



## ORDINARY MINUTES

**DATE:** Tuesday, 29 January 2013

**TIME:** 3:00pm

**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

3:00pm The Presiding Member declared the meeting open.

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

### Members Present:

|                  |  |
|------------------|--|
| Cr K Clements    | Shire President  |
| Cr M Skinner     | Deputy Shire President   |
| Cr B Bell        | Councillor (Left the Chambers at 3:17pm, returned 3:19pm)  |
| Cr A Budrikis    | Councillor (Left the Chambers at 3:24pm, returned 3:27pm) (Left the Chambers at 3:38pm, returned 3:51pm) |
| Cr S Etherington | Councillor   |
| Cr L Handasyde   | Councillor   |
| Cr G Messmer     | Councillor (Left the Chambers at 3:24pm, returned 3:27pm)  |
| Cr J Moir        | Councillor   |
| Cr C Pavlovich   | Councillor (Left the Chambers at 3:24pm, returned 3:27pm)  |

### 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 five 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, staff and members of the public present in the Council Chambers.

Mr Stewart then read aloud the following disclaimer:

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

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

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

### **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**

#### **4.1 MR DAVID WILLIAMSON – KENDENUP COMMUNITY DEVELOPMENT ASSOCIATION (KCDA) – BUSHLAND PLAYGROUND AND PICNIC AREA KENDENUP**

We appreciate this opportunity to speak in support of the Agenda Item 9.3.1 which asks the Council to endorse the concept plan for the public recreation area at Kendenup. More specifically, we ask for your endorsement of the bushland playground site plan in the rail corridor leased by the Shire of Plantagenet which is adjacent to Hassell Avenue in Kendenup. We acknowledge and appreciate the work Nicole Selesnew has put into the development and support the recommendations before you.

The desire for an outdoor recreation area, which is focused on use by children and families in particular, has been discussed by the community for a long time. Action plans by the community began in earnest at the end of 2006 with ideas including a skate park, children's adventure playground, picnic tables and seats, and a walking track. The opportunity to include a half-court basketball-netball court was encouraged by Councillor Ken Clements. This was added to the precinct site plan, and has already been supported by the Council. We are patiently waiting for the results of two grant applications.

In March 2008 a community meeting, attended by over 70 people (including some councillors), was held in Kendenup to establish community priorities for development. Using a voting process, those present gave highest priority to a community recreation centre, pathways to the school and Agricultural Grounds, a Skate Park, and public playgrounds. The Shire was given a copy of the report from that meeting. These needs were included by Gerard Healy in his Plan which the Council endorsed in October 2008. The Skate Park was opened in April 2011 and pathways completed the same year (at \$30,000.00 under budget). Both these developments have been constructed with virtually no extra cost to the Shire as funding was provided by grants to the Shire and the Kendenup Community Development Association, and by the substantial in-kind support from the Kendenup Community (at a value exceeding \$34,000.00). The other high priority item was mobile phone coverage. In collaboration with a sub-committee of the KCDA, an entrance statement was designed by the community and constructed by the Shire last financial year.

Our primary interest today is to encourage you to endorse the bushland playground development which has attracted a lot of interest in the community since it was proposed over six years ago. Recently, there have been numerous offers of components required - logs, tyres, timber, materials like gravel and sand, cartage, labour, etc. A significant contribution has been a grant of \$2,500.00 in 2012 from the Bendigo Bank in response to our application for assistance. This provides funds for the purchase of items such as slides, and timber finish. As materials have become available, such as climbing logs, stepping logs, a hollow tree stump, etc, they have been placed on site. Materials for the picnic tables and seats have been available for over nine months. All the wood has been milled and generously donated by a local farmer and a local truckie transported the timber to the site. Discussion with the Pardelup Prison Farm saw them arranging teams for two days to erect the tables and seats in November last year. A business in Albany gave us a discounted price on high quality polymer timber stain and finish (not decking oil) which has been used to treat the timber and provide a hard wearing, UV resistant, long lasting surface free from splinters.

We have been working with Tracy Blaszkow of Kids Safe WA for over 12 months gaining ideas, and checking on safety factors, with the understanding that KidsSafe is the authority for design and safety factors. Tracy has been especially helpful with types of bushland play structures, sources of materials, dimensions of structures and areas of softfall etc. and associated safety requirements. We are fully aware of the safety factors, and understand that KidsSafe has to approve the playground equipment prior to its use.

For the record, Val Sagers, the chair of the KCDA and the primary advocate for the bushland playground, has a Masters in Special Education and has specialised in, and researched, nature playgrounds for over 30 years including in places such as Germany and Scotland where radical ideas developed in the sixties and seventies regarding using the materials that were available on-hand to create some amazing playgrounds for kids, especially in the poorer socio economic areas in Scotland and England. She is an advocate for using the natural environment and extending kids learning through the play-way approach. We have used this expertise for the benefit of the Kendenup children. The Council should acknowledge that we are

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privileged to have someone with this expertise working on the development of the Kendenup Playground in collaboration with Tracy Blaszkow, and all at no consultation cost to the Plantagenet Community.

Val's experience has also involved the design and establishment of a large-scale sensory garden at Landsdale Farm School in Landsdale (now known as Darch) near Wanneroo. It is set up as a resource centre primarily for kids with Special Needs but open to the wider community. Thousands of children, carers, teachers etc. visit this daily and discover the joys of the adventurous garden which hold surprises in every corner such as cubbies, animals, birds, gnomes, smelly herbs, edible bush tucker and the traditional fruits and vegies. Val was involved with John Caldwell in a production by 'Gardening Australia' which was filmed the sensory garden in the 1980's. Val also created similar challenges to aid learning in Jigalong Remote Community as she was working with junior kids who spoke mostly Mardu. She was interviewed by various national media journalists and film crews as it was the time when the 'Rabbit Proof Fence' premier was first shown there. Val is both experienced and responsible but very keen to get something appropriate and safe for the young kids to play on before boredom creates mischief. What was radical in the 60's and 70's is now state of the art. You may remember that Val Saggars was the Premier's Australia Day Active Citizen for 2012.

We presume that, at your briefing session this morning, you will have made up your mind about this development activity. If you have doubts, we hope this presentation encourages your approval of the recommendations. We made a presentation about the development to the Bendigo Bank AGM last November in appreciation of their support. We look forward to your support. We have a good record of working in meaningful collaboration with Dominic Le Cerf, the Manager of Works and Services. Though not in the recommendations, we will keep Nicole Selesnew, the Manager of Community Services, informed regularly of progress with the playground and picnic tables and seats.

#### **4.2 NICK AYTON – TOWN PLANNING SCHEME NO. 3 – AMENDMENT 58 – LOT 4853 PORONGURUP ROAD, PORONGURUP.**

Mr Ayton spoke on behalf of E and M Harma in support of the Officer's recommendation - Agenda Item 9.1.8.

### **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

#### Cr B Bell

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest was disclosed in Item 9.1.1. Nature of interest – Financial.

#### Cr A Budrikis

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) Interest was disclosed in Item 9.1.5. Nature of interest – Have expressed

interest in tendering on the project in my role as General Manager Imagin Group Pty Ltd.

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA), Proximity (Section 5.60 (B) LGA) and Closely Associated Person (Section 5.62 LGA) Interest was disclosed in Item 9.1.9. Nature of interest – Relative of owner of land in near proximity to the proposed Rail Heritage Centre.

Cr G Messmer

A Closely Associated Person (Section 5.62LGA) Interest was disclosed in Item 9.1.5. Nature of interest – wife on Board of PVH.

Cr C Pavlovich

A Proximity (Section 5.60 (B) LGA) Interest was disclosed in Item 9.1.5. Nature of interest – Proximity interest, immediate family adjacent.

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

Section 5.25 Local Government Act 1995

Nil

## **7 CONFIRMATION OF MINUTES**

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

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 11 December 2012 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (9/0)**

**NO. 1/13**

**Moved Cr G Messmer, seconded Cr C Pavlovich:**

**That the Minutes of the Special Meeting of the Shire of Plantagenet, held on 18 December 2012 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (9/0)**

**NO. 2/13**

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Shire President distributed notes separately.

Cr M Skinner advised Councillors that a function to celebrate the 75<sup>th</sup> anniversary of the Saleyards would be held on Wednesday 20 February 2013 at 1pm.

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

**That a letter of thanks be sent to the Manager and Staff of the Saleyards for their excellent efforts to provide three cattle sales per week during the month of January.**

**CARRIED (9/0)**

**NO. 3/13**

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 DEVELOPMENT SERVICES REPORTS

#### 9.1.1 TOWN PLANNING SCHEME POLICY NO. 21 - WATER EFFICIENCY IN RESIDENTIAL DEVELOPMENT (INCORPORATING RAINWATER TANKS, GREYWATER REUSE AND WATER EFFICIENCY PRACTICES) - SUBMISSIONS RECEIVED

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr B Bell. Nature and extent of interest – Financial.

3:17pm Cr B Bell withdrew from the meeting.

**File No:** N25017  
**Attachments:** [Schedule of Modifications](#)  
[Summary of Submissions](#)  
[Final Policy](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Peter Duncan  
Manager Development Services  
**Proposed Meeting Date:** 29 January 2013

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### PURPOSE

The purpose of this report is to consider submissions received on Draft Town Planning Scheme (TPS) Policy No. 21 Water Efficiency in Residential Development (Incorporating Rainwater Tanks, Greywater Reuse and Water Efficiency Practices).

### BACKGROUND

The Manager Development Services has been involved in a Great Southern Water Plan Reference Group coordinated by the Department of Water (DOW) for some time. The Water Plan document is to be released shortly by the DOW. As part of the work, water efficiency has been recognised as a very important component of water planning in this region.

The Shires of Denmark and Jerramungup have adopted policies in 2010 and 2012 respectively in respect to rainwater tanks.

The Council, at its meeting held on 27 November 2012 in respect to this draft policy resolved:

*'That:*

1. *Draft Town Planning Scheme Policy No. 21 – Water Efficiency in Residential Development (Incorporating Rainwater Tanks, Greywater Reuse and Water*
-

*Efficiency Practices) be advertised in accordance with Clause 7.6.2 (a) of Town Planning Scheme No. 3 for a period of 21 days.*

2. *At the conclusion of the advertising period a further report be prepared for consideration of the Council no later than its meeting to be held in February 2013.'*

Councillors were provided a copy of the Draft TPS Policy No. 21 with the 27 November 2012 agenda.

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.6 'Power to Make Policies' which reads:

### *'7.6 POWER TO MAKE POLICIES*

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

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

- (a) the Council, having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council;
- (b) the Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy;
- (c) *Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.*

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

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

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

### **EXTERNAL CONSULTATION**

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

The draft policy was advertised as required and at the close of the advertising period on 7 January 2013 three submissions had been received (Summary of Submissions attached).

### **FINANCIAL IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

This is a new Town Planning Scheme Policy.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012 – 2022 provides at Outcome 2.8 (Awareness of and appropriate response to effects of climate variation) the following strategies:

*'Strategy 2.8.1 – Support community education and promotion of energy and water efficiency.'*

*'Strategy 2.8.4 – Consider climate variability in planning matters to minimise impact on the natural environment.'*

Further, the Strategic Community Plan 2012 – 2022 provides at Outcome 2.10 (Efficient use and management of water resources) the following strategies:

*'Strategy 2.10.1 – Support and development of sustainable potable water infrastructure.'*

*'Strategy 2.10.2 – Investigate waste water re-use.'*

*'Strategy 2.10.3 – Promote effective water management practices.'*

### **OFFICER COMMENT**

The draft TPS Policy No. 21 has been partially based on earlier documents produced in the Shires of Denmark and Jerramungup. It includes not only the requirement to provide rainwater tanks on all new residential developments, but it also encourages greywater reuse systems and water efficiency practices.

Government agencies such as the Department of Health (DOH) have produced fact sheets on the use of rainwater tanks and greywater systems. The DOH also has a Code of Practice on the use of greywater systems.

The most important part of this draft TPS Policy No. 21 is that it allows for the Water Corporation reticulated water supply to be plumbed into the water tank (with appropriate safeguards such as an approved backflow prevention device). This will provide the house with the ability to utilise rainwater first, with the Water Corporation reticulated water supply being used as a top up resource in dryer months. This is a practice approved by the DOH but is not widely known.

The draft TPS Policy No. 21 encourages the use of water efficient equipment and practices and emphasises how hygiene is an important practice when using rainwater tanks and greywater systems.

Some changes to the draft policy are necessary resulting from the advertising process particularly to respond to the DOH submission and a minor change in response to the Water Corporation submission. A Schedule of Modifications is attached along with the policy with the modifications carried out.

#### **VOTING REQUIREMENTS**

Simple Majority

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

**Moved Cr S Etherington, seconded Cr J Moir:**

**That Town Planning Scheme Policy No. 21 - Water Efficiency in Residential Development (Incorporating Rainwater Tanks, Greywater Reuse and Water Efficiency Practices), be adopted with amendments as specified in the Schedule of Modifications in accordance with Clause 7.6 of the Shire of Plantagenet Town Planning Scheme No. 3.**

**CARRIED (8/0)**

**NO. 4/13**

3:19pm Cr B Bell returned to the meeting.

**9.1.2 LOT 8 HAESE STREET, MOUNT BARKER - OUTBUILDING EXCEEDING CUMULATIVE FLOOR AREA FOR RESIDENTIAL ZONE**

**File No:** N25146

**Attachments:** [Location Plan](#)  
[Site Plan](#)  
[Floor Plan and Elevations](#)  
[Letter from Proponent](#)

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

**Author:** Peter Duncan  
Manager Development Services

**Proposed Meeting Date:** 29 January 2013

**Applicant:** E A Ibrahim

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**PURPOSE**

The purpose of this report is to consider a proposal for an additional outbuilding at Lot 8 Haese Street, Mount Barker. This outbuilding combined with the three existing outbuildings means the cumulative floor area set by Council policy is exceeded.

**BACKGROUND**

Council records show the registered owner of Lot 8 is EA Ibrahim.

