



## **ORDINARY MINUTES**

**DATE:** Tuesday, 16 August 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

2:45pm The Presiding Member declared the meeting open.

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

### Members Present:

Cr K Clements	Shire President
Cr M Skinner	Deputy Shire President
Cr B Bell	Councillor
Cr A Budrikis	Councillor
Cr S Etherington	Councillor
Cr 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
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mr Dominic Le Cerf	Manager Works and Services
Mr Vincent Jenkins	Planning Officer
Mrs Linda Sounness	Executive Secretary

There were no members of the public present.

### Previously Approved Leave of Absence:

### Disclaimer:

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

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation or approval made by a member or officer of the Shire of Plantagenet during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Plantagenet. The

Shire of Plantagenet warns that anyone who has an application with the Shire of Plantagenet must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Plantagenet in respect of the application.

### **3 PUBLIC QUESTION TIME**

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

Nil

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

Nil

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

Nil

### **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

Cr Michael Skinner disclosed a Financial/indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest – Owner of 28 Langton Road next door to 19 Lot Survey-Strata Subdivision in Item 10.1.2

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

Section 5.25 Local Government Act 1995

Nil

### **7 CONFIRMATION OF MINUTES**

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

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 26 July 2011 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (9/0)**

**NO. 193/11**

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

The Shire President distributed notes separately.

## 9 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

### Cr M Skinner

- 27-28 July 2011 – attended the Australian Livestock Association Conference in Dubbo
- 3-6 August 2011 – attended the WA Local Government Convention

### Cr B Bell

- 3 August 2011 – attended a Bush Fire Advisory Committee meeting
- 16 August 2011 – attended a Great Southern Regional Cattle Saleyards Advisory Committee meeting

### Cr S Grylls

- 16 August 2011 – attended a Great Southern Regional Cattle Saleyards Advisory Committee meeting

### Cr G Messmer

- 27 July 2011 – attended the Opening of the new Mount Barker Library

### Cr L Handasyde

- 27 July 2011 – attended the Opening of the new Mount Barker Library
- 3 August 2011 – attended DAP Training
- 4-6 August 2011 – attended the WA Local Government Convention
- 8 August 2011 – attended a Regional Road Group meeting in Woodanilling

## 10 REPORTS OF COMMITTEES AND OFFICERS

### 10.1 DEVELOPMENT SERVICES REPORTS

#### 10.1.1 LOT 101 INGOLDBY STREET, MOUNT BARKER - 2 LOT RURAL RESIDENTIAL SUBDIVISION

<b>File No:</b>	<b>N19353</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Extract from Subdivision Guide Plan</a> <a href="#">Plan of Subdivision</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>16 August 2011</b>
<b>Applicant:</b>	<b>Peter and Anne Harwood</b>

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#### **PURPOSE**

The purpose of this report is to consider a proposal for a two lot rural residential subdivision involving an outbuilding with reduced boundary setback at Lot 101 Ingoldby Street, Mount Barker and to respond to the Western Australian Planning Commission (WAPC).

#### **BACKGROUND**

Council records show the registered owners of Lot 101 are PF and AS Harwood.

On 14 May 2002 the Council conditionally supported a proposed two lot rural residential subdivision (WAPC 118851) of Lot 101 Ingoldby Street, Mount Barker. The subdivision was subsequently approved by the WAPC on 29 October 2002 and was valid for a period of three years expiring on 29 October 2005.

A 90m<sup>2</sup> (7.5m x 12.0m) outbuilding was approved on this site in 2006 and has been constructed. Lot 101 is 2.443ha in area and is partly restricted by a development exclusion area introduced when the land was zoned Rural Residential in 1996. This development exclusion area covers approximately 45% of the eastern part of the lot and is shown on the Extract from Subdivision Guide Plan attached.

The Council on 13 July 2011 received a fresh subdivision application, the subject of this report. The subdivision proposal matches the previous WAPC approval, with the exception of the outbuilding constructed at Lot 101. The outbuilding will be located on proposed Lot A 8m from the shared boundary with proposed Lot B.

#### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005  
Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Rural Residential Zone No.3.

