision making on the matter.

3.30pm Mr Stewart withdrew from the meeting.

**File No:** N17427  
**Attachments:** [Summary of Submissions Business Plan](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Peter Duncan  
Manager Development Services  
**Proposed Meeting Date:** 1 March 2011

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### PURPOSE

The purpose of this report is to consider submissions received on a Business Plan for the subdivision and sale of Council owned land at Lot 337 Martin Street corner Oatlands Road, Mount Barker.

### BACKGROUND

Lot 337 Martin Street is Council owned land and was recoded from Residential R2.5 to R5 and R20 in August 2007. A subdivision application for this land was approved by the Western Australian Planning Commission (WAPC) subject to various conditions on 6 December 2007.

A workshop with Councillors was held on 9 November 2010 when a draft Business Plan containing several options was discussed.

The Council when considering the Business Plan at its meeting held on 14 December 2010 resolved:

*‘That pursuant to Section 3.59 of the Local Government Act 1995, the Council approves the advertising of the Business Plan dated December 2010 in respect to the proposal to subdivide Lot 337 Martin Street corner Oatlands Road, Mount Barker.’*

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The business plan was advertised for a period of six weeks closing on 18 February 2011.

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Residential (R5 and R20)

Local Government Act 1995

S.3.58 Disposing of Property – (5)(b) – this section does not apply to a disposition of property which is addressed under section 3.59 (business plan)

S.3.59 Commercial enterprises by Local Governments – before a Council enters into a land transaction with a value greater than \$1,000,000.00 it must prepare a business plan providing an overall assessment of the proposed transaction including details of:

- (a) its expected effect on the provision of facilities and services by the local government;*
- (b) its expected effect on other persons providing facilities and services in the district;*
- (c) its expected financial effect on the local government;*
- (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56;*
- (e) the ability for the local government to manage the undertaking or the performance of the transaction; and*
- (f) any other matter prescribed for the purposes of this subsection.'*

Statewide public notice must be given, inviting public submissions on the Business Plan, over a period of not less than six weeks. After the close of the public submission period, the Council must consider any submissions and it may decide to proceed with the transaction or a transaction which is not significantly different to that proposed. An absolute majority is required for this decision after the submission period.

No contract can be entered into until this process has been completed.

## **EXTERNAL CONSULTATION**

The Business Plan has been advertised for a period of six weeks statewide and this included the West Australian, the Albany Advertiser and the Plantagenet News.

At the close of the six week advertising period one submission was received (see Summary of Submissions).

## **FINANCIAL IMPLICATIONS**

Discussed in Business Plan attached.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**LEGAL IMPLICATIONS**

Section 3.59 of the Local Government Act 1995 must be adhered to.

**STRATEGIC IMPLICATIONS**

Shire of Plantagenet Strategic Plan 2003 – Key Result Area 4 (Development Services) – Aims include:

*‘Support sustainable and managed growth within existing urban settlements in the Shire and encourage the development of a variety of housing opportunities.’*

- New initiatives include:

- *Ensure a mix of housing types taking account of changing demographics and environmental conditions;*
- *Provide for a range of lot sizes, residential opportunities and adaptable housing;’*

**OFFICER COMMENT**

Prior to the Council considering the actual subdivision and sale of this Residential Zoned land in Martin Street, the Local Government Act 1995 requires the preparation and advertisement of a Business Plan. Such a Business Plan was prepared and was advertised as required.

At the close of the six week period one submission had been received. This was from the tenant living in one of the Council houses and favours option 1 as the most effective outcome. This would provide the option for energy efficient new houses to be built by the Council for its senior staff.

The Business Plan contained a range of five possible options for the subdivision and sale of the land. With the real estate market being relatively static at the moment, the immediate sale of lots would not be a wise option.

Option 2 in the Business Plan proposes the subdivision into three lots, the renovation of the two Council owned houses and the ultimate sale of the third lot to a developer at a point when the real estate market has improved. This option 2 is considered to be the most appropriate course of action. Funding will need to be included in the 2011/2012 Annual Budget to allow for the subdivision of the land into three lots. The Business Plan estimates the three lot subdivision will cost \$145,500.00. The subdivision of the land was approved by the WAPC in December 2007 and expires on 6 December 2011 so the relevant subdivision conditions must be satisfied and clearances of conditions obtained before December 2011. If not done then a new subdivision application would need to be lodged with the WAPC.

Funding will also need to be included for the renovation of the two Council houses and the Business Plan estimates \$140,000.00 is required for this.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

Moved Cr M Skinner, seconded Cr L Handasyde:

That:

1. The submission received on the Business Plan for the proposal to subdivide Lot 337 Martin Street, Mount Barker be noted.
2. Council proceed with Option 2 of the Business Plan to subdivide Lot 337 Martin Street, Mount Barker into three lots, renovate the two Council houses and sell the third lot at a time when the real estate market has improved.
3. Consideration be given in the Council's 2011/2012 Annual Budget for the inclusion of funds for the three lot subdivision and the renovation of the two Council houses at 2 above.

**AMENDMENT**

Moved Cr J Moir:

That consideration be given in the council's 2011/2012 Annual Budget for the inclusion of funds for the three lot subdivision and the renovation of the two Council houses at Lot 337 Martin Street Mount Barker.

**AMENDMENT LAPSED FOR WANT OF A SECONDER**

**THE MOTION WAS THEN PUT**

**CARRIED (6/1)**

**NO. 47/11**

**Absolute Majority**

3:45pm Mr Stewart returned to the meeting.

**11.1.2 POLICY REVIEW - PIGGERIES - EXTENSIVE**

**File No:** N17485  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Peter Duncan  
Manager Development Services  
**Proposed Meeting Date:** 1 March 2011

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**PURPOSE**

The purpose of this report is to review Council Policy No. STP/TPS/1 – ‘Piggeries – Extensive’.

**BACKGROUND**

Council Policy No. STP/TPS/1 – ‘Piggeries’ reads as follows:

**OBJECTIVE:**

*To clarify the approvals necessary for a proposal to commence a piggery.*

**POLICY**

*Applications to commence a piggery will require:*

- 1. Approval and a licence as an offensive trade under the Shire of Plantagenet Health Local Law 2008 and the Health Act 1911.*
- 2. Planning Consent of the Council under Town Planning Scheme No. 3 and prior to the Council considering such a proposal, staff will advertise the application in accordance with Clause 6.2 of that Scheme.’*

This policy was last reviewed by the Council on 14 April 2009.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 6.2.3 of TPS3 describes how 21 day advertising is to be carried out.

Health Act 1911

Shire of Plantagenet Health Local Law 2008

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.



**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

*'1.4 Ensure the Administrative system 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 COMMENT**

This policy is saying that piggeries will be treated as an 'SA' (discretionary) use and advertised for public comment and the Council may impose conditions on any subsequent approval.

The interpretation of 'Rural Use' in TPS3 includes reference to the keeping of pigs and requires such a land use to be approved by the Council after advertising. Other facets of a 'Rural Use' are permitted in the Rural zone as of right but activities such as piggeries and feedlots require Council approval.

In respect to the Health Act 1911 and the Shire of Plantagenet Health Local Law 2008, piggeries fall into the category of an offensive trade and require a permit to be issued under the Local Law.

No changes are proposed for this policy.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr J Moir, seconded Cr B Bell:

That Council Policy No. STP/TPS/1 – ‘Piggeries – Extensive’ as follows:

**OBJECTIVE:**

To clarify the approvals necessary for a proposal to commence a piggery.

**POLICY**

Applications to commence a piggery will require:

1. Approval and a licence as an offensive trade under the Shire of Plantagenet Health Local Law 2008 and the Health Act 1911.
2. Planning Consent of the Council under Town Planning Scheme No. 3 and prior to the Council considering such a proposal, staff will advertise the application in accordance with Clause 6.2 of that Scheme.’

be endorsed.

**CARRIED (7/0)**

**NO. 48/11**

**11.1.3 RESERVE 24597 SETTLEMENT ROAD/GIDLEY LANE, NARRIKUP -  
REQUEST TO PURCHASE**

<b>File No:</b>	<b>N17496</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Aerial Photograph</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>1 March 2011</b>
<b>Applicant:</b>	<b>P and E Thill</b>

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**PURPOSE**

The purpose of this report is to consider a request from the owners of Lot 3252 Gidley Lane for the purchase of Reserve 24597 Settlement Road/Gidley Lane and its amalgamation with Lot 3252 Gidley Lane, Narrikup.

**BACKGROUND**

Reserve 24597 Gidley Lane is a well vegetated Crown Reserve 1.56ha in area. Mr and Mrs Thill own the adjoining Lot 3252 Gidley Lane to the south. Lot 6824 Settlement Road appears to gain vehicular access across Reserve 24597 from Gidley Lane. Lot 6824 is owned by DF & Y Christie.

**STATUTORY ENVIRONMENT**

Land Administration Act 1997

- Reserve 24597 – purpose ‘Recreation’ – Management Order in favour of the Council.

Planning and Development Act 2005

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

- Reserve 24597 is zoned Rural.
- Lot 3252 is zoned Rural.
- Lot 6824 is zoned Rural.

**EXTERNAL CONSULTATION**

Should the Council support this request then the Department of Regional Development and Lands (RDL) will embark upon the process of consultation with a range of government agencies.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report. If successful the applicant will need to pay the Crown (RDL) for the land.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

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**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

Reserve 24597 is 1.56ha in area and the majority of this is covered with remnant vegetation. Adjacent to the northern boundary of Reserve 24597 is an access track from Gidley Lane to the adjoining Lot 6824 Settlement Road to the west. It appears Lot 6824 Settlement Road does not have constructed vehicular access to Settlement Road but rather uses the track across Reserve 24597 to Gidley Lane. There is no house on Lot 6824 Settlement Road however the owners of Lot 6824 own Lot 5 Gidley Lane to the south that has a house and associated farm buildings.

The applicants acknowledge access to Lot 6824 is across the northern part of the subject Reserve and state they agree to excising a small portion from Reserve 24597 to retain the access to Lot 6824.

There generally is a presumption against the disposal of Crown land as the land then is no longer available as a community resource into the future. With its Reserve status the vegetation on site is also protected more so than if it was part of a freehold farming property.

The disposal of this Crown land is not supported.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr G Messmer:**

**That the disposal of Reserve 24597 Settlement Road/Gidley Lane, Narrikup and its amalgamation with lots 3252 and 6824 be not supported.**

**CARRIED (7/0)**

**NO. 49/11**

**11.1.4 RESERVE 29661 (LOT 604) ALBANY HIGHWAY, MOUNT BARKER -  
PROPOSED NEW OUTBUILDING AT POLICE STATION MUSEUM**

<b>File No:</b>	<b>N17583</b>
<b>Attachments:</b>	<a href="#"><u>Reserve 29661 - Location Plan</u></a> <a href="#"><u>Reserve 29661 - Site Plan</u></a> <a href="#"><u>Reserve 29661 - Floor Plan and Elevations</u></a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>1 March 2011</b>
<b>Applicant:</b>	<b>Outdoor World – Albany on behalf of the Plantagenet Historical Society</b>

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**PURPOSE**

The purpose of this report is to consider a request for approval for the Plantagenet Historical Society to construct a new outbuilding at the Police Station Museum on Reserve 29661 (Lot 604) Albany Highway, Mount Barker.

**BACKGROUND**

On 20 January 2011 the Council received an application for a Building Licence from the applicant on behalf of the Plantagenet Historical Society. The Plantagenet Historical Society requested permission to construct a new outbuilding to the west of the truck and farm machinery building. This new proposed outbuilding will be used for storage of garden and maintenance equipment. The area currently being used is inadequate.

The Crown owns Reserve 29661 (Lot 604) and the care, control and management of the Reserve is vested with the Shire of Plantagenet for the purpose of 'Historical Museum and Art Centre'.

In July 2004 the Council entered into a lease agreement with the Plantagenet Historical Society for the lease of Reserve 29661 (Lot 604). This lease was renewed in July 2009 and expires on 30 June 2014. The lease agreement between the Council and the Plantagenet Historical Society states in 1 (2)(a) that the Plantagenet Historical Society shall not erect any additional buildings on the land without the prior written consent of the Council.

It can be seen from the site plan attached that an agricultural equipment building encroaches over the boundary with Lot 60 (Caravan Park). This matter is under investigation.

**STATUTORY ENVIRONMENT**

Local Government (Miscellaneous Provisions) Act 1960 – A building licence is required to be issued by the Principal Building Surveyor under delegated authority.

Land Administration Act 1997 – Management Orders/Vesting Orders

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Local Government Act 1995 – Section 3.58 – Disposing of Property

### **FINANCIAL IMPLICATIONS**

A building licence fee will be required to be paid.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

### **OFFICER COMMENT**

The proposed new outbuilding is a gable roof colorbond® structure and is 6.0m long, 3.0m wide and 2.4m high. The outbuilding colour is classic cream with green trim to blend into the landscape of the site.

As the building is to be erected on a Council managed reserve, the outbuilding will become the property of the Council however the Plantagenet Historical Society will be responsible for the ongoing maintenance of the structure. The outbuilding location is not in close proximity to any heritage listed building and is not likely to adversely affect the amenity of the locality.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr G Messmer, seconded Cr S Grylls:**

**That in accordance with the Vesting Order for this Crown land the proposed outbuilding on Reserve 29661 (Lot 604) Albany Highway, Mount Barker be approved subject to:**

- 1. The development being in accordance with the plans dated 20 January 2011 and the amended site plan dated 1 March 2011.**
- 2. The Plantagenet Historical Society acknowledging the outbuilding will become the property of the Council.**
- 3. The Plantagenet Historical Society retaining all maintenance responsibilities for the outbuilding.**
- 4. The Plantagenet Historical Society being responsible for any insurance excess in the event that an insurance claim, relating solely to the outbuilding, is necessary.**

**CARRIED (7/0)**

**NO. 50/11**

**11.1.5 SHORT STREET, MOUNT BARKER - TOWNSCAPE IMPROVEMENT**

**File No:** N17439  
**Attachments:** [Short Street Conceptual Plan](#)  
**Responsible Officer:** Rob Stewart  
 Chief Executive Officer  
**Author:** Peter Duncan  
 Manager Development Services  
**Proposed Meeting Date:** 1 March 2011

**PURPOSE**

The purpose of this report is to consider a request from the Townscape Review Steering Committee that the Council include funding in its 2011/2012 Budget deliberations for the upgrading of Short Street, Mount Barker in accordance with the Townscape Improvement Suggestion Document for Mount Barker.

**BACKGROUND**

In December 2006 the Council's Planning Officer prepared a 'Townscape Improvement Suggestion Document' (TISD). That TISD provided a range of concept drawings for future townscape enhancements in Mount Barker based on the principles of the earlier Townscape documents.

The TISD has been considered by the Council's Townscape Review Steering Committee (TRSC) at its meetings held on 18 March 2008 and 23 June 2010. That Committee worked through the TISD and set its priorities. The 2008 priorities were conveyed to the Manager Works and Services to schedule in works for budgetary requirements. At its 23 June 2010 meeting the TRSC revised its prioritisation of works and that is as follows:

Priority No.	Financial Year	Road Section	(map no.)	Comments
1.	2010/2011	Lowood Road (south)	(8)	
1.	2010/2011	Short Street	(5)	Short St only not to include Lord Street in this priority (see priority 3)
2.	2011/2012	Langton Road (near Eaton Ave)	(2)	
2.	2011/2012	Langton Road (near Mount Barker Road)	(1)	
3.	2012/2013	Mount Barker Road (Langton to Marion)	(3)	
3.	2012/2013	Muir Street and Lord Street	(5 & 6)	
4.	2013/2014	Mount Barker Road (Marion to Montem)	(4)	
4.	2013/2014	Mondurup Street (Mitchell – west)	(7)	Revisit design. Plant trees now if possible.
-	-	Ormond Street/Hassell	(9)	Not a priority at this

		Street		stage
-	-	Viv Skinner Park	(10)	Not a priority at this stage
-	-	Bollard/Entry statement	(11)	Not a priority at this stage

Works at Lowood Road (south) have been continuing. To date no funds have been allocated by the Council for the other priorities listed above.