This proposal is for an additional outbuilding of 84m<sup>2</sup> (12m x 7m) with a wall height of 3.2m. Three other existing outbuildings have a cumulative floor area of 78m<sup>2</sup>. The cumulative floor area of 162m<sup>2</sup> exceeds the 80m<sup>2</sup> 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 total floor area of 80m<sup>2</sup> for outbuildings in Residential zones.

The proponent has submitted a letter (copy attached) explaining the request to construct an additional outbuilding. The reasons given were for the purpose of gym and fitness space and pool table for private use by the proponent and family. The existing outbuildings are used as a garage, carport for two cars and for storage of garden tools.

**STATUTORY ENVIRONMENT**

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Residential (R12.5/20).

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*

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*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 9 Haese Street to the north and Lot 7 Haese Street to the south. Lot 285 Oatlands Road to the east is own by the Council and is currently zoned Recreation Local Scheme Reserve.

## **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 80m<sup>2</sup> for Residential zones. The cumulative floor area of all outbuildings on site including the new outbuilding will total 162m<sup>2</sup>. The wall height of the proposed outbuilding is 3.2m. 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 8 Haese Street is 2,343m<sup>2</sup> in area and is zoned Residential (R12.5/20). The proposed outbuilding is setback 1.5m from the southern boundary and a minimum of 1.5m from the eastern boundary. The proposed outbuilding meets the setback requirements of the RCodes.

The proposed outbuilding will be 84m<sup>2</sup> (12m x 7m) in area with a 3.2m wall height. The roof and external walls will be cream in colour.

An existing gate at the rear of Lot 8 provides access to the Council owned Lot 285 Oatlands Road to the east will need to be removed as part of this approval. No access will be allowed over the Council owned Lot 285 Oatlands Road.

No difficulties are seen with the maximum cumulative floor area of outbuildings being 162m<sup>2</sup> and the wall height of 3.2m given the size of the lot being 2,343m<sup>2</sup>.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That in accordance with Clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the proposed outbuilding at Lot 8 Haese Street, Mount Barker be approved which will mean a cumulative area of all outbuildings being 162m<sup>2</sup> and a wall height for this outbuilding of 3.2m which is in excess of the 80m<sup>2</sup> and 3.0m wall height stated in Town Planning Scheme Policy 16.1 (Outbuildings), subject to:**

- 1. The development being in accordance with plans dated 21 December 2012 and 10 January 2013.**
- 2. No access being gained to or from Lot 8 Haese Street, Mount Barker over Lot 285 Oatlands Road, Mount Barker to the east and the existing gate on the common boundary with Lot 285 being removed and the fence made good at the applicants' expense.**

**CARRIED (9/0)**

**NO. 5/13**

**9.1.3 LOT 139 JUTLAND ROAD, KENDENUP - PARK HOME ON RURAL LOT**

|                               |   |
|-------------------------------|---|
| <b>File No:</b>               | <b>N25047</b>   |
| <b>Attachments:</b>           | <a href="#">Location Plan</a><br><a href="#">Site Plan</a><br><a href="#">Photographs</a> |
| <b>Responsible Officer:</b>   | <b>Rob Stewart</b><br><b>Chief Executive Officer</b>                                      |
| <b>Author:</b>                | <b>Peter Duncan</b><br><b>Manager Development Services</b>                                |
| <b>Proposed Meeting Date:</b> | <b>29 January 2013</b>  |
| <b>Applicant:</b>             | <b>VM Taylor (Fisher)</b>   |

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**PURPOSE**

The purpose of this report is to consider an application for retrospective approval for a relocated park home and annexe at Lot 139 Jutland Road, corner Jellicoe Road, Kendenup.

**BACKGROUND**

Shire records show the owners to be VM and DR Fisher.

The park home has already been located onto Lot 139 Jutland Road. It is located approximately 180m from Jutland Road. Lot 139 Jutland Road is 18.2 ha in area.

A crossover onto Jutland Road does not meet Council standards.

A building licence for an outbuilding on Lot 139 Jutland Road was issued in 2007 and that outbuilding has been constructed.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005.

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

**FINANCIAL IMPLICATIONS**

The retrospective planning application fee of \$278.00 has been paid.

A \$10,000.00 bond will be required as a condition of approval prior to the issue of a building permit.

**POLICY IMPLICATIONS**

Shire of Plantagenet Policy TP/SDCC/5 – Housing – Relocation of Houses – requires various conditions to be satisfied including a bond, engineer's certification and a 12 month approval period. The bond is required to ensure the house is completed to an acceptable standard. The bond is refundable upon completion of the house.

Shire of Plantagenet Policy I/R/13 – Vehicle Crossovers.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012 – 2022 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protect local heritage) the following Strategy:

*‘Strategy 2.2.2 – Ensure quality, consistent and responsive development and building assessment approval processes and enforcement.’*

Further, the Strategic Community Plan 2012 – 2022 provides at Outcome 3.6 (Sustainable population growth) the following strategies:

*‘Strategy 3.6.2 – Investigate and promote housing development.’*

*‘Strategy 3.6.3 – Encourage variety in land use and housing to promote a diverse population and stronger community.’*

### **OFFICER COMMENT**

Council Policy TP/SDCC/5 states at point 3:

*‘The relocation of houses referred to as ‘park homes’ will not be supported by the Council unless they are to be in an authorised caravan park.’* Although the policy is setting standards for relocated houses in Mount Barker and the rural villages, it states that such development outside of the villages will be at the discretion of the Council.

Lot 139 Jutland Road is zoned Rural and is about 1.7km south of the Kendenup townsite boundary. The lot is 18.2ha and the park home is currently located some 180m from Jutland Road and some 200m from Jellicoe Road.

The park home proposal includes a solid annexe which is to be erected. This annexe will require the issue of a building permit prior to it being erected.

The first of the photographs attached makes reference to the park home being used as visitor accommodation once a proposed future home is built on site. Such a proposal for two houses on the one lot will require an application to be considered by the Council when the new house is built.

As the lot is large and the park home is located well away from the boundaries, approval is recommended.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr A Budrikis, seconded Cr J Moir:

That approval be granted for the relocated park home and solid annexe at Lot 139 Jutland Road, Kendenup subject to:

1. Development being in accordance with the photos dated 3 December 2012 and the site plan dated 4 December 2012.
2. The payment of a refundable bond of \$10,000.00 prior to the issue of a building permit.
3. A crossover to Jutland Road being constructed and drained to the satisfaction of the Manager Works and Services.
4. The approval being valid for a period of 12 months.

**Advice Notes:**

1. This Planning Consent is not an authorisation to commence construction. A building permit must be obtained prior to construction of the solid annexe.
2. Any proposal for future visitor accommodation in the park home will require an application for planning consent to be considered by the Council at that time.

**CARRIED (9/0)**

**NO. 6/13**

**9.1.4 LOT 38 MILLINUP ROAD, PORONGURUP - OUTBUILDING**

|                               |   |
|-------------------------------|---|
| <b>File No:</b>               | <b>N25125</b>   |
| <b>Attachments:</b>           | <a href="#">Location Plan</a><br><a href="#">Site Map</a><br><a href="#">Development Site</a><br><a href="#">Subdivision Guide Plan</a><br><a href="#">Floor Plan and Elevations</a><br><a href="#">Letter from Landowner</a> |
| <b>Responsible Officer:</b>   | <b>Rob Stewart</b><br><b>Chief Executive Officer</b>  |
| <b>Author:</b>                | <b>Peter Duncan</b><br><b>Manager Development Services</b>  |
| <b>Proposed Meeting Date:</b> | <b>29 January 2013</b>  |
| <b>Applicants:</b>            | <b>A and J Clarke</b>   |

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**PURPOSE**

The purpose of this report is to consider an application for an outbuilding at Lot 38 Millinup Road, Porongurup.

**BACKGROUND**

Council records show the registered owners of Lot 38 Millinup Road, Porongurup are A and J Clarke.

Lot 38 Millinup Road, Porongurup is within a Landscape Protection zone under the Shire of Plantagenet Town Planning Scheme No. 3 and as such the Council is required to determine the application.

The subject land is cleared with the irregular western boundary consisting of the only remnant vegetation on site. The proposed outbuilding will be located at the southern part of the site some 30m from Millinup Road. The outbuilding will be located 15m from the eastern side boundary and 20m from the western side boundary.

The outbuilding has a ground floor area of 105m<sup>2</sup> and consists of a workshop area on the ground floor with a loft above. The walls will be Colorbond® Woodland Grey and the roof will be Colorbond® Wilderness.

As the lot is within a Landscape Protection zone there are particular matters that need to be addressed. These matters have been addressed in the attached letter dated 18 December 2012 and cover things such as external colours, landscaping, effluent disposal and low fuel buffers.

The reference on the plans to workshop and studio raised some concerns that the building was to be used for a commercial venture with public access. In their letter dated 18 December 2012 the applicants have confirmed the outbuilding is to be a general purpose shed to store farm machinery, tools and materials for the maintenance of the property.

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Landscape Protection – this zone requires specific issues be addressed and that the Council must determine any application for planning consent.

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.’*

## **EXTERNAL CONSULTATION**

No external consultation is required in this instance.

## **FINANCIAL IMPLICATIONS**

The application fee of \$139.00 has been paid.

## **POLICY IMPLICATIONS**

Town Planning Scheme Policy No. 16.1 (Outbuildings) sets a maximum wall height of 3.5m and a maximum floor area of 150m<sup>2</sup> for the Landscape Protection zone. The wall height in this instance is 3.5m and the floor area is 105m<sup>2</sup>.

## **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012 – 2022 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protect local heritage) the following Strategy:

*‘Strategy 2.2.2 – Ensure quality, consistent and responsive development and building assessment approval processes and enforcement.’*

## **OFFICER COMMENT**

The specific requirements of this Landscape Protection zone have been met in terms of the location of the building, external colours, low fuel zone, landscaping proposals and effluent disposal.

The Council is required, by the Landscape Protection zone special provisions, to determine planning consent for all developments.

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr B Bell, seconded Cr C Pavlovich:**

**That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the application for an outbuilding at Lot 38 Millinup Road, Porongurup be approved subject to:**

- 1. Development being in accordance with the plans dated 30 November 2012 and the letter from the landowners dated 18 December 2012.**
- 2. The outbuilding is not to be used for commercial purposes or residential accommodation unless the approval of the Council has been obtained.**

**CARRIED (9/0)**

**NO. 7/13**



### 9.1.5 LOT 98 MONTEM STREET, MOUNT BARKER - 21 GROUPED DWELLINGS

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr A Budrikis. Nature and extent of interest – have expressed interest in tendering on the project in my role as General Manager Imagin Group Pty Ltd.

A Closely Associated Person (Section 5.62 LGA) Interest was disclosed by Cr G Messmer. Nature and extent of interest – Wife on Board of PVH.

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

3:24pm Cr A Budrikis, Cr G Messmer and Cr C Pavlovich withdrew from the meeting.

**File No:** N25019

**Attachments:** [Location Plan](#)  
[Site Plan](#)  
[3 Bedroom Floor Plan](#)  
[3 Bedroom Elevations](#)  
[2 Bedroom Floor Plan](#)  
[2 Bedroom Elevations](#)  
[Central Facility Floor Plan](#)  
[Central Facility Elevations](#)  
[Central Facility Perspective](#)

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

**Author:** Peter Duncan  
Manager Development Services

**Proposed Meeting Date:** 29 January 2013

**Applicant:** Plantagenet Village Homes Incorporated

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### PURPOSE

The purpose of this report is to consider an application for 21 grouped dwellings at Lot 98 Montem Street, Mount Barker.

### BACKGROUND

Council records show the registered owner of Lot 98 Montem Street is Plantagenet Village Homes Incorporated.

The subject land is 14,371m<sup>2</sup> in area and located between Montem and Marion Streets. The existing development on Lot 98 consists of 10 units for senior persons' accommodation (Lions Venture Village). This existing development is located on Montem Street and occupies 3,085m<sup>2</sup> of Lot 98. Plantagenet Village Homes wishes to establish a village style retirement development providing accommodation to retirees on the remainder of Lot 98.

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The proposed development consists of five, three bedroom dwellings (119.0m<sup>2</sup> floor area) and 16, two bedroom dwellings (100.3m<sup>2</sup> floor area). In addition a 100.3m<sup>2</sup> central facility will be constructed consisting of an administration office, a conference room, a kitchen and a multifunction room. This Plantagenet Village Homes development proposal is not designed to meet the requirements for aged persons in accordance with the Residential Design Codes. The units will be constructed to Australian Standard 4299 (Adaptable Housing) to make the units safer and easier for people of all ages. The proposed development will operate independently from the existing retirement village (Lions Venture Village) located on Montem Street.

The Council at its meeting held on 19 October 2010 when considering a proposal for 16 grouped dwellings by the same proponent resolved:

*‘That in accordance with clause 2.5.2 of the Residential Design Codes and clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the application for 16 grouped dwellings at Lot 98 Montem Street, Mount Barker be approved subject to:*

- 1. Development being in accordance with the plans dated 2 July 2010 and 20 August 2010.*
- 2. A stormwater drainage plan being prepared to the satisfaction of the Manager Works and Services prior to the issue of a building licence and commencement of any site works. This may include the pond and compensating basin being established to constructed wetland standards.*
- 3. Construction not being commenced until the Council has approved detailed engineering plans and specifications of works, including earthworks, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, both during and after construction. Stormwater being contained onsite, however, overflow can be directed to the district drainage system to the satisfaction of the Manager Works and Services.*
- 4. The internal accessway being constructed, drained and sealed from Montem Street to Marion Street to the satisfaction of the Manager Works and Services.*
- 5. Crossovers being constructed, sealed and drained to the satisfaction of the Manager Works and Services.*
- 6. Car parking bays being a minimum 5.5mx2.7m with a 6.0m manoeuvring space, sealed and line marked to the satisfaction of the Manager Works and Services.*
- 7. Installation of fire hydrants to Water Corporation specifications.*
- 8. All dwellings being connected to reticulated sewer and water.*
- 9. All dwellings being constructed onsite and not being transported in.*
- 10. The submission and approval of a landscape plan for the total development and the establishment of the landscaping.*

11. *Dwellings not being occupied until landscaping has been completed to the satisfaction of the Manager Development Services.*
12. *Units 1 and 10 being oriented to face Marion Street.*
13. *Unit 16 being oriented to face Montem Street.*
14. *Fencing in front of the building setback line being a maximum of 1.2m in height.*
15. *Provision of adequate signage to direct visitors to the visitor parking areas.*
16. *External clothes drying facilities being provided for each dwelling in accordance with the RCodes.*
17. *Bin storage area for the central facility being constructed and screened to the satisfaction of the Manager Development Services.*
18. *Street trees being provided in accordance with the species list and specifications set out in the Mount Barker Townscape Review for Menston Street and the internal accessway.'*

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Residential R10/20 – 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 and no submissions have been received.