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– Special Provisions include:

- ‘1.1 The minimum lot size shall be 1 hectare.*
- 1.2 Subdivision of Rural Residential Area No. 3. Mt Barker Townsite - East shall generally be in accord with the Subdivision Guide Plan endorsed by the Chief Executive Officer.*
- 1.3 Minor variations to the subdivisional design, if approved by the Western Australian Planning Commission may be acceptable.*
- 5.3 Houses and outbuildings shall be set back a minimum of 15 metres from any boundary of a lot unless otherwise approved by Council. In approving any setback relaxation, Council shall take into account the topography, lot shape and vegetation on the site.’*

The existing outbuilding will be located on proposed Lot A, 8m from the shared boundary with proposed Lot B where a 15m boundary setback is required.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

#### **OFFICER COMMENT**

The proposal involves subdividing Lot 101 into two lots. Proposed Lot A is to be 1.4293ha in area and proposed Lot B is to be 1.0137 ha in area.

The proposed subdivision is generally in accordance with the adopted Subdivision Guide Plan for the Rural Residential zone. The proposal also fulfils the 1ha minimum lot size requirement.

Special Provisions for this Rural Residential zone require a 15m boundary setback from any lot boundary. The existing outbuilding on proposed Lot A will be 8m from the shared boundary with proposed Lot B. The outbuilding is finished in Classic Cream Colorbond® and the view of the outbuilding from proposed Lot B is well screened by vegetation on proposed Lot A. The proposed reduced side boundary setback in this instance is not likely to adversely affect the amenity of the locality and the 8m setback is supported.

In an attempt to satisfy conditions of the 2002 WAPC subdivision approval the applicant constructed a battleaxe driveway and crossover providing access to the proposed lots. Although some site works have been completed most conditions imposed for the previous subdivision application will be required as conditions of



approval to ensure site works are to a standard to the satisfaction of the Manager Works and Services.

### **VOTING REQUIREMENTS**

Simple Majority

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

Moved Cr S Etherington, seconded Cr J Moir:

That:

1. The Western Australian Planning Commission be advised that the proposed two lot subdivision of Lot 101 Ingoldby Street, Mount Barker is supported with reduced side setback of 8m to the existing outbuilding as shown on the plan of subdivision subject to:
  - a) Each proposed lot being provided with a 5m wide battleaxe accessway to Ingoldby Street.
  - b) Battleaxe accessways for both lots being constructed, drained and sealed to the satisfaction of the Manager Works and Services;
  - c) Crossovers to both lots being constructed, drained and sealed to the satisfaction of the Manager Works and Services;
  - d) Arrangements being made to provide reciprocal rights of access over adjoining battleaxe accessways to proposed Lots A and B;
  - e) Minimum lot size being 1 hectare;
  - f) Truncations being provided where the battleaxe legs meet Lot A and Lot B, Lot B and Lot 100 and at Lot 100 and Ingoldby Street;
  - g) The subdivider making arrangements satisfactory to the Manager Development Services to ensure that prospective purchasers and successors in title are aware of those special provisions of the Council's Town Planning Scheme which relate to the use and management of the land;
  - h) The subdivider making arrangements satisfactory to the Manager Development Services to ensure that prospective purchasers and successors in title are aware of the following in writing that:
    - i) Sewerage is not available;
    - ii) An approved on-site effluent disposal system to the satisfaction of the Council and the Health Department of WA will be required to service any new development on each lot;
    - iii) Reticulated water may not be available therefore a 92,000L water tank may be required to be provided for each dwelling;
    - iv) Any proposed house sites on Lots A and B will require a minimum 600mm sand pad above the ground level located outside the development exclusion area; and

2. If required as a result of a Western Australian Planning Commission condition of approval, authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to a Notification under Section 70A of the Transfer of Land Act 1893 (as amended).

**CARRIED (9/0)**

**NO. 194/11**

**10.1.2 LOT 36 EATON AVENUE AND LOT 66 LANGTON ROAD, MOUNT BARKER - 19 LOT SURVEY-STRATA SUBDIVISION**

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr Skinner. Nature of interest – Owner of 28 Langton road, next door to 19 Lot Survey-Strata Subdivision.

2:50pm Cr M Skinner withdrew from the meeting.