The Townscape Review Steering Committee at its meeting held on 2 February 2011 resolved:

*'That it be a recommendation to the Council that consideration be given in the 2011/2011 Annual Budget for the inclusion of townscape works proposed for Short Street, Mount Barker inclusive of one way (east to west) configuration.'*

## **STATUTORY ENVIRONMENT**

Local Government Act 1995

## **FINANCIAL IMPLICATIONS**

The Council will need to consider the suggested TISD priorities as part of its annual Budgetary process over future years.

## **POLICY IMPLICATIONS**

There are no policy implications for this report.

## **STRATEGIC IMPLICATIONS**

The Council's Strategic Plans at Key Result Area No. 4 includes:

- *Revise and implement the Mount Barker Improvement Plan; and*
- *Ensure that projects (such as the Lowood Road upgrade, entry statements, streetscape and Cemetery development) are focused on achieving Council objectives, are completed within budget and on time.'*

## **OFFICER COMMENT**

Attached is an extract from the TISD showing a conceptual design for Short Street.

The Manager Works and Services has advised that Main Roads WA has approved Short Street being converted to a one way road with the traffic flow heading from east to west as shown on the conceptual design.

Preliminary costings have been prepared by the Manager Works and Services for the necessary works which will include kerbing, drainage, alterations to footpaths, brick paving, line marking, landscaping and any necessary alterations to services and so on. This comes to the order of \$250,000.00.

Staff will be submitting an application for funding assistance to the Great Southern Development Commission (GSDC) for the sum of \$125,000.00 shortly. As part of this funding process letters of support have been requested from businesses in Mount Barker.



The Council will need to consider the suggested townscape works for Short Street as part of its 2011/2012 Budget deliberations.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr B Bell, seconded Cr G Messmer:**

**That consideration be given in the 2011/2012 Annual Budget for the inclusion of townscape works proposed for Short Street, Mount Barker inclusive of one way (east to west) configuration.**

**CARRIED (7/0)**

**NO. 51/11**

**11.1.6 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 49 -  
PORONGURUP RURAL VILLAGE - STRUCTURE PLAN - SUBMISSIONS  
RECEIVED**

**File No:** N17432

**Attachments:** [Summary of Submissions](#)  
[Schedule of Modifications](#)  
[Precinct Plan](#)  
[Rural Village Structure Plan](#)  
[Karribank Enclave Plan](#)  
[Mayfield Enclave Plan](#)

**Responsible Officer:** Rob Stewart  
Chief Executive Officer

**Author:** Peter Duncan  
Manager Development Services

**Proposed Meeting Date:** 1 March 2011

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**PURPOSE**

The purpose of this report is to consider submissions received on a proposed Structure Plan relating to proposed Amendment No. 49 to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3). This Amendment when finalised will rezone Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Porongurup Road from the Rural Zone to a Rural Village Zone, to include a new Rural Village Zone in the Scheme Text and to include a new Schedule 15 entitled Rural Village Zone.

**BACKGROUND**

Shire records indicate the owners of the subject land as being:

Lot 1 Boxhill Road – W & S Bird  
Lot 5 Porongurup Road – W & S Bird  
Lot 11 Porongurup Road – Jilsan Pty Ltd  
Lot 1664 Boxhill Road – W & S Bird

The Porongurups Rural Strategy of 1997 refers to the Bolganup Precinct C having objectives of consolidating existing residential and tourist development and the creation of an attractive centre and focal point for the community. That Strategy recommended rezoning for rural residential, special residential and residential following the implementation of an overall structure plan for the precinct.

A Scheme Amendment Request (SAR) was submitted in December 2006 and in accordance with the Council Policy TP/SDC/6 copies were forwarded to the Department for Planning and Infrastructure (DPI), Department of Water (DOW) and Department of Environment and Conservation (DEC) for comment.

On 13 February 2007 a report was considered by the Council and Resolution 57/07 was as follows:

*‘THAT:*

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- (1) *The Scheme Amendment Request for Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road be advertised to seek public feedback for a period of sixty days.*
- (2) *After advertising a further report be prepared for the Council no later than its meeting to be held on 12 June 2007.'*

Following the advertising period of the SAR, the submissions received were considered by the Council on 24 July 2007 where at Resolution No. 267/07 it was resolved:

*'That the submissions received on the Scheme Amendment Request for Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road be noted and the proponents be advised the Council will be prepared to consider formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 subject to various matters raised in the submissions, including: policy issues, environmental, servicing, fire management plan, design requirements on subsequent development, size and number of properties to be developed, density of development and sustainable forms of development etc. being addressed.'*

Harley Survey Group submitted Scheme Amendment documentation and the Council at its meeting held on 11 March 2008 resolved at Resolution No. 43/08:

*'That:*

*Amendment No. 49 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.*

*Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of forty-two (42) days to enable comment to be made.*

*After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 8 July 2008.'*

Councillors were provided with a full copy of the Amendment document with the 11 March 2008 agenda papers.

The Environmental Protection Authority (EPA) authorised the Amendment to proceed to advertising on 28 May 2008 and provided advice that native vegetation, drainage management and waterways needed to be addressed.

The necessary 42 day advertising period closed on 25 July 2008 and a total of 64 submissions was received. A community initiated workshop was held at the Porongurup Hall on 3 June 2008 to discuss various issues in the Porongurup locality one of which was the village concept. On 30 June 2008 the Council held a Public Information Session at the Porongurup Hall to explain details of the actual Amendment, to answer specific questions and to clarify details.

The Council considered the 64 public submissions at its meeting held on 26 August 2008 and resolved at Resolution No. 159/08:

*'That:*

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1. *The submissions lodged on Amendment No. 49 to Town Planning Scheme No. 3 be noted.*
2. *Amendment No. 49 to Town Planning Scheme No. 3 be adopted with the modifications listed in the attached Schedule of Modifications and be forwarded to the Western Australian Planning Commission for the final approval of the Honourable Minister for Planning and Infrastructure subject to the Schedule of Modifications being altered at modification 1 – proposed clause 3.9.5a) to insert a new point ii) as follows:  
  
‘ii) A public consultation program to assist in the development of the concept of the village structure planning’  
  
and to renumber parts ii) iii) and iv) accordingly.  
  
- proposed clause 3.9.5c) to insert after the words ‘subsequent Scheme Amendment’ in line 6, the following ‘to zone the land appropriately’.*
3. *Authority be granted to the Shire President and the Chief Executive Officer to execute the documentation and affix the Common Seal of the Council to Amendment No. 49 once approved by the Honourable Minister.’*

The Council's August 2008 decision was then referred to the Department of Planning (DOP) for it to report to the Western Australian Planning Commission (WAPC) in a letter dated 2 September 2008.

The WAPC responded in a letter dated 28 January 2010 requiring the preparation of a Structure Plan before the Amendment could proceed.

The consultants (Harley Global) submitted the required Structure Plan in November 2010 and the Council at its meeting held on 14 December 2010 resolved:

*‘That:*

1. *The Porongurup Rural Village Structure Plan be advertised for a period of 42 days to enable public comment to be made.*
2. *The consultants (Harley Global) are to organise a public information session during the 42 day period.*
3. *After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 22 March 2011.’*

The advertising has been carried out with the 42 day period ending on 17 February 2011 and 21 submissions were received (see Summary of Submissions).

Councillors were provided with a full copy of the Structure Plan with the Agenda of 14 December 2010.

The consultants held a public information session at the Porongurup Hall on Monday 24 January 2011. A good number of persons attended that session during the course of the afternoon and evening.

### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Town Planning Regulations 1967 – these have set procedures for Amending a Town Planning Scheme including once initiated by the Council, referral to the EPA for 28 days. Once cleared by the EPA a 42 day advertising period applies. The Council must consider any submissions lodged within 42 days of the close of formal advertising and refer its recommendation to the WAPC and the Minister within 28 days.

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

### **EXTERNAL CONSULTATION**

The SAR was advertised for comment for 60 days prior to it being considered by the Council in July 2007. The Amendment was advertised for 42 days and a total of 64 submissions was received.

The proposed form of modifications to the Amendment were discussed with DOP officers in August 2008 and there appeared to be general support for the proposals.

The Structure Plan was advertised for 42 days to enable the public to comment. At the close of the advertising 21 submissions were received (see Summary of Submissions).

### **FINANCIAL IMPLICATIONS**

The Structure Plan fee of \$4,840.00 has been paid.

### **POLICY IMPLICATIONS**

This land is within Precinct C of the Porongurups Rural Strategy of 1997 and the village concept and associated Structure Plan conforms with the requirements of that Rural Strategy. A portion of lot 5 to the north and portion of lot 1664 to the north east are located outside of Precinct C and within precinct E where vegetation protection is encouraged and lot breakdown should not be supported. Modifications suggested in 2008 would protect the vegetation on lot 5. It is also in conformity with the Council's Planning Vision adopted by the Council on 9 March 2010 as Town Planning Scheme Policy No. 18.

### **STRATEGIC IMPLICATIONS**

Shire of Plantagenet Strategic Plan, under Key Result Area 4 – Development Services, aims to:

*‘Support sustainable and managed growth within existing urban settlements in the Shire and encourage the development of a variety of housing opportunities.’*

**OFFICER COMMENT**

The consultants prepared a comprehensive Scheme Amendment No. 49 that if finalised will lead to the creation over time of the Porongurup Village as originally proposed in the Porongurups Rural Strategy of 1997 and the current Planning Vision.

In essence the Amendment proposes to rezone Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Porongurup Road from Rural to a new Rural Village Zone, create new Structure Plan Area requirements and alter the Scheme Text accordingly.

The Rural Village Zone provisions were supported by the need to prepare a detailed Structure Plan in accordance with a new Schedule 15 of the Scheme. There was also to be the ability to require the preparation of Detailed Area Plans for specific areas.

From the submissions received in 2008 it was considered there was the need to modify the Amendment to simplify it in order that it is in a more acceptable form for the local community and for the long term benefit for all.

There was general acceptance that there is to be a village but the main issue is that of the size of the village in respect to the number of lots. The size of the lots is another area of concern where some submissions said they should be smaller and some said they should be larger.

It was also clear from the submissions there may have been some uncertainty as to what the actual Amendment will do. In a very abridged summary the Amendment was to:

- i) Create a Rural Village Zone;
- ii) Create a Structure Plan Area mechanism;
- iii) Insert new definitions into the Scheme;
- iv) Introduce a new Schedule 15 for the Rural Village Zones which details requirements of Structure Plans;
- v) Colours the subject land a brown colour for the Rural Village Zone on the Scheme Maps; and
- vi) Introduces a blue border around the subject land as Structure Plan Area 1 on the Scheme Maps.

If the Amendment was finalised the Structure Plan Area mechanism at ii) above would need to have been embarked upon. That would have been the detailed planning to determine the form of the development. That detailed Structure Plan would need the approval of the WAPC and public advertising before it is finalised by the Council and WAPC.

The Amendment as proposed in 2008 was considered too complex and required modifications to simplify the process. There was the need to set a mechanism for detailed Structure Plan areas which can apply to areas such as Precinct C.

In 2008 the Council proposed modifications involved changes to the Indicative Structure Plan to:

- i) Pull back the extent of the suggested Residential (R5) area to be within a 500m radius of the village centre site;
- ii) Extend the plan south to include all of Precinct C and show the existing shop as a commercial site and the remainder of the land south and east as being for possible long term future development if and when the owners wish to submit detailed Structure Plan proposals;
- iii) Show the vegetated building exclusion areas as one large rural residential lot for each of the two areas with a building envelope area in adjacent cleared land;
- iv) Show the Precinct C boundary; and
- v) Show the Residential area outside the 500m radius as Rural Residential.

It was considered with these modifications the Amendment would be in a more appropriate format that will then enable the detailed Structure Plan process to commence. If and when the detailed Structure Plan was completed and endorsed by the Council and the WAPC, then rezonings to Residential and Rural Residential and so on can be commenced.

As stated above the modifications proposed were discussed with the officers of the DOP in Albany in August 2008 and they were not considered to be 'substantial' and as such should not require readvertising. By the time the WAPC response was received in February 2010 this position had changed. The position in its letter was that the Structure Plan was required to be prepared and that Amendment No. 49 had been deferred by the Minister for Planning as this would be 'more time-effective'.

The consultants then commenced the Structure Plan preparation to ensure it addressed the list of matters in the WAPC letter of 28 January 2010. A comprehensive Structure Plan document was received on 10 November 2010.

The Structure Plan addresses many of the matters required by the Council in 2008 in terms of the extent of the conventional residential area, servicing, the inclusion of all of Precinct C and one large Rural Residential lot in the heavily vegetated northern area. The Structure Plan shows how the overall form of the development will be quite low key and village like and this should meet the expectations of members of the community.

The Structure Plan has now been advertised for public comment and the Council, once it has considered the submissions received, will refer to the Structure Plan and the Council's recommendations to the WAPC for its approval of the Structure Plan.

The main components of the Structure Plan Report are:

- i) Section 5 – Precinct Plan (copy attached);
- ii) Section 6 – Rural Village Structure Plan (copy attached);
- iii) Section 7 – Karribank Enclave Plan (copy attached);
- iv) Section 7 – Mayfield Enclave Plan (copy attached); and
- v) Section 8 – Design Guidelines.

The Precinct Plan addresses all of Precinct 1 and portion of Precinct 2 in the Council's Planning Vision and shows the new development will be restricted to land north of Porongurup Road.

The Structure Plan shows where the new development will occur and provides guidance as to the form of that development. There will be larger Rural Residential lots to the north, large Residential lots (5,000m<sup>2</sup> – 1ha), Residential lots (2,000m<sup>2</sup> – 5,000m<sup>2</sup>) and two enclaves that will consist of freehold and strata Residential developments. The Structure Plan also shows the protection of the creekline through the site and a 1ha site for future community facilities such as a new Porongurup Hall. The existing shop and tea rooms will remain as the village centre.

Section 8 refers to Design Guidelines which are detailed in Appendix D of the document. These guidelines provide:

- i) passive solar architecture;
- ii) energy efficiency;
- iii) water conservation;
- iv) liveability;
- v) safety and surveillance; and
- vi) visual attractiveness and variety of design.

In respect to servicing, water supplies to the overall Structure Plan area will be provided on site as Water Corporation reticulated water is not available. Reticulated sewer is also not available therefore on site disposal through aerobic treatment units (ATU) will be used for individual lots and strata communal lots. Effluent disposal is to be linked to greywater treatment and reuse with the intention of reducing water consumption.

Appendix E is an Environmental Management Strategy (EMS) for the Structure Plan area. It is noted that EMS refers to the Fire Management Plan (FMP) forming part of the Amendment No. 49 documents. It states that the FMP will need to be updated in the Amendment document to reflect the changes to the Structure Plan since initiation of the Amendment in March 2008. Now that reticulated scheme water is not to be provided, the reference to fire hydrants will need to be replaced with the provision of a 50,000 litre fire fighting water tank and a hardstand area and appropriate fittings being provided on all rainwater tanks. It will also need to be updated to refer to Planning for Bush Fire Protection Edition 2 and it will need to be modified to reflect those requirements. The EMS also addresses effluent disposal, water and wastewater management, foreshore management and visual impact.

The public information session arranged by the consultants on 24 January 2011 was well attended by up to 20 people.

The 21 submissions received during the 42 day advertising show there is a general acceptance of the Structure Plan from the government agencies that responded.