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).

Dividing Fences Act 1961

## **EXTERNAL CONSULTATION**

The proposal was advertised for comment for a 21 day period closing on 8 January 2013. Letters were sent to 16 adjoining and nearby land owners, notices were placed in the Albany Advertiser, the Council's noticeboard, and two signs placed on site. At the close of the advertising period no submissions had been received.

**FINANCIAL IMPLICATIONS**

The application fee of \$12,013.00 and a bond of \$500.00 for advertising costs have been paid.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy 2.2.5:

*'Encourage industry, business and residential development that is consistent with the individual character of towns.'*

Further, the Strategic Community Plan 2012 – 2022 provides at Outcome 3.6 (Sustainable population growth) the following strategies:

*'Strategy 3.6.2 – Investigate and promote housing development.'*

*'Strategy 3.6.3 – Encourage variety in land use and housing to promote a diverse population and stronger community.'*

**OFFICER COMMENT**

All the proposed dwellings are single storey and complement houses in the locality. All dwellings will have access to private outdoor living areas, carports, outdoor storage facilities and communal outdoor areas. The subject land slopes 10.0m from the north-west to south-east corners. Each dwelling will be constructed on one level to ensure ease of movement.

The proposed internal accessway provides two access points to Marion Street and one pedestrian access point to Montem Street. The proposed internal accessway and accompanying crossovers will be 6.0m wide where the development meets the public roads. 1.2m wide pedestrian paths will be located along one side of the internal accessway providing safe and comfortable access between the central facility, car parking areas, streets and individual dwellings. Trees will be required with a landscaping plan to formalise the street appearance. The proposed 49 car parking bays are 5.5mx2.7m with a 6.0m manoeuvring space.

The development provides a total of 49 onsite car parking bays consisting of 44 parking bays for dwellings and five visitor car parking bays. Two additional car parking bays are provided for the office located at the proposed central facility. One car parking bay for disabled persons is provided at the central facility.

The proposal meets the majority of the standards required for this R20 development set by the RCodes with the exception of the street setbacks for three units on Marion Street. The required street setback is 6.0m and in this instance unit 1 is setback 5.24m, unit 9 is setback 5.40m and unit 21 is set back 5.4m. The Council can vary such a setback and in this instance it is supported.

Other areas which will need to be addressed are proposed as conditions of approval are:

1. A drainage management plan needs to be submitted and this may need to include the proposed pond and compensating basin to be established to constructed wetland standards;
2. Adequate signage to be provided to direct visitors to the visitor parking areas;
3. Dwellings to be constructed on site; and
4. A bin storage area for the central facility is to be conveniently located and screened.

With the introduction of the Council's new Town Planning Scheme Policy No. 21 (Water Efficiency in Residential Development) it is appropriate to require water tanks be provided for each grouped dwelling.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That in accordance with clause 2.5.2 of the Residential Design Codes and clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the application for 21 grouped dwellings at Lot 98 Montem Street, Mount Barker be approved subject to:**

1. **Development being in accordance with the plans dated 27 November 2012 and 10 December 2012.**
2. **A stormwater drainage plan being prepared to the satisfaction of the Manager Works and Services prior to the issue of a building licence and commencement of any site works. This may include the pond and compensating basin being established to constructed wetland standards.**
3. **Construction not being commenced until the Council has approved detailed engineering plans and specifications of works, including earthworks, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, both during and after construction.**
4. **The internal accessway being constructed, drained and sealed from Montem Street to Marion Street to the satisfaction of the Manager Works and Services.**
5. **Crossovers being constructed, sealed and drained to the satisfaction of the Manager Works and Services.**
6. **Car parking bays being a minimum 5.5mx2.7m with a 6.0m manoeuvring space, sealed and line marked to the satisfaction of the Manager Works and Services.**
7. **Installation of fire hydrants to Water Corporation specifications.**

8. All dwellings being connected to reticulated sewer and water.
9. All dwellings being constructed onsite and not being transported in.
10. The submission and approval of a landscape plan for the total development and the establishment of the landscaping.
11. Fencing in front of the building setback line being a maximum of 1.2m in height.
12. Provision of adequate signage to direct visitors to the visitor parking areas.
13. External clothes drying facilities being provided for each dwelling in accordance with the RCodes.
14. A bin storage area for the central facility being constructed and screened to the satisfaction of the Manager Development Services.
15. Street trees being provided in accordance with the species list and specifications set out in the Mount Barker Townscape Review for Marion Street and the internal accessway.
16. Rainwater tanks plumbed to each grouped dwelling being provided in accordance with the Council's Town Planning Scheme Policy No. 21 (Water Efficiency in Residential Development).

**CARRIED (6/0)**

**NO. 8/13**

3:27pm Cr A Budrikis, Cr G Messmer and Cr C Pavlovich returned to the meeting.

**9.1.6 POLICY REVIEW - STATE ADMINISTRATIVE TRIBUNAL - COUNCILLOR REPRESENTATION**

**File No:** N24940  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Peter Duncan  
Manager Development Services  
**Proposed Meeting Date:** 29 January 2013

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**PURPOSE**

The purpose of this report is to review Council Policy No. TP/SDC/7 – ‘State Administrative Tribunal – Councillor Representation’.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 8 February 2011.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005 – Part 14 (Applications for Review) details how applicants may apply for a review (formerly ‘appeal’) in respect to a planning decision.

The Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.5 reads as follows:

*‘An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under this Scheme may apply for a review in accordance with Part 14 of the Planning and Development Act 2005 and any rules and Regulations made pursuant to that Act’.*

State Administrative Tribunal Act 2004

State Administrative Tribunal Rules 2004

State Administrative Tribunal Regulations 2004

Local Government Act 1995

**FINANCIAL IMPLICATIONS**

There are no financial implications in this report other than the need for travel and accommodation should a hearing of State Administrative Tribunal (SAT) be held in Perth.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 4.1 (Effective governance and leadership) the following strategy:

*'Strategy 4.1.3 – Ensure the Council's decision making process is effective and transparent.'*

**OFFICER COMMENT**

The policy is not a formal Town Planning Scheme Policy adopted under TPS3 as it deals with a procedural matter, hence its inclusion in the Council's main Policy Manual.

As part of the SAT process, the Council may be represented by a Council officer, an agent (e.g. planning consultant) and/or a lawyer. In some cases hearings are held in regional centres or by telephone conferences but in some instances they are held in Perth.

Mediation hearings, compulsory conferences and full hearings are confidential and private. If a matter from any of these needs to be referred back to the Council for consideration it must remain confidential and be considered 'behind closed doors'.

The Shire President may be invited to attend and/or nominate a Councillor and/or the CEO to attend a mediation or compulsory conference to assist or provide communication back to the Council.

It is appropriate to have a policy to provide clear guidance as to which Councillor may attend SAT hearings when invited by SAT to do so. There are no changes proposed to the policy.

**VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr G Messmer:

That Council Policy No. TP/SDC/7 – ‘State Administrative Tribunal – Councillor Representation’ as follows:

**OBJECTIVE:**

To provide guidance as to which Councillors may attend a State Administrative Tribunal (SAT) hearing when invited to do so.

**POLICY:**

1. When the SAT invites or requests the Council to nominate a Councillor to attend a mediation hearing, compulsory conference or final hearing in respect to an application for a review lodged against a Council decision, then that Council representative shall be the Shire President or the Deputy Shire President.
2. As mediation hearings and compulsory conferences of the SAT are confidential and private, any consideration of a matter in respect to these must remain confidential and be considered behind closed doors by the Council where the SAT has asked the Council for further consideration of the matter at hand.’

be endorsed.

**AMENDMENT**

Moved Cr C Pavlovich, seconded Cr J Moir:

That a new part 2 be inserted as follows as follows;

‘In the event that both the Shire President and the Deputy President are not available, the Shire President be authorised to appoint a Councillor as the Council representative’, and the motion be recast accordingly.

CARRIED (9/0)

NO. 9/13

**COUNCIL DECISION**

That Council Policy No. TP/SDC/7 – ‘State Administrative Tribunal – Councillor Representation’ as follows:

**OBJECTIVE:**

To provide guidance as to which Councillors may attend a State Administrative Tribunal (SAT) hearing when invited to do so.

**POLICY:**

1. When the SAT invites or requests the Council to nominate a Councillor to attend a mediation hearing, compulsory conference or final hearing in
-

respect to an application for a review lodged against a Council decision, then that Council representative shall be the Shire President or the Deputy Shire President.

2. In the event that both the Shire President and the Deputy President are not available, the Shire President be authorised to appoint a Councillor as the Council representative
3. As mediation hearings and compulsory conferences of the SAT are confidential and private, any consideration of a matter in respect to these must remain confidential and be considered behind closed doors by the Council where the SAT has asked the Council for further consideration of the matter at hand.'

be endorsed.

**CARRIED (9/0)**

**NO. 10/13**

**9.1.7 POLICY REVIEW - SCHEME AMENDMENT REQUESTS**

**File No:** N24941  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Peter Duncan  
Manager Development Services  
**Proposed Meeting Date:** 29 January 2013

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**PURPOSE**

The purpose of this report is to review Council Policy No. TP/SDC/6 – ‘Scheme Amendment Requests’ (SAR).

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 8 February 2011.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Town Planning Regulations 1967

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

**FINANCIAL IMPLICATIONS**

The Council’s current Schedule of Fees and Charges includes a fee of \$705.00 for the lodgement of such a Scheme Amendment Request.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 4.1 (Effective governance and leadership) the following strategy:

*‘Strategy 4.1.3 – Ensure the Council’s decision making process is effective and transparent.’*

**OFFICER COMMENT**

This policy sets a procedure for a proponent to seek early comment from the Council in regard to a Scheme Amendment to rezone land. The formal procedure for the preparation of full Scheme Amendment documents can be an expensive exercise for a landowner with no indication of likely success or failure of the Amendment.

Since original adoption of the policy in October 2006 a total of seven SARs have been prepared by consultants on behalf of the developers/landowners.

No changes are considered necessary to this policy.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr M Skinner, seconded Cr S Etherington:

That Council Policy No. TP/SDC/6 – Scheme Amendment Requests as follows:

### **‘OBJECTIVE:**

To allow proponents to gain an indication of support or otherwise from the Council prior to preparing formal and detailed Town Planning Scheme Amendment documents.

### **POLICY:**

This process is used to determine if there are any specific issues that will need addressing in the formal Amendment documentation and whether the Council will entertain such a proposal.

#### **1. Initial Enquiry**

Once a written enquiry is received, a letter will be forwarded to the enquirer advising whether or not the proponent should prepare a Scheme Amendment Request report and what the request should contain/address.

#### **2. Scheme Amendment Request (SAR)**

The SAR document is to be a maximum of six A4 pages and address specifically strategic issues and not detailed site analysis. The following are to be addressed in the SAR:

- a) existing and proposed zonings;
- b) impacts of structure plans and strategic documents on site and proposed zoning;
- c) the proposed method of integration of development on the site with adjoining lots;
- d) any precedent set by the proposed zoning;
- e) services available to the lot(s);
- f) any special outcomes proposed to be introduced through the rezoning process; and
- g) four copies plus a digital version are to be supplied to the Council.

A fee is payable prior to the SAR being assessed. Such a fee will be set in the Schedule of Fees and Charges in the Council’s Annual Budget.

**3. Referral of SAR to DOP, DEC and DOW**

Once received, the SAR will be referred to the Department of Planning (DOP), the Department of Environment and Conservation (DEC) and the Department of Water (DOW) for comments. The Departments will provide their responses on the SAR within 28 days.

**4. SAR Submitted to the Council**

The SAR is to be submitted with an officer's report and recommendation to the Council for consideration. Potential outcomes are:

- a) The Council decides to seek community feedback on the SAR if the application warrants it.
- b) The Council agrees to the SAR to allow further detailed documentation of the proposal and a subsequent assessment process to initiate the Scheme Amendment. (Note: detailed documentation may identify unresolved issues not known on initial SAR and as such the Amendment may not be initiated.)
- c) The Council considers the proposal to be unacceptable and advises the proponent that it would be unlikely to support a request to initiate a Scheme Amendment.
- d) The Council may acknowledge there is potential for the land to be rezoned but advise the applicant that the proposal is premature until the Council has agreed to a suitable structure plan or planning strategy for the locality to co-ordinate and integrate development in accordance with adopted strategic documents.

Note: Applicants who proceed after being advised as above do so at their own risk and cost.

**5. Community Feedback**

A decision of the Council under 4a) above to seek community feedback on the SAR shall be in the form of a letter to adjoining landowners, and relevant agencies, a sign on site, plus an advertisement in the local press, asking for feedback on the SAR. The feedback period shall be 42 days.

Submissions received during this process shall be summarised and forwarded to the Council for further consideration.

