



## ORDINARY MINUTES

**DATE:** Tuesday, 14 October 2014

**TIME:** 3:00pm

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

**Dominic LeCerf**  
**ACTING CHIEF EXECUTIVE OFFICER**

Resolution numbers: 214/14 to 233/14

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This agenda has yet to be dealt with by the Council. The Recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

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## **MEMBERSHIP – Quorum (5)**

### **Membership:**

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

*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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## TABLE OF CONTENTS

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ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	PUBLIC QUESTION TIME.....	2
3.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
3.2	PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995.....	2
4	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
4.1	MR NORM HANDASYDE, DENBARKER BUSHFIRE BRIGADE SHED.....	2
4.2	MR ANDREW FRASER, MOUNT BARKER COMMUNITY COLLEGE.....	2
5	DISCLOSURE OF INTEREST.....	3
6	APPLICATIONS FOR LEAVE OF ABSENCE.....	3
7	CONFIRMATION OF MINUTES.....	3
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	3
9	REPORTS OF COMMITTEES AND OFFICERS.....	4
9.1	DEVELOPMENT SERVICES REPORTS.....	4
9.1.1	DRAFT TOWN PLANNING SCHEME POLICY NO. 16.2 - OUTBUILDINGS.....	4
9.1.2	LOT 354 RED GUM PASS ROAD, KENDENUP - RURAL INDUSTRY (MICRO BREWERY).....	9
9.1.3	LOT 4853 PORONGURUP ROAD CORNER STONEY CREEK ROAD, PORONGURUP - 12 LOT SUBDIVISION.....	14
9.1.4	STRATA LOT 13 ON PLAN 31689, 101 ALBANY HIGHWAY, MOUNT BARKER (VALLEY VIEW TREE FARM) - GROUPED DWELLING.....	19

---

9.1.5	STRATA LOT 13 ON PLAN 31689, 101 ALBANY HIGHWAY, MOUNT BARKER - APPLICATION FOR TEMPORARY ACCOMMODATION.....	23
<b>9.2</b>	<b>WORKS AND SERVICES REPORTS.....</b>	<b>26</b>
<b>9.3</b>	<b>COMMUNITY SERVICES REPORTS .....</b>	<b>26</b>
9.3.1	DENBARKER FIRE BRIGADE SHED - ACQUISITION OF LAND – (ITEM WITHDRAWN) .....	26
<b>9.4</b>	<b>CORPORATE SERVICES REPORTS .....</b>	<b>27</b>
9.4.1	FINANCIAL STATEMENTS – SEPTEMBER 2014.....	27
9.4.2	LIST OF ACCOUNTS - SEPTEMBER 2014.....	29
9.4.3	POLICY REVIEW - HALL HIRE DONATIONS .....	31
9.4.4	POLICY REVIEW - HIRE OF COUNCIL CONTROLLED PROPERTY.....	33
<b>9.5</b>	<b>EXECUTIVE SERVICES REPORTS.....</b>	<b>35</b>
9.5.1	CHRISTMAS CLOSURE 2014/2015 .....	35
9.5.2	COUNCIL MEETINGS SCHEDULE .....	38
9.5.3	DONATION REQUEST – BORNEO EXHIBITION GROUP INC ...	41
<b>10</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>44</b>
<b>11</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....</b>	<b>44</b>
11.1	SOUNNESS PARK DRAINAGE AND SOIL PROFILE.....	44
<b>12</b>	<b>CONFIDENTIAL.....</b>	<b>45</b>
<b>13</b>	<b>CLOSURE OF MEETING.....</b>	<b>45</b>

## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:02pm 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 B Bell	Councillor
Cr A Budrikis	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor
Cr J Moir	Councillor
Cr J Oldfield	Councillor
Cr C Pavlovich	Councillor (Left the Chambers 3:23pm, returned 3:27pm)

### In Attendance:

Mr Dominic Le Cerf	Acting Chief Executive Officer
Mr Peter Duncan	Manager Development Services
Ms Fiona Saurin	Manager Community Services
Mrs Linda Sounness	Executive Secretary
Mr Vincent Jenkins	Planning Officer
Mr Brendan Webb	Accountant

There were three members of the public present.