Submissions from nearby and adjacent owners made comment about the scale of the development, a perceived lack of consultation, the need for a village heart, dog and cat control, walking distances, weed control, the use of private land as a fire escape route and potential conflict with existing semi rural land uses (see Summary of Submissions). It is proposed to require a range of modifications to address several of the concerns raised (see Schedule of Modifications). Some of the modifications include the deletion of three strata home sites near the Boxhill Road properties and the relocation of another strata home site, relocate the problem strategic fire escape route, prohibit the keeping of cats and dogs in the strata



enclaves and include reference to the hall site being for a multi purpose community building run by an incorporated community group.

Some comments were made about a lack of community consultation. Consultation has been constantly carried out through the process of this Amendment No. 49 and the Structure Plan. The Scheme Amendment Request was advertised for 60 days, Amendment No. 49 was advertised for 42 days and the present Structure Plan was advertised for 42 days giving a total of 144 days of formal submission periods. This advertising included Plantagenet News, Albany Advertiser and notices at the Porongurup Shop and Shire Administration Office Notice Board. There have also been three workshops/information sessions held since June 2008 with the most recent being held on 24 January 2011.

This area has been earmarked for a 'village' from the 1997 Porongurups Rural Strategy and now in the Council's Planning Vision (March 2010) and as such it conforms with the Lower Great Southern Strategy and the State Planning Strategy.

The scale of the development was also raised. This Structure Plan has reduced the potential lot yield from 170 lots to 135 lots and now includes two close knit strata lot enclaves together with some larger lots up the hill. This development will not occur all at once, it will take something like 15 years for the total development to occur.

The Structure Plan is considered to be acceptable provided the modifications proposed are carried out. It is proposed to refer the Structure Plan and the Schedule of Modifications to the Western Australian Planning Commission for its approval for it to be incorporated into Amendment No. 49.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr J Moir, seconded Cr G Messmer:**

**That the Porongurup Rural Village Structure Plan, the Summary of Submissions and the Schedule of Modifications be referred to the Western Australian Planning Commission for its approval and incorporation of the modified Structure Plan in the Amendment No. 49 documentation.**

**CARRIED (7/0)**

**NO. 52/11**

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**11.1.7 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 55 - LOTS 504, 505 AND 1330 MITCHELL STREET, Warburton Road and Marmion Street, Mount Barker**

A Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct) was disclosed by Cr L Handasyde. Nature and extent of interest – voluntary interest, purchase stock from Griffiths some years.

**File No:** N17445

**Attachments:** [Location Plan](#)  
[Subdivision Guide Plan](#)  
[Indicative Precinct Plan](#)  
[Town Planning Scheme No 3 Amendment No 55 Full Document \(separate attachment\)](#)

**Responsible Officer:** Rob Stewart  
Chief Executive Officer

**Author:** Peter Duncan  
Manager Development Services

**Proposed Meeting Date:** 1 March 2011

**Applicant:** Ayton Baesjou Planning

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**PURPOSE**

The purpose of this report is to consider a proposed Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) to rezone lots 504, 505 and 1330 Mitchell Street, Warburton Road and Marmion Street from Rural and Rural Residential to Rural Residential and to recommend initiation of the Amendment.

**BACKGROUND**

Council records indicate the owners of the land are as follows:

Lot 504 – LE Welsh  
Lot 505 – LE Welsh and HE Griffiths  
Lot 1330 – PC Wallinger

A Scheme Amendment Request (SAR) for this subject land was submitted in September 2008 and after referral to three government agencies in accordance with Council Policy TP/SDC/6 the Council at its meeting held on 11 November 2008 resolved:

*‘THAT:*

- 1. The Scheme Amendment Request for Lots 105, 500 and 1330 Mitchell Street, Warburton Road and Marmion Street, Mount Barker be advertised to seek public feedback for a period of sixty (60) days.*
  - 2. At the conclusion of advertising a further report be prepared for the consideration of the Council at a meeting to be held no later than 10 February 2009.’*
-

When considering submissions on the SAR the Council at its meeting held on 10 February 2009 resolved:

*'That the submissions received on the Scheme Amendment Request for Lots 105, 500 and 1330 Mitchell Street, Warburton Road and Marmion Street be noted and:*

- 1. The proponents be advised that the Council will be prepared to consider a formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3.*
- 2. This support is subject to various matters raised in the submissions, including policy issues such as lot sizes, environmental (including creek line protection and effluent disposal), servicing, fire management plan, flood analysis, separation from vineyards, stormwater management and protection of Quenda population being adequately addressed.*

#### **FURTHER MOTION**

*That a briefing session on the proposed amendment be held prior to the meeting day that the Council formally considers the Amendment.'*

Since that February 2009 decision the consultants have been preparing the necessary Amendment documentation. In June 2010 the consultants submitted a draft document that was incomplete and required extensive corrections. In December 2010 another draft document was submitted which still required additional work and corrections.

The consultants have been liaising with FESA and the Community Emergency Services Manager in respect to the Fire Management Plan.

The documentation now received is in a form suitable to be considered by the Council.

A full copy of Amendment No. 55 is included with this agenda for each Councillor.

The key principles of the proposed Amendment including the subdivision guide plan and the indicative precinct plan were discussed with Councillors at a workshop held on 8 February 2011.

#### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Town Planning Regulations 1967 – these have set procedures for amending a Town Planning Scheme including, once initiated by the Council, referral to the Environmental Protection Authority (EPA) for 28 days. Once cleared by the EPA a 42 day advertising period applies. The Council must consider any submissions lodged within 42 days of the close of formal advertising and refer its recommendation to the Western Australian Planning Commission (WAPC) and the Minister within 28 days.

TPS3 – zoned Rural and Rural Residential

**EXTERNAL CONSULTATION**

If initiated by the Council and authorised by the EPA this Amendment will be advertised for 42 days by way of newspaper notice, letters to neighbours and Government agencies, a notice on the Council's notice board and signs onsite.

The SAR was advertised for comment in 2008/2009.

**FINANCIAL IMPLICATIONS**

The fee of \$4,840.00 has been paid.

**POLICY IMPLICATIONS**

Council Policy No. TP/SDC/6 – Scheme Amendment Requests – the SAR was considered in accordance with this policy.

**STRATEGIC IMPLICATIONS**

This land is within Planning Unit P4 (formerly Precinct 4 in the 1997 Local Rural Strategy) of the Council's Planning Vision (TPS Policy No. 18). The recommendations relative to Planning Unit P4 are as follows:

*'Precinct 4*

- *Subject to the management issues being addressed, applications to rezone land for rural residential and tourist development may be supported.*
- *The visually exposed upper slopes of the precinct must either be heavily revegetated prior to development taking place or retained for agricultural purposes with development clustered on the lower slopes.*
- *Prior to any rezoning, an overall structure plan for the precinct be prepared to ensure the potential conflict between rural residential and horticultural development is resolved and appropriate buffer areas provided. Given the relatively confined nature of the precinct, horticulture areas in excess of 2ha should not be permitted unless a buffer area of between 300-500 metres can be provided.*
- *Applications to rezone land within the precinct will need to justify lot sizes based on detailed site assessment, proposed uses and need to address management issues.'*

The Council's Strategic Plan at Key Result Area 4 includes initiatives to:

*'Ensure a mix of housing types taking account of changing demographics and environmental conditions; and*

*Provide for a range of lot sizes, residential opportunities and adaptable housing.'*

**OFFICER COMMENT**

The Amendment documentation includes an Indicative Precinct Plan (copy attached) which shows how the development of the three subject lots will relate to adjoining properties to the north and south in particular. Three lots, 1067, 502 and 503 are

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within this subject Planning Unit P4 but those landowners do not wish for their land to be included in this particular Amendment at this point in time. The Indicative Precinct Plan provides a guide as to how these particular lots could be developed into the future subject to another Amendment being prepared.

The Amendment documentation also includes a Subdivision Guide Plan for the subject lots 504, 505 and 1330 (copy attached).

Also included with the Amendment are:

- a Land Capability and Geotechnical Assessment;
- a Fire Management Plan; and
- a Local Water Management Strategy.

That additional information addresses the main issues arising from the SAR process including:

- lot sizes;
- Environmental (creepline protection/effluent disposal);
- Servicing (water supply/effluent disposal);
- Fire Management Plan;
- Flood analysis;
- Separation from vineyards;
- Stormwater management; and
- Protection of Quenda population.

All houses on the proposed lots will be required to be connected to Aerobic Treatment Units (ATU) for onsite effluent disposal in accordance with the Council's Planning Vision.

The Amendment is considered suitable for referral to the EPA and if authorised by the EPA, to proceed to the formal 42 day advertising.

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr J Moir, seconded Cr G Messmer:

That:

1. Amendment No. 55 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.
2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.
3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 5 July 2011.

**CARRIED (7/0)**

**NO. 53/11**

**11.1.8 TOWN PLANNING SCHEME POLICY NO. 19 - KENDENUP RURAL  
SURROUNDS - SUBMISSIONS RECEIVED**

<b>File No:</b>	<b>N17422</b>
<b>Attachments:</b>	<a href="#"><u>Draft Town Planning Scheme Policy No. 19 Summary of Submissions Schedule of Modifications</u></a>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>Peter Duncan Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>1 March 2011</b>

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**PURPOSE**

The purpose of this report is to consider submissions received on Draft Town Planning Scheme (TPS) Policy No. 19 – Kendenup Rural Surrounds and to recommend the Policy be adopted, with modifications.

**BACKGROUND**

This policy will apply to the Kendenup Rural surrounds as shown on the plan attached to the policy. The plan has been adapted from the Planning Vision (TPS Policy No. 18) and shows the Council's future planning concepts including proposed Rural Smallholding Zoning and Rural Residential Zoning.

The reason for the creation of the policy is that the Department of Planning (DOP) and the Western Australian Planning Commission (WAPC) advised the Council that blanket zoning was not supported.

The reasoning of the WAPC ignores the facts that:

- i) the subject wide array of nearly 2,000 lots have been in existence since the 1920's;
- ii) housing and intensive activities exist. There are presently some 179 houses in the village and some 300 houses in the rural surrounds giving a total of 470 houses;
- iii) few broadacre activities exist and the issue of priority agricultural land in this area is not a relevant consideration as the land has been subdivided into smaller lots since the 1920's;
- iv) regardless of land capability, existing lots can be sold as is;
- v) retaining the broad Rural Zone will mean very little control is available for land use and resubdivision leading to land use conflict; and
- vi) the proposed zonings would have set in place a range of controls over land use and subdivision.

The settlement pattern of Kendenup consists of 595 lots and reserves in the townsite which is the centre of the district. The pattern surrounding the townsite contains a range of relatively small rural lots from west of Albany Highway to the east of the Great Southern railway line. This surrounding area includes in the order of 1,300

lots. The total number of lots including the townsite is some 1,900. Lot sizes in the surrounding rural district range from 30-50ha to the east, 18-40ha to the north, 8-30ha to the west and 10-25ha to the south.

Kendenup presents a number of problems and opportunities, as the townsite is a historic subdivision created in the early 1920's. The venture subsequently failed in 1923. During the last 10 to 20 years, many individual titles have been released sometimes creating conflict between buyers and service providers as many of the lots had no access to basic services such as constructed roads, power and water. As some ownerships involve multiple titles, owners can sell individual titles with no reference to planning agencies or servicing authorities. Unsuspecting buyers then find services such as roads and power may not exist.

The issue of this form of Town Planning Scheme Policy was discussed with Councillors at a workshop held on 9 November 2010.

The Council considered draft TPS Policy No. 19 at its meeting held on 14 December 2010 where it resolved:

*'That:*

- 1. Draft Town Planning Scheme Policy No. 19 – Kendenup Rural Surrounds, be advertised in accordance with Clause 7.6.2(a) of Town Planning Scheme No. 3 for a period of 21 days.*
- 2. At the conclusion of the advertising period a further report be prepared for consideration of the Council no later than its meeting to be held 1 March 2011.'*

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

TPS3 – Clause 7.6 'Power to Make Policies' reads as follows:

### ***'7.6 POWER TO MAKE POLICIES***

*7.6.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the control of development.*

*7.6.2 A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:*

- (a) the Council, having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council;*



- (b) *the Council shall review its Draft town Planning Scheme Policy in light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy;*
- (c) *following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.*

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

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

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

## **EXTERNAL CONSULTATION**

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

Draft TPS Policy No. 19 was advertised for 21 days closing on 27 January 2011. At the close of the submission period one submission had been received, with a second submission being received on 30 January 2011 (see Summary of Submissions).

## **FINANCIAL IMPLICATIONS**

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

## **POLICY IMPLICATIONS**

This is a new Town Planning Scheme Policy.

The Council Policy numbered I/R/13 – Vehicle Crossovers and the Shire of Plantagenet Engineering Development Guidelines/Standards may apply.

## **STRATEGIC IMPLICATIONS**

Shire of Plantagenet Strategic Plan 2003, Key Results Area 4 indicates that the Council will '*Develop and Review Town Planning Policies*'.

## **OFFICER COMMENT**

Draft TPS Policy No. 19 has been prepared to provide guidance and direction when considering proposals for subdivision and development in the rural areas around the Kendenup townsite.

As stated earlier, normally these kinds of issues are addressed through the rezoning of the land which can then introduce land use, land use conflict, development and subdivision controls, however the DOP and WAPC have not supported the rezoning option. The reasons provided ignore six critical facts listed in the background.

The draft policy suggests land use and subdivisional controls for the future Rural Residential and Rural Smallholdings areas and then sets standards for matters such as:

- i) Foreshore Management and Tree Planting;
- ii) Effluent Disposal;
- iii) Bushfire Management;
- iv) Road Upgrading/Drainage;
- v) Water Supply;
- vi) Existing Rural Activities; and
- vii) Building Setbacks.

Two submissions have been received. The submission received from the Department of Environment and Conservation has merit and two changes are recommended for the draft policy as contained in the Schedule of Modifications attached. These modifications relate to referring to the need for a clearing permit from the DEC and referring to the need for possible larger setbacks when adjacent to DEC land.

The second submission received is making comments about the Council's Town Planning Scheme Policy No. 18 (Planning Vision) which was adopted after advertising in March 2010 and not the subject TPS Policy No. 19.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr J Moir, seconded Cr B Bell:**

**That Town Planning Scheme Policy No. 19 – Kendenup Rural Surrounds be adopted with the modifications as set out in the Schedule of Modifications, in accordance with Clause 7.6 of the Shire of Plantagenet Town Planning Scheme No. 3.**

**CARRIED (7/0)**

**NO. 54/11**

**11.2 WORKS AND SERVICES REPORTS****11.2.1 O'NEILL ROAD WASTE MANAGEMENT FACILITY - OPERATING HOURS**

**File No:** N17597

**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services

**Author:** Sharon Lynch  
Senior Administration/Project Officer (Works and Services)

**Proposed Meeting Date:** 1 March 2011

**PURPOSE**

The purpose of this report is to seek authority to change the operating hours of the O'Neill Road Waste Management Facility on Sundays to 10.00am - 5.00pm.

**BACKGROUND**

The Council resolved, at its meeting held on 9 June 2009:

*'That:*

1. *Pursuant to Clause 12 of the Council's Local Laws relating to the operation of the Shire of Plantagenet Landfill and Transfer Station facilities, the Sunday (winter) opening hours relating to the Mount Barker Landfill Site be 10.00am – 5.00pm for the months May to September annually.*
2. *The changes be advertised in the local print media and signs erected in appropriate locations to inform the public of the changes to Sunday opening times at the Mount Barker Landfill Site.'*

The Council also resolved, at its meeting held on 8 September 2009:

*'That pursuant to Clause 12 of the Council's Local Laws relating to the operation of the Shire of Plantagenet Landfill and Transfer Station facilities, the Sunday (summer) opening hours relating to the Mount Barker Landfill Site be 10.00am – 6.00pm for the months October to May annually.'*

The following hours currently apply to the O'Neill Road Waste Management Facility:

<b>Day</b>	<b>Opening Times</b>
Monday	8.00am – 12.00noon
Tuesday	1.00pm – 5.00pm
Wednesday	8.00am – 12.00noon
Thursday	1.00pm – 5.00pm
Friday	8.00am – 12.00noon
Saturday	1.00pm – 5.00pm
Sunday	10.00am – 6.00pm (closes at 5.00pm on Sunday between 1 June and 30 September)

The Council is asked to consider altering the operating hours for Sunday to close the site at 5.00pm during the summer months.