**File No:** N19357  
**Attachments:** [Location Plan](#)  
[Subdivision Plan](#)  
**Responsible Officer:** Peter Duncan  
Manager Development Services  
**Author:** Vincent Jenkins  
Planning Officer  
**Proposed Meeting Date:** 16 August 2011  
**Applicant:** Yaran Property Group

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**PURPOSE**

The purpose of this report is to consider a survey-strata subdivision application for Lots 36 Eaton Avenue and 66 Langton Road, Mount Barker. The proposal involves 18 survey-strata lots and one common property lot for the central driveway.

**BACKGROUND**

Council records show the registered owner of Lot 36 and Lot 66 is Yaran Pty Ltd (Yaran).

These properties were the subject of three planning consent applications. The first application for 18 grouped dwellings was approved by the Council on 13 March 2007 and expired on 13 March 2009. The second planning consent application for 18 grouped dwellings was approved by the Council on 26 May 2009 and expired on 26 May 2011. The Council at its meeting on 26 July 2011 conditionally approved the third planning consent application for 18 grouped dwellings. This approval is valid for a period of 24 months. The proponents are now working to address the planning consent conditions.

The subdivision of the land requires the approval of the Western Australian Planning Commission (WAPC) and the Council on 14 July 2007 resolved at Resolution No. 264/07:

*'That the survey-strata subdivision of Lot 36 Eaton Avenue and Lot 66 Langton Road, Mount Barker (WAPC No. 646-07) be supported subject to:*

- (1) *Amalgamation of Lot 36 Eaton Avenue and Lot 66 Langton Road, to one (1) Lot whilst maintaining the rights for Lots 7, 8 and 22 Langton Road to utilise the northern access to Langton Road.*

- (2) *The internal access road being designed, constructed, drained and sealed to the satisfaction of the Manager Works and Services.*
- (3) *The former Lot 66 Langton Road and crossover to Langton Road to be upgraded, sealed and drained to the satisfaction of the Manager Works and Services.*
- (4) *The new crossovers to Eaton Avenue to be designed, constructed, drained and sealed to the satisfaction of the Manager Works and Services.*
- (5) *A footpath to be provided on one side of the internal road to the satisfaction of the Manager Works and Services*
- (6) *The internal road to Langton Road is to be signed as an emergency access only to Langton Road.*
- (7) *Street lighting to be provided to the internal road to the satisfaction of the Manager Works and Services.*
- (8) *A landscaping plan for all common property being submitted detailing the appropriate planting and timing of planting, particularly of street trees on the internal road to the satisfaction of the Manager Works and Services.*
- (9) *Semi mountable kerbs to be provided to the internal road to the satisfaction of the Manager Works and Services.*
- (10) *A stormwater drainage plan shall be prepared and submitted for the approval to the Manager of Works and Services prior to the issue of building licences and the commencement of any site works. Stormwater shall be contained on site, however, overflow can be directed to the district drainage system to the satisfaction of the Manager Works and Services.*
- (11) *Suitable arrangements being made for a cash-in-lieu contribution for the 10% Public Open Space, in accordance with Section 153 of the Planning and Development Act 2005.*
- (12) *All lots being connected to reticulated water and sewer.*
- (13) *An indicative Strata Management Plan showing how weekly tandem axle truck rubbish collection, mail delivery, internal infrastructure and maintenance will be managed is required to be sighted ‘*

This survey-strata subdivision was approved by the WAPC on 14 September 2007.

The Council on 26 July 2011 received a fresh survey-strata subdivision application (WAPC 672-11), the subject of this report. This survey-strata subdivision proposal matches the current WAPC approval (WAPC No. 646-07) which is only valid until 14 September 2011.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Town Planning Scheme No. 3 - zoned Residential (R30)

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 Development Services advocates:

*'Supporting sustainable and managed growth within existing urban settlements and encourage the development of a variety of housing opportunities. The Shire also seeks to plan a safe and healthy living environment.'*

**OFFICER COMMENT**

The reason this survey-strata subdivision application has been lodged is that the applicants are unlikely to satisfy the requirements of the 2007 WAPC survey-strata approval prior to it expiring on 15 September 2011.

The proposal meets the RCodes requirements and is on land zoned Residential (R30). Lot 66 Langton Road is a privately owned Right of Way (ROW) and is owned by the owners of the development site (Lot 36). It is to be part of the vehicular access of the grouped dwelling development. Condition 9 of the current planning consent approval is relevant in that it requires the ROW land be made available for owners of and business customers to Lots 7, 8 and 22 Langton Road.