### Previously Approved Leave of Absence:

Nil

### Emergency Evacuation Procedures/Disclaimer:

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

Mr LeCerf then read aloud the following disclaimer:

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### **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 NORM HANDASYDE, DENBARKER BUSHFIRE BRIGADE SHED**

Mr Handasyde presented a letter to Councillors advising that the Denbarker Brigade will not support the request for the Shed to be built on the Shire Reserve 12266.

#### **4.2 MR ANDREW FRASER, MOUNT BARKER COMMUNITY COLLEGE**

Mr Fraser, Principal of the Mount Barker Community College spoke on his disappointment at the Council's decision not to support the Community College's Community Service Program through the Financial Assistance Program. Mr Fraser commented that the Community Service Program does not receive funding through the Education Department.

Mr Fraser expressed concern regarding arrangements between the College and the Shire to borrow mowing and thatching equipment for College ovals and that this may not be available in the future.

Mr Fraser also advised Councillors that the College has been awarded Independent Public School Status commencing 2015.

## 5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr C Pavlovich

Item: 9.1.4  
Type: Proximity (Section 5.60(B) LGA)  
Nature: Proximity to Lot 101  
Extent: Not required

Item: 9.1.5  
Type: Proximity (Section 5.60(B) LGA)  
Nature: Proximity to Lot 101  
Extent: Not required

## 6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995  
Nil

## 7 CONFIRMATION OF MINUTES

**Moved Cr L Handasyde, seconded Cr C Pavlovich:**

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 16 September 2014 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (9/0)**

**NO. 214/14**

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

**That the Minutes of the Special Ordinary Meeting of the Shire of Plantagenet, held on 16 September 2014 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (9/0)**

**NO. 215/14**

## 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.



## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 DEVELOPMENT SERVICES REPORTS

#### 9.1.1 DRAFT TOWN PLANNING SCHEME POLICY NO. 16.2 - OUTBUILDINGS

<b>File No:</b>	<b>N31743</b>
<b>Attachments:</b>	<a href="#">Draft Town Planning Scheme Policy No. 16.2</a>
<b>Responsible Officer:</b>	<b>Peter Duncan Manager Development Services</b>
<b>Author:</b>	<b>Peter Duncan Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>14 October 2014</b>

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#### **PURPOSE**

The purpose of this report is to consider draft Town Planning Scheme Policy No. 16.2 – Outbuildings for advertising and then referral to the Western Australian Planning Commission (WAPC).

#### **BACKGROUND**

The Council on 18 January 2011 last reviewed Town Planning Scheme Policy No. 16 and adopted Town Planning Scheme Policy No. 16.1 (Outbuildings).

A review of Town Planning Scheme Policy No. 16.1 revealed some of the policy criteria do not conform to the deemed-to-comply provisions of the Residential Design Codes (R-Codes). In addition, the R-Codes require any local planning policy that proposes to amend the ‘deemed-to-comply’ outbuilding provisions of the R-Codes be to the satisfaction of the WAPC.

#### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

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

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.'*

To rescind and adopt a policy, clause 7.6.3(a) is relevant as is the procedure involving advertising set by clause 7.6.2.

R-Codes August 2013

R-Codes Part 7 Local planning framework, Scope of local planning policies, local development plans, local structure plans and activity centre plans Provision 7.3.2 reads as follows:

*'Notwithstanding clause 7.3.1, the local government may, with the approval of the WAPC, amend any other deemed-to-comply provision within the R-Codes by means of a local planning policy, local structure plan or local development plan where it can be demonstrated to the satisfaction of the WAPC that the proposed amendment:*

- Is warranted due to a specific need related to that particular locality or region;*
- Is consistent with the objectives and design principles of the R-Codes; and*
- Can be properly implemented and audited by the decision-maker as part of ongoing building approval process.'*

Draft Town Planning Scheme Policy No. 16.2 (Outbuildings) proposes to amend the 'deemed-to-comply' outbuilding provisions of the R-Codes in respect to the maximum size of outbuildings. The existing Town Planning Scheme Policy No. 16.1 also varied a deemed-to-comply provision however WAPC approval is required. This has been the case in the City of Greater Geraldton, the City of Kalgoorlie-Boulder and the Shire of Ravensthorpe.