Traffic data entering the O'Neill Road Waste Management Facility was collected for 13 Sundays during November 2010, December 2010 and January 2011. The information indicated that only a small percentage of persons visit the site between 5.00pm – 6.00pm with the majority of visitation between 10.00am – 5.00pm.

Time	Percentage (%)
10.00am – 11.00am	18
11.00am – 12.00pm	14
12.00pm – 1.00pm	13
1.00pm – 2.00pm	13
2.00pm – 3.00pm	15
3.00pm – 4.00pm	12
4.00pm – 5.00pm	11
5.00pm – 6.00pm	4

### STATUTORY ENVIRONMENT

The Council's Local Laws relating to the operation of the Shire of Plantagenet Landfill and Transfer Station Facilities 2004 provides at Clause 12:

*'The Council may from time to time set and amend by resolution the hours of operation of the facility and such hours will be displayed for public information.'*

### FINANCIAL IMPLICATIONS

In proposing to reduce hours of the facility being open to the public, a small cost saving will be achieved.

### POLICY IMPLICATIONS

There are no policy implications for this report.

### STRATEGIC IMPLICATIONS

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

*'Protect the community's health by managing waste in a timely, effective, economic and environmentally safe manner.'*

Further, under Key Result Area 2 Infrastructure – waste and recycling, the Strategic Plan provides the following:

*'Our success is measured by:*

- *Development of a waste management plan which reflects legislative requirements and community demands;*
- *Level of customer satisfaction;*
- *Internal and external benchmarking; and*
- *Demonstrated pursuit of continuous improvement initiatives.'*

### OFFICER COMMENT

Adoption of the altered operating hours is recommended due to the small number of persons who visit the site between 5.00pm – 6.00pm on Sundays. The site already

closes at 5.00pm during the winter months so altering the summer closing time would mean the site would have a constant closing time. This change to the closing time will also bring all the sites' closing times in line.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr M Skinner:**

**That:**

- 1. Pursuant to Clause 12 of the Council's Local Laws relating to the operation of the Shire of Plantagenet Landfill and Transfer Station facilities, the Sunday opening hours relating to the O'Neill Road Waste Management Facility be 10.00am – 5.00pm.**
- 2. The changes be advertised in the local print media and signs erected in appropriate locations to inform the public of the changes to Sunday opening times at the O'Neill Road Waste Management Facility.**

**CARRIED (7/0)**

**NO. 55/11**

**11.2.2 POLICY ADOPTION - MEMORIAL SEATING**

**File No:** N17615  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Sharon Lynch  
Senior Administration/Project Officer (Works  
and Services)  
**Proposed Meeting Date:** 1 March 2011

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**PURPOSE**

The purpose of this report is to consider and endorse a proposed Memorial Seating Policy.

**BACKGROUND**

During preliminary discussions with Councillors on the 2010/2011 budget, Cr Bell asked that consideration be given in the budget to provide community seating in Lowood Road and the town centre of Mount Barker. The Manager Works and Services and the Chief Executive Officer held discussions over this item and referred the matter to the Townscape Review Steering Committee for its input and is attempting to source local timber to make the seats. At a meeting of the Townscape Review Steering Committee held on 23 June 2010 it was resolved:

*‘That a draft policy for the placement and maintenance of Memorial Seating be developed for the further consideration of the Townscape Review Steering Committee before it is considered by the Council.’*

A draft policy was developed and the Townscape Review Steering Committee resolved, at its meeting held on 2 February 2011:

*‘That new Council Policy I-OA-2 Memorial Seating, as follows:*

**‘OBJECTIVE**

*To provide an opportunity for members of the public to have memorial seating placed within the Shire as public furniture.*

**POLICY:**

*The Shire of Plantagenet will consider applications for the installation of memorial seating where:*

- 1. Such memorial seating recognises former residents of the Shire of Plantagenet.*
- 2. The location sought for the placement of memorial seating does not compromise existing Council policies or development plans for long term maintenance or upgrading.*

3. *The cost of providing and installing a memorial seat shall be borne by the applicant and upon placement/erection, the seat shall become the property of the Shire of Plantagenet.*
4. *All formal requests are to be submitted in accordance with any guidelines developed for this purpose.*
5. *Memorial seating will be made from local hard wood timber.*
6. *All plaques on memorial seating shall be of the dimensions 150mm x 75mm and be affixed to the front of the seat.'*

*be accepted and referred to the Council for adoption.'*

### **STATUTORY ENVIRONMENT**

There are no statutory environment implications for this report.

### **FINANCIAL IMPLICATIONS**

The Council will need to consider an appropriate administration fee for the processing of a memorial seating application.

The cost of providing and installing a memorial seat shall be borne by the applicant and upon placement/erection, the seat shall become the property of the Shire of Plantagenet. The Shire would then be required to maintain the seat. It is anticipated the seat would cost in the order of \$7,000.00 to supply and install.

### **POLICY IMPLICATIONS**

The adoption of a new Memorial Seating Policy is proposed.

### **ASSET MANAGEMENT IMPLICATIONS**

Items would be recorded in the Council's asset register at purchase costs.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Plan, Key Result Area 4 – Development Services provides the following as one of its aims:

*'Encourage a sense of community and improve the quality of life for all residents of the Shire.'*

### **OFFICER COMMENT**

#### Provision of Seating

Sponsorship of the supply of street furniture by private individuals or families for the purpose of a memorial to a community member is a way to remember loved ones and increase the supply of street furniture for the community's use.

It is suggested that the cost of providing and installing the memorial seat would be borne by the applicant and, upon installation, would become the property of the Shire of Plantagenet. The Shire would therefore assume responsibility for maintenance.

A particular location, may be requested by the applicant, however, final approval would rest with the Manager Works and Services.

The Council would need to reserve the right to remove or relocate the memorial seat, without referral or compensation, should the memorial seat fall into disrepair, become vandalised or pose a risk to the public.

#### Specifications for Memorial Seats

It is proposed that local timber could be sourced to fabricate the seats.

Consideration would need to be given to the following design characteristics if local timber could be sourced:

- Seats to be ergonomically designed to provide comfort and ease of use (including for the elderly and the very young);
- Materials would need to maximise comfort, amenity and safety;
- Design should minimise opportunities for vandalism and graffiti; and
- Fixture and fittings should be unobtrusive and tamper resistant.

Proposed designs will be submitted to the Council at the appropriate time.

Applicants could arrange with the Shire for a small memorial plaque to be attached to the seat. The Council at its meeting held on 9 November 2010 adopted a new Council Policy No. A/CA/2 Cemetery Memorials. It is proposed the material and dimension requirements for memorial seat plaques are consistent with this policy.

#### Application Procedure

All applications would need to be submitted in writing.

Some aspects of the policy have been changed since it was accepted by the Townscape Review Steering Committee to clarify who will be responsible for design and construction of the seating.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

**Moved Cr G Messmer, seconded Cr M Skinner:**

**That Policy No. I/OA/2 Memorial Seating, as follows:**

**‘DIVISION – BUSINESS UNIT – RESPONSIBILITY AREA**

**Works and Services – Infrastructure – Outdoor Amenities**

### **OBJECTIVE**

**To provide an opportunity for members of the public to have memorial seating placed within the Shire as public furniture.**

**POLICY:**



The Shire of Plantagenet will consider applications for the installation of memorial seating where:

1. Such memorial seating recognises former residents of the Shire of Plantagenet; and
2. The location sought for the placement of memorial seating does not compromise existing Council policies or development plans for long term maintenance or upgrading; and
3. The cost of providing and installing a memorial seat is borne by the applicant; and
4. The seat remains the property of the Shire of Plantagenet; and
5. All formal requests for memorial seating being submitted in accordance with any guidelines developed for this purpose; and
6. Memorial seating is made from hard wood timber supplied and constructed by the Shire of Plantagenet in accordance with an adopted Shire design; and
7. All plaques on memorial seating being of the dimensions 150mm x 75mm and being affixed to the front of the seat.'

be adopted.

#### **AMENDMENT**

Moved Cr M Skinner, seconded Cr L Handasyde:

That:

- 1) The word 'and' be added after the word 'seat' in part 7 of the motion;  
and
- 2) A part 8 be added to the motion:  
'The memorial seating is maintained by the Council for a minimum of 15 years from the date of placement.'

**CARRIED (6/1)  
NO. 56/11**

#### **COUNCIL DECISION**

That Policy No. I/OA/2 Memorial Seating, as follows:

**'DIVISION – BUSINESS UNIT – RESPONSIBILITY AREA**

**Works and Services – Infrastructure – Outdoor Amenities**

#### **OBJECTIVE**

To provide an opportunity for members of the public to have memorial seating placed within the Shire as public furniture.

**POLICY:**

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The Shire of Plantagenet will consider applications for the installation of memorial seating where:

1. Such memorial seating recognises former residents of the Shire of Plantagenet; and
2. The location sought for the placement of memorial seating does not compromise existing Council policies or development plans for long term maintenance or upgrading; and
3. The cost of providing and installing a memorial seat is borne by the applicant; and
4. The seat remains the property of the Shire of Plantagenet; and
5. All formal requests for memorial seating being submitted in accordance with any guidelines developed for this purpose; and
6. Memorial seating is made from hard wood timber supplied and constructed by the Shire of Plantagenet in accordance with an adopted Shire design; and
7. All plaques on memorial seating being of the dimensions 150mm x 75mm and being affixed to the front of the seat; and
8. The memorial seating is maintained by the Council for a minimum of 15 years from the date of placement.'

be adopted.

**CARRIED (5/2)**

**NO. 57/11**

**11.2.3 POLICY REVIEW - NOTICE OF ENTRY FOR PUBLIC SERVICES AND UTILITIES**

**File No:** N17351  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Sharon Lynch  
Senior Administration/Project Officer (Works and Services)  
**Proposed Meeting Date:** 1 March 2011

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**PURPOSE**

The purpose of this report is to review Council Policy No. I/R/12 Notice of Entry for Public Services and Utilities.

**BACKGROUND**

This policy was last reviewed by the Council on 10 February 2009.

Council Policy I/R/12 – Notice of Entry for Public Services and Utilities reads as follows:

**OBJECTIVE:**

*To provide clear guidelines to the Council, its officers and public utility companies and their contractors regarding the undertaking of public service and utility work within the Shire of Plantagenet.*

**POLICY:**

1. *The Council will provide a letter of approval for public services and utilities works to occur with the Shire of Plantagenet provided that the Manager Works and Services is satisfied with the proposed works and provided that the following conditions are adhered to by the utility company:*
  - a) *Should it be necessary to install cabling across any thoroughfare, the cabling shall be under bored to minimise destruction of the road pavement and connecting infrastructure. Open trenching across bitumen sealed road infrastructure is not permitted except where rock is found and can not be under bored. Permission should be sought from the Manager Works and Services if rock is found and an open trench is required.*
  - b) *All trenches located within the footway (verge) shall be backfilled with quality material and suitably compacted following installation of the plant/cables. The finished surface level of the compacted backfill material shall generally match the existing surface profile of the footway.*
  - c) *All disturbed areas shall be reinstated to pre-existing conditions following completion of the works. As a minimum, areas denuded by installation of the plant/cables shall be top soiled, turfed and regularly watered following completion of the works.*

- d) *All manholes, inspection points and/or other permanent above ground features, which are to be located within the road reserve, shall be flush with the natural ground to avoid potential trip hazards.*
- e) *No fixed plant (pits, manholes, inspection points etc) or cabling shall be constructed either near or within existing road formation. This will ensure that, should the Council ever widen Street Name, the fixed plant/cable is sufficiently clear of the works.*
- f) *All cabling shall be laid to the following depths:*
- *Under roads – minimum 1.0 metre*
  - *Within verges – minimum 0.75 metre*
  - *Within public open space – minimum 0.75 metre*
- g) *The Contractor shall regularly remove rubbish and/or surplus materials as the work proceeds and keep the site clean and tidy. The Contractor shall leave tidy the whole of the works upon completion of the Contract, and make good any damage caused during the works to the satisfaction of the Council.*
- h) *Where work is likely to affect vehicular access to private properties, every attempt shall be made to accommodate the needs of landowners/residents regarding entry and/or exit from the property.*
- i) *A minimum of one (1) trafficable lane shall remain open to the public at all times and traffic control shall be employed during the course of the works. A copy of the Traffic Control Plan shall be forwarded to Council Works Supervisor for consideration.*
- j) *The finished condition of the road and/or verge shall be to the satisfaction of Council's Works Supervisor.*
- k) *Where work is to be carried out within privately or publicly owned land, the affected property owners shall be notified in writing of the utilities intent to install plant/cabling. All areas denuded or affected by the works within privately owned land or public open space shall be made good upon completion of the works. In addition, vegetation within public open space shall not be removed without prior consent from the Council.*
- l) *All works are to comply with the Utility Providers Code of Practice for Western Australia, effective 1 November 2002, and the Restoration and Reinstatement Specification for Local Governments in Western Australia, effective October 2002.'*

## **STATUTORY ENVIRONMENT**

Utility Providers Code of Practice for Western Australia 2010

Restoration and Reinstatement Specification for Local Governments 2002

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

## **EXTERNAL CONSULTATION**

Consultation has occurred with an officer from the Western Australian Local Government Association.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

*'1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisations 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**

This policy provides clear guidelines for utility service providers regarding the undertaking of public service and utility work within the Shire of Plantagenet.

Part 1 relates to the installation of cabling across thoroughfares within the Shire of Plantagenet. The wording has been amended to include all underground services including buried pipes and cables owned by utility service providers and by other organisations and individuals.

Utility service providers will be required to seek approval from the Manager Works and Services prior to the installation of underground services beneath a road pavement. This is necessary so the Shire can advise and obtain agreement on matters relating to public safety, traffic management and reinstatement requirements.

Information regarding different installation techniques has also been incorporated into this point; however it will still be the Council's preference to use trenchless technology methods.

The Department of Environment and Conservation (DEC) administers the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. Part 11 has been split into two points and the second point reworded to clarify the requirement for utility service providers to obtain the relevant clearing permits from DEC if the removal of vegetation is necessary.

The document Utility Providers Code of Practice for Western Australia has been revised and the policy has also been updated to reflect the new amendment date.

Wording has also been adjusted within the policy to correctly reference the Manager Works and Services position.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr J Moir:

That amended Council Policy No I/R/12 – Notice of Entry for Public Services and Utilities:

**OBJECTIVE:**

To provide clear guidelines to the Council, its officers and public utility companies and their contractors regarding the undertaking of public service and utility work within the Shire of Plantagenet.

**POLICY:**

The Council will provide a letter of approval for public services and utilities works to occur within the Shire of Plantagenet provided that the Manager Works and Services is satisfied with the proposed works and provided that the following conditions are adhered to by the utility company:

1. Should it be necessary to carry out the installation of underground services beneath a road pavement, approval must be sought from the Manager Works and Services prior to undertaking the works.

The following options are available where it is necessary to place underground services beneath the road pavement:

- a) Trenchless technology methods;
- b) Utilise existing conduits / culverts; or
- c) Trench excavation and reinstatement.

