



ORDINARY MINUTES

DATE: Tuesday, 12 June 2012

TIME: 2:45pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

MEMBERSHIP – Quorum (5)

Membership:

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

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

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

Members Present:

Cr K Clements	Shire President (Left Chamber 2:50pm returned 3:23pm, left Chamber 4:25pm, returned 4:30pm)
Cr M Skinner	Deputy Shire President
Cr B Bell	Councillor
Cr A Budrikis	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor
Cr J Moir	Councillor
Cr C Pavlovich	Councillor (Left Chamber 2:50pm returned 3:23pm, left Chamber 4:25pm, returned 4:30pm)

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
Mrs Linda Sounness	Executive Secretary
Mr Vincent Jenkins	Planning Officer

There were no members of the public present

Previously Approved Leave of Absence:

Nil

Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

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

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr K Clements

Disclosed a Closely Associated Person (Section 5.62 LGA) Interest – Wife works for Plantagenet Sheds and Steel in Item 9.1.2

Disclosed a Proximity (Section (B) LGA) Interest – Live on property opposite the Reserve in Item 9.2.5.

Cr C Pavlovich

Disclosed a Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – Direct financial interest in Item 9.1.2.

Disclosed a Proximity (Section 5.60 (B) LGA) Interest – Neighbour in Item 9.2.5.

Mr Rob Stewart CEO

Disclosed a Section 5.70 LGA Interest – Residing adjacent to the subject Lot in Item 9.5.3

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

7 CONFIRMATION OF MINUTES

Moved Cr L Handasyde, seconded Cr M Skinner:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 22 May 2012 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 108/12

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 LOCATION 2354 PARDELUP ROAD, FOREST HILL (PARDELUP PRISON) - TELECOMMUNICATION INFRASTRUCTURE

File No:	N22957
Attachments:	Location Plan Overall Site Plan Site Setout Plan Elevation
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	12 June 2012
Applicant:	Daly International Pty Ltd on behalf of the Department of Correctional Services

PURPOSE

The purpose of this report is to consider a proposal for telecommunication infrastructure at Location 2354 Pardelup Road, Forest Hill.

BACKGROUND

Council records show the registered owner of Location 2354 is the Department of Corrective Services.

Western Australian Police (WAPOL) has engaged Crown Castle Australia to build a number of communication facilities which will form part of the recently announced Community Safety Network. Crown Castle Australia has in turn engaged Daly International to prepare this application. This application involves the installation of new telecommunications infrastructure including a 60m high lattice tower, radio transmission equipment and a prefabricated equipment shelter.

This proposal is part of a Western Australian Police project that will upgrade and expand the existing police regional radio network in rural and remote Western Australia. The Community Safety Network component of the project will join together the Western Australian Police, the Fire and Emergency Services Authority and the Department of Corrective Services under one common infrastructure network. Communication will be across a shared, purpose built and secure network managed by the Western Australian Police.

The Pardelup Prison site is considered to be a suitable location based on radio frequency objectives, planning and environmental issues, community sensitive uses and engineering criteria. In addition, the existing communication facility at the prison

needs upgrading and to provide radio links to nearby Western Australian Police facilities in Mount Barker and Bornholm.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Public Purpose Local Scheme Reserve. The land is used by the Department of Corrective Services for the purposes of a prison farm.

Clause 2.2 of TPS3 states:

‘Where an application for planning consent is made with respect to land within a Reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority before granting its consent.’

Building Code of Australia.

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

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

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

EXTERNAL CONSULTATION

Letters were sent to three landowners located within a 1.5km radius from the proposed telecommunication infrastructure. In addition, a hard copy of the proposal was provided to the landowner of Lot 102 Pile Road, Forest Hill (Mr Basil Drage). Two landowners raised no objection to the proposal.

FINANCIAL IMPLICATIONS

The application fee of \$580.00 has been paid.

A building licence fee will be required to be paid.

POLICY IMPLICATIONS

WAPC State Planning Policy 5.2 – Telecommunications Infrastructure.

This policy provides the framework for the preparation, assessment and determination of applications for planning approval of telecommunications infrastructure within the context of the Western Australian planning system. The proposal is consistent with this policy.

STRATEGIC IMPLICATIONS

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

'Plan a safe and healthy living environment.'

OFFICER COMMENT

Pardelup Prison is located in a rural area approximately 24km west of Mount Barker and 1.6km off Muir Highway on Pardelup Road.

The proposed telecommunication facility location is in a paddock south of the sealed access driveway approximately 80m from the prison entrance gate. This proposed location is approximately 2km from Muir Highway to the north and the nearest house is located 1.5km to the north east. The paddock surrounding the proposed location is used for both pasture and cropping. Surrounding land is zoned Rural, Forestry and Recreation Reserves. The predominant land uses in the locality are broadscale and intensive agricultural activities including viticulture and farm forestry.

The telecommunications facility will comprise a 60m high lattice tower, ancillary radio transmission equipment and a prefabricated equipment shelter within a 425m² secure compound. The proposed lattice tower will feature three parabolic dish antennae, one voice antenna and a low intensity aircraft warning light at the top of the tower. The tower will be unpainted (being dull galvanised finish), which will reduce reflection and be a similar colour to the sky. The proposed 60m lattice tower is considered to be the smallest structure capable of meeting coverage and operational requirements.

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

The proponent conducted search of the relevant heritage registers and found no known items of cultural, historical or environmental heritage significance in the vicinity of the proposed telecommunication facility location.

The facility is compatible with the existing TPS3 Public Purpose reserve and will not adversely affect the long-term agricultural use for the prison site and surrounding area. The proposed facility is not likely to adversely affect the visual amenity and cultural, historical or environmental heritage significance of the location and surrounding area.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr L Handasyde:

That in accordance with clause 2.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the proposed telecommunication infrastructure at Location 2354 Pardelup Road, Forest Hill be approved subject to the development being in accordance with the plans dated 8 May 2012.

CARRIED (9/0)

NO. 109/12

9.1.2 LOCATION 3957 MCDONALD AVENUE/TAYLOR ROAD, MOUNT BARKER - OUTBUILDING IN SPECIAL INDUSTRIAL ZONE

A Closely Associated Person (Section 5.62 LGA) Interest was disclosed by Cr K Clements. Nature and extent of interest – wife works for Plantagenet Sheds and Steel.

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr C Pavlovich. Nature and extent of interest – direct financial interest.

2:50pm Cr K Clements and Cr C Pavlovich withdrew from the meeting.

Cr M Skinner assumed the Chair

File No: N22969
Attachments: [Location](#)
[Outbuilding Location Plan](#)
[Site Plan](#)
[Letter from Applicant](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Vincent Jenkins
Planning Officer
Proposed Meeting Date: 12 June 2012
Applicants: Southern Building Services Pty Ltd

PURPOSE

The purpose of this report is to consider an application for an outbuilding at Location 3957 McDonald Avenue/Taylor Road, Mount Barker.

BACKGROUND

Shire records show the registered owners of Location 3957 McDonald Avenue/Taylor Road, Mount Barker are P Wallinger and Penris Pty Ltd.

Plantagenet Sheds and Steel, on behalf of the owners, applied for a building licence to construct a new outbuilding at Location 3957 on 28 March 2012. Location 3957 is located in the Special Industrial zone and pursuant to the Shire of Plantagenet Town Planning Scheme No. 3, the proponents were advised all development within this zone requires the Council's planning consent.

On 10 April 2012 the Council's Manager Development Services and Planning Officer met with one of the proponents. The proponent stated Southern Building Services intend to construct a generic outbuilding at Location 3957 to create interest and attract potential new business to Mount Barker. The proponent also suggested the outbuilding may be used for private storage purposes. The proponent further advised that Planning Consent will be requested from the Council if a suitable business wanted to lease or purchase the building for business purposes and the

Council may then implement landscaping and other planning and development requirements.

On 16 April 2012 the Council received an application for Planning Consent to construct a 390m² (15m x 26m) outbuilding at Location 3957 McDonald Avenue/Taylor Road.

The Council at its meeting held on 22 May 2012 resolved at Resolution No. 84/12:

'That the question be adjourned until the meeting of the Council to be held 12 June 2012 to enable the Manager Development Services to discuss with the owner the owner's intent to change the size of the outbuilding and obtain new plans.'

On 29 May 2012 the Council received an amended site plan showing a new outbuilding location and a larger (840m²) outbuilding including details for the outbuilding structure. This latest 29 May 2012 proposal is the subject of this report.

Although the outbuilding size and location has been amended, the proponent's original intended use for private storage purposes is still relevant.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Special Industrial.

Clause 6.3.2 of TPS3 states:

'The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality may refuse to approve any application for planning consent or may grant its' approval unconditionally or subject to such conditions as it thinks fit.'

Table 1 - Zoning Table of TPS3 include the following Use Classes for the Special Industrial Zone:

Abattoir; Animal Husbandry; Automotive Panel Beating / Spray Painting; Automotive Repairs; Automotive Wrecking; Builders Storage Yard; Car Park; Caretaker's Dwelling; Dog Kennel; Industry – Extractive; Industry – General; Industry – Hazardous; Industry – Light; Industry – Noxious; Industry – Rural; Industry – Service; Kennels; Marine Collectors Yard; Motor Repair Station; Office; Open Air Display; Poultry Farm; Public Recreation; Public Utility; Service Station; Showrooms; Tavern; Telecommunications Infrastructure; Trade Display; Transport Depot and Warehouse.

An application for Planning Consent is required for above Use Classes in the Special Industrial Zone of TPS3.

Clause 3.6 – Special Industrial Zone of TPS3 states:

'The objective of the Special Industrial Zone is to facilitate the development of special industries such as abattoirs, tanneries, food processing plants etc, and to

encourage the development of such uses within Special Industrial estates established for such purposes subject to appropriate conditions of development and, where required, assessment by the Environmental Protection Authority and appropriate regulatory bodies.

The following provisions shall apply specifically to all land included in the Special Industrial Zone in addition to any provisions which are more generally applicable to such land under the Scheme.

- (b) Prior to Council granting planning consent to any development within the Special Industrial Zone, Council will require a detailed assessment of the site to determine the sites capability for the proposed land use. Without limiting the generality of this clause, the assessment is to include soil and groundwater analysis as well as consideration of the landscape and amenity of the area.*
- (c) Upon receipt of an application for planning consent for a special industry, Council shall refer the application to the Environmental Protection Authority and shall not grant planning consent until the recommendation of the Environmental Protection Authority has been received. Council shall in addition to any other conditions it requires, impose such conditions as the Environmental Protection Authority sees fit or it shall refuse consent if the Authority so recommends.*
- (d) All development shall provide a potable water supply and suitable means of effluent disposal to the satisfaction of the Council and where appropriate the Environmental Protection Authority and the Water Authority of WA.*
- (e) All development shall comply with the provisions set out for the Industrial Zone in the Zone Development Table at Schedule No. 4.'*

A detailed site assessment will not be required for the current proposal subject to the outbuilding being used only for domestic storage purposes. A detailed site assessment will be required for any future Planning Consent application for the outbuilding to be used for special industries on a commercial basis.

The provision of a potable water source and the installation of an effluent disposal system will not be required for the current proposal subject to the outbuilding being used only for domestic storage purposes.

Schedule 4 - Zone Development Table of TPS3 for Industrial Uses (including Special Industrial) requires the provision of car parking spaces and landscaping. Car parking spaces are required at a rate of one car parking bay per 100m² gross floor area. A minimum 20% area of the site is required to be landscaped. The provision of car parking spaces and landscaping will not be required in this instance subject to the outbuilding being used only for domestic storage purposes.

Building Code of Australia

Part A3.1 Principles of Classification under Classification of Buildings and Structures

'The classification of a building or part of a building is determined by the purpose for which it is designed, constructed or adapted to be used.'

Part A3.2 – Classifications

'Class 7: a building which is -

(b) Class 7b – for storage, or display of goods or produce for sale by wholesale.

Class 8: a laboratory, or a building in which handicraft or process for the production, assembling, altering, repairing, packing, finishing, or cleaning of goods and produce is carried on for trade, sale or gain.

Class 10: a non habitable building or structure –

(a) Class 10a - a non habitable building being private garage, carport, shed or the like; or....'

A Class 10a building permit will be issued for the outbuilding should the Council grant planning consent for the outbuilding to be used only for domestic storage purposes. Reclassification of the outbuilding will be required should the Council in future grant Planning Consent for the outbuilding to be used in conformance with the Special Industrial zone.