A cash-in-lieu contribution of \$20,000.00 for Public Open Space was paid to the Shire of Plantagenet on 6 May 2008 in response to a condition of the 2007 WAPC subdivision approval. That money is being held in a separate account and will not be used by the Council until such a time as the new strata titles are created. However the recommendation at the conclusion of this report refers to the same public open space contribution.

The survey strata application matches the survey-strata subdivision approval (WAPC 646-07) issued by the WAPC in September 2007 and can be supported. The conditions of approval issued in September 2007 are still relevant to this subdivision application.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr L Handasyde:

That:

1. The Western Australian Planning Commission be advised that the proposed 19 lot survey-strata subdivision of Lot 36 Eaton Avenue and Lot 66 Langton Road, Mount Barker (WAPC No. 672-11) is supported subject to:
  - a) Lot 36 Eaton Avenue and Lot 66 Langton Road being amalgamated to one lot whilst maintaining the rights for Lots 7, 8 and 22 Langton Road to utilise the northern access to Langton Road;
  - b) The internal access road being designed, constructed, drained and sealed to the satisfaction of the Manager Works and Services;
  - c) The former Lot 66 Langton Road and crossover to Langton Road being upgraded, sealed and drained to the satisfaction of the Manager Works and Services;
  - d) Crossovers to Eaton Avenue being designed, constructed, drained and sealed to the satisfaction of the Manager Works and Services;
  - e) A footpath being provided on one side of the internal road to the satisfaction of the Manager Works and Services;
  - f) The internal road to Langton Road being signed as an emergency access only to Langton Road;
  - g) Street lighting being provided to the internal road to the satisfaction of the Manager Works and Services;
  - h) A landscaping plan for all common property being submitted detailing the appropriate planting and timing of planting, particularly of street trees on the internal road to the satisfaction of the Manager Works and Services;
  - i) Semi mountable kerbs being provided to the internal road to the satisfaction of the Manager Works and Services;
  - j) A stormwater drainage plan being prepared and submitted for the approval to the Manager of Works and Services prior to the issue of building licences and the commencement of any site works. Stormwater being contained on site, however, overflow can be directed to the district drainage system to the satisfaction of the Manager Works and Services;

- k) **Suitable arrangements being made for a cash-in-lieu contribution for the 10% Public Open Space, in accordance with Section 153 of the Planning and Development Act 2005;**
  - l) **All lots being connected to reticulated water and sewer; and**
  - m) **An indicative Strata Management Plan being prepared to the satisfaction of the Manager Development Services showing how weekly tandem axle truck rubbish collection, mail delivery, internal infrastructure and maintenance will be managed.**
2. **If required as a result of a Western Australian Planning Commission condition of approval, authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to a Notification under Section 70A of the Transfer of Land Act 1893 (as amended).**

**CARRIED (8/0)**

**NO. 195/11**

2:55pm Cr M Skinner returned to the meeting.

## 10.2 WORKS AND SERVICES REPORTS

### 10.2.1 POLICY REVIEW - I/R/2 - LAND RESUMPTIONS FOR ROADWORKS

**File No:** N19365  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Megan Beech  
Administration Officer  
**Proposed Meeting Date:** 16 August 2011

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#### **PURPOSE**

The purpose of this report is to review Council Policy No. I/R/2 – Land Resumptions for Roadworks.

#### **BACKGROUND**

This policy was last reviewed by the Council at the ordinary meeting held 14 July 2009.

Council Policy No. I/R/2 – Land Resumptions for Roadworks reads as follows:

#### ‘OBJECTIVE:

*To provide clear guidelines regarding land resumption and compensation arrangements for roadworks.*

#### POLICY:

1. *Any proposed land resumption for roadworks shall be discussed with the landowner at the earliest possible occasion.*
  2. *Permission shall be obtained from the landowner to enter the land for surveying and pegging purposes to determine the exact amount of land affected by the proposed public works.*
  3. *A valuation shall be arranged from the Valuer General’s Office at the Council’s expense. This valuation shall form the basis of negotiation for compensation between the Council and the landowner and shall be kept confidential.*
  4. *Land resumptions will be based on priorities in the following order of preference subject to authorisation by the Council:*
    - 4.1 *Land exchange if appropriate.*
    - 4.2 *Compensation acceptable to the landowners and the Council.*
    - 4.3 *Other arrangements as may be appropriate.*
    - 4.4 *In the event that negotiations are unsuccessful compulsory acquisition processes may be implemented.*
  5. *Once the land area is surveyed and determined by a Licensed Surveyor, a written agreement should be negotiated with the landowner.’*
-