Where underground services are to be placed beneath the road pavement and any existing conduits or culverts cannot be used, preference will be given to the use of trenchless technology methods. In the case of trench excavation and reinstatement, an appropriate 'defects liability period' will be applied to the reinstated work.

2. All trenches located within the road reserve shall be backfilled with quality material and suitably compacted following installation of plant or underground services. The finished surface level of the compacted backfill material shall generally match the existing surface profile of the road reserve.
3. All disturbed areas shall be reinstated to pre-existing conditions following completion of the works. As a minimum, areas denuded by installation of plant or underground services shall be top soiled, turfed and regularly watered following completion of the works.
4. All utility holes, inspection points and/or other permanent above ground features, which are to be located within the road reserve, shall be flush with the natural ground to avoid potential trip hazards.

5. No fixed plant (pits, inspection holes, inspection points etc) or cabling shall be constructed either near or within existing road formation. This will ensure that, should the Council ever widen the road, the fixed plant/cable is sufficiently clear of the works.
6. All cabling shall be laid to the following depths:
  - a) Under roads – minimum 1.0 metre
  - b) Within verges – minimum 0.75 metre
  - c) Within public open space – minimum 0.75 metre
7. Where work is likely to affect vehicular access to private properties, every attempt shall be made to accommodate the needs of landowners/residents regarding entry and/or exit from the property.
8. A minimum of one trafficable lane shall remain open to the public at all times and traffic control shall be employed during the course of the works. A copy of the Traffic Management Plan shall be forwarded to the Manager Works and Services for consideration.
9. The finished condition of the road and/or road reserve shall be to the satisfaction of the Manager Works and Services.
10. Where work is to be carried out within privately or publicly owned land, the affected property owners shall be notified in writing of the utility's intent to install plant/cabling. All areas denuded or affected by the works within privately owned land or public open space shall be made good upon completion of the works.
11. Where any removal of vegetation is required then the relevant clearing permits must be obtained from the Department of Environment and Conservation prior to the seeking of consent from the Council.
12. All works are to comply with the Utility Providers Code of Practice for Western Australia, effective 1 February 2010, and the Restoration and Reinstatement Specification for Local Governments in Western Australia, effective October 2002.'

be endorsed.

**CARRIED (7/0)**

**NO. 58/11**

**11.2.4 POLICY REVIEW - DIRECTIONAL, SERVICE AND TOURISM SIGNAGE POLICY**

**File No:** N17616  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Sharon Lynch  
Senior Administration/Project Officer (Works and Services)  
**Proposed Meeting Date:** 1 March 2011

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**PURPOSE**

The purpose of this report is to review Council Policy No. I/R/19 Directional, Service and Tourism Signage Policy.

**BACKGROUND**

This policy was adopted by the Council on 16 December 2008 and was developed as there was a need for a co-ordinated approach to the management and control of signs on public land and particularly in road reserves.

Main Roads Western Australia (MRWA) and Tourism Western Australia (TWA) were consulted in the preparation of the policy and a series of workshops were also held with the Council and tourism industry.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 5.6 sets standards for the control of advertisements

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

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

*To achieve this we will:*

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

### **OFFICER COMMENT**

Grant funding from the Royalties for Regions program has been used to upgrade signage within the Shire to ensure it complies with the policy.

It is considered that the current policy is relevant and should be endorsed subject to some minor changes. The application and annual renewal fees have been deleted from the policy as these fees may be subject to change with the annual adoption of the Schedule of Fees and Charges. The application form (Appendix 1) has also been deleted from the policy.

When this policy was initially adopted in December 2008, an amnesty period of two years was incorporated to allow business owners the opportunity to comply with the policy. The words relating to this amnesty period have now been deleted from the policy as two years have elapsed.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr M Skinner, seconded Cr L Handasyde:**

**That amended Council Policy No. I/R/19 Directional, Service and Tourism Signage Policy as follows:**

#### **OBJECTIVE:**

**To ensure the provision of directional, service and tourism signage, is effectively integrated into the urban and rural landscape and the amenity of the locality is maintained and protected.**

#### **POLICY:**

##### **1. INTRODUCTION**

- 1.1 The Council is concerned at the proliferation of directional signs for service and tourism activities being used as an advertising medium. Advertising and providing direction to businesses should be through the Visitor Centre and commercial advertising mediums.**
- 1.2 A reduction and limiting of the proliferation of road signs can preserve or enhance the aesthetic values of the landscape and environment. The use of Australian Standards and internationally recognised symbols on signs wherever possible can ensure simple, concise and consistent messages are conveyed to motorists and travellers.**
- 1.3 Directional signs are signs erected in roads or public places to indicate the direction to places, services and tourist destinations within the Shire but do not include signs erected by the Council or the Commissioner of Main Roads.**

1.4 Directional signs not on a road name sign structure but standing alone will not be supported.

1.5 Directional signs are not permitted for home occupation or home business uses.

## 2. POLICY CRITERIA

In considering any application for approval for Service and Tourism directional signage, the Council will have regard to the criteria below before a decision is made.

### 2.1 SIGN FORMAT

2.1.1 A 'sign' in this context relates to a rectangular 'fingerboard' sign.

2.1.2 The sign hierarchy when mounted as a sign stack is:

1.	Road Name Sign	Dark Green on White (to incorporate Shire logo)
2.	Settlement Sign	White on Green
3.	Service (Community) Directional Sign	White on Blue
4.	Tourism Directional Sign	White on Brown

2.1.3 Permitted directional signs within road reserves, are to be fingerboard signs as follows:

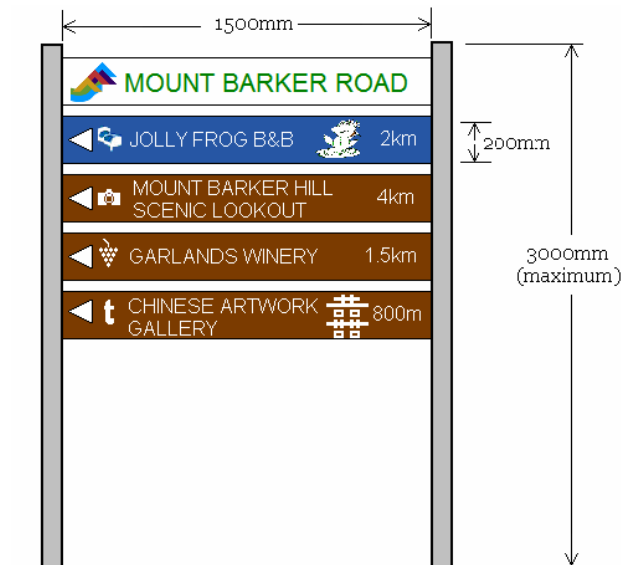
Settlement Sign:	(White on Green) signs that inform the road users of direction and distance to destinations.
Service Sign:	(White on Blue) signs relating to community or not-for-profit facilities or accommodation businesses that are directly related to servicing visitors/tourists and locals.
Tourism Sign:	(White on Brown) signs providing information on businesses, tourist attractions and historic sites.

**2.1.4 Examples of Directional Signs are:**

SETTLEMENT	SERVICE	TOURISM
<b>White on Green</b>	<b>White on Blue</b>	<b>White on Brown</b>
ALBANY 50KM PORONGURUP ROCKY GULLY NARRIKUP KENDENUP TOWN CENTRE	<p><u>Community Facilities</u></p> <ul style="list-style-type: none"> <li>• Hospital</li> <li>• Police Station</li> <li>• Religious buildings</li> <li>• Halls, civic centres</li> <li>• Post Office</li> <li>• Sporting &amp; recreational grounds or facilities</li> </ul> <p><u>Tourist Facilities / Business</u></p> <ul style="list-style-type: none"> <li>• Accommodation (including Caravan Parks &amp; Camping Grounds)</li> <li>• Visitor Information Centres</li> </ul>	<ul style="list-style-type: none"> <li>• National Parks</li> <li>• Historic Buildings, Sites &amp; Towns</li> <li>• State or Local Tourist/ Scenic drives</li> <li>• Scenic Look-outs</li> <li>• Commercial Tourist Attractions (e.g. Wineries with cellar door sales, animal farms etc)</li> </ul>

**2.1.5 Where more than one such directional sign is required for a particular street junction, then they shall be incorporated into a sign stack structure which will be erected by the Council to meet the following standards:**

- a) Each individual sign can incorporate the business name/logo/hours of opening and the direction to proceed.
- b) Each individual sign shall be a maximum width of 200mm and a maximum length of 1500mm. All signs in the one stack will be the same length.
- c) Located to the satisfaction of the Council to ensure traffic safety.
- d) The overall structure shall be in the following form:

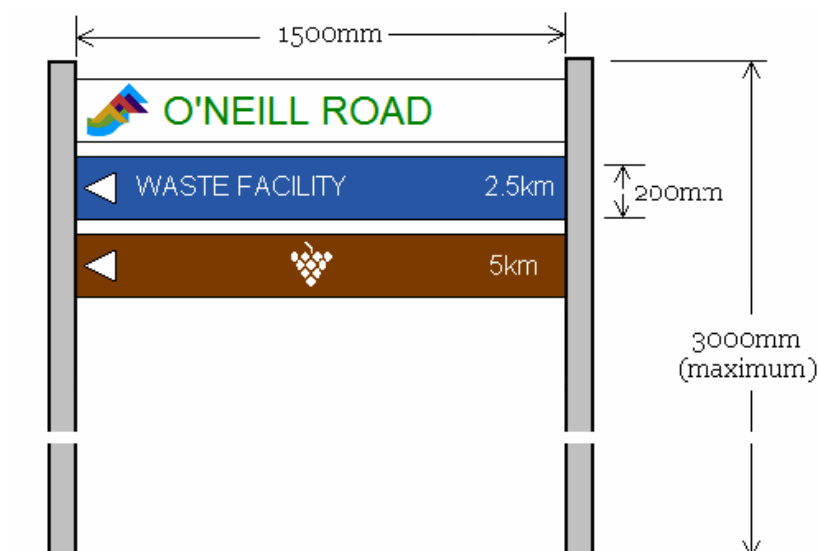


2.1.6 Where the sign stack is proposed in the rural districts and the Council feels it appropriate from a traffic safety perspective, a warning direction sign shall be located in advance of the street junction. Such a warning sign shall again be a composite form as follows:



The Council will have the sign prepared and erected.

2.1.7 Where Service and Tourism directional fingerboard signs are proposed for Main Roads WA (MRWA) controlled roads (see 3.2), then they are to incorporate generic terms and/or symbols only. Explicit signs specific to a private business or enterprise will not be supported unless MRWA determines otherwise. The overall structure shall be in the following form:



- 2.1.8 The Council will maintain the fingerboard signs for a period of five years by which time a replacement is likely to be required due to deterioration of the signs reflectivity. The replacement will be at the business owners cost for the application fee set in the annual budget at the time.

## 2.2 SIGN STANDARDS AND REQUIREMENTS

- 2.2.1 Settlement, Service and Tourism directional fingerboard signs are to be in accordance with AS 1742.5 (**Manual of uniform traffic control devices – Street name and community facility name signs**).
- All signs are to have distance noted.
  - All signs are to be a maximum of 200mm in height and in one of 3 lengths (900mm, 1200mm and a maximum of 1500mm in length). All signs in one sign stack will be the same length.
- 2.2.2 In any one sign stack the maximum number of fingerboards is six, not inclusive of the road name sign(s) at the top. If considered safe by the Manager Works and Services, more than six fingerboards may be allowed.
- 2.2.3 All road names will in due course be mounted on two poles and form the basis of a potential sign stack.
- 2.2.4 Should the Council propose to remove explicit names of businesses, to enable the addition of more businesses within the same and/or another generic group, the Council will advise the affected business owner and will remove the sign and replace it within six weeks of receiving an application for a new sign for that stack.
- 2.2.5 Where the Council considers it appropriate from a traffic safety perspective in rural districts, one position sign may be erected opposite the entrance to a business.

- 2.2.6 No private advertising signs may be erected permanently on public land unless with good cause and in specific circumstances as agreed by the Council.
- 2.2.7 No temporary private advertising signs may be erected on public land without the approval of the Council.
- 2.2.8 All signs within a road reserve are governed by the Council and the Council reserves the right to remove unapproved signs without notice. The Council also reserves the right to modify, relocate or remove signage where necessary with or without notice.
- 2.2.9 The Council will replace stolen, damaged or dangerous signage with or without notice.

### **3. APPLICATIONS**

- 3.1 Applications for all Service and Tourism directional signs are required to be lodged with the Council on the appropriate form together with the necessary application fee.
- 3.2 MRWA control specific roads within the Shire (Albany Highway, Muirs Highway, Denmark-Mount Barker Road and Chester Pass Road). All applications for signs on these roads will be referred by the Council to MRWA for comment before a decision is made.
- 3.3 All Tourism related signage will be referred to the Great Southern Regional Manager of Tourism WA to ensure the business meets the minimum essential criteria.
- 3.4 The Council will proceed to have the signs manufactured and installed only after obtaining any comments necessary from referral agencies and approval has been granted on the form.
- 3.5 The Council will maintain all signage within the road reserve.
- 3.6 An annual renewal fee will apply for all Service and Tourism directional fingerboard signs. Where the annual renewal fee has not been paid, the Council will assume the businesses/attractions no longer operate or no longer require the sign(s) and will proceed to remove them.

### **4. IMPLEMENTATION**

- 4.1 Existing Service and Tourism directional fingerboard signs in the Shire will be reviewed and those that do not comply with the standards and definitions of this Policy will be removed and replaced at the relevant business owner's cost by compliant signs.
- 4.2 Where the Council is to install a sign stack at a street junction following a request from a business owner(s), all other various fingerboard signs existing at that junction will need to be remade and be incorporated into that new sign stack.

**5. ADMINISTRATION:**

**The Manager Works and Services is responsible for the administration of this policy.'**

**be endorsed.**

**CARRIED (7/0)**

**NO. 59/11**

## 11.3 COMMUNITY SERVICES REPORTS

### 11.3.1 POLICY REVIEW - ARSON - REWARD

**File No:** N17593  
**Responsible Officer:** Nicole Selesnew  
Manager Community Services  
**Author:** Rayona Evans  
Administration Officer (Relief)  
**Proposed Meeting Date:** 1 March 2011

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#### **PURPOSE**

The purpose of this report is to review Council Policy RS/V/2 - Arson – Reward.

#### **BACKGROUND**

Council Policy RS/V/2 – Arson – Reward reads out follows:

##### **‘OBJECTIVE:**

*To encourage the sharing of information relating to acts of arson and to enable conviction of persons committing arson.*

##### **POLICY:**

*That:*

- 1. A reward be offered for information leading to the conviction of persons committing arson within the Plantagenet district.*
- 2. An allocation be included annually in the budget by the Council to cover rewards for arson.’*

The policy was adopted on 14 October 2008.

A payment of \$500.00 has been made to a person that provided information to the police in relation to arson, which led to the conviction of two offenders.

#### **FINANCIAL IMPLICATIONS**

There are no immediate financial implications for this report.

An allocation is provided in the 2010/2011 budget under Security and Vandalism, as a result of the Arson - Reward policy.

#### **POLICY IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

The Council’s Strategic Plan Key Results Area 1, 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 organisations 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.'*

Further, Key Result Area 2 (Infrastructure) notes an aim of the Council to perform regulatory services duties effectively in an assertive but respectful and educational manner to promote a safe and harmonious community.