**6. Response to Applicant if SAR Agreed to by the Council**

A decision to allow the applicant to proceed with further documentation under 4b) above will be transmitted in a letter from the Council and will detail such matters as:

- a) policy issues to be addressed in the amending report;
- b) environmental issues;

- c) servicing issues (e.g.: full testing of groundwater tables prior to document lodgement) and the provision of a fire management plan;
- d) design requirements on subsequent development;
- e) developer commitments required by the Council from Scheme Amendment process;
- f) mechanisms for cost sharing of common cost items such as public open space, drainage, roads, footpaths, etc; and
- g) any other matters considered relevant to the Council.

**7. Scheme Amending Documents**

The required number of draft Scheme Amending documents (including a digital version) will be submitted with the appropriate fees and a formal request to initiate a Scheme Amendment. The format of the documents must meet the standards set in the Town Planning Regulations.

The Council staff shall review the draft Scheme Amending documents and make recommendations on potential changes/modifications. Staff shall prepare a report to the Council on the Scheme Amendment.

The Council may decide to initiate, decline to initiate, or require modifications prior to initiating the Amendment.

The procedures for Scheme Amendments as laid down in the Town Planning Regulations will be followed.'

be endorsed.

**CARRIED (9/0)**

**NO. 11/13**

**9.1.8 TOWN PLANNING SCHEME NO. 3 - AMENDMENT 58 - LOT 4853  
PORONGURUP ROAD, PORONGURUP - SUBMISSIONS RECEIVED**

**File No:** N25299

**Attachments:** [Location Plan](#)  
[Subdivision Guide Plan](#)  
[Summary of Submissions](#)  
[Schedule of Modifications](#)

**Responsible Officer:** Peter Duncan  
Manager Development Services

**Author:** Vincent Jenkins  
Planning Officer

**Proposed Meeting Date:** 29 January 2013

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**PURPOSE**

The purpose of this report is to consider submissions received on proposed Amendment No. 58 to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3). The Amendment will rezone the north west portion of Lot 4853 Porongurup Road, Porongurup from Rural to Special Site 18 and rezone the eastern portion of Lot 4853 from Rural, Special Site 18 and Rural Residential Area 10 to Rural Residential Area 9.

**BACKGROUND**

Shire records show the registered owners of Lot 4853 Porongurup Road, Porongurup are E and M Harma.

A Scheme Amendment Request (SAR) for this subject land was submitted on 3 March 2010 and after referral to three government agencies in accordance with Council Policy TP/SDC/6 the Council at its meeting held on 4 May 2010 resolved:

*'THAT:*

- (1) The Scheme Amendment Request for Lot 4853 Porongurup Road, Porongurup be advertised to seek public feedback for a period of 42 days.*
- (2) At the conclusion of advertising a further report be prepared for the consideration of the Council at a meeting to be held no later than 27 July 2010.'*

When considering submissions on the SAR the Council at its meeting held on 27 July 2010 resolved:

*'That the submissions received on the Scheme Amendment Request for Lot 4853 Porongurup Road, Porongurup be noted and that the proponents be advised that:*

- 1. The Council will be prepared to consider a formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3.*
  - 2. This support is subject to various matters raised in the submissions, including: policy issues, environmental (including creek line and vegetation protection, servicing, fire management plan, design requirements on subsequent*
-

*development, size and number of properties to be developed and sustainable forms of development) being addressed.*

3. *This support is also subject to:*
- i) *No more than in the order of eight rural residential lots being provided to prevent significant loss of remnant vegetation, and*
  - ii) *The proposed tourist accommodation area adjacent to Stoney Creek Road to be located eastwards to again minimise the need to clear remnant vegetation.'*

Following that July 2010 decision, the planning consultants prepared the necessary Amendment documentation. In April 2012 the planning consultants submitted a draft document that was incomplete and required corrections. On 12 June 2012 the planning consultants submitted the formal Amendment documents. The Council considered this Amendment No. 58 at its meeting held on 3 July 2012 and resolved at resolution 134/12:

*'That*

1. *Amendment No. 58 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements once the Subdivision Guide Plan and appropriate parts of the Amendment are modified to:*
  - a) *Reconfigure the layout for proposed Lots 6, 7, 8, 9 10 and 11 to be four lots due to the extensive vegetation on these sites.*
  - b) *Delete proposed Lot 12 and retain it within the Special Site zone due to the extensive vegetation on this site.*
  - c) *Include reference for the subdivider to extend the constructed east west road to meet the cul de sac head of Verazzi Court to the east.*
  - d) *Include a plan showing the tourism concept for the development of the Special Site zone.*
2. *Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.*
3. *After advertising, a further report be prepared for the Council to be presented no later than its meeting held on 27 November 2012.'*

The planning consultants in part modified the Amendment document as requested by the Council. The Council considered the modified Amendment document including a revised design layout for the Subdivision Guide Plan at its meeting held on 24 July 2012 and resolved at resolution 155/12:

*'That the revised Subdivision Guide Plan and the Indicative Tourist Development Plan be supported and that both be inserted into the Amendment No. 58 document to Town Planning Scheme No. 3 to enable referral to the Environmental Protection Authority.'*



**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

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

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Special Site 18, Rural and Rural Residential.

Bush Fires Act 1954

**EXTERNAL CONSULTATION**

The Amendment was advertised for 42 days with letters to adjoining/nearby landowners and government agencies, newspaper notices, a notice on the Council's notice board and a sign on site.

The SAR was advertised for comment in 2010.

**FINANCIAL IMPLICATIONS**

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

**POLICY IMPLICATIONS**

Shire of Plantagenet Town Planning Scheme Policy No. 18 - Planning Vision (TPS Policy No. 18) - Lot 4853 is located both within Planning Precincts 3 and 4. Planning Precinct 3 aims to provide for rural residential and rural small holding development. Planning Precinct 4 aims to retain remnant vegetation, extend existing viticulture, and support small scale tourist accommodation and other appropriate agricultural uses.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 3.6 (Sustainable population growth) the following Strategy 3.6.3:

*'Encourage variety in land use and housing to promote a diverse population and stronger community.'*

**OFFICER COMMENT**

Ten public submissions were received to the advertised Amendment as detailed in the Summary of Submissions. Some of the matters raised warranted modifications to the Amendment document.

The Department of Environment and Conservation (DEC) is concerned the proposed subdivision in the north east section of the Subdivision Guide Plan (SGP) will result in impacts upon remnant vegetation areas that fall within the proposed Hazard Separation Zones (HSZ) for each lot and within the ecological corridor (EC). The

DEC is further concerned about other remnant vegetation falling outside the Building Protection Zones (BPZ) and HSZ. The DEC is particularly concerned with the intended method for reducing natural fuel loads in these remnant vegetation areas.

The standard used by the DEC for the management of natural fuel loads in state forest areas in WA is a maximum of 6 to 8 tonnes/ha for Jarrah/Marri forest. This standard is also used by Local Governments and Department of Fire and Emergency Services (DFES) as a guideline for the reduction of natural fuel loads. The method for reducing natural fuel levels by the DFES and Local Governments is by way of planned prescribed burning. Fuel reduction in areas beyond the BPZ, HSZ and within the EC is to be carried out by hazard reduction burning and vegetation will not be modified by clearing/cutting down.

Areas beyond the BPZ, HSZ and within EC are contained within private property. These areas are regulated by the Bush Fires Act 1954 in addition to the standards detailed in the Fire Management Plan. The Bush Fires Act 1954 allows the Council to issue an order on a landowner to remove a bush fire hazard. The owner is required to comply with this directive and as such is exempt under the DEC clearing regulations.

As a result of a submission from an adjoining landowner, the lot layout for proposed Lots 7 and 8 needs to be reorientated and the BPZ and HSZ for these lots will then be located outside good quality remnant vegetation. This revised lot layout will reduce the impact on remnant vegetation and ensure improved privacy for Lot 800 Stoney Creek Road abutting proposed Lots 7 and 8 to the east.

The Fire Management Plan (FMP) in the Amendment requires all houses to be constructed to meet AS3959 (Building in Bush Fire Prone Areas) at BAL12.5 (Bush Fire Attack Level). There is no need to increase the BAL rating for proposed houses as the proposed BPZ and HSZ will provide the necessary protection to houses constructed to BAL12.5 irrespective of fuel reduction carried out in the EC area.

The SGP shows an access road to Stoney Creek Road currently providing access to proposed Lots 9, 10 and 11. This access road also provides linkages with Stoney Creek Road and one proposed internal road. The junction of this access road and Stoney Creek Road may need to be revised to ensure adequate sight distances. The revised design will be developed at the subdivision stage once the Amendment has been finalised.

The Amendment requires various modifications due to public submissions received. The modifications involve corrections to the FMP text and plan and the SGP to note that all houses are to be constructed to AS3959 BAL12.5. Another modification to the SGP involves a reconfigured lot layout for proposed Lots 7 and 8 and the relocation of the BPZ and HSZ for proposed Lots 7 and 8.

The Amendment requires typographical corrections to the Soil Types and Soil Test Holes plans to correct reference to Porongurup Road. See Schedule of Modifications attached.

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That:

1. The submissions lodged on Amendment No. 58 to Town Planning Scheme No. 3 be noted.
2. Amendment No. 58 to Town Planning Scheme No. 3 be adopted with the modifications as detailed in the Schedule of Modifications and be forwarded to the Western Australian Planning Commission for the final approval of the Minister for Planning.
3. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to Amendment No. 58 once approved by the Honourable Minister.

**CARRIED (9/0)**

**NO. 12/13**

### 9.1.9 RAIL HERITAGE CENTRE - MOUNT BARKER

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA), Proximity (Section 5.60 (B) LGA) and Closely Associated Person (Section 5.62 LGA) Interest was disclosed by Cr A Budrikis. Nature and extent of interest – Relative of owner of land in near proximity to the proposed Rail Heritage Centre.

Interest: The report author is a member of the Albany Model Railway Association Inc.

3:38pm Cr A Budrikis withdrew from the meeting.

**File No:** N24936

**Attachments:** [Existing Floor Plan \(A.01\)](#)  
[Demolition Floor Plan \(A.02\)](#)  
[Proposed Site and Floor Plan \(A.03\)](#)  
[Proposed Section \(A.04\)](#)

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

**Author:** Peter Duncan  
Manager Development Services

**Proposed Meeting Date:** 29 January 2013

**Owner:** Public Transport Authority

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### PURPOSE

The purpose of this report is to consider concept plans for the conversion of the former fruit packing (dehydration) shed located on Lot 640 (Reserve 10338) Hicks Close, Mount Barker to be part of a Rail Heritage Centre.

### BACKGROUND

The Council at its meeting held on 10 April 2012 resolved, by Notice of Motion, as follows:

*‘That in principle support be given by Council to investigate the availability, costings, transporting options and possible final site location for a steam locomotive and coal tender to grace our rail station.’*

Since that time the Manager Development Services (MDS) has been liaising with various parties in respect to the availability of rolling stock and possible sites for the location of such a locomotive. The land, occupied by the former railway station, the railway line and the former fruit packing (dehydration) shed is part of Crown Reserve 10338 (Lot 640) which is controlled by the Public Transport Authority (PTA) under a Management Order. The Council owns the former railway station buildings and leases that portion of the Reserve land from the PTA.

The Heritage Council of WA (HCWA) some time ago placed the former fruit packing (dehydration) shed on its Interim Heritage list and as such, the PTA is prohibited

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from doing anything to that building that will change its character without the permission of the HCWA.

There have been various reports prepared on the condition of the former fruit packing (dehydration) shed over the years along with negotiations between the HCWA and the PTA.

In the past, the former fruit packing (dehydration) shed has served a range of roles. In 2006 there were calls for its demolition as it had been left vacant and had deteriorated badly. The HCWA found the shed to be of significant heritage value hence its interim listing.

Howard + Heaver Architects in September 2007 prepared an 'Investigation of Condition and Repair Recommendations' report for the Department of Housing and Works.

The HCWA and the PTA formed a working group which ran from late 2008 through 2009 leading to the preparation of an Adaptive Reuse Study prepared by Lynne Farrow, Architect in November 2009. The building and its surrounds were fenced for security purposes in 2009. The Adaptive Reuse Study did not suggest a Rail Heritage Centre as a possible use.

In March 2011, it was reported to the Council that the likelihood of the structure being placed on the State's Register of Heritage Places was becoming stronger and it was becoming more difficult and time consuming for the Shire to continue to fight to achieve demolition.

At its meeting held on 22 March 2011, the Council resolved:

*'That the Heritage Council of Western Australia be advised that the Shire of Plantagenet notes the proposal of the Heritage Council to extend the Mount Barker Railway Station Precinct to include the former Mount Barker Fruit Inspection and Dehydration Shed and provides this further advice to the Heritage Council:*

1. *The structure has a large amount of deteriorating asbestos;*
2. *The structure has been subject to extensive white ant attack;*
3. *The ownership of the structure presently rests with the Public Transport Authority;*
4. *No commercial adaptive reuse of the structure has been found;*
5. *The Shire of Plantagenet would require complete refurbishment at no cost to the Shire of Plantagenet to avoid 'demolition through neglect' and to reduce health and safety risks to the community.'*

The matter of the use of the former fruit packing (dehydration) shed has been considered twice since then, the most recent being at its meeting held on 24 July 2012, when the Council resolved:

*'That consideration of the Chief Executive Officer's interim report relating to the Dehydration/Fruit Packing Shed in Mount Barker be deferred until the meeting of the Council to be held on 4 September 2012 to enable further information to be gathered relating to:*

- a. *Heritage status;*

- b. *Possible adaptive reuse;*
- c. *Likelihood of refurbishment by Public Transport Authority; and*
- d. *Possibility that rolling stock may be available for the Shed/Shed Precinct.*
- e. *The risk of asbestos contamination to the town through fire including the Department of Health's assessment of the public risk.'*

## **STATUTORY ENVIRONMENT**

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

Reserve 10338 (Lot 640) is within a Local Scheme Reserve – Railway  
Clause 2.2 in respect to Local Scheme Reserves states:

### **‘2.2 MATTERS TO BE CONSIDERED BY COUNCIL**

*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.’*

This means that should the Council support the Rail Heritage Centre concept, it must confer with the PTA before granting any planning consent for the use/development.