FINANCIAL IMPLICATIONS

The application fee of \$195.45 has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

TPS Policy No.18 (Planning Vision) shows the subject lot is proposed to be zoned Rural Residential to allow for an equestrian based development due to its proximity to the recreation and racing facilities at Frost Park. TPS Policy No.18 further notes that site examination for potential contamination from the former abattoir activity (Lot 2 Taylor Road) will need to be included in any future rezoning proposals.

OFFICER COMMENT

The subject land is located within the industrial area of the Mount Barker Townsite abutting Taylor Road, McDonald Avenue and Muir Highway. The intended use as requested by the applicant does not conform to development provisions for the Special Industrial zone set in the Shire of Plantagenet TPS 3.

The property is 26.9ha in area and is located in the Special Industrial zone. The property is L-shaped and fronts Taylor Road to the west and McDonald Avenue to the south and is currently undeveloped.

The proposed outbuilding location is to be 100m from the boundary abutting McDonald Avenue to the south. The outbuilding location is to be 30m from the boundary abutting Lot 2 Taylor Road (old abattoir) to the west and approximately 255m from the boundary abutting Lot 81 (Council owned lot - proposed Turf Club training track) to the east. The outbuilding location will also be approximately 500m

from Muir Highway to the north. The outbuilding location meets the setback requirements for the Special Industrial zone set in TPS3.

The proponents now intend to erect a 840m² (20m x 42m) outbuilding at Location 3957. This outbuilding will be an open sided structure with the roof clad in zinc iron. The 7m wide access driveway, outbuilding floor area and 30m apron area adjoining the outbuilding will be constructed to a 100mm compacted gravel standard.

The proponents in their original application did not provide a use for the outbuilding. However, one of the proponents in a meeting with the Council's Manager Development Services and Planning Officer on 10 April 2012 suggested the outbuilding would be used for private storage purposes.

Pursuant to TPS3, provisions for the development of land in the Special Industrial zone include the provision of car parking bays (one bay per 100m² gross floor area of the outbuilding), landscaping (minimum 20% area of the site), potable water supply, effluent disposal system and detailed site assessment including soil and groundwater testing. If necessary approval from the Environmental Protection Authority (EPA) and Water Corporation may also be needed.

Engineering requirements for the proposed development in the Special Industrial zone include onsite management of stormwater and construction of sealed crossover/s, driveway/s, car parking area/s and manoeuvring areas for motor and commercial vehicles.

Pursuant to the Building Code of Australia, the classification of buildings and structures in the Special Industrial zone may include Class 4 buildings such as caretakers' dwellings, Class 5 buildings such as offices and Class 6 buildings such as shops and service stations. The classification of buildings and structures in the Special Industrial zone may further include Class 7 buildings such as warehouses, Class 8 buildings such as factories and Class 10b structures such as masts and antennae. The classification of buildings and structures is determined by the purpose for which the building is to be used. In this instance the building is to be a Class 10a building as it is to be used only for domestic storage purposes.

Given the intent and extent of the proponents' development proposal it is recommended that the outbuilding is to be used only for domestic storage purposes. This approach will allow the proponents to erect an outbuilding and potentially create interest and attract new business to Mount Barker. The domestic storage use will provide for a use for the outbuilding in the interim.

Domestic storage purposes in this instance is seen as the storage of household goods, motor vehicles, motor vehicle trailers, boats, caravans, motorhomes and campervans. The use of the land or the outbuilding for the storage of vehicles, machinery and equipment of an industrial or commercial nature is seen as an industrial use. Should an industrial use be carried out at the property, development provisions for the Special Industrial zone in TPS3 require detailed site assessment and referral of any planning application to the EPA and possibly the Water Corporation and/or Department of Water.

Support for the proposal is recommended subject to the outbuilding being used only for domestic storage purposes.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr A Budrikis:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, Planning Consent be granted for one outbuilding for domestic storage use only at Location 3957 McDonald Avenue/Taylor Road, Mount Barker, subject to:

1. Development being in accordance with the plans dated 30 May 2012.
2. For the purpose of this Planning Consent domestic storage use means the storage of household goods, motor vehicles, motor vehicle trailers, boats, caravans, motor homes and campervans and excluding vehicles, machinery and equipment of a commercial or industrial nature.
3. All stormwater being disposed of to the satisfaction of the Manager Works and Services.
4. A crossover being constructed and drained to the satisfaction of the Manager Works and Services.

ADVICE NOTES

- (i) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including The Building Code of Australia.
- (ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including The Shire of Plantagenet Town Planning Scheme No. 3.
- (iii) The applicant is advised that any further application for Planning Consent on the subject site will require detailed site assessment including soil and groundwater assessment. Site examination will also be required for potential contamination from the former abattoir activity.

CARRIED (6/1)

NO. 110/12

3:23pm Cr C Pavlovich and Cr K Clements returned to the meeting.

Cr K Clements assumed the Chair.

**9.1.3 LOT 29 WEBSTER STREET, MOUNT BARKER - OUTBUILDINGS
EXCEEDING MAXIMUM FLOOR AREA REQUIREMENT**

File No: N22840

Attachments: [Location Plan](#)
[Site Plan](#)
[Floor Plan and Elevations](#)

Responsible Officer: Peter Duncan
Manger Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 12 June 2012

Applicant: Outdoor World - Albany

PURPOSE

The purpose of this report is to consider a proposal for an additional outbuilding at Lot 29 Webster Street, Mount Barker. This outbuilding combined with one existing outbuilding means the cumulative floor area set by Council policy is exceeded.

BACKGROUND

Council records show the registered owners of Lot 29 are BJ and DM Hinds.

This proposal is for an additional outbuilding of 54m² (6m x 9m) with a wall height of 2.7m. One other existing outbuilding has a floor area of 60m². The cumulative floor area of 114m² exceeds the 80m² area set by Council policy for this residential area.

Town Planning Scheme Policy No. 16.1 (Outbuildings) sets a maximum wall height of 3.0m and a maximum cumulative total floor area of 80m² for outbuildings in Residential zones.

The new outbuilding will replace a 22m² (4m x 5.5m) garage that has recently been demolished. This new outbuilding will also be a garage for the storage of motor vehicles.

STATUTORY ENVIRONMENT

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Residential (R10/20).

Clause 6.3.2 of TPS3 states:

'The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality may refuse to approve any application for planning consent or may grant its' approval unconditionally or subject to such conditions as it thinks fit.'

Residential Design Codes (RCodes).

The RCodes – discretion exists for the Council to vary standards at clause 2.5.2 as follows:

‘Discretion shall be exercised having regard to the following considerations:

- a) *the stated purpose and aims of the scheme;*
- b) *the provisions of parts 1-7 of the codes, as appropriate;*
- c) *the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
- d) *the explanatory guidelines of the codes that correspond to the relevant provisions;*
- e) *any local planning strategy incorporated into the scheme;*
- f) *a provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- g) *orderly and proper planning.’*

The variation required here relates to 2.5.2(b) above as the outbuilding requirements are in part 6 of the RCodes.

EXTERNAL CONSULTATION

As part of lodging this application, the proponent sought comment from landowners of adjoining Lot 69 Webster Street to the east, Lot 30 Webster Street to the west and Lot 23 Ormond Road to the north. All adjoining landowners raised no objection to the proposed additional outbuilding.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 16.1(Outbuildings) limits outbuildings to a maximum wall height of 3.0m and a maximum cumulative floor area of 80m² for Residential zones. The cumulative floor area of all outbuildings on site including the new outbuilding will total 114m². The wall height of the proposed outbuilding is 2.7m. The Council must have regard to a Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Lot 29 is 1,454m² in area and is zoned Residential (R10/20). The proposed outbuilding is setback 13.2m from the north rear boundary abutting Lot 23 Ormond Road, 1.5m from the west side boundary abutting Lot 30 Webster Street and 16.4m from the east boundary abutting Lot 69 Webster Street. The proposed outbuilding location meets the setback requirements of the RCodes.

The proposed outbuilding will be 54m² (6m x 9m) in area with a 2.7m wall height. The roof and external walls will be finished in Paperbark Colorbond® colour to blend in with the location.

An existing crossover and driveway provides access from Webster Road to the proposed outbuilding.

The cumulative floor area of all outbuildings on the property including the new outbuilding will total 114m². The wall height of the proposed outbuilding is within the limit set by the policy. No difficulties are seen with the maximum cumulative floor area of outbuildings being 114m² given the size of the lot being 1,454m².

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No.3 and subject to the development being in accordance with the plans dated 27 March 2012 the construction of an additional outbuilding at Lot 29 Webster Street, Mount Barker be approved which will mean a cumulative area of all outbuildings being 114m² which is in excess of the 80m² stated in Town Planning Scheme Policy 16.1 (Outbuildings).

CARRIED (9/0)

NO. 111/12

**9.1.4 LOT 51 STRATA LOT 20 PORONGURUP ROAD, MOUNT BARKER
(HAMBLEY TREE FARM) - GROUPE D DWELLING AND HOME
OCCUPATION**

File No:	N22933
Attachments:	Location Plan Survey Strata Subdivision Plan Site Plan Floor Plan Elevations 1 Elevations 2 Letter from Applicant
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	12 June 2012
Applicant:	Anderson Dufty Builder

PURPOSE

The purpose of this report is to consider an application for a grouped dwelling and home occupation at Strata Lot 20 of Lot 51 Porongurup Road, Mount Barker.

BACKGROUND

Council records show the registered owners of Lot Strata Lot 20 of Lot 51 are SL Robinson and KH Barlage.

Strata Lot 20 of Lot 51 is located within the strata subdivision known as Hambley Tree Farm and the owners of the property are seeking approval to build a new house.

At a general meeting of the strata company (Strata Asset Services Pty Ltd) held on 6 February 2012 the proposal to construct a new house at Strata Lot 20 of Lot 51 was supported. That decision came into force as no valid votes had been received against the decision at the close of the prescribed objection period.

On 1 May 2012 this planning consent application for a grouped dwelling was received.

The proponents have also submitted a letter (copy attached) explaining the request for a home occupation in one of the bedrooms. The home occupation use will involve mind-body and massage therapy.

The proposal was advertised for comment and letters were sent to adjoining landowners and two submissions were received. The landowners of Strata Lots 19 and 21 raised no objection to the proposal.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Special Site Zone R12.

– Special Provisions include:

- '(b)(1)(i) Grouped dwelling subject to prior approval of the Council.'*
- '(b)(1)(ii) Home occupation subject to the prior approval of the Council.'*

- '(c)(2)(i) No grouped dwelling shall be constructed unless a minimum 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the plans of the grouped dwelling and approved by the Council.'*

- '(c)(2)(vii) Buildings on the strata lots shall be constructed of materials and colours designed to blend in with the landscape and the use of visually obtrusive materials (eg., zincalume) is prohibited.'*

- '(c)(3)(i) A building envelope with an area not exceeding 20% of the area of the relevant strata lot shall be defined in a position to be agreed by the Council.'*

- '(c)(3)(ii) No building shall be constructed on a strata lot other than within the approved defined building envelope without the written approval of the Council.'*

- '(c)(4)(ii) In order to enhance the rural amenity of the land comprised in a strata lot which the Council considers is deficient in tree cover it may require as a condition of any planning consent the planting and maintenance of trees and/or groups of trees of such species and in such positions as may be specified by the Council.'*

Clause 6.3.2 of TPS3 states:

'The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality may refuse to approve any application for planning consent or may grant its' approval unconditionally or subject to such conditions as it thinks fit.'

Grouped Dwelling is a discretionary 'SA' use under TPS3.

An 'SA' use means that the Council may at its discretion, permit the use after notice of application has been given in accordance with Clause 6.2. The application has been advertised in accordance with Clause 6.2.

Home Occupation is a discretionary 'AA' use under TPS3 meaning the Council may at its discretion, permit the use.

Schedule I - Interpretations of TPS3 states:

'Home Occupation - means an activity carried on with the permission of the responsible authority within a house or the curtilage of a house that:

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or wasteproducts;*
- (b) does not entail the employment of any person not a member of the occupier's family, except in the case of a professional person;*
- (c) does not occupy an area greater than 20 square metres;*
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;*
- (e) is restricted in advertisement to a sign not exceeding 0.2 square metres in area; and*
- (f) will not result in the requirement of a greater number of vehicle parking facilities than normally required in the zone in which it is located and will not result in a substantial increase in the amount of vehicular traffic in the vicinity.'*

The proposed mind-body and massage therapy use falls within the ambit of the definition for Home Occupation in TPS3.