### **OFFICER COMMENT**

The Arson – Reward Policy has been advertised locally in the past. While the policy is adequate, the inclusion of a maximum reward amount will ensure future payments are capped. Shire Officers have worked on a maximum reward of \$1,000.00 and it is proposed that this figure be incorporated into the Policy.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr B Bell, seconded Cr M Skinner:**

**That amended Council Policy RS/V/2 – Arson – Reward as follows:**

#### **OBJECTIVE:**

**To encourage the sharing of information relating to acts of arson and to enable conviction of persons committing arson.**

#### **POLICY:**

**That:**

- 1. A reward be offered, up to \$1,000.00, for information leading to the conviction of persons committing arson within the Plantagenet district.**
- 2. An allocation be included annually in the budget by the Council to cover rewards for arson.'**

**be endorsed.**

**CARRIED (7/0)**

**NO. 60/11**

**11.3.2 POLICY REVIEW - SKINNER PAVILION**

**File No:** N17592  
**Responsible Officer:** Nicole Selesnew  
Manager Community Services  
**Author:** Rayona Evans  
Administration Officer (Relief)  
**Proposed Meeting Date:** 1 March 2011

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**PURPOSE**

The purpose of this report is to review Council Policy CS/SC/2 – Skinner Pavilion.

**BACKGROUND**

Council Policy CS/SC/2 – Skinner Pavilion reads as follows:

**OBJECTIVE:**

*To allow the use of Skinner Pavilion during the respective seasons of Mount Barker Turf Club, Mount Barker Agricultural Society and Mount Barker Football Club without the need for ongoing bookings.*

**POLICY:**

*That the Mount Barker Turf Club, Mount Barker Agricultural Society and Mount Barker Football Club use Skinner Pavilion at Frost Park without independent charge being made by the Council conditionally that use of the premises will not involve Council in any cleaning responsibilities and the Mount Barker Turf Club, Mount Barker Agricultural Society and Mount Barker Football Club be responsible for repairing any damages that may occur to the Pavilion while the facility is being used by the clubs.'*

This policy was last reviewed on 14 October 2008.

**EXTERNAL CONSULTATION**

Consultation has occurred with the Mount Barker Football Club, Mount Barker Turf Club and Mount Barker Agricultural Society.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

This policy is presented on the Council as part of the ongoing Council Policy review cycle.

**STRATEGIC IMPLICATIONS**

The Council's Strategic Plan Key Results Area 1, 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 organisations to be undertaken.'*

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*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**

This policy reflects the intent of the Memorandum of Understanding (MOU) for Frost Park which was adopted by the Council at its Ordinary Meeting held on 14 December 2010. The Mount Barker Turf Club, Mount Barker Football Club and Mount Barker Agricultural Society were all involved in the preparation of the MOU.

It is considered that the current policy should remain in place notwithstanding the current MOU.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr G Messmer, seconded Cr J Moir:

That Policy CS/SC/2 – Skinner Pavilion, as follows:

### **OBJECTIVE:**

**To allow the use of Skinner Pavilion during the respective seasons of Mount Barker Turf Club, Mount Barker Agricultural Society and Mount Barker Football Club without the need for ongoing bookings.**

### **POLICY:**

**That the Mount Barker Turf Club, Mount Barker Agricultural Society and Mount Barker Football Club use Skinner Pavilion at Frost Park without independent charge being made by the Council conditionally that use of the premises will not involve Council in any cleaning responsibilities and the Mount Barker Turf Club, Mount Barker Agricultural Society and Mount Barker Football Club be responsible for repairing any damages that may occur to the Pavilion while the facility is being used by the clubs.'**

be endorsed.

**CARRIED (7/0)**

**NO. 61/11**

**11.3.3 POLICY REVIEW - SWIMMING CARNIVALS**

**File No:** N17580  
**Responsible Officer:** Nicole Selesnew  
Manager Community Services  
**Author:** Rayona Evans  
Administration Officer (Relief)  
**Proposed Meeting Date:** 1 March 2011

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**PURPOSE**

The purpose of this report is to review Policy CS/SP/1 – Swimming Carnivals.

**BACKGROUND**

Council Policy CS/SP/1 – Swimming Carnivals reads as follows:

**OBJECTIVE:**

*To assist the Pool Manager in making suitable arrangements during Swimming Carnivals.*

**POLICY:**

*That school and other similar type swimming carnivals are permitted at the Mount Barker Swimming Pool, subject to:*

- a) The host organisation holding appropriate and adequate insurance for the event;*
- b) The host organisation providing adequate supervision for the event; and*
- c) Exclusion of members of the public from the main pool during such events.'*

This policy was adopted on 26 September 2006 and was last reviewed by the Council on 24 February 2009.

**STATUTORY ENVIRONMENT**

The Department of Health 'Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities' is silent on matters relating to Swimming Carnivals.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

The Council's Strategic Plan Key Results Area 1, 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 organisations 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 sufficient and should be endorsed.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr G Messmer:

That Policy CS/CP/1 - Swimming Carnivals, as follows:

#### **OBJECTIVE:**

To assist the Pool Manager in making suitable arrangements during Swimming Carnivals.

#### **POLICY:**

That school and other similar type swimming carnivals are permitted at the Mount Barker Swimming Pool, subject to:

- 1) The host organisation holding appropriate and adequate insurance for the event;
- 2) The host organisation providing adequate supervision for the event; and
- 3) Exclusion of members of the public from the main pool during such events.'

be endorsed.

**CARRIED (7/0)**

**NO. 62/11**

**11.3.4 POUND ESTABLISHMENT (STOCK) – LOT 151 MUIRS HIGHWAY MOUNT BARKER**

**File No:** N17647  
**Attachment:** [Site Plan – Proposed Public Stock Pound](#)  
**Responsible Officer:** Nicole Selesnew  
Manager Community Services  
**Author:** Rayona Evans  
Administration Officer (Relief)  
**Proposed Meeting Date:** 1 March 2011

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**PURPOSE**

The purpose of this report is to formally establish a public stock pound at Lot 151 Muirs Highway, Mount Barker.

**BACKGROUND**

At its meeting held on 15 November 2007, the Council resolved:

*‘That:*

*(1) The current dog pound at the Shire depot, Lot 53 Muirs Highway, Mount Barker and a proposed new stock pound at the Great Southern Regional Cattle Saleyards, be established as public pounds under Part XX of the Local Government (Miscellaneous) Act 1960.*

*(2) Public Notice be given of the establishment of the pounds in part (1) above in the Government Gazette, pursuant to Section 450 of the Local Government (Miscellaneous Provisions) Act 1960 and Section 1.8 of the Local Government Act 1995.*

*(3) The Saleyards stock pound be fenced accordingly.’*

Further discussion occurred at the Council meeting held on 11 December 2007, where the Council revoked the motion from 15 November 2007 and resolved:

*‘That the current dog pound at the Shire depot, Lot 53 Muirs Highway, Mount Barker be established as a public pound pursuant to part 2 Clause 4 of the Shire of Plantagenet Local Law relating to Dogs.’*

*‘That investigations be undertaken regarding the creation of a large animal pound pursuant to the provisions of Part XX of the Local Government (Miscellaneous Provisions) Act 1960, such investigations to include potential site at the Shire depot situated at Lot 53 Muirs Highway, Mount Barker.’*

Following this decision Shire Officers have diligently considered a number of sites for a stock pound and have consulted with numerous stakeholders. Subsequently it has been concluded that Lot 151 (formerly Lot 53) Muirs Highway, the Shire Depot site, is the most ideal location.

## **STATUTORY ENVIRONMENT**

Part XX Sections 449 and 450 of the Local Government (Miscellaneous Provisions) Act 1960 allow the Local Government to establish a pound and, if established, require the Local Government to give notice of the establishment of a pound.

## **FINANCIAL IMPLICATIONS**

When the Mount Barker Bypass was constructed Main Roads WA fenced some of the Depot boundaries. These fences have helped form part of the boundary fence for the proposed stock pound. Wire which had been previously purchased to fence the pound area at the Saleyards has also been used to fence the proposed stock pound at the Depot.

## **POLICY IMPLICATIONS**

There are no policy implications for this report.

## **STRATEGIC IMPLICATIONS**

A measure of success within the Shire of Plantagenet Strategic Plan 2003, is compliance with applicable legislation. The establishment of a stock pound is required for the Ranger to impound stock pursuant to the Local Government (Miscellaneous Provisions) Act 1960.

## **OFFICER COMMENT**

Addressing issues of straying stock on Common Land and private property is a common Ranger Services activity. There are situations where stock may be impounded on private land however this is often impractical due to the requirements to feed and check the animals regularly.

The gazettal of Lot 151 Muirs Highway (Depot Site) as a stock pound is required for this area to be used as a public stock pound.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr G Messmer:

That:

1. **Lot 151 Muirs Highway, Mount Barker (Depot Site) be established as a public stock pound, pursuant to Section 449 of the Local Government (Miscellaneous Provisions) Act 1960.**
2. **Public Notice be given of the establishment of the pound in part 1 above pursuant to:**
  - a) **Section 450 of the Local Government (Miscellaneous Provisions) Act 1960; and**
  - b) **Section 1.8 of the Local Government Act 1995.**

**CARRIED (7/0)**

**NO. 63/11**

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## 11.4 CORPORATE SERVICES REPORTS

### 11.4.1 LIST OF ACCOUNTS - JANUARY 2011

<b>File No:</b>	<b>N17612</b>
<b>Attachments:</b>	<a href="#"><u>List of Accounts</u></a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Emma Gardner</b> <b>Accounts Officer</b>
<b>Proposed Meeting Date:</b>	<b>1 March 2011</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 January 2011.

#### **STATUTORY ENVIRONMENT**

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

The Chief Executive Officer has delegated authority to authorise payments (10 May 2009). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

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

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **POLICY IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

#### **VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr G Messmer, seconded Cr L Handasyde:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended January 2011 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$385,604.05; and
  - b. Municipal Cheques 41709 - 41747 and 41751 - 41775 totalling \$40,530.56;
  - c. Cancelled Cheques 41748, 41749 and 41750;
- be received.

**CARRIED (7/0)**

**NO. 64/11**

**11.4.2 LOCATION 6889 KNIGHTS ROAD, PORONGURUP - EXEMPTION FROM RATES - FRIENDS OF THE PORONGURUP RANGE INC**

**File No:** N17574  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Vanessa Ward  
Rates Officer  
**Proposed Meeting Date:** 1 March 2011

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**PURPOSE**

The purpose of this report is to seek approval to grant the Friends of the Porongurup Ranges Inc an exemption from rates for the property situated at 326 Knights Road, Porongurup.

**BACKGROUND**

On 24 November 2009 Council declined a request for rates exemption from the Friends of the Porongurup Range and recommended that they apply for an equivalent payment under the Council's annual Financial Assistance Grants. At that meeting the Council resolved:

- '1. An ex-gratia payment of \$1,265.90, equivalent to the 2009/2010 rates on the property situated at Loc 6889 (326) Knights Road Porongurup, be made to the Friends of the Porongurup Ranges Inc.
2. That organisation be encouraged to make application each year for a similar payment as part of the Council's annual Financial Assistance Grants program.'

The property in question is the Twin Creeks Conservation Reserve situated at Loc 6889 (326) Knights Road, Porongurup. This property was purchased by the Friends of the Porongurup Range Inc in 2003 for the purpose of restoring the land's natural vegetation and making it available to the general public as an educational resource. The Friends of the Porongurup Range Inc is a not-for-profit organisation that was incorporated in 1991.

**STATUTORY ENVIRONMENT**

Section 6.26(2)(g) of the Local Government Act 1995 states that 'Land used exclusively for charitable purposes' is not rateable.

The Western Australian Department of Consumer and Employment Protection guide for Incorporated Associations lists 'Conservation Groups – not for political aim' as an example of a charity for taxation purposes. The Australian Taxation Office also recognises the Friends of the Porongurup Range Inc as a charitable organisation. It is on these grounds that the Friends of the Porongurup Range Inc are requesting a rates exemption for the property on Knights Road.

## FINANCIAL IMPLICATIONS

The Friends of the Porongurup Range Inc paid an amount of \$1,415.73 in the 2010/2011 financial year. If granted exemption status, this amount will need to be refunded.

## POLICY IMPLICATIONS

There are no policy implications for this report. However, it is of interest to note that if this organisation was leasing Council land it would be non-rateable pursuant to Council Policy A/PA/14 'Sporting and Community Organisations using Council and Vested Land – Rateability'

## STRATEGIC IMPLICATIONS

There are no strategic implications for this report. However the Council's Strategic Plan at Key Result Area 2 (infrastructure) provides as a measure of our success, under Natural Resource Management:

- *Development of environmentally responsible public open space and natural resource management plans which appropriately reflect social and economic considerations;*
- *Appropriate integration of natural resource management plans into operational business plans;*
- *Successful participation in the development of regional natural resource management initiatives.'*

The constitution of the Friends of the Porongurup Range Inc states:

- '1. *The primary objects of the Association is to conserve the natural environment of the area whilst fostering knowledge and respect of its uniqueness.*

*Other specific objects are:*

- (a) *to promote communication and interaction with those responsible for policy formation and management operations related to the Porongurup Range, reserves, Road reserves and Crown land in the environs of the range;*
- (b) *to develop through research an understanding and inventory to the natural resources of the Porongurup Range;*
- (c) *to assist and encourage rehabilitation of areas of environmental degradation within the Porongurup range;*
- (d) *to participate in identification, control and monitoring of noxious weeds, feral animals, erosion, mining, dieback and fire within the Porongurup National Park;*
- (e) *to address the Draft Management Plan for the Porongurup Range and remain ware of any proposed management plan or future changes to management plans;*
- (f) *to protect areas of Aboriginal cultural significance within the park and record the history of European settlements;*
- (g) *to foster goodwill between members of this association by mutual enjoyment of the Porongurup Range;*
- (h) *to establish and maintain a public fund to be called the "Porongurup Conservation Fund Public Fund" for the specific purpose of supporting the environmental objects/purposes of the Friends of the Porongurup*

*Range Inc. The fund is established to receive all gifts of money and property for this purpose and any money received because of such gifts must be credited to its bank account. The Fund must not receive any other money or property into its account and it must comply with subdivision 30-E of the Income Tax Assessment Act 1997.*

This is consistent with the Council's Strategic Plan.

*Further, 'the property and income of the Association shall be applied solely towards to the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly to members, except in good faith in the promotion of those objects.'*

### **OFFICER COMMENT**

The Friends of the Porongurup Range Inc is considered to be a charitable organisation by the Western Australian Department of Consumer and Employment Protection and also by the Australian Taxation Office, as its purpose for this property is a conservation reserve which is used exclusively for the enjoyment of the public through recreation and education.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr B Bell, seconded Cr J Moir:**

**That:**

- 1. In accordance with Section 6.26(2)(g) of the Local Government Act 1995, Loc 6889 (326) Knights Road Porongurup, owned by the Friends of the Porongurup Range Inc, is hereby declared to be utilised for a charitable purpose and is therefore non-rateable from 1 July 2010 and while it continues to be used as charitable purpose;**
- 2. The Friends of the Porongurup Range Inc be reimbursed \$1,415.73 being the 2010/2011 rates for Loc 6889 (326) Knights Road Porongurup.**

**CARRIED (4/3)**

**NO. 65/11**

**11.4.3 POLICY REVIEW - INVESTMENTS**

Mr J Fathers – Deputy Chief Executive Officer discloses an interest (S 5.70 of the Local Government Act 1995) for this item due to his board membership of Plantagenet Community Financial Services Ltd.

4:33pm Mr J Fathers withdrew from the meeting.

**File No:** N17636  
**Attachment:** [Analysis of Interest Rates  
Credit Ratings](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Brendan Webb  
Accountant/Office Manager  
**Proposed Meeting Date:** 1 March 2011

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**PURPOSE**

The purpose of this report is to review Council Policy No. F/RI/1 – Investments.

**BACKGROUND**

On 12 October 2008, the Australian Government announced temporary arrangements to enable the provision of a guarantee for the deposits and wholesale funding of Australian deposit-taking institutions (ADIs). In the lead up to this announcement, developments in international wholesale funding markets were restricting the ability of financial institutions both here and overseas to access funding, with potentially serious implications for liquidity and lending activity.