### EXTERNAL CONSULTATION

In accordance with the R-Codes Provision 7.3.2, the Council is required to refer this Town Planning Scheme Policy No. 16.2 to the WAPC for approval. Pursuant to 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 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.

### FINANCIAL IMPLICATIONS

The cost of advertising will be met from the Town Planning advertising budget.

### POLICY IMPLICATIONS

The proposed revisions to the policy will increase wall height limits and floor area limits.

### STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 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 draft Town Planning Scheme Policy No. 16.2 has been prepared to replace existing Town Planning Scheme Policy No. 16.1 and to provide guidance and direction when considering proposals to erect outbuildings in particular zones.

The main parts of the draft policy set maximum wall heights and maximum cumulative floor areas for outbuildings based on the particular zone. These are summarised briefly in the table below with the existing TPS Policy No. 16.1 figures in brackets:

Zone	Maximum Wall Height	Maximum Cumulative Floor Area
Residential and Enterprise	3.6m (3.0m)	100m <sup>2</sup> (80m <sup>2</sup> )
Rural Residential and Landscape Protection	4.2m (3.5m)	200m <sup>2</sup> (150m <sup>2</sup> )
Rural Smallholdings	4.2m (3.5m)	300m <sup>2</sup> (200m <sup>2</sup> )
Rural	No Limit	No Limit

The present R-Code restriction of outbuildings in Residential zones to a maximum floor area of 60m<sup>2</sup> may be appropriate on smaller lots in built up areas in the Perth metropolitan region. In a rural town with a variety of larger size residential lots, there is a need to allow for a larger cumulative outbuilding size of 100m<sup>2</sup>.

In country towns with larger lots, there is generally the need for larger outbuildings for storage and security of items such as caravans, boats, 4x4 vehicles, trailers etc. A 60m<sup>2</sup> limit is equivalent to a 6m x 10m structure which is in essence similar to a two car garage. On larger residential lots in country towns, there is quite often the need to have more than one outbuilding hence the cumulative area limit of 100m<sup>2</sup> is proposed.

The present policy restriction to the wall height of 2.4m is to be increased to 3.0m. That will enable the storage and security of taller items such as caravans and boats which is common in country towns.

For Rural Residential and Landscape Protection zones the floor area is to be 200m<sup>2</sup> based on larger rural lot sizes in these zones. The wall height has been increased to 4.2m which is a standard metal sheet size. In the Rural Smallholdings zone the area is being increased to 300m<sup>2</sup> and the wall height to 4.2m.

The policy also provides guidance in dealing with boundary setbacks for outbuildings in the Residential zone.

The proposed policy is consistent with the objectives and design principles of the R-Codes for the Residential zoned land in that it ensures that:

- residential development meets community expectations in regard to appearance, use and density;
- design responds to the key natural and built features of the area and respond to the local context in terms of bulk and scale;
- adequate provision of direct sunlight and ventilation for buildings and to ameliorate the impacts of building bulk, privacy and overshadowing on adjoining properties;
- open space is provided on site;
- development and design is appropriately scaled, particularly in respect to bulk and height, and is sympathetic to the scale of the street and surrounding buildings;
- design of such buildings minimises adverse impact on the privacy of adjoining dwellings; and
- maintains the amenity of streetscapes and views along the street by ensuring that outbuildings do not detract from the street scape and are not visually intrusive to neighbouring properties or adjoining public places.

This variation to a 'deemed-to-comply' provision of the R-Codes in respect to outbuildings being larger has been approved by the WAPC for the City of Greater Geraldton, the City of Kalgoorlie-Boulder and the Shire of Ravensthorpe. A similar proposal for the Shire of Katanning is about to be put to the WAPC.