## **STATUTORY ENVIRONMENT**

The Local Government Act 1995 Part 3, Division 3, s.3.55 states:

*'A local government can only take land under Part 9 of the Land Administration Act 1997 if it is in, or is to be regarded as being included in, its own district.'*

Part 9 of the Land Administration Act 1997 refers to 'Compulsory acquisition in interests in land'. Further Schedule 2 cl.7 refers to 'Resumption of land'.

The Planning and Development Act 2005 applies to this report. Part 11 refers to 'Compensation and acquisition' and further, Division 4 refers to 'Purchase or compulsory acquisition'.

The Public Works Act 1902, Part 1A, s.9C refers to the 'Functions and powers of Building Management Authority'.

## **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 1.4 provides the following:

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

*To achieve this we will:*

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

## **OFFICER COMMENT**

In order to construct roads and carry out drainage works, the Shire sometimes requires land situated adjacent to the existing road reserves.

The current policy sets a priority for compensation arrangements and limits for officers to negotiate within when undertaking land resumptions. It also refers to a valuation from the Valuer General's Office forming the basis of negotiation for compensation. The recommendation changes this to Sworn Valuer.

Through this review, clause 4.3 has been amended in the policy to include examples of 'other arrangements'. Otherwise the policy can be endorsed.

## **VOTING REQUIREMENTS**

Simple Majority

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr J Moir, seconded Cr M Skinner:

That amended Council Policy No. I/R/2 – Land Resumptions for Roadworks as follows:

**OBJECTIVE:**

To provide clear guidelines regarding land resumption and compensation arrangements for roadworks.

**POLICY:**

1. Any proposed land resumption for roadworks shall be discussed with the landowner at the earliest possible occasion.
2. Permission shall be obtained from the landowner to enter the land for surveying and pegging purposes to determine the exact amount of land affected by the proposed public works.
3. A valuation shall be arranged from a Sworn Valuer at the Council's expense. This valuation shall form the basis of negotiation for compensation between the Council and the landowner and shall be kept confidential.
4. Land resumptions will be based on priorities in the following order of preference subject to authorisation by the Council:
  - 4.1 Land exchange if appropriate.
  - 4.2 Compensation acceptable to the landowners and the Council.
  - 4.3 Other arrangements as may be appropriate, such as but not limited to fencing, survey, tree planting and drainage.
  - 4.4 In the event that negotiations are unsuccessful compulsory acquisition processes may be implemented.
5. Once the land area is surveyed and determined by a Licensed Surveyor, a written agreement should be negotiated with the landowner.'

be endorsed.

**CARRIED (9/0)**

**NO. 196/11**

## **10.3 COMMUNITY SERVICES REPORTS**

### **10.3.1 COMMUNITY SPORT AND RECREATION FACILITIES FUND – SMALL GRANTS ROUND – APPLICATION PRIORITISATION**

**File No:** N19393  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Nicole Selesnew  
Manager Community Services  
**Proposed Meeting Date:** 16 August 2011

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#### **PURPOSE**

The purpose of this report is to endorse and prioritise two applications for the Department of Sport and Recreation's 2011 Community Sport and Recreation Facilities Fund (CSRFF) – Small Grants Round.

#### **BACKGROUND**

The CSRFF Small Grants Round program is a new funding round provided by the Department of Sport and Recreation (DSR). The fund is available for small scale projects which involve a basic level of planning. DSR offers two Small Grants opportunities each year, with one round closing on 31 March 2011 and the second round closing on 31 August 2011.

The Council endorsed a Small Grants Round submission at its Ordinary Council Meeting held on 22 March 2011 for the Narpanup Golf Club, seeking funds to replace their clubhouse roof.

All Small Grants Round applications need to be assessed by the relevant local government, identified as supported or otherwise and ranked in priority order. The application and priority ranking is then forwarded to DSR for their assessment.

Both the Shire of Plantagenet and Narpanup Golf Club have submitted projects for the current round of funding. The Shire's application has been prepared in conjunction with the Mount Barker Swimming Club, seeking funds to install new starting blocks at the Mount Barker Swimming Pool. The Narpanup Golf Club application is a resubmission, seeking funds to replace their clubhouse roof. Their previous submission was unsuccessful.