To address these pressures, the Government guarantee arrangements were designed to promote financial system stability in Australia, by supporting confidence and assisting ADIs (banks, building societies and credit unions) to continue to access funding at a time of considerable turbulence. They were also designed to ensure that Australian institutions were not placed at a disadvantage compared to their international competitors that could access similar government guarantees on their wholesale funding.

Given the improvement in funding conditions, and the closure of guarantee schemes in a number of countries, the Government closed the Guarantee Scheme to new liabilities from 31 March 2010. Separate arrangements continue to apply for deposit balances totalling up to and including \$1 million per customer per institution. Such deposits are guaranteed without charge.

At its meeting held on 16 December 2008, the Council resolved that amended Council Policy F/RI/1 – Investments, as follows:

'OBJECTIVE:

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*To document and provide the necessary information for the delegated officers to invest surplus funds.*

**POLICY:**

**1.0 Purpose of Policy**

**1.1** *The purpose of this policy is to ensure that:*

- *The Council conforms with its fiduciary responsibilities under Section 6.14 of the Local Government Act and Section 18 (1 )(a) of the Trustees Act 1962 (the 'Prudent Person' rule);*
- *At all times, the Council has in place a current set of policies and delegations for its Investments Officers; and*
- *Adherence to the guidelines by all officers with delegated authority to invest / control surplus funds.*

**1.2** *This Policy is to be made available to all employees involved in daily investment decisions.*

**1.3** *Notwithstanding the provisions of this Policy, the general financial management obligations imposed under the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 should at all times be complied with.*

**2.0 Prudent Person Rule**

**2.1** *The investment options available to local government authorities in Western Australia were altered in June 1997 with changes to the Trustees Act. With the passage of changes to the Trustees Act, the list of prescribed investments has been removed and replaced by the Prudent Person rule.*

**2.2** *The main features of the prudent person rule include:*

- *Exercising the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons; and*
- *A duty to invest funds in investments that are not speculative or hazardous.*

**2.3** *In exercising powers of investment, there are important matters for consideration:*

- *The purpose of the investment and the needs and circumstances;*
- *The desirability of diversifying investments and the nature of and risk associated with existing investments;*
- *The need to maintain the real value of capital and income; The risk of capital or income loss or depreciation; The potential for capital appreciation;*
- *The likely income return and timing of the income return; The length of the term of the proposed investment;*
- *The liquidity and marketability of the proposed investment; The aggregate value of the investment;*
- *The effect of the proposed investment in relation to the tax liability (if any);*
- *The likelihood of inflation affecting the value of the proposed investment; and*

- *The costs of making the proposed investment; the results of a review of existing investments.*

### 3.0 *Investment Objectives*

- 3.1 *To add value through prudent investment of funds.*
- 3.2 *To support the local community bank without putting the Shire's surplus funds to any undue risk.*
- 3.3 *To have ready access to funds for day-to-day requirements, without penalty.*

### 4.0 *Authority to Invest*

- 4.1 *The Shire of Plantagenet's surplus funds are to be invested in term deposits or negotiable certificates of deposit with Bendigo Community Bank. Any proposal to invest funds in another institution, for whatever reason, is to be referred to the Council.*
- 4.2 *Investments from the municipal, loan, reserve and trust accounts are to be kept separate and distinct.*
- 4.3 *Funds may be invested for terms ranging from one (1) to six (6) months based on predicted cash flow requirements.*
- 4.4 *The Deputy Chief Executive Officer places, withdraws or re-invests sums up to \$500,000.00 jointly with the Accountant or Chief Executive Officer, in accordance with the Chief Executive Officer's delegation.*
- 4.5 *The Chief Executive Officer places, withdraws or re-invests sums over \$500,000.00 jointly with the Deputy Chief Executive Officer or Accountant in accordance with the Chief Executive Officer's delegation.*
- 4.6 *Investments are to be diversified with the aim of retaining less than \$1 million with each bank, thereby eliminating the cost of the Federal Government Guarantee on funds.*

### 5.0 *Review and Reporting*

- 5.1 *A cash flow report is to be monitored by the Accountant at least weekly to ensure cash funds are available to meet commitments.*
- 5.2 *Investments will be managed actively as they mature with reviews by the Deputy Chief Executive Officer on a monthly basis.*
- 5.3 *Bendigo Bank's short term credit rating as defined by Standard and Poors is to be monitored on a monthly basis by the Deputy Chief Executive Officer. Any downgrading of the long term BBB+ or short term A-2 rating is to be reported to the Council.*
- 5.4 *For audit purposes, certificates must be obtained from the bank confirming the amounts of investment held on the Council's behalf at 30 June each year.*

*be adopted.'*

## **STATUTORY ENVIRONMENT**

The authority for a local government to invest surplus funds comes from Section 6.14 of the Local Government Act 1995. Section 18 of the Trustees Act 1962 also details investment powers of trustees.

Other recent legislation is covered in the Financial System Legislation Amendment (Financial Claims Scheme and Other Measures) Act 2008 and the Banking Amendment Regulations 2008 (No. 1).

### **FINANCIAL IMPLICATIONS**

This matter has a direct impact on the security of the Council's surplus funds and the revenue to be made from investment of those funds. The security issues are discussed in the Officer Comment section of this report.

With regard to income, in the current financial year, the amount available for investment purposes will range from approximately \$2.0 million to approximately \$3.5 million (from municipal, reserve and loan funds). The Council's 2010/2011 budget provides for income from investment of \$105,000.00.

The interest rates on the Council's current term deposits range from 5.40% to 6.20% with the interest rates having reduced significantly in recent months. Due to the current relationship with Bendigo Bank, the Shire's investments attract current market rate plus 0.15%. This equates to a bonus of approximately \$3,000.00 per year.

A recent analysis of interest rates being offered by a selection of other AA, A and BBB rated institutions is attached. The Bendigo Bank is currently offering very competitive rates. If the Council chose to invest in other financial institutions, this could enable it to diversify its investments so that it had less than \$1 million in each one, thereby qualifying for the free government guarantee on all investments.

For the sake of simplification, two scenarios have been considered, based on an average yearly investment of \$2.5 million at currently quoted interest rates:

Scenario 1 – The Council continues to invest all its surplus funds with Bendigo Bank. In this scenario the Council's return would be \$141,250.00.

Scenario 2 – The Council spreads its investment pool among three (or more) banks. With total funds in each bank less than \$1 million, the free Government Guarantee applies. In this scenario the Council's return would be \$130,000.00. This reflects lower interest rates currently being offered by other major banks.

If the Scenario 2 position was adopted, it is recommended that individual bank accounts continue to directly represent particular funds or pools of money (such as reserve funds, restricted funds, unspent loan funds etc).

The additional option would be to engage a broker to invest the Council's surplus funds in an even more diverse portfolio. There would be a cost associated with managing a more diversified investment strategy (in staff time or investment brokers), although this would be minimal if the Council chose to spread its investments around the banks with branches in Mount Barker and Albany. This option would provide only limited support to the community bank. However, there would be a safety net in place if any one of those banks went into financial difficulties.

### **POLICY IMPLICATIONS**

This policy is presented to the Council as part of its ongoing policy review cycle.



## STRATEGIC IMPLICATIONS

The Council's Strategic Plan Key Results Area 1, 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 organisations 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

As outlined above, the current policy provides for surplus funds to be invested in term deposits or negotiable certificates of deposit (NCD) with Bendigo Community Bank and a special rate is applied by Bendigo Bank to all of the Council's funds on deposit. It has clearly been the intention to support the local community bank.

A standard feature of most investment policies is the desire to achieve an adequate level of diversification to spread risk. The Council's previous Investment Policy (replaced in November 2006) required that no more than 70% of funds be invested with one organisation. The lack of diversification in the current policy could be seen to be relatively risky and the Council should decide whether it is happy to continue in that vein or whether it wants to adopt a more risk averse position.

Bendigo's 'Community Bank' is a branch banking model which involves local people in solving their own banking needs. Community Bank branches provide communities with an opportunity to enhance control over their community's capital, ensuring more money stays in the district for local investment.

It is considered desirable to support the local community bank, provided that other fiduciary responsibilities are complied with, although the Council should be conscious of the risk and put adequate controls in place to mitigate that risk. The Council has done this by defining bottom level credit ratings (Short term A-2 and long term BBB+) and regularly monitoring Bendigo Bank's credit ratings. Standard and Poor's credit ratings relating to Bendigo Bank have not altered since the current policy was adopted.

During discussions with Bendigo Bank at the time of the adoption of the policy, it was advised that the bank is 148 years old and has never made a loss. It is a conservative organisation which is subject to very strong prudential requirements. Funds invested with Bendigo Bank are put into a pool to spread the risk. The bank has the highest credit ratings it can achieve for its size.

From a purely risk aversion point of view, the Council should reconsider adopting a more diverse investment strategy. Also, it is considered appropriate to secure the Government Guarantee on funds by such diversification. It will therefore be recommended that the Council spreads its funds among local banks to achieve the Government Guarantee, whilst minimising its cost to the Council.

However, it is considered that the failure of any of the major Australian banks is so unlikely that the Council can still be confident in retaining its current position, if it wishes to continue to fully support the Community Bank. This position would continue to include the controls placed within the policy.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr J Moir:

That amended Council Policy F/RI/1 – Investments, as follows:

**OBJECTIVE:**

To document and provide the necessary information for the delegated officers to invest surplus funds.

**POLICY:****1.0 Purpose of Policy**

1.1 The purpose of this policy is to ensure that:

- a) The Council conforms with its fiduciary responsibilities under Section 6.14 of the Local Government Act and Section 18 (1 )(a) of the Trustees Act 1962 (the 'Prudent Person' rule);
- b) At all times, the Council has in place a current set of policies and delegations for its Investments Officers; and
- c) Adherence to the guidelines by all officers with delegated authority to invest / control surplus funds.

1.2 This Policy is to be made available to all employees involved in daily investment decisions.

1.3 Notwithstanding the provisions of this Policy, the general financial management obligations imposed under the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 should at all times be complied with.

**2.0 Prudent Person Rule**

2.1 The investment options available to local government authorities in Western Australia were altered in June 1997 with changes to the Trustees Act. With the passage of changes to the Trustees Act, the list of prescribed investments has been removed and replaced by the Prudent Person rule.

2.2 The main features of the prudent person rule include:

- a. Exercising the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons; and
- b. A duty to invest funds in investments that are not speculative or hazardous.

2.3 In exercising powers of investment, there are important matters for consideration:

- a. The purpose of the investment and the needs and circumstances;
- b. The desirability of diversifying investments and the nature of and risk associated with existing investments;

- c. The need to maintain the real value of capital and income; The risk of capital or income loss or depreciation; The potential for capital appreciation;
- d. The likely income return and timing of the income return; The length of the term of the proposed investment;
- e. The liquidity and marketability of the proposed investment; The aggregate value of the investment;
- f. The effect of the proposed investment in relation to the tax liability (if any);
- g. The likelihood of inflation affecting the value of the proposed investment; and
- h. The costs of making the proposed investment; the results of a review of existing investments.

### **3.0 Investment Objectives**

- 3.1 To add value through prudent investment of funds.
- 3.2 To support the local community bank without putting the Shire's surplus funds to any undue risk.
- 3.3 To have ready access to funds for day-to-day requirements, without penalty.

### **4.0 Authority to Invest**

- 4.1 The Shire of Plantagenet's surplus funds are to be invested in term deposits or negotiable certificates of deposit with Bendigo Community Bank and other banks with branches in Mount Barker or Albany, subject to their Standard and Poor's long term credit rating being at least BBB+ and the short term rating being at least A-2. Any proposal to invest funds in any other institution not referred to above, for whatever reason, is to be referred to the Council.
- 4.2 Investments from the municipal, loan, reserve and trust accounts are to be kept separate and distinct.
- 4.3 Funds may be invested for terms ranging from one to six months based on predicted cash flow requirements.
- 4.4 The Deputy Chief Executive Officer places, withdraws or re-invests sums up to \$500,000.00 jointly with the Accountant or Chief Executive Officer, in accordance with the Chief Executive Officer's delegation.
- 4.5 The Chief Executive Officer places, withdraws or re-invests sums over \$500,000.00 jointly with the Deputy Chief Executive Officer or Accountant in accordance with the Chief Executive Officer's delegation.
- 4.6 Investments are to be diversified with the aim of retaining less than \$1 million with each bank, thereby securing the Federal Government Guarantee on funds.

### **5.0 Review and Reporting**

- 5.1 A cash flow report is to be monitored by the Accountant at least weekly to ensure cash funds are available to meet commitments.

- 5.2 Investments will be managed actively as they mature with reviews by the Deputy Chief Executive Officer on a monthly basis.
- 5.3 Bendigo Bank's short term credit rating as defined by Standard and Poors is to be monitored on a monthly basis by the Deputy Chief Executive Officer. Any downgrading of the long term BBB+ or short term A-2 rating is to be reported to the Council.
- 5.4 For audit purposes, certificates must be obtained from the bank confirming the amounts of investment held on the Council's behalf at 30 June each year.'

be adopted.

CARRIED (7/0)

NO. 66/11

4:37pm Mr J Fathers returned to the meeting.

**11.4.4 CEMETERIES AMENDMENT LOCAL LAW 2010**

**File No:** N17594  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Donna Jo McDonald  
Senior Administration/Human Resources  
Officer  
**Proposed Meeting Date:** 1 March 2011

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**PURPOSE**

The purpose of this report is to provide the necessary undertakings to the Joint Standing Committee on Delegated Legislation in relation to the required amendments to clauses

7.2(1), 7.13 and 7.18(3) of the Shire of Plantagenet Cemeteries Amendment Local Law 2010.

**BACKGROUND**

At its meeting held on 7 September 2010, the Council resolved to adopt the Cemeteries Amendment Local Law 2010. The local law was gazetted on 8 October 2010 and copies sent to the Joint Standing Committee on Delegated Legislation and the Minister for Local Government and Regional Development.

On 9 November 2010 correspondence received from the Committee on Delegated Legislation noted that in clauses 7.2 and 7.13 of the Local Law, by giving the Board (Council) power to change specifications of memorials and the location of different sections of the cemetery, the Council had created two new heads of power to make determinations. In the Committee's view, the use of a determination device avoids scrutiny by both the Parliament and the Department of Local Government, as the mandatory procedure for making a local law under section 3.12 of the Local Government Act 1995 is not required to be followed when making, altering or repealing a determination.

The Committee was concerned that the determinations resulted in a sub-delegation of legislative power, as determinations are made by a simple majority of Council members, whereas local laws must be made by an absolute majority of members. The Committee therefore formed the view that the two new clauses amounted to unauthorised determination devices and are not authorised by the Local Government Act 1995. In the Committee's opinion, specifications of memorials and the parts of the cemetery to be set aside for named purposes must be included in the body of the Local Law.

The Committee also advised that it considered that the amendment to clause 7.18 of the Local Law is not authorised by the Local Government Act 1995, as the Cemeteries Act 1986 does not effectively confer jurisdiction on the State Administrative Tribunal (SAT), making subclause 7.18 (3) of the Law ineffective and that a general right of review already exists in the Local Government Act 1995. This amendment was a suggestion put forward by the Department of Local Government during the notification period.

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The Committee sought undertakings from the Council for the amendment of clauses 7.2(1) and 7.13 and the deletion of subclause 7.18(3) from the Local Law.

On 9 December 2010 the Shire responded in writing by suggesting that the Council would agree to instigate proceedings to delete clause 7.18(3) as the amendment was only inserted on recommendation of the Department of Local Government. It was noted that in regard to clauses 7.2 and 7.13, as the cemetery had recently been expanded, the Shire wished to maintain some flexibility to adjust initial requirements for the next couple of years, without the costly and lengthy process of a local law amendment. Information was requested regarding the acceptability of deleting the two clauses from the local law.