The new draft policy has been altered to include the current R-Code definitions of outbuilding and garage. It also includes a new part 9) which allows the Council to approve outbuildings that exceed the policy standards by up to 20% on the basis of adjoining owner/s support and no adverse visual impact. A part 12) has been added to allow smaller structures less than 10m<sup>2</sup> in area and less than 2.4m in height (such as garden sheds and cubby houses) to be exempt from the policy requirements.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That:**

- 1. Town Planning Scheme Policy No. 16.2 (Outbuildings) be adopted as a draft to supersede Town Planning Scheme Policy No. 16.1 (Outbuildings) and that it be advertised for a period of 21 days as detailed in clause 7.6.2 of the Shire of Plantagenet Town Planning Scheme No. 3.**
- 2. At the conclusion of the public advertising a further report be placed before the Council by no later than its meeting to be held on 9 December 2014 on any submissions received.**
- 3. Following that 9 December 2014 Council meeting, should the policy be approved, the policy be referred to the Western Australian Planning Commission for its approval as it amends a deemed-to-comply provision of the Residential Design Codes for the Residential zones.**

**CARRIED (9/0)**

**NO. 216/14**

**9.1.2 LOT 354 RED GUM PASS ROAD, KENDENUP - RURAL INDUSTRY  
(MICRO BREWERY)**

<b>File No:</b>	<b>N31920</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Overall Site Plan</a> <a href="#">Site Plan</a> <a href="#">Brewhouse Floor Plan and Elevations</a> <a href="#">Cellar Door Floor Plan and Elevations</a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>14 October 2014</b>
<b>Applicant:</b>	<b>Mark Rivers</b>

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**PURPOSE**

The purpose of this report is to consider an application for a micro brewery including the demonstration and sale of beer products at Lot 354 Red Gum Pass Road, Kendenup.

**BACKGROUND**

Council records show the registered owners of Lot 354 are C Mayne and K Wieske. The applicant is currently in the process of buying the property from the landowners with a view to develop the micro brewery. The landowners granted authority to the applicant to submit this Planning Consent (PC) application.

Three Rivers Craft Brewing is a small, family owned and managed craft brewery with a focus on brewing high quality beers using traditional methods and ingredients.

The applicant is seeking approval for a micro brewery to produce 150,000 litres of beer annually. The applicant proposes to produce beer for sale in kegs and bottles for consumption off the premises and at other licensed premises. The beer will predominantly be packaged in standard 50 litre kegs. The remainder will be packaged in smaller 20 litre kegs, 500ML and 330ML bottles.

The applicant is further seeking approval for a shop for the sale of beer and to serve beer for tasting on the premises. On site beer consumption will be in the form of 100ML tasting samples.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005.

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

The micro brewery use falls into the category of a Rural Industry under TPS3. A Rural Industry is a discretionary 'AA' use under TPS3 meaning that the Council may, at its discretion permit the use.

The demonstration and sale of beer products falls into the category of Shop under TPS3. A Shop is a discretionary 'SA' use under TPS3 meaning that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with Clause 6.2.

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.'*

Liquor Control Act 1988 - regulates the sale, supply and consumption of liquor, the use of premises on which liquor is sold, and the services and facilities provided in conjunction with the sale of liquor.

Section 39 - Certificate of local government - The proposed liquor premises is required to comply with the requirements of Health Act 1911, Local Government Act 1995 and the Local Government (Miscellaneous Provisions) Act 1960.

Section 40 - Certificate of local planning authority - The proposed liquor premises is required to comply with the requirements of TPS3.

Section 55 - Producer's licence - A producer's licence authorises the sale of a type of liquor that is produced by the licensee.

Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No. 3 June 2005 (EPA 2005).

This document provides generic buffer (separation) distances referred to in the State Buffer Policy 1997 (Government of Western Australia). These generic distances, set out in Appendix 1, are based on the experience of the Department of Environment Regulation and other regulatory authorities for industries that historically have been associated with amenity impacts from gaseous, dust, noise and odorous emissions as well as with elevated levels of off-site risk to the public.

#### Appendix 1

<i>Industry</i>	<i>Description of industry</i>	<i>Buffer distance in metres and qualifying notes</i>
<i>Beverage manufacturing - alcoholic</i>	<i>Alcoholic beverages are manufactured, processed and packaged.</i>	<i>200 - 500, depending on size and type of product.</i>

The key issue of concern for breweries is not to give rise to odour, gaseous, dust and noise nuisances with the recommended buffer distance to sensitive land uses being between 200m and 500m. There are no sensitive land uses (including houses) within 500m of the proposed micro brewery. The houses nearest to the proposed micro brewery site are located at Lot 345 Red Gum Pass Road approximately 630m to the northwest and at Lot 355 Red Gum Pass Road approximately 720m to the southwest.