EXTERNAL CONSULTATION

The proposal has been advertised for comment for a 21 day period closing on 6 June 2012. Advertising included letters to three adjoining property owners, notices were placed in the Albany Advertiser, Plantagenet News, the Council's noticeboard and a sign placed on site.

At the close of the advertising period two submissions had been received. The landowners of Strata Lots 19 and 21 raised no objection to the proposal.

FINANCIAL IMPLICATIONS

The application fee of \$960.00 and a bond of \$500.00 for advertising costs have been paid.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 18 (Planning Vision) – shows the parent lot as possible rural residential (equestrian). Any future rezoning of this overall strata subdivision to a Rural Residential zone will need to be initiated by all of the landowners of the total property.

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 Hambley Tree Farm strata subdivision is located north of Porongurup Road approximately 2.1km east of Mount Barker. The strata subdivision consists of 30 strata lots to the east of the land with lot sizes around 1ha.

Strata Lot 20 of Lot 51 is 1ha in area and located to the north-west part of the survey strata subdivision. Existing development at the Strata Lot 20 consists of a water tank and a 108m² outbuilding. The strata lot has been cleared of remnant vegetation.

The proposed house is a four bedroom single storey building. The house is 333.56m² in area which includes an entertainment area and verandah. External walls will be finished in a combination of Deep Ocean (blue) and Headland (earthy red) Colorbond®. The roof and trim will be finished in Shale Gray Colorbond®. The colours are sympathetic to the surrounding area.

The proposed home occupation use involves mind-body and massage therapy and will be carried out in Bedroom 4 which is 9.75m² (2.5m x 3.9m) in area and will have a separate door for client access. Operating days will be Monday to Friday from 9:00am to 6:00pm. The maximum number of clients will not exceed six persons daily. The frequency and scale of the home occupation use is not likely to significantly impact on the locality.

The proposed building envelope is 2,000m² in area and is positioned in the southeast corner of the lot. This proposal complies with the building envelope requirement for this Special Site zone. The house, outbuilding and water tank are located within the defined building envelope.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr A Budrikis:

That in accordance with special provisions (b)(1)(i) and (b)(1)(ii) of Special Site zone R12 of Town Planning Scheme No. 3, Planning Consent be granted for a grouped dwelling and home occupation for mind-body and massage therapy at Strata Lot 20 of Lot 51 Porongurup Road, Mount Barker subject to:

1. The development being in accordance with the plans dated 1 May 2012.
2. The maximum floor area of the home occupation being limited to 20m².
3. Compliance with all the requirements of the interpretation of Home Occupation in the Shire of Plantagenet Town Planning Scheme No.3.
4. A crossover from the lot to the common property internal roadway being constructed, drained and maintained to the satisfaction of the Manager Works and Services.

CARRIED (9/0)

NO. 112/12

**9.1.5 LOTS 41, 88 AND 322 DENMARK-MOUNT BARKER ROAD, DENBARKER
- THREE LOT RURAL SUBDIVISION**

File No: N22934

Attachments: [Location Plan](#)
[Site Plan](#)
[Proposed Subdivision Plan](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 12 June 2012

Applicant: John Kinnear and Associates

PURPOSE

The purpose of this report is to consider an amended subdivision proposal for a three lot subdivision of Lots 41, 88 and 322 Denmark-Mount Barker Road, Denbarker and respond to the Western Australian Planning Commission (WAPC).

BACKGROUND

Shire records indicate the owner of Lots 41 and 322 is JW Dennis and the owner of Lot 88 is BJ Dennis. A previous proposal not supported by the Council only involved Lots 41 and 88.

The Shire of Plantagenet Local Planning Strategy (LPS2011) adopted by the Council on 8 November 2011 and the Shire of Plantagenet Town Planning Scheme Policy No. 18 (Planning Vision) (TPS Policy No.18) adopted in March 2010 show the subject lots as a part of Planning Unit P6 – Upper Hay Catchment. Both the LPS2011 and TPS Policy No.18 identify Lot 41 as ‘General Agriculture’ and Lot 88 as ‘Priority Agriculture’.

Lots 41, 88 and 322 are located within the Rural Zone. Lot 41 is 40.51ha in area and is located south of the Denmark-Mount Barker Road. Lot 88 is 39.08ha in area consisting of two lot parcels. The first lot parcel is 19.57ha in area and is located north of the Denmark-Mount Barker Road. The second lot parcel is 19.51ha in area and is located south of the Denmark-Mount Barker Road. Lot 322 is 43.12ha in area, located north of the Denmark-Mount Barker Road and shares a common boundary with Lot 88.

The Council at its meeting held on 20 March 2012 resolved at Resolution No. 34/12:

‘That Western Australian Planning Commission be advised that the proposed three lot subdivision of Lots 41 and 88 Denmark-Mount Barker Road, Denbarker (WAPC 145615) is not supported as it does not satisfy the standards set in the Shire of Plantagenet Town Planning Scheme Policy No. 18 (Planning Vision).’

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

WAPC State Planning Policy 2.5 - Agricultural and rural land use planning

WAPC Development Control Policy 1.1 - General principles for the subdivision of land

WAPC Development Control Policy 3.4 - Subdivision of Rural Land

Shire of Plantagenet Town Planning Scheme Policy No. 18 – Planning Vision. Section 3.1.4 - Contains requirements for Subdivision and Development Standards for Priority Agriculture and General Agriculture including the following:

‘3.1.4.1 Subdivision – General

1. *In Priority Agriculture and General Agriculture areas, there shall be a presumption against the subdivision of land unless the Council is satisfied:*
 - (iii) *the adjustment of lot boundaries where the application, if approved, will not result in the creation of additional lots;*
 - (vii) *that the subdivision is necessary to enable the carrying out of an intensive agricultural pursuit and is in accordance with this TPS Policy 18; and*
 - (viii) *the balance of title also meets agreed objectives, standards and development controls.*
2. *The Council will not support subdivision which in its opinion will have the potential to adversely affect the rural landscape or be prejudicial to the agricultural use of the land of the locality...*
5. (i) *The Council wishes to ensure limited parts of the rural lands are protected for intensive agricultural and horticultural operations. With this in mind, rural planning unit P6 will be considered for lots down to 40ha subject to detailed justification. That justification requires reports to be signed off as acceptable by the Department of Agriculture and Food and the Department of Water (where appropriate) prior to the submission of a subdivision application to the WAPC.*
 - (ii) *The 40ha lot size (which differs from the WAPC state wide figure of 80ha) has been selected by the Council as an appropriate size for an intensive activity to establish, but soils and water analysis will determine the actual lot size. It also means that persons wishing to establish a new intensive activity will be more*

likely to be in a financial position to purchase such a landholding and commence the activity.

3.1.4.2 Subdivision for Agricultural Purposes

1. *In order to protect the productive capacity of agricultural land and the basis of State, regional and local economies, there is a general presumption against the further subdivision of land in Priority Agriculture and General Agriculture, except where it can be clearly demonstrated that the subdivision will be beneficial to viable and sustainable agricultural production and land management on the subject land and will not be prejudicial to similar production and management on adjoining lands. Subdivision supported by the Council under this criteria shall have minimum lot sizes as set out for each planning unit described in Appendix 6. (Note: The WAPC has not supported this.)*
3. *The Council will not support the subdivision of land within Priority Agriculture and General Agriculture unless complying with one or more of the following criteria:*
 - (i) *one of the new lots is to be amalgamated with an adjoining property, or lot boundaries are to be relocated, and no additional lots are created;*
 - (iv) *the land is severed by a public facility or regional road, where this causes severe impost to agricultural production on the land;*
 - (v) *an established and producing horticultural activity of not less than 30ha in Priority Agriculture and General Agriculture is to be excised from the overall holding and the Council considers that the remaining land is suitable for continued agricultural production based on land capability, water availability, lot configuration and advice from any relevant government agency; and*
 - (vi) *the subdivision is consistent with the relevant Policies of the WAPC.*

STRATEGIC IMPLICATIONS

TPS Policy No.18 (Planning Vision) shows the subject lots as a part of Planning Unit P6 – Upper Hay Catchment. Subdivision and Development Guidelines for Planning Unit P6 support lot sizes down to 40ha for General and Priority Agriculture identified for intensive agricultural pursuits.

This support is subject to an agronomist's report demonstrating each new lot will have a minimum 30ha area of soil with a high capability rating for annual or perennial horticulture production. This support is further subject to a hydrologist's report demonstrating each new lot has the capacity to capture and store water of sufficient quantity and quality for intensive agricultural production. Both the agronomist's report and the hydrologist's report need to be signed off by the Department of Agriculture and Food and the Department of Water respectively.

Given the application has not demonstrated new Lots A and B will be capable of sustainable intensive agricultural production, the application for these lots is not

supported. The Council must have regard to a Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

OFFICER COMMENT

The existing development at Lot 41 consists of a farm house, garage and 2.19ha of riesling grapes.

Lot 88 lot parcel located north of the Denmark-Mount Barker Road is currently developed with pasture and remnant vegetation. Lot 88 lot parcel located south of the Denmark-Mount Barker Road is currently developed with three outbuildings and three farm dams. This lot parcel is further developed with 4.07ha riesling grapes and 5.77ha chardonnay grapes. An existing crossover and driveway provides access over Lot 88 southern lot parcel from the Denmark-Mount Barker Road to Lot 41. Lot 322 is currently developed with pasture and remnant vegetation.

The latest proposal now includes Lot 322 to the north and involves the realignment of lot boundaries of Lots 41, 88 and Lot 322 into three lots. Lot 322 does not have road frontage. Proposed Lot A will only be 15.69ha in area and will include the existing driveway, two farm dams, 5.77ha chardonnay grapes and 2.03ha riesling grapes. Proposed Lot B will be 44.29ha in area and will include the existing house, garage, one farm dam and 4.2ha riesling grapes. The remainder of Lot 88 located north of the Denmark-Mount Barker Road will be added to Lot 322 to create Lot C. Lot C will be 62.63ha in area.

The latest proposal also includes one new shared access from the Denmark-Mount Barker Road to Lots A and B to satisfy Main Roads requirements. Access will be by way of a Right Of Carriage Way (ROCW) easement over Lot B in favour of Lot A.

The applicant in the original subdivision application advised the rationale for this subdivision application is based on the interest of a prospective purchaser wanting to acquire chardonnay variety grapes only. Proposed Lot A will include all the chardonnay grapes and 2.03ha riesling grapes and will be 15.69ha in area.

Both the LPS2011 and TPS Policy No.18 in this instance require supporting information to the application (agronomist's and hydrologist's reports or similar) to be signed off by the Department of Agriculture and Food and the Department of Water prior to the submission of a subdivision application to the WAPC. The LPS2011 and TPS Policy No.18 further require any applications for adjustment of lot boundaries not to result in the creation of additional lots. Given the application has not demonstrated new Lots A and B will be capable of sustainable intensive agricultural production and creation of these lots in the application is not supported. Proposed Lot A (15.69ha) and Lot B (44.29ha) are considered to be too small.

The amalgamation component involving Lot 88 lot parcel located north of the Denmark-Mount Barker Road and Lot 322 creating Lot C is supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That the Western Australian Planning Commission be advised that:

1. The proposed subdivision of Lots 41 and 88 Denmark-Mount Barker Road, Denbarker (WAPC 145615) creating Lot A and Lot B is not supported as it does not satisfy the standards set in the Shire of Plantagenet Town Planning Scheme Policy No. 18 (Planning Vision).
2. The proposed amalgamation of Lot 88 (northern portion) and Lot 322 Denmark-Mount Barker Road, Denbarker (WAPC 145615) creating Lot C is supported.

Note:

Cr Moir advised that should the above motion be lost he would move the following:

‘That the Western Australian Planning Commission be advised that the proposed subdivision of lots 41, 88 and 322 Denmark – Mount Barker Road, Denbarker be supported.’

The Motion was put.

CARRIED (8/1)

NO. 113/12

9.1.6 LOT 1 (9) LOWOOD ROAD, MOUNT BARKER - APPLICATION FOR A PERMIT TO CONDUCT AN OUTDOOR EATING FACILITY ON A PUBLIC THOROUGHFARE

File No:	N22950
Attachments:	Location Plan Site Plan
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	12 June 2012
Applicant:	VG and ML Hayes

PURPOSE

The purpose of this report is to consider an application for a permit to conduct an outdoor eating facility (alfresco dining) on a Public Thoroughfare adjacent to the Plantagenet Hotel located at Lot 1 (9) Lowood Road, Mount Barker.