The Committee has now stated in a letter received on 15 February 2011 that the option to delete the clauses is acceptable. However, this will constitute an amendment to the Shire's local law, therefore the requirements of section 3.12 of the Local Government Act 1995 will need to be followed.

The Committee now seeks the provision of the standard undertakings as well as specific undertakings in relation to clauses 7.2, 7.13 and 7.18.

### **STATUTORY ENVIRONMENT**

The Cemeteries Amendment Local law is made under the powers of the Cemeteries Act 1986. However, the Act requires that in making a local law the process required by the Local Government Act 1995 is to be followed. Section 3.12 of the Local Government Act 1995 sets out the procedures to be followed in making a local law.

Section 42 of the Interpretation Act 1984 – if a written law empowers or directs the making of regulations by a person other than the Governor and requires that the regulations be approved by the Governor before having the force of law, it can bypass the requirements of publication, tabling and disallowance.

### **FINANCIAL IMPLICATIONS**

Advertising costs would be approximately \$1,000.00.

### **POLICY IMPLICATIONS**

There are no policy implications.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

### **OFFICER COMMENT**

Clauses 7.2 and 7.13 of the Local Law are determination devices and can be amended to remove the reference to *'the Board may from time to time'* and instead name the permitted specifications of memorials and name all of the areas set aside for different sections, without the need to follow the process required under section 3.12 of the Local Government Act 1995.

Once amended, the clauses would cease to be determination devices and any changes to these clauses would need to be made following the mandatory procedure

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for making a local law. To achieve the preferred flexibility to make changes to the specifications and allocated areas, subclause 7.2(1) and clause 7.13 can be deleted from the Local Law and the adopted cemetery plan and Policy No. A/CA/2 – Cemetery Memorials be used to specify required memorial specifications and location of various areas. This is the option preferred by the administration.

As the Joint Standing Committee has advised that subclause 7.18(3) must be deleted from the Local Law it will already be necessary to repeat the steps required under section 3.12 of the Local Government Act 1995 to make a local law. Subclause 7.2(1) and 7.13 can also be deleted as part of this process.

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr G Messmer, seconded Cr M Skinner:**

**That:**

- 1. The following specific undertakings be made to the Joint Standing Committee on Delegated Legislation in relation to the Shire of Plantagenet Cemeteries Amendment Local Law 2010:**
  - a) to delete subclause 7.2(1);**
  - b) to delete clause 7.13; and**
  - c) to delete subclause 7.18(3) from the Local Law.**
  
- 2. The following standard undertakings be made to the Joint Standing Committee on Delegated Legislation:**
  - a) all consequential amendments arising from the undertakings above will be made;**
  - b) clauses 7.2, 7.13 and 7.18 will not be enforced in a manner contrary to the undertakings given;**
  - c) the undertakings will be completed within six months of the date of the Shire's letter which contains the undertakings;**
  - d) the Shire of Plantagenet will provide a copy of the minutes of the meeting at which the Plantagenet Council resolved to provide the undertakings; and**
  - e) where the Local Law is made publicly available, whether in hard copy or electronic form, it will be accompanied by a copy of these undertakings.**

**CARRIED (7/0)  
NO. 67/11**

**11.4.5 COMPLIANCE AUDIT RETURN 2010**

<b>File No:</b>	<b>N17521</b>
<b>Attachments:</b>	<a href="#"><u>Compliance Audit Return 2010</u></a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Donna Jo McDonald</b> <b>Senior Administration/Human Resources</b> <b>Officer</b>
<b>Proposed Meeting Date:</b>	<b>1 March 2011</b>

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**PURPOSE**

The purpose of this report is to enable the Council to fulfil its statutory obligations with regard to the Compliance Audit.

**BACKGROUND**

A Compliance Audit is required to be completed once in each calendar year.

**STATUTORY ENVIRONMENT**

The Compliance Audit is required pursuant to Section 7.13 of the Local Government Act 1995. Further, the Local Government (Audit) Regulations 1996 provide that the Compliance Audit is to be:

- (a) Presented to the Council at a meeting of the Council.
- (b) Adopted by the Council; and
- (c) Recorded in the minutes of the meeting at which it was adopted.

Also, after the compliance audit return has been presented to the Council a certified copy of the return together with:

- (a) A copy of the relevant section of the minutes referred to in the regulations and;
- (b) Any additional information explaining or qualifying the Compliance Audit is to be submitted to the Director General by 31 March next following the period to which the return relates.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Compliance Report helps to ensure that appropriate organisation practices are provided in financial management, administration, information technology and trading undertakings (Key Result Area 1).



**OFFICER COMMENT**

The completed Compliance Audit return is attached to this report. The 2010 Compliance Audit revealed no areas of non-compliance.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr B Bell, seconded Cr J Moir:**

**That the Compliance Audit Return for the calendar year 1 January 2010 to 31 December 2010 be adopted and submitted to the Director General of the Department of Local Government.**

**CARRIED (7/0)**

**NO. 68/11**

## 11.5 EXECUTIVE SERVICES REPORTS

### 11.5.1 WALGA - MEMORANDUM OF UNDERSTANDING FOR MUTUAL AID DURING EMERGENCIES AND RECOVERY

<b>File No:</b>	<b>N17575</b>
<b>Attachments:</b>	<a href="#"><u>Draft Memorandum of Understanding</u></a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>1 March 2011</b>

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#### PURPOSE

The purpose of this report is to present to the Council a recommendation from the Great Southern WALGA Zone regarding a Memorandum of Understanding (MOU) relating to the provision of assistance to other Councils during emergencies.

#### BACKGROUND

At the meeting of the Great Southern Zone of WALGA held on 26 November 2010 it was resolved:

'That the Great Southern Zone recommends that Great Southern Zone member councils consider the MOU for Emergencies.'

The draft MOU is attached.

Legislation exists regarding assistance to neighbouring local governments in the event of an emergency and relief and recovery assistance payments are available once a natural disaster has been declared. This is referred to below under statutory environment.

#### STATUTORY ENVIRONMENT

Requests for relief and recovery assistance can only be considered once a major natural hazard has been proclaimed an eligible disaster under the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA). This MOU seeks to include pre-disaster declaration while including post declaration events as well.

Bush Fires Act 1954 – Section 39A Duties of bush fire authorities on outbreak of fire:

(1) On the outbreak of a bush fire at a place within or adjacent to the district of a local government, the bush fire control officers, bush fire brigade officers, or bush fire brigade members, of the local government, or as many of them as may be available may, subject to this Act, take charge of the operations for controlling and extinguishing the bush fire or for preventing the spread or extension of the fire.

(2) Where a bush fire to which this section applies occurs, if a bush fire control officer, bush fire brigade officer, or member of a bush fire brigade, of the local government in whose district the bush fire is burning is not present at the fire, a bush fire control officer, a bush fire brigade officer, or member of a bush fire brigade, of a

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local government whose district is adjoining or adjacent, may exercise in respect of the bush fire, all powers and authorities of a bush fire control officer of the local government in whose district the fire is burning.

### **FINANCIAL IMPLICATIONS**

The MOU in part provides:

- To provide where possible both physical and human resources to assist with the recovery management during emergencies. The type of assistance initially is to assist immediate response and recovery of a short duration. Ongoing protracted assistance, but still in the absence of the emergency being declared a disaster, will be subject to further negotiation and agreement in writing between the parties concerned.

The MOU further notes that:

- Providers of support will be responsible for all costs associated with its legislative responsibilities for its employees and equipment incurred during the provision of support unless otherwise agreed in writing.
- The Requestor for support will be responsible for all incidental costs associated with the Provider's personnel and equipment such as catering, accommodation, OSH issues, transport fuel and storage.

Therefore, in the event that the provisions of the MOU are implemented, some costs would be inevitable. This is especially important as assistance provided would most likely be from the Council's day labour force including equipment, which would not be covered by the Council's emergency services levy funding.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

The Council's Strategic Plan is silent with regard to emergency services. This reflects the different historical context existing during the development of the Council's 2003 Strategic Plan. Nevertheless, the Council's Strategic Plan at Key Result Area 5 (Strategic Planning) notes aims of the Council to develop strategic partnerships and foster regional cooperation.

### **OFFICER COMMENT**

At the Great Southern Zone meeting of WALGA held via teleconference on 11 February 2011 three Councils noted their conditional support for the MOU. The Shires of Gnowangerup and Katanning noted their support provided that both the Shire President and the Chief Executive Officer signed the documentation on behalf of each Council.

The Shire of Denmark endorsed 'the principle' of a memorandum of understanding with local authorities of the Great Southern with minor concerns. The Shire of Denmark's concerns related to Section 6.8 of the Local Government Act which describes the circumstances where a Council can incur expenditure from its Municipal Fund where such expenditure it has not been budgeted. This section is sometimes used in emergency circumstances where the Mayor or President is

authorised to expend funds. This section has been used by the Shire of Plantagenet rarely.

Any intention to enter into this MOU needs to be considered carefully. Many Councils of the Great Southern have a history of assisting one another in times of emergency, as evidenced in times of bushfire. In fact, Councils of the Great Southern recently sent fire appliances and personnel to Perth to assist in the Roleystone fires including appliances and personnel from Plantagenet. It is not clear why such assistance needs to be acknowledged in writing.

Possibly the existence of an MOU for this purpose may muddy or cloud the issues when an emergency is extant and where fast decision making may be required. Nevertheless, if this issue is considered minor, there will be no negative impacts if the MOU is entered into. Further it does clarify the insurance position. It also creates a 'level playing field' for all signatories.

It is recommended that the Shire of Plantagenet enter into the MOU.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr B Bell:**

**That the Secretary of the Great Southern Zone of WALGA be advised that the Shire of Plantagenet is prepared to sign the Memorandum of Understanding relating to The Provision of Mutual Aid during Emergencies and Post Incident Recovery.**

**CARRIED (7/0)**

**NO. 69/11**

**11.5.2 WILSON INLET CATCHMENT COMMITTEE INC - MEMORANDUM OF AGREEMENT**

**File No:** N17600  
**Attachments:** [WICC MOA](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 1 March 2011

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**PURPOSE**

The purpose of this report is to seek approval to enter into a Memorandum of Agreement (MOA) between the Shire of Plantagenet and the Wilson Inlet Catchment Committee Inc (WICC) relating to collaboration on 'like' projects to gain mutually beneficial outcomes.

**BACKGROUND**

On 19 November 2010 Mr Stephen Frost and Ms Lynn Heppell of the WICC met with the Chief Executive Officer to discuss the possibility of having a stronger relationship between the Shire and the Catchment Committee.

Subsequently a meeting was held on 6 December 2010 at which Mr Frost, Ms Heppell, Councillor Handasyde, Dominic Le Cerf Manager Works and Services and the Chief Executive Officer attended.

At that meeting it was considered that a number of synergies could be obtained if collaboration occurred between the WICC and the Shire where respective projects coincided with one another's aims and aspirations.

At that meeting it was agreed that the Chief Executive Officer would prepare a draft MOA to be signed off by both parties.

That MOA was completed and forwarded to the WICC early in the new calendar year.

**STATUTORY ENVIRONMENT**

No legislative impediment exists for the Council to enter into a MOA with another organisation.

**EXTERNAL CONSULTATION**

Meetings have been held between the WICC and Shire of Plantagenet.

**FINANCIAL IMPLICATIONS**

The MOA specifically notes that no activity will be undertaken on the Council's part unless that activity is already adopted as part of the Council's Budget. This means that no marginal or extra expenditure from that already acknowledged by the Council will occur.

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**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Council's Strategic Plan at Key Result Area 2 (Infrastructure) notes aims of the Council to manage public open space and natural resources to equitably meet the community's social and economic needs in an environmentally responsible manner.

Further, the Council's Strategic Plan at Key Result Area 5 (Strategic Planning) notes aims of the Council to develop strategic partnerships and foster regional cooperation.

**OFFICER COMMENT**

For some years, the relationship between the Council and the Wilson Inlet Catchment Committee has been, although friendly, sometimes strained. This sometimes less than positive relationship has occurred due to the perception that at times the objectives of the two organisations are divergent.

Upon examination though, the objectives of the two organisations are compatible. Given this compatibility, any agreement to synchronise works programs will result in synergies with the potential for cost savings and better outcomes for both organisations and the community.

The MOA requires performance measurement and this will enable benefits to be reported to the Council.

It is recommended that authority be granted for the signing of the MOA.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr G Messmer:**

**That authority be granted to the Shire President and the Chief Executive Officer to sign the Memorandum of Agreement dated 1 March 2011 between the Shire of Plantagenet and the Wilson Inlet Catchment Committee.**

**CARRIED (7/0)**

**NO. 70/11**

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

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

**14 CONFIDENTIAL****14.1 DEVELOPMENT SERVICES REPORTS****14.1.1 LOT 811 STONEY CREEK ROAD, PORONGURUP - FAMILY DAY CARE PROPOSAL - RECONSIDERATION**

**File No:** N17637  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Peter Duncan  
Manager Development Services  
**Proposed Meeting Date:** 1 March 2011

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**PURPOSE**

The purpose of this report is to note a mediation hearing scheduled for 15 March 2011 onsite at Lot 811 Stoney Creek Road Porongurup.

**MOTION TO PROCEED BEHIND CLOSED DOORS**

**Moved Cr L Handasyde, seconded Cr G Messmer:**

4.38pm That the meeting move into Confidential Session to consider this item under the terms of the Local Government Act 1995 Section 5.23(2) as follows:

- d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting

**CARRIED (7/0)**

**NO. 71/11**

**MOTION TO PROCEED IN PUBLIC**

**Moved Cr J Moir, seconded Cr L Handasyde:**

5.38pm That the meeting proceed in public.

**CARRIED (7/0)**

**NO. 72/11**

**COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr J Moir:**

That in accordance with clauses 5.2 and 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3 and notwithstanding the Council's decision on 6 July 2010, that planning consent be granted for the family day care at Lot 811 Stoney Creek Road, Porongurup subject to:

1. The family day care facility being constructed to meet the requirements of AS3959 based on a Fire Danger Index of 80 (extreme).



2. The family day care facility be closed once the Fire Danger Index Forecast for the Stirling Inland Subdistrict is 50 or above for any given day.
3. Fire protection measures being provided for the existing house and the family day care facility as follows:
  - i) external water spray system (both buildings);
  - ii) internal domestic sprinkler system (family day care facility only);
  - iii) provision of approved fire fighting equipment (pump and fire hoses etc); and
  - iv) back up power and water supply.
4. An appropriate bush fire emergency management plan being developed and implemented before the family day care facility is occupied and maintained thereafter. That plan shall:
  - i) address actions and protective measures at the family day care facility before, during and after a bush fire;
  - ii) consider when it is appropriate to remain at the family day care facility and when it is appropriate to relocate from the facility;
  - iii) address the issue of parents and/or relatives attempting to reach the children in the event of a bush fire impacting the area;
  - iv) have systems in place where the family day care facility may be closed during significant fire weather events and/or when fires are burning in the area;
  - v) address ongoing maintenance of the family day care facility and surrounding bush fire fuel levels to meet minimum fire protection requirements;
  - vi) include information on minimum training requirements for carers; and
  - vii) include a communications plan for communications with emergency services and parents of children at the family day care facility.
5. The above conditions 1 to 4 being signed off by a suitably qualified person as being completed prior to notification being submitted to the Council and the family day care facility being occupied and this being renewed annually prior to the commencement of the restricted burning period.
6. A letter being provided from the child minding licensing body accepting the level of fire risk for the facility on this lot.

**CARRIED (7/0)**

**NO. 73/11**

**15 CLOSURE OF MEETING**

5:39pm The Presiding Member declared the meeting closed.

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