Local Government (Miscellaneous Provisions) Act 1960 – A building permit is required to be issued by the Principal Building Surveyor under delegated authority for reclassification of the buildings as a result of the change in use.

### **EXTERNAL CONSULTATION**

In accordance with Delegation LG035 the proposal was advertised for comment for a 21 day period closing on 30 September 2014. Advertising included letters to adjoining and nearby landowners, notices in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site.

At the close of the advertising period no submissions had been received.

### **FINANCIAL IMPLICATIONS**

The application fee of \$147.00 and a bond of \$500.00 for advertising costs have been paid.

### **POLICY IMPLICATIONS**

Town Planning Scheme Policy No. 22 (Advertising Signs) guides the design, materials and siting of advertising structures and signs in the Shire area that build upon the distinctive character of the district.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 3.2 (Diverse, profitable and sustainable local business) the following Strategy:

Strategy 3.2.2 – *'Facilitate the identification and attraction of value adding and compatible new industries to the region.'*

### **OFFICER COMMENT**

The subject land is located approximately 2.2km east of the Kendenup Townsite on Red Gum Pass Road.

The 30.75ha property is rectangular in shape and is located in the Rural zone. Existing development at the lot consists of a house, three outbuildings and two rainwater tanks with a combined holding capacity of 200,000 litres. This development is located at the northwest part of the land approximately 115m from Red Gum Pass Road to the north and 110m from the property boundary with Lot 355 Red Gum Pass Road to the west.

This proposal involves a micro brewery with the potential to produce 150,000 litres of beer annually. The proposed brewing infrastructure has the capability of producing 1,000 litres of beer per batch brewed. The proponent intends to initially brew one batch per week. A brewing frequency of three times per week will allow the proponent to produce volumes of beer not exceeding 150,000 litres annually. The filling of beer containers (kegs and bottles) will be done manually and all beer deliveries will be carried out by the proponent in a light utility vehicle.

The current property infrastructure is seen as suitable for the proposed development with no major modifications and additions required. The house at the property will continue to be used as such. Additional development will include a small cool room



addition to the brewhouse and a new ablution facility. The ablution facility will be constructed at the same time as the shop.

Solid waste produced in the brewing process consists of spent grain and hops. The spent grain in this instance is malted barley which has completed the mashing process. Each brew will produce approximately 200kg of spent grain which is a highly valued stock feed. The spent grain will be used to feed the resident stock at the site.

Spent hops remain as a sediment at the bottom of the kettle following the fermentation process. Approximately 5 to 10kg of sediment will be produced with each brew and that will be used as mulch for plants at the site.

The two principal sources of waste water from the brewing process are heat exchange and cleaning water. The heat exchange waste water will be reused in the hot water tank for the next brew. Cleaning operations at the brewery will result in approximately 80 litres of waste water which will be used as irrigation at the site.

In addition, all waste generated by the brewery will be disposed of by methods to be approved by the Council's Environmental Health Officer in accordance with the Health Act 1911. Approval conditions for this PC will include waste application areas to be setback 100m from all property boundaries.

The proposed micro brewery, sale and demonstration of beer products is not likely to affect the landscape, rural character or amenity of the area.

#### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, Planning Consent be granted for a beer brewery including a shop for the sale and demonstration of beer products at Lot 354 Rd Gum Pass Road, Kendenup, subject to:**

- 1. Development being in accordance with the plans dated 26 August 2014.**
- 2. A maximum volume of 150,000 litres of beer product being produced annually.**
- 3. All waste being disposed of to the satisfaction of the Manager Development Services.**
- 4. Solid waste not being stored or stockpiled at the property and land application being carried out once raw materials have been processed. No waste is to be applied to land within 100m of all property boundaries.**
- 5. The brewery buildings being reclassified to Class 8 buildings pursuant to the Building Act 2011 and the Building Code of Australia prior to the brewery use being carried out.**

6. The shop building being reclassified to a Class 6 building pursuant to the Building Act 2011 and the Building Code of Australia prior to the shop use being commenced.
7. All advertising signs are to conform to the relevant requirements of the Shire of Plantagenet Town Planning Scheme Policy No. 22 (Advertising Signs) and the Shire of Plantagenet Town Planning Scheme No. 3.