BACKGROUND

According to Shire records the registered owners of the Plantagenet Hotel are V and M Hayes.

The operators of the Plantagenet Hotel wish to locate three small tables and seating for six persons on the footpath directly in front of the hotel's Lowood Road frontage to enable customers to consume food purchased from the cafe. Alfresco dining will be available between 10:00am and 3:00pm seven days per week.

The alfresco dining tables will be arranged along the front of the premises and will occupy a total area of approximately 12m² (1.5m x 8.0m) leaving an unobstructed access pathway for pedestrian movement along the footpath between the tables and the curb.

STATUTORY ENVIRONMENT

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008 (Local Law) - Part 6 Division 3 - Outdoor eating facilities on public places. This requires the issue of a permit and the Council may consider the following matters:

- a) *the facility is conducted in conjunction with and as an extension of food premises which abut on the facility, and whether the applicant is the person conducting such food premises;*
- b) *any abutting food premises are registered in accordance with the Health Act 1911 and whether the use of the premises is permitted under the town planning scheme;*
- c) *the facility will comply with any local law made under section 172 of the Health Act 1911;*

- d) *users of the facility will have access to proper and sufficient sanitary and ablutionary conveniences;*
- e) *the Facility would –*
 - i) *obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or*
 - ii) *impede pedestrian access; and*
- f) *the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.*

Health Act 1911

Health (Food Hygiene) Regulations 1993

Australia New Zealand Food Safety Standards 2000

EXTERNAL CONSULTATION

The Environmental Health Officer has been liaising with operators of various retail premises to ensure appropriate applications are made to the Council for alfresco dining activities.

FINANCIAL IMPLICATIONS

The \$110.00 application fee has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Plan - Key Result Area 4 (Development Services - Town Planning) aims to:

'Encourage and guide local development, retain local business and encourage new businesses that will create long-term sustainable local employment'.

OFFICER COMMENT

Should the Council grant approval for a permit to operate an outdoor eating facility on a public thoroughfare, the following conditions are appropriate to be imposed:

- a) The permit is valid for a period of 12 months or unless otherwise stated in the permit and a period effective from 1 July to 30 June the following year;
- b) The permit holder shall apply in writing prior to expiry of the permit, for renewal for a further 12 month period;
- c) The permit is transferable;
- d) The applicant providing proof of public risk insurance for the proposed trading area;
- e) A statement indemnifying the Local Government in respect to any injury to persons or damage to property which may occur in connection with the use of the public thoroughfare by the permit holder; and
- f) The permit may be cancelled if the permit holder does not comply with any conditions of the permit or any other written law related to activities regulated by the permit.

In addition to the above mentioned suggested conditions, the permit holder should:

- a) Ensure that the facility is conducted at all times in accordance with the provisions of the Local Law and the Health Act 1911;
- b) Ensure that the eating area is kept in a clean and tidy condition at all times;
- c) Maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times;
- d) Be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the facility;
- e) Whenever, in the opinion of the Council, any work is required to be carried out to a facility, the Council may give a notice to the permit holder.

The proposed dining area will not obstruct sight lines of vehicular traffic in the vicinity, and pedestrian access and movement will not be impeded.

The applicant has submitted proof of public liability insurance to the value of \$20million.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Moir:

That in accordance with Part 7 of the Shire of Plantagenet - Activities in Thoroughfares and Public Places and Trading Local Law 2001, a permit be issued to V and M Hayes to conduct an outdoor eating facility on a public thoroughfare adjacent to the Plantagenet Hotel, Lot 1 (9) Lowood Road, Mount Barker subject to:

- 1. The outdoor eating facility occupying a maximum of 12.0m² of public thoroughfare directly adjacent to the Plantagenet Hotel Lowood Road frontage in accordance with the application dated 28 May 2012.**
- 2. The facility being operated and maintained in accordance with the provisions of:**
 - a. Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2001;**
 - b. Health Act 1911;**
 - c. Health (Food Hygiene) Regulations 1993;**
 - d. Australia New Zealand Food Safety Standards 2000.**
- 3. The permit is valid for a period of 12 months or part thereof, effective until 30 June 2013.**
- 4. The permit holder shall apply in writing prior to expiry of the permit, for renewal for a further 12 month period.**

5. A statement from the permit holder indemnifying the Council in respect to any injury to persons or damage to property which may occur in connection with the use of the public thoroughfare.
6. All signage to be in accordance with Council requirements.

CARRIED (9/0)

NO. 114/12

9.2 WORKS AND SERVICES REPORTS

9.2.1 ENTRY STATEMENT - NORTH INTERSECTION OF LOWOOD ROAD AND ALBANY HIGHWAY (CHICKEN REPRESENTATION)

File No:	N22989
Attachments:	Plan Entry Statement Site Plan
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Dominic Le Cerf Manager Works and Services
Proposed Meeting Date:	12 June 2012

PURPOSE

The purpose of this report is to consider a proposal from Plantagenet Sheds and Steel for the placement of a 3m high steel representation of a chicken at the north intersection of Lowood Road and Albany Highway.

BACKGROUND

It is understood that the Shire President has had discussions with Mount Barker Chicken and Plantagenet Sheds and Steel and has sourced funding for the installation and fabrication of the structure from Mount Barker Chickens.

On 30 May 2012 the Council received an application for a building permit from Plantagenet Sheds and Steel for the construction of the concrete footings for the proposed chicken structure.

STATUTORY ENVIRONMENT

Building Act 2011 – A building licence is required to be issued by the Principal Building Surveyor under delegated authority for a class 10b structure. (Building Code of Australia)

EXTERNAL CONSULTATION

Consultation has occurred with Main Roads Western Australia (MRWA), Water Corporation, Western Power and Brookfield Rail.

Western Power and Water Corporation have informed the Shire that they have no issues with the proposal.

At the time this report was prepared there was no correspondence received from MRWA and Brookfield Rail.

FINANCIAL IMPLICATIONS

There are no direct financial implications relating to this report.

The proposal is to be funded by Mount Barker Chickens, with no direct cost to the Shire.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

Upon installation, the entry statement will become the property of the Council.

It is estimated that the annual maintenance cost would be in the vicinity of \$650.00 per year and would have an estimated replacement cost of \$12,000.00.

The structure will need to be repainted in the future and it is estimated that this would need to be completed every five years at a cost of approximately \$1,500.00.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The proposed installation of a large steel representation of a chicken at the northern intersection of Albany Highway and Lowood Road is to be in the Council's road reserve (Site Plan attached). Provision of an entry statement to a region is an important part of the visitor experience. It may give them a sense of arrival and 'welcome' and for locals it will contribute to the sense of pride and ownership of the region.

The chicken structure is constructed from steel and will be fixed to concrete footings. The structure has a two dimensional elevation, is 3m in height and 2.4m in width. The chicken structure is finished in green, yellow and orange colours.

Both the chicken structure and concrete footings will require an Engineer's certification.

If the structure is installed according to the proposal any maintenance work conducted by the Council will be subject to the resources made available for such work in the Council's budget, following which programmed maintenance will be scheduled into the works program.

The plans for the installation of the structure don't include the provision of lighting but if lighting is to be installed in the future it should not:

- create a nuisance or glare hazard to adjacent properties;
- impact any vehicle movements along Albany Highway or Lowood Road; and
- be located and/or designed so as to impede plant and tree growth.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Bell, seconded Cr S Etherington:

That approval be given to Plantagenet Sheds and Steel to erect a 3m high, double sided, two dimensional entry statement in the shape of a chicken at the northern intersection of Albany Highway and Lowood Road, according to the attached Site Plan, subject to;

1. Engineering certification being obtained and provided to the Shire prior to installation;
2. There being no capital cost to the Shire for the construction of the structure;
3. All earth works and any restoration works at the site being the responsibility of Plantagenet Sheds and Steel;
4. All future maintenance of the structure being the responsibility of the Shire; and
5. All necessary approvals being obtained prior to installation.

AMENDMENT

Moved Cr G Messmer, seconded Cr L Handasyde:

That:

1. The words 'at the northern intersection of Albany Highway and Lowood Road, according to the attached Site Plan,' be deleted and replaced with 'adjacent to the Mount Barker Visitor Centre which is situated in the former Mount Barker Railway Station.'
2. The words comprising part 4 be deleted and replaced with:
'All future maintenance of the structure being the responsibility of the provider (Milne Feeds/Mount Barker Chicken)'
3. A part 6 be added as follows:
'In the opinion of the Council, if the structure is not being adequately maintained, it shall be removed at the cost of the provider.'
4. A part 7 be added as follows:
'The approval expiring in five years from the date of this meeting, subject to renewal of approval at the option of the Council.'

CARRIED (9/0)

NO. 115/12

FURTHER AMENDMENT

Moved Cr J Moir:

That a part 8 be added as follows:

‘The provider paying a \$500.00 refundable bond in the event that removal is undertaken by the Council’.

The amendment lapsed for want of a seconder.

COUNCIL DECISION

That approval be given to Plantagenet Sheds and Steel to erect a 3m high, double sided, two dimensional entry statement in the shape of a chicken, adjacent to the Mount Barker Visitor Centre which is situated in the former Mount Barker Railway Station, subject to;

1. Engineering certification being obtained and provided to the Shire prior to installation;
2. There being no capital cost to the Shire for the construction of the structure;
3. All earth works and any restoration works at the site being the responsibility of Plantagenet Sheds and Steel;
4. All future maintenance of the structure being the responsibility of the provider (Milne Feeds/Mount Barker Chicken);
5. All necessary approvals being obtained prior to installation;
6. In the opinion of the Council, if the structure is not being adequately maintained, it shall be removed at the cost of the provider; and
7. The approval expiring in five years from the date of this meeting, subject to renewal of approval at the option of the Council.

CARRIED (9/0)

NO. 116/12

9.2.2 PLANT REPLACEMENT PROGRAM - 2012/2013 TO 2023/2024 - INDICATIVE

File No:	N22815
Attachments:	2012 13 Indicative Plant Program
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Megan Beech Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	12 June 2012

PURPOSE

The purpose of this report is to receive the Indicative Plant Replacement Program for the period 2012/2013 to 2023/2024.

BACKGROUND

The Council adopted Stage 1 of the Long Term Financial Plan 2009/2010 to 2019/2020 (LTFP) at its meeting held 13 October 2009.

A workshop was held with Councillors on 20 March 2012 to provide an early look at the Indicative Plant Replacement Program, particularly those items of plant listed for consideration in the 2012/2013 financial year.

The Plant Replacement Program is based on the Council's current work environment and level of plant ownership. An inflationary component has been utilised for all future year projects. These figures will be revised and updated each year.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

The replacement of plant items is one of the largest annual expenditures undertaken by the Council.

The Plant Replacement Program has been developed in line with the LTFP and Council Policy I/PM/1 – Plant General Policy. This program provides an indication of future budgets required for the replacement of plant. Adjustments are made at necessary times to ensure that there is a balance between those items required to be replaced and what is achievable from a budget perspective.

Plant prices are subject to change as more accurate figures are obtained closer to adoption of the budget.

POLICY IMPLICATIONS

Council Policy No. I/PM/1 – Plant General Policy applies to this report. Council Policy No. I/FM/2 – Vehicle Specifications also applies.

ASSET MANAGEMENT IMPLICATIONS

This report relates to the acquisition of capital plant items. Items will be recorded in the Council's asset register at purchase cost and depreciated on a monthly basis.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan 2003, Key Result Area 2 Infrastructure, provides the following:

'To maximise the benefit to the community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and buildings infrastructure within the financial resources of the Shire.'

OFFICER COMMENT

The Indicative Plant Replacement Program provides a review of the financial requirements for plant replacements in the coming year's budget. It also provides a view of what budgets in the near future may expect to incorporate for the replacement of plant.

The Indicative Plant Replacement Program has been adjusted to bring it in line with the LTFP and Council Policy I/PM/1.

Plant items considered for replacement in the 2012/2013 financial year include:

- L11 – Cat 928 Loader;
- G2 – Cat 12H Grader; and
- T25 – Mack Hook Lift Truck (C/Fwd 11/12)

It is considered that the above items of plant will be traded and new replacements purchased in the new financial year.

Three items are considered for outright purchase. The first item, a second hand Bobcat/Skid Steer (track style) is considered to assist with pushing up waste into concrete bays at the O'Neill Road Waste Management Facility. The second item, a custom made Bitumen Trailer is carried over from 2011/2012. In this case, the existing item of plant will not be traded as it is of little value. The third item, a Traxcavator to be shared between the VROC is considered due to increased emphasis on waste management. Funds for this purchase will be used from the Waste Reserve.