Heritage of Western Australia Act 1990 – this Act sets procedures for the interim registration of heritage places and subsequent permanent listing on the State's Register of Heritage Places. The Act binds the Crown which means all State agencies such as the PTA are bound to adhere to the Act.

The former fruit packing (dehydration) shed was placed on the interim register in 2007.

Land Administration Act 1997 – Reserve 10338 (Lot 640) is owned by the Crown and its Management Order is with the PTA for the purpose of Railway.

Land Administration Regulations 1998.

## **EXTERNAL CONSULTATION**

The MDS has held discussions with various parties including Brookfield Rail, Heritage Council of WA, Rail Heritage WA (RHWA) and the Hotham Valley Railway (HVR).

The Chief Executive Officer (CEO) has held discussions with the Chief Executive Officer of the Town of Narrogin in respect to a locomotive located on the railway yards in Narrogin. The CEO has also held discussions with the Plantagenet Mens Shed representatives about their willingness to help with the cosmetic restoration of rolling stock. Further, the CEO has discussed the issues involved with representatives of PTA and the office of State Heritage.

## **FINANCIAL IMPLICATIONS**

A concept plan prepared by H+H Architects cost \$2,500.00.

Preliminary costing estimates (prepared by a quantity surveyor) based on the concept plans indicate a potential total cost of all the building works shown on the plans at \$1,168,000.00 (ex GST).

Railway rolling stock can now only be moved on road with appropriate multiwheeled low loader vehicles and such moves involve crane lifts at both the origin and destination.

As the building and its surrounds are under the control of the PTA, there may be the ability to request the PTA contribute to the works. This may be directly relevant if the HCWA moves the building from its interim registration to a permanent listing on the State Register.

The MDS has examined the preliminary design costings prepared by the quantity surveyor to determine how the overall project could be broken down. Of the total amount of \$1,168,000.00, in the order of \$648,300.00 could be carried out by the PTA. This amount of \$648,300.00 includes works such as the substructure, external walls, roof, external doors and windows, floor, toilets, electricity, removal of asbestos, fencing, sewer connection and a 50% contribution to the contingency sum and professional fees. This contribution by the PTA has not as yet been discussed with that Authority. The outcome of this will be largely dependent upon the position of the HCWA in respect to the listing of the building.

Other components which need not necessarily be done from the outset include features such as the kitchen, kitchen fit out, external roof over rolling stock. These works total some \$174,400.00.

With the PTA contributions and the above not necessary works for the first stage taken out, the total sum reduces to in the order of \$345,300.00 (ex GST).

Another cost is the transportation of the rolling stock to Mount Barker. A preliminary estimate to relocate the steam locomotive from the RHWA museum will be in the order of \$70,000.00. Then there is the cost of transporting the passenger coach to Mount Barker of possibly \$50,000.00.

If the works are carried out and the Rail Heritage Centre is established there will of course be the ongoing maintenance of the Centre which will be the responsibility of the Council. The PTA will no doubt require the Council to lease the land and operate the Centre in a similar way to the former railway station buildings. Should the café component be established, a lease of that facility could generate a return for the Council to assist in the overall maintenance.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy 2.2.6:

*'Support the conservation and maintenance of heritage buildings, heritage items and places of interest.'*

### **OFFICER COMMENT**

The MDS has been liaising with RHWA and the HVR to determine the availability of suitable rolling stock.

RHWA have advised it can make available an oil fired steam tank locomotive (Ut664) on a long term (25 year) loan to the Council provided the locomotive is housed to their satisfaction. The Council would need to cover all costs such as transport and insurance. RHWA will also give to the Council a former sleeper class passenger coach which many years ago ran on the Albany line. That coach was converted to sleeping accommodation by Westrail years ago and has suffered from extensive vandalism. Quite a lot of work is needed to cosmetically restore that coach.

The MDS located an old diesel electric locomotive XA1415 in the railway yards in Narrogin and after some investigation found it is owned by the HVR. The HVR loaned the locomotive to Apex in Narrogin but that group has since disbanded and the locomotive has suffered from extensive vandalism. The CEO has been liaising with the Chief Executive Officer of the Town of Narrogin and the MDS has recently written to the HVR to determine if the locomotive could be purchased. The MDS has met with the HVR and it may be, the locomotive will not be sold to this Council but rather, returned to the HVR yards in Pinjarra.

The CEO has spoken to representatives of the Plantagenet Mens Shed who indicated support for taking on the cosmetic restoration of the passenger coach and possibly the diesel electric locomotive.

H+H Architects were engaged to prepare concept plans for a possible Rail Heritage Centre based on the former fruit packing (dehydration) shed and its surrounds. This site was selected as the most appropriate due to its location between the railway line and the Mount Barker CBD and its close proximity to the former Railway Station and the restored railway crane. Land to the east of the railway would not be suitable for the Rail Heritage Centre as the only possible area, south of the crane, is in the wetlands area which is about to be developed.

The architect's concept plans for the Rail Heritage Centre are attached and allow for the Ut644 locomotive to be located within the dehydration building (when renovated) and the XA1415 locomotive (if available) and passenger coach located under a roof in a fenced courtyard area to the west of the building.

The Council will now need to determine if it supports the concept and agree the use of the building and surrounds as a Rail Heritage Centre (incorporating display, gallery, café and exhibition space) as being in accordance with the purpose of the Railway Local Scheme Reserve.

If the Council supports the concept, the plans will need to be referred to both the PTA and the HCWA. The PTA is the government agency responsible for the building and its surrounds. The HCWA has the building on its interim register. The PTA cannot do anything to the building (including demolition or renovation) until the HCWA has determined whether the building will be placed on the State Register or



not. If the HCWA places the building on the State Register of Heritage Places, then the PTA will be required to ensure the building is retained. Due to the extent of asbestos in the building (roof and internal wall cladding), the PTA would need to renovate the structure to remove the hazard. If the concept of the Rail Heritage Centre is supported, the PTA may then agree to fund or substantially contribute to the conversion of the building and its surrounds to a Rail Heritage Centre. This outcome will be largely dependent upon the HCWA decision on the listing. If it is not placed on the State Register, then the PTA will no doubt be seeking permission to demolish the structure.

If the former fruit packing (dehydration) shed is eventually demolished, the site would still be appropriate for a Rail Heritage Centre but with a more simplified building structure where the shed presently exists. Fencing and security will still be required particularly to protect the Ut664 locomotive which must be kept under a roof.

In terms of logistics, as stated earlier the rolling stock will need to be transported to the site by road which will involve a low loader, crane lifts at both the present location and at the destination in Mount Barker. The critical dimensions of the rolling stock are as follows:

- Ut664 steam locomotive (Bassendean) - 13.0m long  
- 50 tonne
- XA1415 diesel electric locomotive (Narrogin) - 16.0m long  
- 80 tonne
- Sleeper passenger coach (Bassendean) - 18.0m long  
- 30 tonne

There is an old ballast wagon located in the open at the Mount Barker Museum and it is hoped this smaller wagon can be relocated to be within the former fruit packing (dehydration) shed to be at the rear of the Ut664 locomotive as that engine did haul ballast wagons when it was in service. This is a much smaller piece of rolling stock and the move would not be as complex as the other rolling stock which are much longer and heavier.

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr S Etherington:

That the Rail Heritage Centre concept as shown on the attached drawings located at the former fruit packing (dehydration) shed on Reserve 10338 (Lot 640) Hicks Close, Mount Barker be:

1. Supported as being in accordance with the purpose of the Local Scheme Railway Reserve;
2. Referred to the Heritage Council of WA for its support; and
3. Referred to the Public Transport Authority for its support with a request that that Authority agree to support the development of the centre and agree to provide financial support.

**CARRIED (7/1)**

**NO. 13/13**

3:51pm Cr A Budrikis returned to the meeting.

## 9.2 WORKS AND SERVICES REPORTS

### 9.2.1 CHILDREN'S CROSSING – ALBANY HIGHWAY MOUNT BARKER

|                               |  |
|-------------------------------|--|
| <b>File No:</b>               | <b>N25345</b>  |
| <b>Attachments:</b>           | <a href="#">Site plan</a><br><a href="#">Main Roads WA Concept Plan (option 1)</a> |
| <b>Responsible Officer:</b>   | <b>Rob Stewart</b><br><b>Chief Executive Officer</b>                               |
| <b>Author:</b>                | <b>Dominic Le Cerf</b><br><b>Manager Works and Services</b>                        |
| <b>Proposed Meeting Date:</b> | <b>29 January 2013</b>   |

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#### PURPOSE

The purpose of this report is to seek a Council position regarding the location of a children's crossing on Albany Highway, Mount Barker.

#### BACKGROUND

Discussions among various stakeholders in regard to the placement of a children's crossing across Albany Highway have been ongoing since 2008, when the Mount Barker Primary School relocated to the Mount Barker Community College on Woogenellup Road. Since then, two different locations have been proposed for a children's crossing along Albany Highway and two sets of pedestrian and traffic counts have been obtained.

An onsite meeting was held with local police, Main Roads WA, P & C representatives and the Shire of Plantagenet in 2010 to discuss the possibility of locating a children's crossing slightly north of the railway crossing but south of the Lowood Road intersection. At that meeting, Main Roads WA indicated its preference for this location, due to better visibility of oncoming traffic (option 1).

A pedestrian and traffic count undertaken by the police around that time indicated that the site did not meet the warrant for a children's crossing. A basic concept plan for this location is attached.

A count by the Road Safety Crossing Unit around that time also found that that area did not meet the warrant for a children's crossing. Counts undertaken by that Unit are taken across a 50m length of road and exclude anyone crossing the road outside that distance. The site failed for a number of reasons, including number and age of children crossing within that 50m section of road.

In March 2012, the Mount Barker Community College applied to the Children's Crossing and Road Safety Committee for a Type A Children's Crossing and submitted the following information:

- School starts at 8.50am and concludes at 3.10pm;

- The pedestrian and vehicle survey was conducted from 7.45am until 09.00am and 3.00pm to 4.00pm on Monday 19 March 2012 by the principal Mr Jonathan Hoskin; and
- The survey was undertaken at the P & C preferred location (option 2).

The survey counted a total of 65 students and 24 other pedestrians (not students) crossing the road on the morning in question. A total of 67 students and 15 other users accessed this crossing in the afternoon of the same day. During these timeframes a total of 565 vehicles and 66 trucks passed through the crossing. The information presented meets the criteria for a children's crossing.

A further count by the Road Safety Crossing Unit failed to meet the warrant.

In November 2012, an onsite meeting was held with the Minister for Police and Road Safety, Ms Liza Harvey and several stakeholders to discuss the matter. The Minister subsequently sent a letter to the Mount Barker Community College P & C suggesting three options to address the crossing issue:

1. Slow the traffic from the roundabout from 60 kph to 40 kph during crossing times;
2. Construct a median strip safe haven for children;
3. Install a Type B crossing.

The Mount Barker Community College P & C has now written to the Shire, seeking support for a children's crossing to be installed on Albany Highway, north of the truck bay opposite Hick's Well (option 2).

## **STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

## **FINANCIAL IMPLICATIONS**

The Council will be expected to fund infrastructure improvements (footpath modifications) for whichever option is chosen. There is currently no budget allocation for this work in the 2012/2013 budget.

For option 1, modification works will need to be done to slightly alter the existing footpath located at the proposed location of north of the railway crossing but south of the Lowood Road Intersection. The approximate cost of this work is \$2,000.00, and could be charged to Budget Item 'Footpath Maintenance'.

For option 2, some of the previous work to upgrade the Lowood Road and McDonald Avenue Intersection would have to be reversed and a footpath installed from there to the crossing. It is estimated that this would cost \$60,000.00-\$70,000.00.

It is likely that the Council will be asked to fund the manning of the children's crossing if a Type A crossing is not approved. The annual cost of such a commitment is estimated to be \$25,000.00-\$30,000.00.

## **POLICY IMPLICATIONS**

There are no policy implications for this report.

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## STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022, provides at Outcome 2.4 (Safe and reliable transport infrastructure), the following Strategy 2.9.4:

*'Investigate and respond to road safety and traffic issues throughout the District.'*

## OFFICER COMMENT

It is acknowledged that some form of children's crossing needs to be installed to improve the safety of school children going to and from the western side of Mount Barker and crossing Albany Highway.

Applications for crossings need to be made to Children's Crossing and Road Safety Committee for both Type A and Type B crossings. If a crossing is endorsed by the Committee, a Type A crossing will be funded by the State Government, whereas a Type B crossing would need to be funded by other parties (eg: School or Shire).

The criteria for each type of crossing is listed below:

- |        |  |
|--------|--|
| Type A | must have a minimum of 20 students utilising the crossing and have vehicle movements of no less than 200 in the hour prior to school commencing and the hour immediately after school finishing. |
| Type B | must have a minimum of 10 students utilising the crossing and have vehicle movements of no less than 100 in the hour prior to school commencing and the hour immediately after school finishing. |

As a part of the process, Main Roads will be required to conduct a safety audit on the site chosen for an application.

Up until now there has been no need for the Council to formalise its position on the location of the children's crossing. However, a letter has recently been received from the Mount Barker Community College P & C Association requesting that the Shire of Plantagenet support its preferred position (option 2) of the children's crossing, being north of the truck bay opposite Hicks Well. The P & C believe that this is the ideal location for the following reasons:

- Clear, uninterrupted sighting of traffic both north and south;
- No driveways in the immediate vicinity;
- Wide enough road space (potential for island in the middle of highway);
- Signage of the crossing would not have any conflict with other signage (currently only tourism signs); and
- A footpath is already in place on the eastern side of the highway, with space on the western side for another.

It has been argued that most of the children will cross at this point as it is close to the shops. It is also a more likely location to secure a Type A crossing approval as the count would also include more vehicles (coming out of Lowood Road).