#### **Advice Notes**

1. The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including WA Food Act 2008.
2. The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including the Building Code of Australia.

**CARRIED (9/0)**

**NO. 217/14**

**9.1.3 LOT 4853 PORONGURUP ROAD CORNER STONEY CREEK ROAD,  
PORONGURUP - 12 LOT SUBDIVISION**

**File No:** N31825

**Attachments:** [Location Plan](#)  
[Subdivision Guide Plan](#)  
[Plan of Subdivision](#)  
[Fire Management Plan](#)

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

**Author:** Vincent Jenkins  
Planning Officer

**Proposed Meeting Date:** 14 October 2014

**Applicant:** Ayton Baesjou Planning

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**PURPOSE**

The purpose of this report is to consider a proposal for a 12 lot subdivision at Lot 4853 Porongurup Road, Porongurup and respond to the Western Australian Planning Commission (WAPC).

**BACKGROUND**

Shire records indicate the owners of Lot 4853 are M and E Harma.

The subject land is located approximately 1km east of the Porongurup Village at the northeast junction of Porongurup Road with Stoney Creek Road. Lot 4853 is 66.59ha in area and is located in both the Rural Residential No. 9 Zone and the Special Site R18 Zone.

The main portion of Lot 4853 (45.94ha) has been zoned Special Site R18 since 2004. The northeast portion of Lot 4853 (20.65ha) was incorporated into the Rural Residential No. 9 Zone through Amendment No. 58 to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3), which was gazetted on 31 December 2013.

This subdivision proposes to create 11 rural residential lots ranging from 1.0ha to 4.74ha and one Special Site lot of 45.94ha.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural Residential No. 9 and Special Site R18.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

Council Delegation LG 035 – As the subdivision involves more than ten lots, the matter needs to be determined by the Council.

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**STRATEGIC IMPLICATIONS**

Shire of Plantagenet Strategic Community Plan 2013-2023 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**

The subdivision conforms to the minimum site area requirements set out in TPS3 for this Rural Residential zone. The subdivision also conforms to the Subdivision Guide Plan (SGP) for this zone and is acceptable subject to the imposition of appropriate conditions.

The main loop road of the development is within an 18m wide road reserve and will have a minimum 6m sealed surface. Truncations are provided at all road junctions.

The stopping sight distance at the northeast junction of the loop road junction with Stoney Creek Road does not meet the 110km/h design speed for Stoney Creek Road. Stoney Creek Road will need to be upgraded to ensure safe stopping sight distances in both directions at that junction at no cost to the Council.

TPS3 and the revised Fire Management Plan August 2014 (FMP 2014) for this subdivision require the strategic fire break linking the loop road with the VCL 301 reserve and Verazzi Close to be constructed to a standard matching the loop road. In this instance, the Shire of Plantagenet Engineering Development Guidelines/Standards (January 2011) require a minimum 6m width sealed surface standard for the loop road.

The SGP and FMP 2014 show rural gates will be installed by the landowner at entrances to all fire management tracks. The SGP and FMP 2014 further show rural gates will be required at fire management tracks when lot dividing fences are erected. In this instance, the erection of lot dividing fences is not required. However, the installation by the developer of rural gates at lot boundaries for fire management tracks is seen as appropriate. This will ensure rural gates are installed correctly to minimise the risks from fires when fire management tracks are required to be used in emergency situations.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr G Messmer, seconded Cr S Etherington:

That:

1. The Western Australian Planning Commission be advised that the proposed 12 lot subdivision of Lot 4853 Porongurup Road, Porongurup (WAPC 150644) is supported subject to:
  - a) Engineering drawings and specifications being submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road connected by a constructed road to the local road system and such roads are constructed and drained at the landowner's cost to the satisfaction of the Manager Works and Services.
  - b) Engineering drawings and specifications being submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
    - i) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly; and/or
    - ii) embayment parking is provided abutting the emergency water supply tank;to the satisfaction of the Manager Works and Services.
  - c) Satisfactory arrangements being made with the Council for the full cost of upgrading and/or construction of Stoney Creek Road at the northeast junction of the main loop road junction with Stoney Creek Road to the satisfaction of the Manager Works and Services.
  - d) The proposed strategic fire break access way and the VCL 301 reserve being constructed and drained to a minimum 6m sealed surface standard at the landowner's cost to the satisfaction of the Manager Works and Services.
  - e) Suitable arrangements being made for the provision of sealed vehicular crossovers to service the lots to the satisfaction of the Manager Works and Services.
  - f) Prior to the commencement of subdivisional works, an urban water management plan being prepared and approved, in consultation with the Department of Water, to the satisfaction of the Manager Works and Services.