Note from CEO

At the full Southern Link VROC meeting held in Tambellup on 30 May 2012, unanimous support for this purchase was not in evidence.

Due to the Council's endorsement of the amended Vehicle Specifications Policy at its meeting held 1 May 2012, a number of light vehicles have been deferred for replacement. The amended policy considers the changeover period for light vehicles to be 80,000km or three years (whichever occurs first).

Other minor changes have been made to the draft program (originally forwarded to the Council at the workshop held on 20 March 2012). Also, more accurate prices for new and trade vehicles have been obtained and have been updated in the program.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That the Indicative Plant Replacement Program for the period 2012/2013 to 2023/2024, as attached, be received.

CARRIED (9/0)

NO. 117/12

**9.2.3 WASTE MANAGEMENT - REVIEW OF OPENING TIMES - STAFFED
WASTE SITES**

File No: N22941
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Megan Beech
Senior Administration/Project Officer Works
and Services
Proposed Meeting Date: 12 June 2012

PURPOSE

The purpose of this report is to review the opening hours of all staffed landfill and transfer station sites within the Shire of Plantagenet.

BACKGROUND

Operating hours for the O'Neill Road Waste Management Facility were reviewed by the Council at its meeting held on 1 March 2011. The Council resolved:

'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.'*

A Council workshop was held on 22 May 2012 primarily to discuss operational and staffing requirements for the O'Neill Road Waste Management Facility tip shop and transfer station. Given the planned increased services and operations at the site it was proposed that the number of staff working at the site should increase. Councillors considered that in order to employ an additional staff member to work at the O'Neill Road Waste Management Facility, savings may be made, by conducting a review of the waste site opening times. By reviewing the opening hours to identify trends in usage, the Council may then consider a reduction in opening hours to counteract additional staffing hours required for the O'Neill Road site.

Current waste site opening hours are as follows:

O'Neill Road Waste Management Facility	Monday, Wednesday, Friday	8.00am - 12.00noon
	Tuesday, Thursday, Saturday	1.00pm - 5.00pm
	Sunday	10.00am - 5.00pm
Kamballup Landfill Site	Friday	1.00pm - 5.00pm
Kendenu Transfer Station	Tuesday, Thursday, Saturday	12 noon - 4.00pm
	Sunday	10.00am to 4.00pm
Porongurup Transfer Station	Monday, Saturday	8.00am - 5.00pm
	Thursday	8.00am - 12.00noon

A review has been conducted by Works and Services staff of tip site usage at each of the staffed waste sites to determine trends in usage (excepting Kamballup Landfill Site). Staff used waste receival volumes to determine days that the sites were visited more frequently than others. An average was taken from five random one week periods between November 2011 and April 2012.

STATUTORY ENVIRONMENT

Landfill and Transfer Station Facilities Local Law 2004

Clause 12 provides:

'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

Overall the proposed changes to the waste site opening times will have a nil cost effect. An additional staff member is proposed to work at the O'Neill Road Waste Management Facility to work 22 hours each week. It is proposed that 22 hours be saved by reducing opening times at the four staffed sites, given a recent review of trends in tip site usage.

Minor costs associated with advertising and signage of amended waste site opening times will be incurred.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet's Strategic Plan 2003, Key Results 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 Results 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

As a result of the review of opening times, trends in usage were identified at O'Neill Road Waste Management Facility, Kendenup Transfer Station and Porongurup Transfer Station. Each site clearly identified one day in particular which was the most used and one or two days which were least used. This assisted officers to make recommendations for a reduction of opening hours at each of the sites, particularly on those days with the least usage. Consideration was also given to the current variation in opening times. Officers considered a more consistent approach to the times. To ensure an even spread of days open, officers also considered that Kendenup Transfer Station and Porongurup Transfer Station be opened on a Wednesday (given a proposal to close on other existing week days).

The recommendation provides amended (reduced) opening hours for each of the four staffed waste sites. This reduction in opening hours (22 hours) will provide for an additional staff member to be employed at the O'Neill Road Waste Management Facility at no extra cost to the Council.

A summary of the proposed changes is provided below:

O'Neill Road Waste Management Facility:

1. Close Monday and Wednesday; and
2. Implement consistent approach to opening times (12noon – 4.00pm, excepting Sundays).

Hours Saved: **9 hours**

Kendenup Transfer Station:

1. Close Tuesday and Thursday, open instead on Wednesday (even spread of days open); and
2. Implement consistent approach to opening times (12noon – 4.00pm, excepting Sundays).

Hours saved: **4 hours**

Porongurup Transfer Station:

1. Close Monday and Thursday, open instead on Wednesday (even spread of days open); and
2. Implement consistent approach to opening times (12noon – 4.00pm, excepting Saturdays).

Hours saved: **9 hours**

Kamballup Landfill Site:

1. Implement consistent approach to opening times (12noon – 4.00pm).

Hours saved: **0 hours**

Total Hours Saved: **22 hours**

Councillors should be aware that the proposed changes, if implemented, may cause some dissatisfaction in the community due to the potential for delays when accessing waste facilities.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. The amended opening times for each of the Council's staffed landfill and transfer station sites as follows:

O'Neill Road Waste Management Facility	Tuesday, Thursday, Friday, Saturday	12 noon – 4.00pm
	Sunday	10.00am - 4.00pm
Kamballup Landfill Site	Friday	12 noon – 4.00pm
Kendenup Transfer Station	Wednesday, Saturday	12 noon - 4.00pm
	Sunday	10.00am to 4.00pm
Porongurup Transfer Station	Wednesday	12 noon – 4.00pm
	Saturday	10.00am – 4.00pm

be endorsed.

2. The changes be advertised in the local print media and signs erected in appropriate locations to inform the public of the changes to the opening times at all staffed landfill and transfer station sites.

COUNCIL DECISION

Moved Cr S Etherington, seconded Cr M Skinner:

That:

1. The amended opening times for each of the Council's staffed landfill and transfer station sites as follows:

O'Neill Road Waste Management Facility	Tuesday, Thursday, Friday, Saturday	12 noon – 4.00pm
	Sunday	10.00am - 4.00pm
Kamballup Landfill Site	Sunday	10.00am – 1.00pm
Kendenup Transfer Station	Wednesday, Saturday	12 noon - 4.00pm
	Sunday	10.00am to 4.00pm
Porongurup Transfer Station	Wednesday	12 noon – 4.00pm
	Saturday	10.00am – 4.00pm

be endorsed.

2. The changes be advertised in the local print media and signs erected in appropriate locations to inform the public of the changes to the opening times at all staffed landfill and transfer station sites.

CARRIED (9/0)

NO. 118/12

Reason for Change

It was considered that the Kamballup Landfill site should be opened on a Sunday rather than a Friday as this would be more suitable for tip users.

9.2.4 FIVE YEAR ROAD PROGRAM 2012/2013 – 2016/2017 – INDICATIVE

File No:	N22656
Attachments:	2012 13 Indicative Road Program
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Megan Beech Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	12 June 2012

PURPOSE

The purpose of this report is to receive the Indicative Road Program for the period 2012/2013 to 2016/2017.

BACKGROUND

The Indicative Road Program is based on the Council's requirements to maintain and upgrade the existing road network.

The program includes all projects which have been outlined at the Regional Road Group and lists projects which can be completed from all funding sources. This includes Roads to Recovery, Direct Grant, Untied Road Grant, Blackspot and Commodity Route. The proposed funding allocations are based upon average figures which the Shire of Plantagenet has received over the last three financial years.

The Council adopted Stage 1 of the Long Term Financial Plan 2009/2010 to 2019/2020 (LTFFP) at its meeting held on 13 October 2009.

The Council adopted a Forward Capital Works Plan 2010/2011 to 2014/2015 (FCWP) at its meeting held on 19 October 2010.

A Workshop was held with Councillors on 20 March 2012 to provide an early look at the Indicative Road Program, particularly those projects listed for consideration in the 2012/2013 financial year.

Councillors attended a bus trip on 4 April 2012 to inspect possible projects and provide feedback on the allocation of road program funds.

STATUTORY ENVIRONMENT

Land Administration Act 1997

Part 5, Division 1 s.55(2) provides the following:

'Subject to the Main Roads Act 1930 and the Public Works Act 1902, the local government within the district of which a road is situated has the care, control and management of the road.'

Main Roads Act 1930

Part 4, s.15(2) provides the following:

‘The Commissioner shall have the care, control and management of the land over which a highway or main road is declared.’

Public Works Act 1902

Part 5, s.86(3) provides the following:

‘The Governor may in like manner declare that any Government road or any part thereof shall be under the control of any local government, and thereupon such road or part thereof shall cease to be a Government road.’

FINANCIAL IMPLICATIONS

The Indicative Road Program details the proposed expenditure for each year during the five year period from 2012/2013 to 2016/2017. This program was developed in line with the Council’s LTFP and FCWP, although consultants have been appointed to develop a new LTFP and Asset Management Plan, which is likely to identify differences in funding requirements.

It should be noted that expenditure associated with budgets in future years is dependent on funding allocations that the Council may receive from external sources. As this income is uncertain, these future projections remain uncertain until such time as funding is confirmed. This ‘funding gap’ between what has been identified for inclusion from a capital works point of view and what is financially achievable has also been identified in the LTFP and FCWP.

Gross expenditure for each funding source for the 2012/2013 financial year includes:

Roads to Recovery (fully federally funded) (approx)	\$408,161.00
Regional Road Group (2/3 state funded, 1/3 local government funded)	\$105,560.00
Commodity Route Supplementary Fund (unconfirmed) (2/3 state funded, 1/3 local government funded)	\$612,777.00
Council funded (Excludes footpaths and drainage)	\$518,185.00

Revenue attached to this expenditure includes:

Roads to Recovery (fully federally funded) (approx)	\$408,161.00
Regional Road Group (2/3 state funded, 1/3 local government funded)	\$ 70,373.00
Commodity route Supplementary Fund (unconfirmed) (2/3 state funded, 1/3 local government funded)	\$408,518.00

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan 2003, Key Results Area 2 Infrastructure, provides the following as one of its aims:

'Maximise the benefit to the community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and buildings infrastructure within the financial resources of the Shire.'

OFFICER COMMENT

The Indicative Road Program provides a review of the financial requirements for the road program in the coming year's budget. This program provides a view of what budgets in the near future may expect to incorporate for the upgrading of roads. It is worth noting that the year five column incorporates year five projects and beyond.

Further to the Council workshop and bus trip, amendments have been made to the draft program (which was provided to Councillors at the workshop on 20 March 2012). The scope of works for Hay River Road has been reduced. Jackson Road has been deferred until 2013/2014 and instead Quindabellup North Road has been brought forward for completion in 2012/2013. Also Third Avenue and Seventh Avenue in Kendenup have been deferred to 2013/2014. Ophir Road and Orient Road have been brought forward to 2012/2013. Red Gum Pass Road has been carried over to 2012/2013 (waiting on clearing permit to be granted from Department of Environment and Conservation) and therefore capacity this financial year has allowed Whitworth Road to be brought forward for completion instead. St Werburghs Road floodway has been brought forward with a reduced scope of work for 2012/2013. Other minor changes have been made to ensure consistent expenditure across the five years of the program.

Major projects listed for consideration in the 2012/2013 financial year include (but are not limited to):

- Lowood Road (kerbing, centre median for planting and asphalt) from the Mount Barker Cooperative 24 Hour fuel station to the Mount Barker Volunteer Fire and Rescue;
- Hay River Road (re-sheet gravel and widen formation) from SLK 0.03 to 8.48;
- Quindabellup North Road (re-sheet gravel and widen formation) from SLK 0.00 to 4.99);
- Narrikup Road (re-sheet gravel and widen formation) from SLK 0.00 to 7.03 (entire length); and
- Beverley Road (widen and reseal with drainage improvements) from SLK 0.00 to 2.18).

It is worth noting that confirmation is yet to be received regarding the outcome of applications for Commodity Route Supplementary Funds. The construction program may change significantly once this outcome is known.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

That the Indicative Road Program for the period 2012/2013 to 2016/2017, as attached, be received, noting that actual road works will depend on future external funding sources including, but not limited to, Roads to Recovery, Blackspot, Regional Road Group, Commodity Route Supplementary Fund and accordingly may not be achievable.