#### **STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

#### **EXTERNAL CONSULTATION**

Consultation has taken place with members of the Mount Barker Swimming Club, Narpanup Golf Club and the Regional Manager of the DSR – Great Southern Branch.

## FINANCIAL IMPLICATIONS

The Mount Barker Swimming Pool project will cost \$9,815.00 (ex GST) comprising the removal of the old starter blocks, repairs to the concrete edge of the swimming pool, the fitout of new starting blocks and purchase of 'stop dive cones' which are required under the Department of Health's 'Code of Practice For the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities May 2007' (Code of Practice).

The Mount Barker Swimming Club will contribute \$5,343.00 (ex GST) towards the project and have asked if the Shire will contribute \$1,200.00 (ex GST).

This expenditure is unbudgeted. In consultation with Mark Bird, Swimming Pool Manager, some cost savings will be made from the 2011/2012 Capital budget due to more competitive quotes for the Chlorine Leak Detection System. The Shire will also need to purchase 'stop dive cones' from the Operational budget – Minor Furniture and Equipment Purchases - in order to comply with the Code of Practice (regardless of whether new starting blocks are installed or not). Therefore, it is anticipated the Shire's allocation will not have a substantial impact on the budget.

Quotations have also been sought for the roof replacement at the Narpanup Golf Club which amount to \$12,859.00 (ex GST). The Narpanup Golf Club aims to meet the costs of the project through their own funds, in-kind donations and funding. The Golf Club is not presently seeking a financial contribution from the Council.

## POLICY IMPLICATIONS

There are no policy implications for this report.

## STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Plan, January 2003, Community Services aims to:

*'Deliver or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural well being of the community.'*

## OFFICER COMMENT

The DSR Small Grants round provides sport and recreation groups and local governments with an opportunity to fund projects which do not exceed a total value of \$150,000.00, without having to submit detailed asset management, maintenance and life cycle cost plans. Up to one third of the total project cost may be requested from DSR.

The fund has been advertised through the Albany Advertiser and promoted to sport and recreation groups through DSR's database.

### Starting Blocks

The Mount Barker Swimming Club is encouraging the Shire to install new starting blocks to replace the concrete blocks which have been in place since the pool was built in 1971. The existing blocks have a flat surface and sit approximately 1m above water height, with handles set into the pool wall just above the waterline. The rough concrete grip on top of the blocks has since eroded away. A textured paint has been used on the blocks to improve the grip which has had some success.

Modern starting blocks have a larger platform, angled towards the water and have handles which sit up on either side of the structure. They are the same height from the waterline as the existing blocks. The modern blocks are used at all pools which host graded level competitions. The Mount Barker Swimming Club is willing to contribute to the cost of the new starting blocks so their members are able to train on the same blocks that are used at competition level and so the Mount Barker Swimming Pool will become eligible to host the Regional Swimming Championships (held every February).

Aside from competition training and use, the modern starting blocks will also provide a safer platform for children to learn how to dive by providing sufficient grip and the ability to position the hands on the handles or over the edge of the block for a more controlled dive.

The pool was recently audited under the Code of Practice and it was found that the existing dive blocks do not comply. The Code states that blocks may be available for public use in water which is two metres deep or greater. If the water level is less than two metres, blocks can only be used for structured activities such as competition or training.

The maximum depth of the Mount Barker Swimming Pool is 1.8m deep. The existing and proposed new blocks cannot be used for public recreation and can only be used for structured activities. Therefore, the use of 'Stop Diving Cones' is required to prevent the use of the block by members of the public. The modern starting blocks come with purpose made devices which fit over the block to prevent use. If the Shire was to retain the existing blocks, a similar device will need to be purchased and fitted to the blocks.

#### Narpanup Golf Club Roof

The Narpanup Golf Club application is seeking funds to replace their clubhouse roof which is in poor condition, rusted and leaks water. The roof is up to 60 years old in places and can no longer be maintained. The replacement of the roof is necessary for the club to continue to function. It is proposed to replace the roof with a Colorbond® product.