Whilst the proposed location has some merits, there are considered to be some disadvantages to that location, as follows:

- The traffic movements from the United petrol station, caravan park, motel and traffic entering from Lowood Road are all situated within very close proximity to the proposed crossing.
- An attendant would have to be located on the eastern side of the road to get good sight lines.
- The Council has recently spent funds on the upgrade of the Lowood Road and McDonald Avenue Intersection. Some of that would have to be reversed and a footpath installed from there to the P & C preferred location. It is estimated that this would cost \$60,000.00-\$70,000.00. There is no funds budgeted for this work.

In view of this, the administration is of the view that the Council should adopt option 1 as its preferred option, that being north of the railway crossing but south of the Lowood Road Intersection. The benefits are:

- This location already has a footpath to the eastern side of the Albany Highway and only minor modifications would be required to the western side.
- There is good visibility to both the north and south and no access to either driveways or businesses in this area;
- There are stopping lines on both sides of the railway line on Albany Highway;
- The only turning traffic would be that either turning into or entering from Lowood Road;
- Brookfield Rail Pty Ltd has previously indicated that it has no issues with a children's crossing being established here. As indicated previously, this is also the site preferred by Main Roads.

The disadvantages with this site are:

- It is closer to the railway line. When modified, the crossing point would be around six metres from the railway crossing holding lines and further than this from the railway line itself;
- Children would have to cross the two driveways at United petrol station, as do the children walking to and from school from the eastern side of town;
- This site, along with the other site, does not seem to warrant a Type A crossing and therefore will need to be funded by someone other than the State Government if an attended crossing can be established.

It is important that the Council decides on a preferred location and then supports the Mount Barker Community College P & C Association obtain a children's crossing for the safety of all road users. It is suggested that the Council endorse option 1 at this stage and that the matter be reassessed in 12 months.

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Cr L Handasyde, seconded Cr G Messmer:

That:

1. A site north of the railway crossing but south of the Lowood Road Intersection, as shown on the concept plan as submitted by Main Roads WA, be endorsed as the preferred location for a proposed children's crossing on Albany Highway;
2. The minor footpath realignment works required to facilitate the crossing in Part 1 above, be endorsed; and
3. The adequacy of the location in Part 1 above as a site for a children's crossing be reassessed 12 months from the date of its installation.

**AMENDMENT**

Moved Cr B Bell, seconded Cr J Moir:

That the motion be reworded to support the Mount Barker Community College P & C's preferred option.

**WITHDRAWAL OF AMENDMENT**

The amendment was withdrawn with the consent of the mover and seconder pursuant to paragraph 9.11 of Standing Orders.

**MOTION TO ADJOURN**

Moved Cr B Bell, seconded Cr S Etherington:

That the question be adjourned and a further report be presented with developed cases for both options 1 and 2.

**LOST (2/7)**

The motion was then put

**CARRIED (7/2)**

**NO. 14/13**

**9.2.2 POLICY REVIEW - PRIVATE WORKS - EXTERNAL**

**File No:** N25295  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Kaye Skinner  
Works Administration Officer  
**Proposed Meeting Date:** 29 January 2013

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**PURPOSE**

The purpose of this report is to review Council Policy No. I/PW/1 – Private Works – External.

**BACKGROUND**

This policy was last reviewed on 14 December 2010.

**STATUTORY ENVIRONMENT**

There are no statutory obligations other than the compliance with the National Competition Policy and major trading undertakings legislation (Local Government Act). Neither of these qualify in this case due to the low volumes (and value) that the Council undertakes of private works.

**FINANCIAL IMPLICATIONS**

The Shire currently on average performs private works to businesses, farmers, or individuals within the Shire about once every two months. The works generally relate to installing signs and grading of driveways whilst in the vicinity.

The Shire also has occasional work for Main Roads WA (MRWA) which includes, but not limited to, slashing, tree pruning and weed control within the roads under the control of MRWA. In the current budget the Council is expecting to receive income of \$200,000.00 with expenditure of \$230,000.00.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012-2022, provides at Outcome 4.2 (Effective engagement with the community and stakeholders), the following Strategy 4.2.1:

*‘Develop a community engagement and communication strategy.’*

**OFFICER COMMENT**

This policy was amended in 2010 to incorporate clearer guidelines in relation to providing works that the Council may undertake for Government Departments, ratepayers, developers, individuals and organisations.

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This policy also identified the need for two separate policies for external and internal works to reduce confusion.

No changes are necessary for this policy.

### **VOTING REQUIREMENTS**

Simple Majority

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

Moved Cr J Moir, seconded Cr C Pavlovich:

That Council Policy No. I/PW/1 – Private Works – External as follows:

#### **OBJECTIVE:**

- To outline the procedures for undertaking private works requests by residents, organisations and others (client).
- To ensure that any private work complies with the Western Australian Policy on Competition Neutrality. 'The objective of the Competitive Neutrality Policy is the elimination of resource allocation distortions arising out of the public ownership of entities engaged in significant business activities: Government business should not enjoy any net competitive advantage simply as a result of their public sector ownership.'
- To ensure the Shire does not directly compete with local businesses or contractors.
- To ensure a mechanism is in place to supply a project estimate and receive payment for any private work.

#### **POLICY:**

1. The Chief Executive Officer (or nominated officer) will determine whether work constitutes 'private works' or 'minor works'. Minor works encompasses works such as driveway grading, tree removal, drainage maintenance, etc and is charged on an hourly rate in accordance with the Council's schedule of fees and charges approved annually.
2. All private works jobs will be costed independently to the client.
3. All works will be costed in accordance with the Council's schedule of fees and charges.
4. A project estimate shall be provided to the client, in writing, outlining the costs, the timeframe, clearly stating that this is an 'Estimate Only', and shall include provision for recouping additional payment should the cost of the project exceed the estimate, or refund if applicable.

5. A timeframe shall be provided to the client as to when the works can be undertaken. No private works shall take precedent over the completion of the Council's annual works program.
6. All private works jobs will be performed, supervised and timesheets checked and the account issued independently to the client. Any variations will be authorised by the client in writing before they are performed.
7. Standard practice is that fees and charges are paid in advance of the service or work being undertaken, excluding Government agencies. When delaying commencement of work until the client has paid the necessary fee is impractical due to the necessary machinery being on or adjacent to the site where minor works are proposed, the Chief Executive Officer (or nominated officer) is authorised to proceed with minor works jobs prior to payment being received.
8. No plant or equipment will be hired on a 'dry hire' basis.'

be endorsed.

CARRIED (9/0)

NO. 15/13

**9.2.3 POLICY REVIEW - PRIVATE WORKS - INTERNAL**

**File No:** N25297  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Kaye Skinner  
Works Administration Officer  
**Proposed Meeting Date:** 29 January 2013

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**PURPOSE**

The purpose of this report is to review Council Policy No. I/PW/2 – Private Works – Internal.

**BACKGROUND**

This policy was first adopted on 14 December 2010, to recognise the differences between private works undertaken for internal and external stakeholders.

**STATUTORY ENVIRONMENT**

There are no statutory obligations other than the compliance with the National Competition Policy and major trading undertakings legislation (Local Government Act). Neither is applicable in this case due to the low volumes (and values) that the Council undertakes of provide works.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012-2022, provides at Outcome 4.2 (Effective engagement with the community and stakeholders), the following Strategy 4.2.1:

*‘Develop a community engagement and communication strategy.’*

**OFFICER COMMENT**

Guidelines were created to ensure equity to all staff for the use of Council plant and equipment and to ensure staff obtain the appropriate approvals before private works occur. These guidelines ensure that the policy is transparent to the wider community.

No changes are necessary for this policy.

**VOTING REQUIREMENTS**

Simple Majority

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr J Moir, seconded Cr S Etherington:

That Council Policy I/PW/2 – Private Works – Internal as follows:

**OBJECTIVE:**

- To give direction to Councillors and Shire employees in relation to accessing the Shire service of private works.
- To ensure there is a mechanism in place to adequately address and manage the issue of accountability where Councillors and Shire employees are engaging the Shire to perform works.
- To ensure the Council's adopted Code of Conduct is recognised as integral to the process of internal private works.

**POLICY:**

1. Any Councillor or employee wishing to engage the Shire to perform private works (including occasional 'wet hire' of plant or equipment), shall in the first instance forward a written request to their supervisor who will then refer the matter with the relevant employees responsible for preparing the quote. The Chief Executive Officer and Councillors would refer their request to the Shire President.
  2. All private works jobs will be costed and quoted independently to the Councillor or employee.
  3. All private works will be costed and quoted in accordance with the Council's schedule of fees and charges approved annually.
  4. No work will be performed until and unless the quoted amount is paid and received by the Shire in advance of the works being commenced. Any variations will be authorised by the Councillor or employee in writing before they are performed.
  5. After payment of the quoted amount (where it is acknowledged that if made on estimates of time, further payment or reimbursements will be made once all costs have been finalised), the Councillor or employee will take no further action in any way other than from the perspective of the client and this shall be made known whenever dealings are being undertaken. All private works jobs will be performed, supervised and timesheets checked and the account issued independently of the Councillor or employee.
  6. Those Councillors or employees involved in the process coming into contact with the client will treat the Councillor or employee (who is the client) in the same manner as any other client in accordance with the Council's Customer Service Charter.
  7. This policy also applies to clients who are closely associated persons (as defined in the Local Government Act 1995) to Councillors or employees.
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8. No plant or equipment will be hired on a 'dry hire' basis.
9. No private works shall take precedence over the completion of the Council's annual works program'.

be endorsed.

**CARRIED (9/0)**

**NO. 16/13**

**9.2.4 ROAD NAME REGISTER – REQUEST TO INCLUDE THE NAME ‘MCLEAN’**

**File No:** N25318  
**Attachment:** [Site Map](#)  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Vanessa Ward  
Senior Administration Officer Works  
**Proposed Meeting Date:** 29 January 2013

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**PURPOSE**

The purpose of this report is to consider a request to include the name ‘McLean’ on the Council’s Road Name Register.

**BACKGROUND**

The Council has received a request from Mr Kevin and Mrs Lyn Forbes to have the name ‘McLean’ included on the Council’s Road Name Register. The request from Mr and Mrs Forbes is to name the new subdivisional road adjacent to lots 606, 607 and 635 Wilson Road (see attached map).

Mr and Mrs Forbes have provided history on Mr Charlie McLean, extracts of which are detailed below:

*‘Charlie McLean was born in Scotland in 1908 and came to Western Australia in 1922 to join the McCook family in Muntagin WA.*

*In 1929 he relocated to Jack McCook’s family at Wilson Road, Mt Barker WA, where he worked in the McCook orchard. He later took over and operated a small orchard of his own on the north side of Wilson Road. This area was believed to be Albany Highway end of Wilson Road.*

*When the war broke out in 1940, Charlie enlisted and served in the army in the north of WA.*

*At the conclusion of the war, Charlie McLean returned to Wilson Road and purchased 317 acres on the south side of the road. This property is the subject of this subdivision and road naming request.*

*Charlie McLean developed this mostly bush land and lived in a timber hut for many years until he eventually built the first house on the property.*

*He was also a successful racing enthusiast, bred winning horses and with other Mt Barker identities regularly attended races in Perth.*

*In 1989 Charlie McLean sold the property to Mr R Hankinson from whom we purchased it in 2003.*

*Charlie McLean passed away on 15 February 1991.’*

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**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

Council Policy I/RR/1 – Future Street and Reserve Names states (in part):

- (2) Additions to and deletions from the Road and Reserve Register shall only be by Council decision.
- (3) Applications for inclusion on the register shall be accompanied by sufficient information from the applicant to include that name on the register, in addition to any further information being required by the Geographic Names Committee.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

It is considered appropriate that the name 'McLean' be added to the Road Name Register given Mr McLean's 60 year association with the Wilson Road and Mount Barker area. It is also considered appropriate for the name 'McLean Road' to be applied to the new subdivisional road adjacent to lots 606, 607 and 635 Wilson Road.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

That:

1. The name 'McLean' be added to the Council's Road Name Register; and
2. Subject to the endorsement of the Geographic Names Committee, the name 'McLean Road' be applied to the new subdivisional road adjacent to lots 606, 607 and 635 Wilson Road, Mount Barker.

**CARRIED (9/0)**

**NO. 17/13**

**9.2.5 NEW FEE – COST OF REPLACEMENT 120 LITRE RUBBISH BIN**

**File No:** N25339  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Vanessa Ward  
Senior Administration Officer  
**Proposed Meeting Date:** 29 January 2013

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**PURPOSE**

The purpose of this report is to adopt a fee for the cost of a replacement 120 litre blue rubbish bin.

**BACKGROUND**

The Council has recently purchased a supply of 120 litre blue rubbish bins for residential properties within the townsites of Mount Barker, Kendenup and Narrikup. These bins were allocated to residents as part of our kerbside recycling collection, which commenced 10 January 2013.

Eligible households were issued an initial bin, however any bin that requires replacement due to damage, being lost or stolen is at the householder's expense.

**STATUTORY ENVIRONMENT**

Waste Avoidance and Resource Recovery Act 2007

Local Government Act 1995

Sections 6.16 - 6.19 inclusive of the Local Government Act 1995 determine the procedure for setting fees and charges. Section 6.16 (3) states:

*'Fees and charges are to be imposed when adopting the annual budget but may be –*

- (a) imposed\* during a financial year;*
- (b) amended\* from time to time during a financial year.*

*\*Absolute majority vote required.'*

Section 6.19 states:

*'If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of –*

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.'*

The amended fees and charges will need to be advertised for a minimum period of seven days in accordance with the definition of 'Local Public Notice' at Section 1.7 of the Local Government Act 1995.

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**EXTERNAL CONSULTATION**

The cost of replacement bins have been obtained from Plastic Plus, David Gray and other waste contractors.

**FINANCIAL IMPLICATIONS**

There are financial implications for this report, however they are unable to be accurately quantified as an average number of replacement bins is yet to be determined.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012-2022, provides at Outcome 2.9 (Integrated waste management), the following Strategy 2.9.4:

*'Investigate and implement recycling capability'*

**OFFICER COMMENT**

The Council purchased a number of 120 litre rubbish bins in order to effect the introduction of a recycling service in the townsites. The cost of the bulk order equated to approximately \$53.00 per bin.