CARRIED (9/0)

NO. 119/12

9.2.5 MONDURUP RESERVE - FORMATION OF CONSULTATIVE GROUP

A Proximity (Section 5.60(B) LGA) Interest was disclosed by Cr K Clements. Nature and extent of interest – Live on property opposite Reserve.

A Proximity (Section 5.60(B) LGA) Interest was disclosed by Cr C Pavlovich. Nature and extent of interest – Neighbour.

4:25pm Cr K Clements and Cr C Pavlovich withdrew from the meeting.

Cr M Skinner assumed the Chair.

File No: N22963
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Megan Beech
Senior Administration/Project Officer Works
and Services
Proposed Meeting Date: 12 June 2012

PURPOSE

The purpose of this report is to recommend the formation of a Mondurup Reserve Consultative Group.

BACKGROUND

The Mondurup Reserve (Reserve 27185) is an 'A' class reserve located on the western boundary of the Mount Barker town site and is approximately 270ha in size. The reserve incorporates Lots 579, 580 and 592 Mondurup Street, Mount Barker. This Crown land is owned by the State of WA, however the Shire of Plantagenet has a management order to ensure the care and control of the reserve. The purpose of the reserve is 'Green Belt'. The Mondurup Reserve also shares a boundary with Main Roads Reserve 35352 and Water Corporation Reserve 24584.

Friends of Mondurup Reserve (FoMR) is a community group which has been established for a number of years. This group comprises members of the public with a keen interest in the preservation of the Mondurup Reserve as bush.

Mr Kevin Collins, representing the FoMR, attended the Council meeting held on 5 July 2011. Mr Collins provided an overview of the FoMR issues including:

- Fire Management Regime;
- Fire Break Tracks and Maintenance;
- Access to the Reserve;
- Reserve Signage;
- Liaison with the Shire;
- Dieback Mapping;
- Flora Surveys;
- Ongoing Weed and Rubbish Removal; and

- Funding and Ongoing Works.

Councillors and staff attended a site visit to the Mondurup Reserve on Tuesday 26 July 2011, further to Mr Collins' presentation at the Council meeting of 5 July 2011.

A letter was received from Mr Collins on 27 July 2011, further to the site visit regarding concerns about the management of the Mondurup Reserve.

Ms Lynn Heppell from the Wilson Inlet Catchment Committee (WICC) was engaged by the Shire in October 2011 to prepare a draft Mondurup Reserve Management Plan (MRMP), with the view to it being noted by the Council prior to any works being carried out in the Reserve. The purpose of the Plan is to create a coordinated approach to fire management, signage, access, conservation and the like.

A component of the draft MRMP was to have a dieback (*phytophthora cinnamomi*) survey carried out on the reserve to provide an important insight into the extent of the disease in this reserve and management recommendations for the future. Ms Heppell engaged a consultant Environmental Scientist from Great Southern Bio Logic early in 2012 to undertake a Phytophthora Dieback Assessment of the Mondurup Reserve. The report was received in April 2012 and includes a number of recommendations for reducing the spread of Phytophthora Dieback disease which is evident in 148ha of the reserve. These results and recommendations were incorporated into the draft MRMP.

STATUTORY ENVIRONMENT

Land Act 1933 – 1963

Management Order – Reserve 27185 placed under control of Shire of Plantagenet for the purpose of 'Green Belt'.

Land Administration Act 1997

S. 46 refers to 'Placing of care, control and management or reserves'

EXTERNAL CONSULTATION

Consultation has occurred with members of the FoMR and the WICC.

A Mondurup Reserve public meeting was held on 30 May 2012. Twenty one members of the public attended and discussed issues and concerns surrounding the reserve. Copies of the draft MRMP were made available to members of the public prior to the meeting.

Some of the concerns raised during the meeting were:

- Balancing of fire management with conservation;
- Access points throughout the reserve;
- Lack of promotional and educational signage;
- Feral animal control;
- Whether the Local Government valued the reserve; and
- Minimising the spread of dieback.

The public also emphasised the flora and fauna values in Mondurup Reserve and the positive benefits these can have on the community. The possibility of the formation of a consultative group, prior to the adoption and implementation of the

MRMP was also raised as an important strategy to help resolve issues such as access points, gates and roads.

FINANCIAL IMPLICATIONS

The formation of a non statutory consultative group will have no specific financial implications for the Council. It is considered that representation on the group will include at least one Councillor and two Council officers.

Currently there is no budget item for costs associated with the management of the Mondurup Reserve. An amount of \$87,000.00 has been listed for consideration in the 2012/2013 annual budget for the purpose of reserve management. This amount incorporates a standard \$25,000.00 for reserve management however an additional \$62,000.00 has been requested for additional hazard reduction measures. Of that \$62,000.00, \$19,000.00 relates to Mondurup Reserve. Specific budget allocations may be considered in future years for ongoing management of the reserve.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan 2003 at Key Result Area 2, Infrastructure notes the following as one of its aims:

'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 2003, at Key Result Area 5, Strategic Planning notes the following as two of its aims:

*'The development of strategic partnerships; and
The fostering of regional cooperation.'*

OFFICER COMMENT

Given its location bordering the Mount Barker town site and many attractions, the Mondurup Reserve has been the subject of much discussion relating to the preservation and well-being of the reserve. Council officers are concerned with ensuring the reserve is maintained to ensure the safety of residents and visitors, while being mindful of other concerns such as flora and fauna, dieback control, illegal activities and the like.

It is worth recognising that the Council has responsibility for the care and control of many reserves throughout the Shire and budgeted funds are often required to be stretched to ensure the preservation and control of each of these reserves.

Priorities do need to be considered and it would appear that some members of the public have placed a particular importance on this reserve given the location, concentration of fauna and flora and multi-use of the reserve.

Ongoing work has been carried out to prepare a draft MRMP with a view to its adoption by the Council. It is considered appropriate that prior to endorsement of the

MRMP, that a consultative group be formed. There was a general consensus of those in attendance at the Public meeting that benefits would be gained by the formation of such a group.

The consultative group will discuss components of the plan such as access, fire management, positioning of gates, appropriate signage to ensure each stakeholder's needs and concerns are considered.

Representation on the group could include:

- Middle Ward Bush Fire Brigade;
- FoMR;
- 1 Councillor; and
- 2 Shire staff.

It is not recommended that a formal committee of the Council be created. Rather the group should be formed to develop a position on components of the MRMP that remain unclear.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. A Mondurup Reserve Consultative Group be formed with a view to discussing items and issues relating to the draft Mondurup Reserve Management Plan, prior to its consideration by the Council.
2. The Group referred to in 1) above be made up of:
 - a) Friends of Mondurup Reserve – 2 members
 - b) Middle Ward Bush Fire Brigade – 2 members
 - c) The Manager Works and Services and the Manager Community Services; and
 - d) Cr (Chair)
3. A further report be presented to the Council at its meeting to be held on 24 July 2012.

COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That

1. A Mondurup Reserve Consultative Group be formed with a view to discussing items and issues relating to the draft Mondurup Reserve Management Plan, prior to its consideration by the Council.
2. The Group referred to in 1) above be made up of:
 - a) Friends of Mondurup Reserve – 2 members;
 - b) Middle Ward Bush Fire Brigade – 2 members;
 - c) The Manager Works and Services and the Manager Community Services;
 - d) Cr Handasyde (Chair);
 - e) Cr Etherington (Deputy); and
 - f) Adjacent landholder – 1 member
3. A further report be presented to the Council at its meeting to be held on 14 August 2012.

CARRIED (7/0)

NO. 120/12

Reason for change

Councillors believed that representation from adjacent landowners was needed and that this group needed time to meet and prepare a report.

4:30pm Cr K Clements and Cr C Pavlovich returned to the meeting.

Cr K Clements assumed the Chair.

9.3 COMMUNITY SERVICES REPORTS

9.3.1 APPOINTMENT OF A BUSH FIRE CONTROL OFFICER

File No: N22983
Responsible Officer: Nicole Selesnew
Manager Community Services
Author: Rayona Evans
Administration Officer
Proposed Meeting Date: 12 June 2012

PURPOSE

The purpose of this report is to appoint Mr Brian Appleby as a Shire of Plantagenet Bush Fire Control Officer for 2012/2013.

BACKGROUND

At the Annual General Meeting of the Kendenup Bush Fire Brigade, held 2 April 2012, there were no delegates willing to accept the role of Captain. The Brigade held a Special Meeting on 4 June 2012 and elected Mr Brian Appleby to the position of Captain and Fire Control Officer.

At its meeting held 22 May 2012, the Council endorsed the Fire Control Officers for 2012/2013. As Mr Appleby had not yet accepted the position of Captain and Fire Control Officer he is yet to be endorsed by the Council.

STATUTORY ENVIRONMENT

Section 38 of the Bush Fires Act 1954 details the appointment and duties of Bush Fire Control Officers.

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

As Captain of the Kendenup Bush Fire Brigade, Mr Appleby is consequently required to carry out the duties of a Fire Control Officer. Mr Appleby will undergo the necessary training and has been an active member of the Kendenup Bush Fire Brigade for a number of years. It is recommended that he be endorsed as a Fire Control Officer for the Kendenup Bush Fire Brigade for 2012/2013.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr C Pavlovich:

That Mr Brian Appleby be appointed as a Fire Control Officer for the Kendenup Bush Fire Brigade for 2012/2013, taking effect from 1 July 2012.

CARRIED (9/0)

NO. 121/12

9.4 CORPORATE SERVICES REPORTS

9.4.1 STRATEGIC COMMUNITY PLAN 2012 – 2022 - ADOPTION

File No:	N22966
Attachments:	Shire of Plantagenet Strategic Plan 2012-2022
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	12 June 2012

PURPOSE

The purpose of this report is to adopt a new Strategic Community Plan for the Shire of Plantagenet and renew the current Plan for the Future until such time as a Corporate Business Plan is adopted.

BACKGROUND

All local governments are currently required to produce a plan for the future under S5.56 (1) of the Local Government Act 1995. Regulations were made under S5.56 (2) of the Act in August 2011 which changed the minimum requirements to achieve this.

Councils have been advised that by 1 July 2013, they will need to deliver the following outcomes as part of the new strategic planning framework:

- A long term strategic plan that clearly links the community's aspirations with the Council's vision and long term strategy.
- A corporate business plan that integrates resourcing plans and specific Council plans with the strategic plan.
- A clearly stated vision for the future viability of the local government area.

The first step in this process was the survey of everyone on the electoral roll who lives in the Shire, conducted in 2011. A total of 694 usable surveys were received from that survey. The results were analysed and a report produced by a consultant.

The Shire received a grant of \$45,000.00 from the Department of Local Government to appoint consultants to assist with the strategic community planning process. CAM Management Solutions (CAMMS) were subsequently engaged.

Staff and councillor workshops were held in 2012 to progress the strategic community plan, using base information and data from the community survey. The Council also authorised the purchase some additional software to assist in embedding this integrated planning philosophy within the organisation.

A public meeting was held in the Council Chambers on 22 May 2012 to consider the draft Strategic Community Plan, to which some feedback was received. The draft Strategic Community Plan was also advertised for public comment in the Albany Advertised and the Plantagenet News.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 5.56 of the Act states:

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.'*

Local Government (Administration) Regulations 1996

Section 19C of the Regulations state:

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) demographic trends.*
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.'*

There were a number of changes to the Regulations in August 2011 to introduce the new strategic planning framework. Transitional provisions apply which provide for the following, among other things:

- Local governments are not required to review a plan for the future under the old regulations on or after 26 August 2011.
- With exceptions, the former Regulations for a Plan for the Future continue to have effect until 30 June 2013.
- Local governments are required to ensure that a Plan for the Future (which satisfies the old Regulations) continues to have effect until 30 June 2013.

Given the new Strategic Community Plan is only one element of the 'Plan for the Future', the other element being the Corporate Business Plan, the Shire needs to re-adopt its current Plan for the Future until a Corporate Business Plan is adopted in order to remain compliant.

EXTERNAL CONSULTATION

Consultation has taken place with representatives of CAMMS, the firm contracted to undertake the strategic community planning consultancy.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

This process will result in a new Strategic Community Plan for the Shire, which will replace the Shire's current 2003 Strategic Plan.

OFFICER COMMENT

The Strategic Community Plan captures a shared vision and community aspirations across the Quadruple Bottom Line (social/cultural, economic, environmental and civic leadership) and links in the key organisation outcomes and strategies to deliver in all areas.