The Narpanup Golf Club submitted an application to the March 2011 Small Grants Round for the roof replacement project. The application was unsuccessful as the focus of the funding was providing basic infrastructure requirements which were required to deliver sport, for example the installation of courts or lighting. Components such as building maintenance were seen as ancillary to the actual delivery of sport. The Golf Club was advised of this reason by the Department.

It is recommended that priority ranking be given to the Shire of Plantagenet Mount Barker Swimming Pool application. The installation of the new starting blocks will provide the public and Swimming Club members with safe, compliant facilities for use in structured activities. It will also enable the Shire, in conjunction with the Mount Barker Swimming Club, to host graded level competitions such as the Regional Swimming Championships.

The Swimming Pool project also falls within the focus of the funding: the provision of basic infrastructure to enable sport to occur.

The Narpanup Golf Club application should be supported as the second priority project due to the limited number of people to benefit from the project. The Department has also advised that building maintenance will be given a low priority for funding.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr S Etherington, seconded Cr L Handasyde:

That:

1. The applications submitted to the 2011 Community Sport and Recreation Facilities Fund (CSRFF) – Small Grants Round be supported and prioritised as follows:

**Priority One:**

**Applicant: Shire of Plantagenet**

**Project: Installation of new starting blocks at the Mount Barker Swimming Pool.**

**Total Cost: \$9,815.00 (GST exclusive)**

**Priority Two:**

**Applicant: Narpanup Golf Club**

**Project: Replace roof on the Narpanup Golf Club Clubhouse.**

**Total Cost: \$12,859 (GST exclusive).**

2. The Council's contribution of \$1,200.00 towards the installation of new starting blocks be noted and if the application for CSRFF funding is successful, the expenditure be addressed at the next Budget Review.

**CARRIED (9/0)**

**NO. 197/11**

**10.4 CORPORATE SERVICES REPORTS****10.5 EXECUTIVE SERVICES REPORTS****10.5.1 MUIRS HIGHWAY - REQUEST TO RENAME**

**File No:** N19274  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 16 August 2011

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**PURPOSE**

The purpose of this report is to bring to the attention of the Council a further request for assistance from Mr J Muir of Manjimup for the renaming of 'Muir Highway' to 'Muir Highway'.

**BACKGROUND**

Mr Muir has communicated with the Chief Executive Officer on a number of occasions regarding the naming of Muirs Highway and historical connections with the Muir family. Councillors may recall that the issue of the naming of 'Muir Highway' arose comparatively recently with the completion of the Mount Barker By-Pass at which time signs were erected by Main Roads (WA) indicating that the name of Muirs Highway was in fact 'Muir Road'. Main Roads subsequently removed these signs and replaced them with Muirs Highway although at the time it was stated that 'Muir Road' was technically correct as 'Muir Highway' although named a Highway was not officially classified as a Highway.

At its meeting held on 8 September 2009 the Council resolved:

*'That Mr J Muir be advised that the Council, given the response of the Geographic Names Committee, is unable to support the request to change the name of Muirs Highway to Muir Highway.'*

Both Mr Muir and the Shire of Manjimup were advised of the Council's decision.

Mr Muir has again contacted the Council subsequent to him doing further research about the name of Muir Highway.

In his most recent letter, Mr Muir indicates that he has researched Minutes of the Plantagenet Roads Board from 1954 which note the name of the Highway as 'Muir Highway'.

The original Minutes of 23 July 1954 have been sighted which refer to 'Muir'.

## **STATUTORY ENVIRONMENT**

That primary task of the Geographic Names Committee is to develop rules and guidelines for approval by the Minister. The Geographic Names Committee was established by the Minister.

Legislation that impacts on Geographic Names is as follows:

Land Administration Act 1997

Part 2 - General Administration

Division 3 - General

26. Constitution, etc. of land districts and townsites (2) (c) *'name, rename and cancel the name of any topographical feature, road or reserve.'*

## **EXTERNAL CONSULTATION**

The Geographic Names Committee has indicated that one of the reasons that it has refused the request of Mr Muir is that there has been no public consultation. This is correct for the Shire of Plantagenet. The Shire of Manjimup has consulted land owners on Muirs Highway in that Shire.

The Geographic Names Committee requires that a proposed road name change conform to the Road Naming Guidelines, in that the proposal has broad community support and majority support from affected residents. This means that the Council is required to provide some level of community consultation prior to submitting the proposal to the Minister for Lands. The Committee is not supportive of the name change, but not necessarily for historical reasons. Rather, the costs of consultation, sign changes, map changes and inconvenience have been cited.