It is expected that, as time goes by, the new household waste rubbish bins will be damaged, lost or stolen and the affected households will need a new one. Householders will be required to purchase the replacement from the Shire as each bin is numbered and imprinted with the Shire logo. This number is recorded on the associated rates assessment.

Current quotes for the cost of replacement bins (in small quantities) range in price from \$60.00 to \$73.00 per bin. It is recommended that Council charge \$65.00 for each bin that needs replacing. This amount includes the estimated bin cost, plus cost of freight and delivery to householder. This fee will be reviewed annually as part of the budget preparation process.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That:**

- 1. A 120 litre bin replacement fee of \$65.00 be introduced effective 1 March 2013.**
- 2. The amendment to the Council's schedule of fees and charges be advertised in accordance with the provisions of Section 6.19 of the Local Government Act 1995.**

**CARRIED (9/0)**

**NO. 18/13**

**Absolute Majority**

### 9.3 COMMUNITY SERVICES REPORTS

#### 9.3.1 KENDENUP PUBLIC RECREATION AND PLAY AREA – RAIL CORRIDOR LAND

|                               |   |
|-------------------------------|---|
| <b>File No:</b>               | <b>N25303</b>   |
| <b>Attachments:</b>           | <a href="#"><u>Public Recreation Area</u></a><br><a href="#"><u>Bush Park</u></a> |
| <b>Responsible Officer:</b>   | <b>Rob Stewart</b><br><b>Chief Executive Officer</b>                              |
| <b>Author:</b>                | <b>Nicole Selesnew</b><br><b>Manager Community Services</b>                       |
| <b>Proposed Meeting Date:</b> | <b>29 January 2013</b>  |

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#### **PURPOSE**

The purpose of this report is to endorse a concept plan for a public recreation area and a playground site plan to be located in the rail corridor land, adjacent to Hassell Avenue, Kendenup.

#### **BACKGROUND**

The Kendenup Precinct Development Plan, prepared by Gerard Healy and Associates Pty Ltd, was endorsed by the Council at its Ordinary Meeting held on 13 October 2009.

The Precinct Plan identifies a 'Town Recreation Area' on the western side of the rail corridor adjacent to Hassell Avenue, Kendenup, comprising:

- a basketball half court;
- skate park;
- picnic and play areas interconnected with a footpath; and
- landscaping using native plantings.

The skate park development is complete and the Shire has auspiced two funding applications on behalf of the Kendenup Community Development Association Inc (KCDA) for the construction of a basketball half court development. Kendenup community members have been maintaining a pathway through the rail corridor area for a number of years. Recently, the KCDA began work on picnic and play areas along the path. The playground design is based on the nature play concept, utilising natural materials and the landscape to create play experiences for children.

Prior to any playground developments on Council owned or managed land, a concept plan and a process to ensure that all play equipment meets appropriate playground standards and the Shire's Occupational Safety and Health standards needs to be addressed.

The Council has a licence from Brookfield Rail Pty Ltd to use the western side of the rail corridor from the Beverley Road railway line crossing north to the Austin Street/Lake Matilda Road crossing, for public recreation purposes.

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## **STATUTORY ENVIRONMENT**

There are a number of Australian Standards for Playgrounds which provide the minimum standard for the design, construction, installation, maintenance and inspections of playground equipment, these being:

- AS 4685:2004 (Parts 1 to 6);
- AS/NZS 4422: 1996;
- AS/NZS 4486.1: 1997;
- AS 2155: 1982; and
- AS 1428.3: 1992.

## **EXTERNAL CONSULTATION**

A public meeting was held in Kendenup on 13 December 2012 to discuss road verge management and the start of a playground development. The Chief Executive Officer expressed concerns that the existing pieces of play equipment had several safety issues and were exposing the Council to potential litigation. It was agreed that the equipment would be barricaded off until the safety issues were addressed and the equipment was deemed safe by Shire Officers.

Further consultation has occurred with representatives from the KCDA, Mr David Williamson and Mrs Val Saggars, and Mrs Tracy Blaszkow from Kidsafe Western Australia. The aim of this meeting was to discuss how the proposed playground components could be constructed in order to meet the relevant standards.

## **FINANCIAL IMPLICATIONS**

The KCDA has been proactive in seeking funding, in-kind resources and assistance from the Pardelup Prison Camp to start developing a playground area. They may request some of in-kind assistance from the Shire to help with soft fall areas (ie delivery of some mulch and fill).

There is no allocation in the adopted 2012/2013 Annual Budget for playground developments in Kendenup for either capital or maintenance work.

## **POLICY IMPLICATIONS**

There are no policy implications for this report.

## **ASSET MANAGEMENT IMPLICATIONS**

The ongoing maintenance and replacement of the Kendenup public recreation and play areas will be a responsibility of the Shire.

## **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012 – 2022 provides at Outcome 1.4 (Opportunities for development and participation of our youth) the following Strategy:

*‘Strategy 1.4.2: Provide and promote appropriate and accessible facilities and activities for youth.’*

**OFFICER COMMENT**

A Kendenup Rail Corridor Public Recreation Area Concept Plan and a Kendenup Bush Park Play Area Site Plan have been prepared by the KCDA (attached). These plans align with the Council's adopted Kendenup Precinct Development Plan.

In addition to the Concept Plan, the KCDA has an overall vision for the Public Recreation Area along the rail corridor which includes the following features:

- Ensuring the play areas are constructed to suit all ages and abilities, including areas such as the Bush Park play area and adult exercise stations along the pathways;
- Using natural based materials to construct play equipment and for soft fall areas to provide a variety of different experiences;
- Maximising shade by retaining trees throughout the play area and constructing appropriately placed shelters (such as the sheltered viewing area being developed at the skate park site);
- Incorporating a variety of attractive, functional pieces of park furniture throughout the area;
- Public artwork along pathways;
- A sealed 1.5km pathway system around the entire railway reserve covering the east and west sides of the railway line;
- Bush animal tracking sites and bird watching posts; and
- Information and educational signage describing the natural environment and the history of the area.

The KCDA is keen to see the development of the Bush Park Play Area as a priority. They have begun some work in the rail corridor with a 'hollow stump/slide' area, stepping stones and a 'tree trunk walk'. These pieces of equipment are partially complete and Shire Officers have instructed they be barricaded off from public access until such a time as they meet appropriate playground standards and the Shire's Occupational Safety and Health standards.

The Shire holds the responsibility for all developments that occur in the licenced portion of the rail corridor area, including ensuring developments are appropriate to community needs, safe, well constructed and able to be maintained to an appropriate standard.

The KCDA has prepared a concept plan and a play area site plan based on community input and their own qualifications and expertise. Community members have been willing to provide their time, materials and resources towards the development of a play area.

The Shire needs to ensure its safety standards and Brookefield Rail Pty Ltd licence requirements are met by overseeing the construction of all public recreation and play

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equipment and facilities in the rail corridor area. Services such as Kidsafe should be utilised where possible.

### **VOTING REQUIREMENTS**

Simple Majority

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

**Moved Cr A Budrikis, seconded Cr S Etherington:**

**That:**

- 1. The Kendenup Rail Corridor Public Recreation Area Concept Plan dated 17 January 2013 as attached, being in accordance with the Kendenup Precinct Development Plan endorsed by the Council on 13 October 2009, be endorsed.**
- 2. The Kendenup Bush Park Play Area Site Plan dated 17 January 2013 as attached, be endorsed.**
- 3. The Kendenup Community Development Association Incorporated be advised that:**
  - (a) The Manager of Works and Services must oversee the design and installation of all public recreation areas and play equipment in the rail corridor area under licence to the Shire, using the relevant Australian Standards and the Shire's Occupational Safety and Health standards as a guide;**
  - (b) Any use of volunteers to assist with the construction of public recreation and play equipment in the rail corridor area must be in accordance with the Shire's Occupational Safety and Health standards; and**
  - (c) Any recreation or play equipment that does not comply with the relevant Australian Standards and the Shire's Occupational Safety and Health standards will be removed.**

**CARRIED (9/0)**

**NO. 19/13**

## 9.4 CORPORATE SERVICES REPORTS

### 9.4.1 FINANCIAL STATEMENTS – DECEMBER 2012

|                               |  |
|-------------------------------|--|
| <b>File No:</b>               | <b>N25296</b>  |
| <b>Attachment:</b>            | <a href="#"><u>Financial Statement (separate attachment)</u></a> |
| <b>Responsible Officer:</b>   | <b>John Fathers</b><br><b>Deputy Chief Executive Officer</b>     |
| <b>Author:</b>                | <b>Brendan Webb</b><br><b>Accountant / Office Manager</b>        |
| <b>Proposed Meeting Date:</b> | <b>29 January 2013</b>   |

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#### **PURPOSE**

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 31 December 2012.

#### **STATUTORY ENVIRONMENT**

Regulation 34 of the Financial Management Regulations 1996 requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- a) annual budget estimates;
- b) budget estimates to the end of the month;
- c) actual amount of expenditure and revenue;
- d) material variances between comparable amounts in b) and c) above; and
- e) the net current assets at the end of the month to which the statement relates ie: surplus/deficit position.

The Statement is to be accompanied by:

- a) explanation of the composition of net current assets, less committed assets and restricted assets;
- b) explanation of the material variances; and
- c) such other information considered relevant by the local government.

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

#### **VOTING REQUIREMENTS**

Simple Majority

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr J Moir:**

**That the Financial Statements for the month ending 31 December 2012 be received.**

**CARRIED (9/0)**

**NO. 20/13**



**9.4.2 LIST OF ACCOUNTS - DECEMBER 2012**

|                               |  |
|-------------------------------|--|
| <b>File No:</b>               | <b>N25290</b>  |
| <b>Attachments:</b>           | <a href="#"><u>List of Accounts – December 2012</u></a>      |
| <b>Responsible Officer:</b>   | <b>John Fathers</b><br><b>Deputy Chief Executive Officer</b> |
| <b>Author:</b>                | <b>Emma Gardner</b><br><b>Accounts Officer</b>               |
| <b>Proposed Meeting Date:</b> | <b>29 January 2013</b>                                       |

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**PURPOSE**

The purpose of this report is to present the list of payments that were made during the month of December 2012.

**STATUTORY ENVIRONMENT**

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

The Chief Executive Officer has delegated authority to authorise payments (22 May 2012). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr L Handasyde:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended December 2012 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$459,811.65; and
- b. Municipal Cheques 43444 - 43498 totalling \$35,677.34.

**CARRIED (9/0)**

**NO. 21/13**

**9.4.3 POLICY REVIEW - PENSIONER REBATES ON RURAL PROPERTIES**

**File No:** N25229  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Leanne Briggs  
Rates Officer  
**Proposed Meeting Date:** 29 January 2013

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**PURPOSE**

The purpose of this report is to review Council Policy F/FM/8 – Pensioner Rebates on Rural Properties.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 6 July 2010.

Prior to the current policy being adopted, the Council had traditionally granted pensioner rebates to owner occupiers based on certain categories of pensioner concession status, as evidenced by cards held by the applicant in accordance with the Rates and Charges (Rebates and Deferments) Act, 1992.

Under that Act, Senior Card Holders receive a 25% rebate. A 50% rebate is applicable for people who have:

- A Senior Card and a Commonwealth Senior Card; or
- A Pensioner Concession Card; or
- A State Concession Card.

**STATUTORY ENVIRONMENT**

The Rates and Charges (Rebates and Deferments) Act, 1992, defines the manner in and circumstances under which a local government is to apply pensioner concessions. State Revenue, as the statutory authority vested in administering the Act has issued procedural guidelines for interpreting section 28 (2) of the Act which provides for rebate apportionment where the applicant's land is used as the ordinary place of residence and it is not the sole use of that land.

The 'Concessions on Commercial and Farming Properties Occupied by Pensioners' section of the procedure manual provides five options to arrive at a solution for the granting of a pensioner concession in these circumstances.

1. Grant no concession.
2. Grant a proportionate rebate based on the area used for residential purposes against that used for commercial or farm (income generating) purposes.
3. Grant a proportionate rebate by applying an arbitrary cartilage of two hectares in respect of the residential component of the rated property.
4. Grant a concession based on a minimum rate or valuation based rate irrespective of property size.
5. Grant a concession based on the total rates levied against the property.

The Council's policy is based on option 4.

### **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**

It is considered that the current policy, which is to apply the appropriate rebate based on the minimum and the rates and the Emergency Services Levy charges, is the fairest, most equitable and efficient method of applying the pensioner rebate on owner occupied commercial farming properties. Advantages of applying this method include:

1. All rebate-eligible farmers receive the same, thus avoiding dispute and perceived unfairness.
2. Minimum amount of work and rebate can be calculated easily and immediately.
3. No time lag from requesting Valuer Generals Office 'off rating role' valuations.
4. No need to split up group ratings. The rebate is granted on the minimum charge for the land parcel upon which the residence is situated.
5. If the claimant is not the 100% pensioner, they cannot defer their rates.

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 F/FM/8 – Pensioner Rebates on Rural Properties, as follows:

**‘OBJECTIVE:**

To adopt a consistent approach for granting pensioner rebates for owner occupiers of rural properties within the Shire of Plantagenet.

**POLICY:**

Where an owner occupier of a rural property claims a pensioner concession, the applicable rebate will be based on applying the rebate (in accordance with the appropriate legislation) against the minimum charge for property rates and the Emergency Services Levy (ESL), irrespective of property size.’

be endorsed.

**CARRIED (9/0)**

**NO. 22/13**

## 9.5 EXECUTIVE SERVICES REPORTS

### 9.5.1 GENERAL MEETING OF ELECTORS - MINUTES – 2011/2012

|                               |  |
|-------------------------------|--|
| <b>File No:</b>               | <b>N21052</b>  |
| <b>Attachments:</b>           | <a href="#"><u>General Meeting of Electors Minutes</u></a>   |
| <b>Responsible Officer:</b>   | <b>John Fathers</b><br><b>Acting Chief Executive Officer</b> |
| <b>Author:</b>                | <b>Linda Sounness</b><br><b>Executive Secretary</b>          |
| <b>Proposed Meeting Date:</b> | <b>29 January 2013</b>                                       |

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#### **PURPOSE**

The purpose of this report is to receive the Minutes of the General Meeting of Electors held on 27 November 2012.