It involves concepts of community leadership, self determination and strengthening, as well as partnering with Council and other government organisations. The Plan has been structured to ensure that supporting plans such as the Corporate Business Plan, other community development plans and planning strategies, Asset Management Plans and the Long Term Financial Plan, are clearly linked.

A methodology was used to develop the Shire of Plantagenet's Strategic Community Plan and Corporate Plan which is aligned to the Department of Local Government's Integrated Planning and Reporting Framework and Guidelines.

The Strategic Community Plan presented represents the culmination of input from the consultants and facilitated staff and councillor workshops. These activities have synthesised current corporate plans and the results of the community survey into a cohesive and representative high level document, aimed at guiding the direction of the Shire over the next ten years.

No feedback has been received to the formal advertising process, however at the public meeting held on 22 May 2012, it was suggested that other major facilities such as the Mount Barker Hospital and associated nursing homes rate a mention. In addition the Pardelup Prison Farm could be included, which provides services to the

community and is believed to have an impact on population movements and demographics, albeit minor. No objections are raised to this and suitable inclusions have been made.

One member of the public noted that the document is aimed at a high level and queried the strategies and activities to support the Plan's outcomes. It was confirmed that the Strategic Community Plan was, by design aimed at high level, long term outcomes and that the detail on how these may be achieved would be contained in the corporate business plan.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr A Budrikis, seconded Cr B Bell:

That:

- 1. The Shire of Plantagenet Strategic Community Plan 2012 – 2022, as attached, be adopted.**
- 2. The current Plan for the Future 1 July 2010 to 30 June 2012, be extended without change to 30 June 2013.**

CARRIED (9/0)

NO. 122/12

Absolute Majority

9.4.2 POLICY REVIEW - PAYMENT OF COUNCILLORS' ATTENDANCE FEES AND ALLOWANCES

File No: N22827

Responsible Officer: John Fathers
Deputy Chief Executive Officer

Author: Donna McDonald
Senior Administration/Human Resources Officer

Proposed Meeting Date: 12 June 2012

PURPOSE

The purpose of this report is to review Council Policy F/FM/10 – Payment of Councillors' Attendance Fees and Allowances.

BACKGROUND

Council Policy F/FM/10 was adopted by the Council at its meeting held on 23 February 2010 and reads as follows:

'OBJECTIVE:

To put in place an equitable system for payment of Councillors' attendance fees and the Shire President's and Deputy Shire President's allowances.

POLICY:

1. *Councillors' annual attendance fees and allowances are to be paid on a pro-rata basis, based on time served in the position.*
2. *Fees and allowances are to be paid monthly in arrears.'*

STATUTORY ENVIRONMENT

The Local Government Act 1995 (section 5.98 to 5.102) and Local Government (Administration) Regulations 30 to 34 legislate the payment of expenses and allowances to elected members.

FINANCIAL IMPLICATIONS

The following attendance fees and allowances are expected to be paid in 2011/2012 and budgeted for 2012/2013.

	2011/2012	2012/2013
Elected Member's Sitting Fees	\$70,000.00	\$70,000.00
Shire President's Allowance	\$ 5,795.00	\$ 5,950.00
Deputy Shire President's Allowance	\$ 1,449.00	\$ 1,488.00
Travelling Allowance	\$ 2,000.00	\$ 5,000.00

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, (New Initiative) 1.4 provides the following:

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

To achieve this we will:

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

OFFICER COMMENT

It is considered that the current policy is sufficient and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That Council Policy F/FM/10 – Payment of Councillors' Attendance Fees and Allowances, as follows:

OBJECTIVE:

To put in place an equitable system for payment of Councillors' attendance fees and the Shire President's and Deputy Shire President's allowances.

POLICY:

- 1. Councillors' annual attendance fees and allowances are to be paid on a pro-rata basis, based on time served in the position.**
- 2. Fees and allowances are to be paid monthly in arrears.'**

be endorsed.

CARRIED (9/0)

NO. 123/12

9.4.3 POLICY REVIEW - TELECOMMUNICATIONS - COUNCILLORS AND STAFF

File No: N22828
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna McDonald
Senior Administration/Human Resources
Officer
Proposed Meeting Date: 12 June 2012

PURPOSE

The purpose of this report is to review Council Policy F/FM/4 – Telecommunications – Councillors and Staff.

BACKGROUND

Council Policy F/FM/4 reads as follows:

'OBJECTIVE:

To ensure that councillors and staff who are required to be contactable twenty-four hours a day are reimbursed adequately for their availability.

POLICY:

Elected Members

- 1. Elected members shall be paid an annual telecommunications allowance of \$1,000.00.*
- 2. The annual allowance is to be paid monthly in arrears.*
- 3. Reimbursement of member expenses in excess of the annual allowance made under this policy are required to be substantiated by the claimant through the production of receipts.*
- 4. The Chief Executive Officer is authorised to reimburse member expenses in excess of the annual allowance in accordance with this policy.*
- 5. That a mobile telephone be supplied to the Shire President by the Council with all related costs to be borne by the Council.*

Staff

- 1. The Council will accept responsibility for the reimbursement of telephone costs as detailed below:*

Works Supervisor: All Service and Equipment Rental Charges
Ranger: All Service and Equipment Rental Charges
 - 2. Rental charges incurred by a designated staff member in relation to one (1) telephone at his or her place of residence shall be reimbursed on submission of receipts.*
-

3. *The Chief Executive Officer may include telephone allowances and / or provision of mobile phones in employment contracts with senior staff.'*

This policy was last reviewed by the Council at its meeting held on 23 February 2010.

STATUTORY ENVIRONMENT

The Local Government Act 1995 (section 5.98 to 5.102) and Local Government (Administration) Regulations 30 to 34 legislate the payment of expenses and allowances to elected members.

FINANCIAL IMPLICATIONS

The following telecommunications and incidental expenses are expected to be incurred in 2011/2012 and budgeted for 2012/2013.

	2011/2012	2012/2013
Telecommunications and Incidental Expenses	\$11,000.00	\$12,500.00

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, (New Initiative) 1.4 provides the following:

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

To achieve this we will:

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

OFFICER COMMENT

It is considered that the current policy is sufficient and should be endorsed, subject to minor formatting changes.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr C Pavlovich:

That Council Policy F/FM/4 – Telecommunications – Councillors and Staff, as follows:

OBJECTIVE:

To ensure that councillors and staff who are required to be contactable 24 hours a day are reimbursed adequately for their availability.

POLICY:**Elected Members**

1. Elected members shall be paid an annual telecommunications allowance of \$1,000.00.
2. The annual allowance is to be paid monthly in arrears.
3. Reimbursement of member expenses in excess of the annual allowance made under this policy are required to be substantiated by the claimant through the production of receipts.
4. The Chief Executive Officer is authorised to reimburse member expenses in excess of the annual allowance in accordance with this policy.
5. That a mobile telephone be supplied to the Shire President by the Council with all related costs to be borne by the Council.

Staff

1. The Council will accept responsibility for the reimbursement of telephone costs as detailed below:
 - a) Works Supervisor: All Service and Equipment Rental Charges
 - b) Ranger: All Service and Equipment Rental Charges
2. Rental charges incurred by a designated staff member in relation to one telephone at his or her place of residence shall be reimbursed on submission of receipts.
3. The Chief Executive Officer may include telephone allowances and / or provision of mobile phones in employment contracts with senior staff.'

be endorsed.

CARRIED (9/0)

NO. 124/12

9.4.4 POLICY REVIEW - COUNCIL OWNED BUILDINGS - CEILING INTERFERENCE

File No: N22823
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna McDonald
Senior Administration/Human Resources Officer
Proposed Meeting Date: 12 June 2012

PURPOSE

The purpose of this report is to review Council Policy A/PA/2 – Council Owned Buildings – Ceiling Interference.

BACKGROUND

Council Policy A/PA/2 reads as follows:

‘OBJECTIVE:

To clarify access restrictions to ceiling and roof spaces in Council owned buildings.

POLICY:

1. *That access to the ceiling / roof space in any of the buildings under the Council’s care and control be restricted to authorised repair contractors and staff only and that any entry by other persons is subject to:
 - a) *The approval by the Chief Executive Officer; and*
 - b) *The parties having appropriate public liability insurance to cover any event, which indemnifies the Council against any claim.**
2. *All necessary documentation relating to the hire or use of Council buildings will be subject to the applicant having necessary public liability insurance to indemnify the Council against any claim from the set up and function, through to the clean up afterwards.’*

This policy was last reviewed by the Council at its meeting held on 24 February 2009.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

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, (New Initiative) 1.4 provides the following:

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

To achieve this we will:

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

OFFICER COMMENT

It is considered that the current policy is sufficient and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr A Budrikis:

That Council Policy A/PA/2 – Council Owned Buildings – Ceiling Interference, as follows:

OBJECTIVE:

To clarify access restrictions to ceiling and roof spaces in Council owned buildings.

POLICY:

1. That access to the ceiling / roof space in any of the buildings under the Council's care and control be restricted to authorised repair contractors and staff only and that any entry by other persons is subject to:
 - a) The approval by the Chief Executive Officer; and
 - b) The parties having appropriate public liability insurance to cover any event, which indemnifies the Council against any claim.
2. All necessary documentation relating to the hire or use of Council buildings will be subject to the applicant having necessary public liability insurance to indemnify the Council against any claim from the set up and function, through to the clean up afterwards.'

be endorsed.

CARRIED (9/0)

NO. 125/12

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 ELECTED MEMBER TRAINING - WORKSHOP ATTENDANCE – SUSTAINABLE ASSET MANAGEMENT

File No:	N22986
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Linda Sounness Executive Secretary
Proposed Meeting Date:	12 June 2012

PURPOSE

The purpose of this report is to recommend the attendance by Councillor Andrus Budrikis at a workshop being conducted by Western Australian Local Government Association (WALGA) titled 'Sustainable Asset Management' on 19 June 2012.

BACKGROUND

Topics covered within the Sustainable Asset Management workshop include: annual budgeting, budgeting constraints, long term financial planning, risk analysis, asset management plans, stewardship, community affordability and sustainable services.

Learning outcomes for participants include:

- Identify the risks associated with the management of infrastructure assets;
- Understand the life cycle of infrastructure asset;
- Identify the revenue gap; and
- Develop a plan for financial sustainability.

FINANCIAL IMPLICATIONS

This full day workshop will be held in the WALGA Boardroom. The cost of the workshop is \$395.00 and Councillor Budrikis has indicated that there will be no requirement for any additional travel, accommodation or meal costs.

Council Governance Budget Item 20026.0029 (Conferences, Training and Accommodation) allocation is \$20,000.00 for 2011/2012 with 81 percent (\$16,252.00) committed to date.

POLICY IMPLICATIONS

Council Policy CE/CS/1 applies. This policy notes that elected members shall receive reimbursement of expenses while attending 'Conferences and Training Sessions specifically authorised by the Council.'

STRATEGIC IMPLICATIONS

The proposal put forward in the report is in line with the Council's Strategic intent.

The Council's Strategic Community Plan (2012-2022) provides at Outcome 4.1 (Effective Governance and Leadership) '*that the Council will provide leadership for the community in sustainability issues*'. Further, in Outcome 4.1, '*the Council will*

strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role.'

OFFICER COMMENT

The program overview summarises areas that relate to elected members. *'Sustainable Asset Management has three key messages to assist elected members in understanding asset management issues and improving asset management capacity within their organisations. The three key messages are understanding your stewardship responsibilities, knowing what your community can afford and the need to move from annual budgeting to long term planning.'*

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr L Handasyde:

That Cr Budrikis be authorised to attend the WA Local Government Association 'Sustainable Asset Management' workshop to be held on 19 June 2012 and the expenses be met in accordance with Council Policy No. CE/CS/1 and charged to budget item 20026.0029 (Conferences, Training & Accommodation).

CARRIED (9/0)

NO. 126/12

9.5.2 KENDENUP COMMUNITY RECREATION CENTRE - PUBLIC MEETING

File No: N22994

Attachments: [Letter - Kendenup Tennis Club](#)
[Letter - Kendenup Community Grounds Committee](#)
[Letter - Kendenup Community Grounds Committee](#)
[2](#)
[Letter - Kendenup Bushland Management Group](#)
[Letter - David Burcham](#)
[Letter – Kendenup Country Club](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Rob Stewart
Chief Executive Officer

Proposed Meeting Date: 12 June 2012

PURPOSE

The purpose of this report is to recommend to the Council that a public meeting be held in Kendenup on 2 July 2012 in order that Councillors may make their own assessment relating to public support for the construction of a Community Centre on portion of Council property known as the Agricultural Grounds (Lot 16).