## **FINANCIAL IMPLICATIONS**

The financial implications are unknown. The road is under the control of Main Roads (WA). It is unknown whether their body would support a name change.

## **POLICY IMPLICATIONS**

Council Policy I/RR/1 - Future Street and Reserve Names applies. A 'Muir Street' already exists in Mount Barker.

## **STRATEGIC IMPLICATIONS**

The Council's Strategic Plan is silent with regard to street naming.

## **OFFICER COMMENT**

Mr Muir is using Plantagenet Roads Board's Minutes to justify his request. He advises that Manjimup Roads Board's Minutes from around the same time also mention 'Muir Highway'.

The Shire of Manjimup has indicated support for Mr Muir. Further, the CEO recently spoke with former Minister for Local Government Paul Omodei who raised this issue with the CEO, seeking support. It should be noted that although the Shire of Manjimup supports the name change to 'Muir', that was not the officer's recommendation.



A small section of Muirs Highway is within the Shire of Cranbrook.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr S Etherington:

That:

1. Main Roads (WA) be requested to support a change of name of 'Muirs Highway' to 'Muir Highway'; and
2. The Shires of Manjimup and Cranbrook and Mr J Muir be advised of the Council's decision.

**CARRIED (9/0)**

**NO. 198/11**

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

Nil

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

## **13 CONFIDENTIAL**

### **13.1 WORKS AND SERVICES REPORTS**

#### **13.1.1 LAND ACQUISITION - LOT 146 BEATTIE ROAD, KENDENUP**

**File No:** N19137  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Megan Beech  
Administration Officer  
**Proposed Meeting Date:** 16 August 2011

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#### **PURPOSE**

The purpose of this report is to seek authority for the Chief Executive Officer to negotiate a compensation payment to CA and RC Kerr for the acquisition of approximately 4,112m<sup>2</sup> of land from Lot 146 Beattie Road, Kendenup for inclusion into the existing road reserve of Jutland Road.

### **13.2 COMMUNITY SERVICES REPORTS**

#### **13.2.1 TENDER C01/1112 - SOUNNESS PARK DETAILED DESIGN AND DOCUMENTATION**

**File No:** N19396  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Nicole Selesnew  
Manager Community Services  
**Proposed Meeting Date:** 16 August 2011

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#### **PURPOSE**

The purpose of this report is to consider submissions from the advertising of Tender C01/1112 – Provision of Design and Documentation Services for the Sounness Park Sport and Recreation Precinct Development.

**OFFICER RECOMMENDATION/COUNCIL DECISION****MOTION TO PROCEED BEHIND CLOSED DOORS**

Moved Cr L Handasyde, seconded Cr M Skinner:

3:05pm That the Council consider these matters in the confidential component of this meeting due to:

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

**CARRIED (9/0)**

**NO. 199/11**

**MOTION TO PROCEED IN PUBLIC**

Moved Cr L Handasyde, seconded Cr B Bell:

3:07pm That the meeting proceed in public.

**CARRIED (9/0)**

**NO. 200/11**

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr S Etherington:

That:

1. The Chief Executive Officer be authorised to negotiate a compensation payment to CA and RC Kerr for the acquisition of 4,112m<sup>2</sup> of land from Lot 146 Beattie Road, Kendenup for inclusion into the existing road reserve of Jutland Road.
2. Compensation be calculated according to the attached survey sketch and to a maximum value as provided by the valuation, dated 27 June 2011.

**CARRIED (9/0)**

**NO. 201/11**

**OFFICER RECOMMENDATION/COUNCIL DECISION****Moved Cr S Etherington, seconded Cr L Handasyde:****That:**

- 1. The tender submitted by MCG Architects Pty Ltd for C01-1112 – Provision of Design and Documentation Services for the Souness Park Sport and Recreation Precinct Development, for \$310,505.00 (GST exclusive) be accepted.**
- 2. The Chief Executive Officer be authorised to negotiate a suitable contract.**
- 3. The Council's contribution be noted and the expenditure be addressed at the next Budget Review.**

**CARRIED (9/0)****NO. 202/11**

**14 CLOSURE OF MEETING**

3:08pm The Presiding Member declared the meeting closed.

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