- 
- g) Prior to the commencement of subdivisional works, a nutrient, stormwater and drainage management plan being prepared and approved, in consultation with the Department of Water, to the satisfaction of the Manager Works and Services.
  - h) The land being filled, stabilised, drained and/or graded as required to ensure that lots can accommodate their intended development to the satisfaction of the Manager Works and Services.
  - i) Prior to the commencement of subdivisional works a foreshore management plan being prepared and approved to ensure the protection and management of the creeklines environmental assets in consultation with the Department of Water, to the satisfaction of the Manager Works and Services.
  - j) Prior to the commencement of subdivisional works an ecological corridor management plan being prepared and approved in consultation with the Department of Water and the Department of Parks and Wildlife, to the satisfaction of the Manager Works and Services.
  - k) A fire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3) to the satisfaction of the Manager Community Services.
  - l) Suitable arrangements being made with the Council for the implementation of a hazard reduction program to ensure fuel loads do not exceed eight tonnes per hectare until individual lots are sold to the satisfaction of the Manager Community Services.
  - m) A notification, pursuant to section 70A of the Transfer of Land Act 1893 being placed on the certificates of title of the proposed lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:  
*'The lots may be affected by legitimate ongoing agricultural uses on surrounding land.'*
  - n) A notification, pursuant to section 70A of the Transfer of Land Act 1893 being placed on the certificates of title of the proposed lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:  
*'All houses shall be constructed in accordance with AS3959.'*
  - o) A notification, pursuant to section 70A of the Transfer of Land Act 1893 being placed on the certificates of title of the proposed lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:  
*'A mains potable water supply is not available to the lots.'*
-

- p) A notification, pursuant to section 70A of the Transfer of Land Act 1893 being placed on the certificates of title of the proposed lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:  
*'A reticulated sewerage system is not available to the lots.'*
- q) The landowner providing a written undertaking to the satisfaction of the Western Australian Planning Commission to provide notification to all prospective purchasers and successors in title of the lots of the following:
- i) provision of a copy of the special provisions set in the Town Planning Scheme that relate to the use and management of the land;
  - ii) provision of a copy of the Subdivision Guide Plan; and
  - iii) provision of a copy of the Fire Management Plan and Bush Fire Survival Manual.
- r) The preparation and distribution to prospective purchasers and successors in title of the lots of information sheets:
- i) which discourages the keeping of cats and dogs and promotes measures that be taken to minimise the impacts pets have on the native flora; and
  - ii) regarding weed and dieback control.
2. If required as a result of a Western Australian Planning Commission condition of approval, authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to a Notification under Section 70A of the Transfer of Land Act 1893 (as amended) and/or Section 165 of the Planning and Development Act 2005 (as amended).

CARRIED (9/0)

NO. 218/14

**9.1.4 STRATA LOT 13 ON PLAN 31689, 101 ALBANY HIGHWAY, MOUNT BARKER (VALLEY VIEW TREE FARM) - GROUPED DWELLING**Cr C Pavlovich

Type: Proximity (Section 5.60(B) LGA)  
Nature: Proximity to Lot 101  
Extent: Not required

3:23pm Cr C Pavlovich withdrew from the meeting.

**File No:** N31800

**Attachments:** [Location Plan](#)  
[Strata Subdivision Plan](#)  
[Site Plan](#)  
[Floor Plan](#)  
[Elevations](#)

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

**Author:** Vincent Jenkins  
Planning Officer

**Proposed Meeting Date:** 14 October 2014

**Applicant:** Robert and Maureen Ellis

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**PURPOSE**

The purpose of this report is to consider an application for a grouped dwelling at Strata Lot 13 on Plan 31689, 101 Albany Highway, Mount Barker.

**BACKGROUND**

Council records show the registered owners of Strata Lot 13 on Plan 31689 are RC and MJ Ellis.