#### **BACKGROUND**

The General Meeting of Electors for the Shire of Plantagenet was held on 27 November 2012 for the purpose of receiving the Shire's 2011/2012 Annual Report and to consider any general business.

#### **STATUTORY ENVIRONMENT**

Pursuant to Section 5.27 of the Local Government Act (1995), a General Meeting of the Electors of the district is to be held once every financial year.

Further, pursuant to Section 5.32 of the Act, copies of the Minutes are to be made available for inspection by members of the public before the Council Meeting at which decisions made at the General Meeting of Electors are first considered.

Pursuant to Section 5.33 of the Act all decisions made at an Electors Meeting are to be considered at the next Ordinary Meeting of the Council where practicable.

#### **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**

There were no decisions made at the Electors Meeting needing consideration by the Council.

#### **VOTING REQUIREMENTS**

Simple Majority

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That the Minutes of the General Meeting of Electors of the Shire of Plantagenet held on 27 November 2012 be received.**

**CARRIED (9/0)**

**NO. 23/13**

**9.5.2 METROPOLITAN LOCAL GOVERNMENT REVIEW**

**File No:** N25166  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 29 January 2013

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**PURPOSE**

The purpose of this report is to consider and advise of the Shire of Plantagenet's position on the recommendations in the Metropolitan Local Government Review.

**BACKGROUND**

The independent Metropolitan Governance Review Panel was asked by the Minister for Local Government to:

- *'Identify current and anticipated specific regional, social, environmental and economic issues affecting, or likely to affect, the growth of metropolitan Perth in the next 50 years.*
- *Identify current and anticipated national and international factors likely to impact in the next 50 years.*
- *Research improved local government structures, and governance models and structures for the Perth metropolitan area, drawing on national and international experience and examining key issues relating to community representation, engagement, accountability and State imperatives among other things the panel may identify during the course of the review.*
- *Identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community.*
- *Prepare options to establish the most effective local government structures and governance models that take into account matters identified through the review including, but not limited to, community engagement, patterns of demographic change, regional and State growth and international factors which are likely to impact.*
- *Present a limited list of achievable options together with a recommendation on the preferred option.'*

The public comment period will finish on Friday, 5 April 2013 and the State Government will then consider all of the information before making a decision on the various recommendations.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

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## EXTERNAL CONSULTATION

The report is out for public comment until 5 April 2013.

## FINANCIAL IMPLICATIONS

Dependant upon the outcome of the recommendations, several if supported, would generate greater costs associated with the governance of a local government. Recommendation No. 1 on the other hand has the potential to increase the Council's income.

## POLICY IMPLICATIONS

There are no policy implications for this report.

## STRATEGIC IMPLICATIONS

The outcomes of the Government's consideration of the various recommendations could have very important strategic implications for the direction of the local government in this State.

## OFFICER COMMENT

The Metropolitan Local Government Review Panel released its final report on the Metropolitan Local Government Review. This can be viewed at:  
<http://metroreview.dlg.wa.gov.au>.

The Report makes numerous recommendations that have direct implications for the entire State and therefore all Local Governments in WA. The Shire of Plantagenet may also feel that it would like to comment on recommendations that do not directly impact on the Shire of Plantagenet as an entity, but nevertheless, its constituents might feel it ought to (such as a shared vision for Perth).

The report contains 30 recommendations which are as follows:

### Section 4 of the Report

1. The State Government give consideration to the inequities that exist in local government rating, including rate-equivalent payments and State Agreement Acts.

*Should government business entities pay rates?*

2. A collaborative process between State and local government be commenced to establish a new Partnership Agreement which will progress strategic issues and key result areas for both State Government and local government.

*Although support would appear to be the straightforward answer, previous partnerships have been ignored.*

3. The State Government facilitate improved co-ordination between State Government agencies in the metropolitan area, including between State Government agencies and local government.

*Supported for not just the metropolitan area but also the regions. The opportunity also exists to review the alignment of Department boundaries to align with the nine regional Development Commission boundaries.*

4. A full review of State and local government functions be undertaken by the proposed Local Government Commission as a second stage in the reform process.

*The principle of a review of WA State and Local Government functions is supported, particularly if it acknowledges the services, functions and facilities that local government currently provides which is subsidised on behalf of the State or provided at a loss.*

5. In conjunction with the proposed structural and governance reforms, that local government planning approval powers be reinstated in metropolitan Perth by the State Government.

*Supported. The opportunity also exists to review the effectiveness of the Development Assessment Panels at a State-wide level and relationships with the Department for Planning.*

6. The State Government consider the management of waste treatment and disposal at a metropolitan-wide scale either be undertaken by a State authority or through a partnership with local government.

*Supported.*

7. A shared vision for the future of Perth be developed by the State Government, in conjunction with local government, stakeholder and community groups.

*Supported – the fact that there currently isn't a State accepted 'vision' for Perth is surely an indictment on the current (and previous) State and Local Government relationship.*

### **Section 5 of the Report**

8. A Forum of Mayors be formed to facilitate regional collaboration and effective lobbying for the needs of the metropolitan area and to provide a voice for Perth.

*The principle of all partners (local governments) in the metropolitan region coming together to address critical cross boundary issues is supported. The representative of each local government should however be the discretion of the local government and as long as they have the authority to speak on behalf of the local government. The Mayor or Shire President should be the default nominee unless another representative is chosen by that authority.*

9. The Forum of Mayors be chaired by the Lord Mayor of the modified City of Perth in the first instance.

*Supported*

10. The newly created local governments should make the development and support of best practice community engagement a priority, including consideration of place management approaches and participatory governance modes, recognition of new and emerging social media channels and the use of open-government platforms.

*Supported*

11. The existing Regional Local Governments in the metropolitan area be dissolved, their provisions in the Local Government Act 1995 be repealed for the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed.

*This recommendation presupposes recommendation no. 15. Supported only in the event that no.15 is supported. However, if boundary changes occur, it would probably need to occur in any case.*

12. The State Government give consideration to transferring oversight responsibility for developments at Perth's airports, major hospitals and universities to the Metropolitan Redevelopment Authority.

*Not supported as insufficient evidence has been provided to justify the change.*

13. Periodic local government boundary reviews are undertaken by an independent body every 15 years to ensure the city's local government structure continues to be optimal as the metropolitan region develops.

*Supported subject to the independent body reporting to the State Government and not having legislative ability to implement its own findings / recommendations (judge and jury).*

14. The Local Government Advisory Board be dissolved and its operating and process provisions in the *Local Government Act 1995* be rescinded, with the Local Government Commission taking over its roles, including consideration of representation reviews.

*Not supported - the principle of removing the Advisory Board also acknowledges that the poll provisions and the right for individual local government's constituents to effectively 'veto' an amalgamation call are also removed. It effectively transfers ultimate 'control' over boundaries and local government reform to the State Government of the day without reference to the 'people' of that local government.*

15. A new structure of local government in metropolitan Perth be created through specific legislation which:
- a) incorporates all of the Swan and Canning Rivers within applicable local government areas.
  - b) transfers Rottnest Island to the proposed local government centred around the City of Fremantle.
  - c) reduces the number of local governments in metropolitan Perth to 12, with boundaries as detailed in Section 5 of this report.

*Supported – the arguments espoused in the report support the need for a major review of metropolitan local government to provide for better integration of service provision and improved capacity for metropolitan scale strategic planning in relation to such matters as waste, transport and recreational facilities.*

### **Section 6 of the Report**

16. Consideration be given to all local government elections being conducted by the Western Australian Electoral Commission.

*Not supported. This will add unnecessary cost to local governments who can perform the same service at lower cost. Consideration should be given to whether local governments can compete for providing services to adjoining local governments to improved perceptions of accountability.*

17. Compulsory voting for local government elections be enacted.

*Compulsory voting is in place for Federal and State Governments. The principal argument against is that compulsory voting leads to party politics into local government. The principal argument for is that it is consistent with State and Federal politics. On balance the officer recommends support.*

18. All Mayors and Presidents be directly elected by the community.

*Not supported – the State Government need only look at previous reports on the subject matter including the 1996 Royal Commission into the City of Wanneroo which recommended against the principle of publicly elected Mayors. The officer is of the view that a Mayor or President elected by their peers (elected members) will hold them accountable to not just the residents and ratepayers, but also to the 'board' and make for more harmonious working relationships and better decision making.*

19. Party and group nominations for local government electoral vacancies be permitted.

*The arguments espoused on page 149 of the report are interesting. Indeed it argues that party politics and the politicisation of local government should be facilitated to improve the structure and to introduce bigger broader concepts. On balance the officer is of the view that whilst party politics is not illegal now, it should not be 'facilitated' or encouraged' and is therefore not supported.*

20. Elected members be limited to serving three consecutive terms as councillor and two consecutive terms as Mayor/President.

*The authors espouse the view that elected members should be limited to 12 years on the basis that 12 years is enough time to 'achieve a great deal' and provide for greater sharing of knowledge and experience across broader generations and cultural range. On balance the officer has the view that if the State Government also has this view then it should be compulsory for State Parliament to introduce similar legislation with respect to State Politicians. On the basis that the State Government will not support this view, the officer recommends not supporting the recommendation as the arguments are hypothetical and not based on research.*

21. Elected members be provided with appropriate training to encourage strategic leadership and board-like behaviour.

*Supported.*

22. A full review of the current legislation be conducted to address the issue of the property franchise and the most appropriate voting system (noting the Panel considers that first-past-the-post is inappropriate for the larger districts that it has recommended).

*The officer has the view that first past the post is a system that elects the most preferred candidate and therefore should be supported over arguments of simplicity and ease. The officer believes the system needs to be the same for all local governments in WA, not just the larger municipalities proposed to be created for metropolitan Perth.*

23. Implementation of the proposed setting of fees and allowances for elected members as set by the Salaries and Allowances Tribunal.

*Supported on the basis that it will create consistency and equity across the State and provide greater equity and opportunity for those that are not self employed. It is the officer's view however that this will also probably lead to increased expenses for governance and trend towards 'salaried' positions further driving the need to reduce both the total number and maximum number of elected members in individual local governments.*

24. Payments made to elected members be reported to the community on a regular basis by each local government.

*Supported although it should be acknowledged that this occurs in the annual report (once per year) now.*

25. The Public Sector Commission provide advice and assistance to local governments in the appointment and performance management of local government Chief Executive Officers with consideration given to the Public Sector Commission being represented on relevant selection panels and committees.

*Noting that the officer declares a financial interest in this item – the principle is supported as long as it does not involve any additional financial impost or surcharge on local government to avail of the service.*

### **Section 7 of the Report**

26. A State Government decision on reform should be made as soon as possible, and if the decision is to proceed with structural reforms, the process of implementation should begin without delay.

*Supported noting that the government needs to be realistic with the implementation phase.*

27. Councils take on a leadership role in the reform debate and prepare their residents now for the possibility of changes in the future.

*Supported*

28. The State Government assist and support local governments by providing tools to cope with change and developing an overarching communication and change management strategy.

*Supported (critical)*

29. A Local Government Commission be established as an independent body to administer and implement the structural and governance reforms recommended by the Panel, and facilitate the ongoing relationship between State and local government.

*Not supported for the same reasons espoused in recommendation no. 14.*

30. The recommendations from the Panel should be considered as a complete reform package and be implemented in their entirety.

*Not supported – some recommendations are independent of the others and can be adopted and implemented independently on their merits.*

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That the officer's comments contained within the report be adopted as the Shire of Plantagenet's position with respect to the final report of the Metropolitan Local Government Review recommendations and a copy of the responses be provided to the State National, Labour and Greens Parties together with the WA Local Government Association (WALGA).**

**CARRIED (9/0)**

**NO. 24/13**

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

Nil

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

Nil

## 12 CONFIDENTIAL

### 12.1 WORKS AND SERVICES REPORTS

#### 12.1.1 SUPPLY AND DELIVERY OF A MOTOR GRADER AND LOADER

**File No:** N25316

**Attachments:** [Quote for 12M GC CAT Motor Grader Specifications for 12M Motor Grader](#)  
[Quote for 928Hz Wheel Loader Specifications for 928Hz Wheel Loader](#)

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

**Author:** Dominic Le Cerf  
Manager Works and Services

**Proposed Meeting Date:** 29 January 2013

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#### PURPOSE

The purpose of this report is to recommend that the Council's existing Cat 12H grader and CAT 928G loader be traded to WesTrac Pty Ltd and new CAT 12M GC motor grader and CAT 928Hz wheel loader be purchased.

#### MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr G Messmer, seconded Cr L Handasyde:

5:08pm That the meeting be closed to members of the public pursuant to Section 5.23 (c) of the Local Government Act 1995 as the matter to be considered relates to a contract that may be entered into, by the Local Government and which relates to a matter to be discussed at the meeting.

CARRIED (9/0)

NO. 25/13

#### MOTION TO PROCEED IN PUBLIC

Moved Cr L Handasyde, seconded Cr G Messmer:

5:21pm That the meeting proceed in public.

CARRIED (9/0)

NO. 26/13

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

**That:**

- 1. The quotation from WesTrac Pty Ltd for the and the supply of a new CAT 12M GC articulated motor grader and trade of the Council's CAT 12H grader, for a net change over of \$230,500.00 (excluding GST), be accepted.**
- 2. The quotation from WesTrac Pty Ltd for the supply of a new CAT 928Hz Wheel Loader and trade of the Council's CAT 928 Loader, for a net change over of \$186,800.00 (excluding GST), be accepted.**

**CARRIED (8/1)**

**NO. 27/13**

**13 CLOSURE OF MEETING**

5:22pm The Presiding Member declared the meeting closed.

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