BACKGROUND

At its meeting held on 1 May 2012 the Council resolved:

‘That:

- 1. The Draft Memorandum of Understanding between the Kendenup Community Recreation Centre (KCRC) and the Shire for the purpose of recognising the wish of the KCRC to lease land from the Council for the purpose of constructing a community facility be endorsed for further negotiations with the KCRC.*
- 2. Notwithstanding the above in part 1, the Council records that its primary interest/intent is the redevelopment of Sounness Park.’*

Since then a meeting has been held with representatives of the Kendenup Community Recreation Centre (KCRC) so that a report may be brought back before the Council regarding the Memorandum of Understanding.

Since then the Council has received letters from Mr David Burcham, Ms Val Siggers (Chairperson Kendenup Bushland Management Group), Matthew Power President of the Kendenup Community Grounds Committee, Cindy North President of the Kendenup Tennis Club and David Burcham President of the Kendenup Country Club.

STATUTORY ENVIRONMENT

Although Section 5.28 of the Local Government Act 1995 provides for Special Meetings of Electors, it is not proposed that this meeting be of the statutory kind.

EXTERNAL CONSULTATION

There has been significant community consultation with regard to the possible development of a Community Centre in Kendenup. There has also been significant discussion by the Council. The KCRC has undertaken consultation and has also prepared a feasibility study. This feasibility study was presented at a Council workshop held on 28 February 2012.

FINANCIAL IMPLICATIONS

The only financial implication regarding the subject of this report is hall hire costs (\$12.50).

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

Should a new structure be built on Council land it will effectively become the property of the Council and thereby create asset management implications. Such matters have been discussed at some length by the Council and is not the subject of this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan (2012/2022) notes at Outcome 1.5 *'The maintenance and improvement of sporting and recreation facilities in the district based on catchment needs.'* Outcome 1.7 also relates to the *'provision and encouragement, cultural, arts and learning opportunities that contribute to vibrancy and diversity in the community.'*

OFFICER COMMENT

The issues raised in the letters received regarding the provision of a Community Recreation Centre in Kendenup create some concerns. Following are some comments taken from the various letters.

'There has been very little openness or transparency shown by this group (KCRC).'

'...all bushland on the community grounds must be preserved.'

'...money could have been better spent on greening the oval or some repairs to the town hall.'

'... we want our bushland to remain protected from unwelcome development.'

'We therefore oppose this lease on environmental grounds.'

'The feasibility study needs to demonstrate the effectiveness of public consultation and a consensus.'

'The Kendenup Agricultural Grounds are the site of much public interest and could be improved with an upgrade to the ablutions and fencing.'

'The Council would be well placed to defer the issuing of any such lease until such time as there is a public consensus as to any development.'

'(We are) extremely concerned that a body (KCRC) that is not represented by any of the current user groups of the community grounds, has been granted an MOU for the potential use of the site, ...'

Further, the Kendenup Tennis Club has undertaken a survey with questions such as *'Would you like to see new facilities (clubrooms, toilets, playgroup, bar facilities, possible new sporting courts etc) built close to the tennis courts?'*

Responses to this question were yes – 4, no – 26.

The foregoing are only a very brief responses taken from the letters that the Council has received. To assist Councillors in their deliberations all letters have been attached to this report.

Given the strong response from the community at Kendenup to the Council's proposal to consider a Memorandum of Understanding with the KCRC, it is believed that there is a strong need for a public meeting to be chaired by the Shire President.

The date of 2 July 2012 commencing at 6.00pm at the Kendenup Hall has been suggested as a day that appears not to clash with other meetings.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. A Public Meeting be held at the Kendenup Hall, Kendenup on 2 July 2012 commencing at 6.00pm.
2. The purpose of the meeting referred to above shall be to discuss the Council's resolution of 1 May 2012 resolving to further negotiate with the Kendenup Community Recreation Centre the possible leasing of portion of the Agricultural Grounds to that group for the construction of a community facility.
3. Local Public Notice of the meeting be given.

COUNCIL DECISION

Moved Cr S Etherington, seconded Cr A Budrikis:

That:

1. A Public Meeting be held at the Kendenup Hall, Kendenup on 2 July 2012 commencing at 7.00pm.
2. The purpose of the meeting referred to above shall be to discuss the Council's resolution of 1 May 2012 resolving to further negotiate with the Kendenup Community Recreation Centre the possible leasing of portion of the Agricultural Grounds to that group for the construction of a community facility.
3. Local Public Notice of the meeting be given.

CARRIED (9/0)

NO. 127/12

Reason for Change

Councillors believed that 7.00pm was a more appropriate time to hold the meeting.

9.5.3 LOT 337 MARTIN STREET - EXCISION AND SALE OF WATER CORPORATION PUMP STATION

An Interest (Section 5.70 LGA) was disclosed by CEO Mr Rob Stewart. Nature and extent of interest – Mr Stewart advised that he was the author of the report and resided adjacent to the subject Lot.

File No: N22949
Attachments: [Lot 337 Martin Street - Site Plan](#)
[Lot 337 Martin Street - Concept Plan](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 12 June 2012

PURPOSE

The purpose of this report is to recommend to the Council that an offer from the Water Corporation to purchase the north east portion of Lot 337 Martin Street Mount Barker be accepted.

BACKGROUND

The subject land is owned by the Shire of Plantagenet and is shown on the attached Plan.

The site contains the Water Corporation's Mount Barker Waste Water Pumping Station No. 3 and is approximately 600 square metres in area.

The whole of the subject land is zoned Residential (R 5) under the Shire of Plantagenet Town Planning Scheme No. 3 (TPS 3) and two dwellings are situated there.

In March 1999 the Council resolved to proceed with the subdivision of the land to effect the purpose and the concept plan is attached.

Following this a business Plan was prepared and advertised in 2010-2011. The advertising closed on 18 February 2011. The plan was noted by the Council on 1 March 2011. The subdivision did not proceed as funds were not allocated in the Council's budget. The subdivision has now expired.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act 1995 refers to the disposition of property by a Local Government.

Further, the Local Government (Functions and General) Regulations 1996 provide that a disposition of land by a Local Government is an exempt disposition if it is being disposed of to a department, agency or instrumentality of the Crown in right of the State or Commonwealth.

This disposal is therefore an exempt disposal and no advertising/consultation is required.

At its meeting held on 17 December 2002, it was resolved:

'That the offer of \$6 000 from the Water Corporation for the portion of Lot 337 Martin Street containing the Water Corporation's Mount Barker Wastewater Pumping Station No.3, being approximately 600m² in area, be refused, and a counter offer of \$7 500 be made subject to:

(1) The pump station site being fenced along the boundary of the resultant lot by Water Corporation or its agent.

(2) The Shire of Plantagenet to undertake survey work concurrent with the subdivision of the balance of Lot 337, with associated statutory Western Australian Planning Commission and Department of Land Administration fees being paid by Water Corporation.'

EXTERNAL CONSULTATION

There has been no external consultation regarding this matter except with the potential purchasers, being the Water Corporation.

FINANCIAL IMPLICATIONS

An amount of \$7,500.00 has been offered for the land.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

The proposal to sell a small portion of this land will simply formalise the existing infrastructure.

STRATEGIC IMPLICATIONS

The Council's Strategic Community Plan (2012-2022) provides that the Council at Outcome 3.5 will *'Advocate for improved provision of utility services across the region'* and at Outcome 2.10 will *'Support the development of sustainable potable water infrastructure and promote effective water management practices.'*

OFFICER COMMENT

This matter has taken more than 10 years to resolve.

At the request of the administration a current valuation was requested from the Water Corporation. That valuation showed a lesser amount than the 2002 figure (now \$5,880.00) and the Water Corporation now indicates that \$7,500.00 would be an acceptable price.

It is recommended that the sale be proceeded with subject to the site being fenced and other statutory costs being met by the Water Corporation.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr S Etherington:

That the offer of \$7,500.00 from the Water Corporation for that portion of Lot 337 Martin Street containing the Water Corporation's Mount Barker Waste Water Pumping Station No. 3, being approximately 600 square metres in area and as shown on the attached plan be accepted subject to:

1. The site being fenced along the boundary of the resultant Lot by the Water Corporation.
2. All statutory and administrative fees associated with the subdivision and the transfer of the land being met by the Water Corporation.

CARRIED (9/0)

NO. 128/12

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**10.1 TAXI PARKING ZONE**

Moved Cr B Bell, seconded Cr M Skinner:

That the parking area designated for a taxi opposite the post office be changed to a five minute parking zone for general parking.

CARRIED (9/0)

NO. 129/12

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

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That new business of an urgent nature, namely:

Conference Attendance – Councillor B Bell – Australian Livestock Markets Association Inc AGM and Conference.

CARRIED (9/0)

NO. 130/12

11.1 CONFERENCE ATTENDANCE - COUNCILLOR B BELL - AUSTRALIAN LIVESTOCK MARKETS ASSOCIATION INC AGM AND CONFERENCE

File No: N23118
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 12 June 2012

PURPOSE

The purpose of this report is to seek authority for Councillor Brett Bell, to attend the 2012 Australian Livestock Markets Association Inc (ALMA) Annual General Meeting (AGM) and Conference.

BACKGROUND

The 2012 ALMA Inc AGM and Conference are to be held in Bowral NSW on 25 and 26 July 2012. The Saleyards Manager, Stewart Smith has also registered his interest to attend, which has been authorised by the Chief Executive Officer.

At its meeting held on 12 June 2012, the Great Southern Regional Cattle Saleyards Advisory Committee resolved that it be a recommendation to the Council:

‘That Cr Brett Bell and the Saleyards Manager, Stewart Smith be authorised to attend the Australian Livestock Markets Association Inc AGM and Conference to be held in Bowral from 25 to 26 July 2012.’

FINANCIAL IMPLICATIONS

The registration for the conference is \$550.00 and accommodation for five nights will be \$895.00. Air fares to and from Sydney will be approximately \$496.00 plus hire car or train fares to and from Bowral (approximately \$150.00).

POLICY IMPLICATIONS

Council Policy No. CE/CS/1 applies. This policy notes that elected members shall receive reimbursement of expenses while attending ‘Conferences and Training Sessions specifically authorised by the Council.’

OFFICER COMMENT

The annual ALMA Conference is a key event on the livestock industry calendar. It provides a forum for the livestock industry across the nation to share ideas, knowledge and information.

The Conference includes an Industry Tour of the Moss Vale Southern Regional Livestock Exchange (SRLE) which is celebrating its 60th anniversary. *‘Delegates will have an opportunity to view the newly erected roofing enclosure covering the SRLE at a cost of \$4.9 million.’*

Presentations during the Conference will also include:

- Welcome and update from the Chair of Australian Livestock Markets Association – Mr James Stinston, Chairman of ALMA
- Saleyards Outlook – Council Perspective – Mr Peter Bowmer, Wingecarribee Shire Council.
- Outlook for Australia’s Beef and Lamb Markets – Mr Tim McRae, MLA
- Saleyards Managers Report – Mr James Thompson, President of Saleyard Manager’s of Australia.
- Project Experience put to Practice GHD Engineers – Mr Dean Parker Wollongong Manager GHD
- WHS Issues Skillvance – Mr Mal Brumfield, Skillvance
- Update from Livestock Exchange Products and Services – Anna Speer Livestock Exchange.
- Australian Livestock and Rural Transporters Association – Mr John Beer national President.
- OH&S and Animal Welfare – Mr Andy Madigan ALPA
- Saleyards Business Development – Mr Anthony Guinness, Agrivest
- Animal Welfare – Dr Peter Wright – RSPCA President

- Sheep and Goat Identification System – Mr Stuart McLean Vic Sheep and Goat Identification Advisory Committee Chairman

This will not only be a good conference, but the intention is for attendees to visit other saleyards, which has, in the past, been very beneficial.

Attendance by Councillor Bell is recommended.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That:

1. **Councillor Brett Bell be authorised to attend the Australian Livestock Markets Association Inc AGM and Conference to be held in Bowral from 25 to 26 July 2012.**
2. **The expenditure be charged to Budget Item Governance – Members of Council: Conferences, Training and Accommodation – 20026.0029.**

CARRIED (9/0)

NO. 131/12

12 CONFIDENTIAL

13 CLOSURE OF MEETING

5:03pm The Presiding Member declared the meeting closed.

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