Strata Lot 13 on Plan 31689 is located within the strata subdivision known as Valley View Tree Farm. The owner of the property is seeking approval to build a new house. It is classified as a grouped dwelling as it is part of a strata development.

At a general meeting of the strata company (Strata Asset Services Pty Ltd) held on 4 August 2014 the proposal to construct a new house at Strata Lot 13 on Plan 31689 was approved. That proposal was ratified as no valid votes had been received against the decision at the close of the prescribed objection period.

The Council on 28 August 2014 received this planning consent application for a grouped dwelling. The proposal was advertised for public comment and letters were sent to adjoining strata lot owners and no submissions were received.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Special Site Zone R13.

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– Special Provisions include:

- ‘(b)(1)(i) Grouped dwelling subject to prior approval of the Council.’*
- ‘(c)(2)(i) No grouped dwelling shall be constructed unless a minimum 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the plans of the grouped dwelling and approved by the Council.’*
- ‘(c)(2)(vii) Buildings on the strata lots shall be constructed of materials and colours designed to blend in with the landscape and the use of visually obtrusive materials (e.g., zincalume) is prohibited.’*
- ‘(c)(3)(i) A building envelope with an area not exceeding 20% of the area of the relevant strata lot shall be defined in a position to be agreed by the Council.’*
- ‘(c)(3)(ii) No building shall be constructed on a strata lot other than within the approved defined building envelope without the written approval of the Council.’*
- ‘(c)(4)(ii) In order to enhance the rural amenity of the land comprised in a strata lot which the Council considers is deficient in tree cover it may require as a condition of any planning consent the planting and maintenance of trees and/or groups of trees of such species and in such positions as may be specified by the Council.’*

Clause 6.3.2 of TPS3 states:

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

Grouped Dwelling is a discretionary ‘SA’ use under TPS3.

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

## **EXTERNAL CONSULTATION**

In accordance with Delegation LG035 the proposal was advertised for comment for a 21 day period closing on 30 September 2014. Advertising included letters to adjoining strata lot owners, notices in the Plantagenet News, Albany Advertiser and the Council’s notice board and a sign placed on site.

At the close of the advertising period no submissions had been received.

## **FINANCIAL IMPLICATIONS**

The planning application fee of \$147.00 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 2013 – 2023 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 2013 – 2023 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

The Valley View Tree Farm strata subdivision is located to the northwest of the Muir Highway junction with Albany Highway. The strata subdivision consists of 61 lots subdivided into mainly two parts. Part one consists of 48 strata lots to the northwest of the land and part two consists of 12 strata lots abutting the southeast boundary of the land. The strata subdivision consists of lot sizes varying in area from 9,000m<sup>2</sup> to 1.2ha.

Strata Lot 13 on Plan 31689 is 1.15ha in area and located within the northwest part of the strata subdivision. Existing development at Strata Lot 13 consists of one rainwater tank and one 176.0m<sup>2</sup> outbuilding approved by the Manager Development Services under delegated authority on 30 April 2013.

The proposed house is a single storey building with a living room, kitchen and dining room area, three bedrooms, one bathroom and a laundry. The house is 196.0m<sup>2</sup> in area which includes the covered porch area attached to the front elevation of the house. The roof will be surfmist Colorbond® and the external walls will be finished in deep ocean Colorbond® colour to match the existing outbuilding and rainwater tank. The proposed colour scheme is not seen as visually obtrusive.

Special provisions for this special site zone require a defined building envelope with an area not exceeding 20% of the area of the strata lot and all buildings and structures are required to be constructed within this building envelope. The area, shape and location of the building envelope conforms to the building envelope requirements for this Special Site zone. The proposed house, existing outbuilding and rainwater tank locations are within the defined building envelope.

However, the site plan (copy attached) shows the leach drains of the effluent disposal system are not located within the defined building envelope. To ensure the proposal conforms to the building envelope requirements for this Special Site zone a condition of planning consent will require the effluent disposal system to be located within the defined building envelope or alternatively, the building envelope is to be adjusted accordingly.

The strata lot has been largely cleared of remnant vegetation. The proposed house location and the existing outbuilding and rainwater tank locations are screened by remnant vegetation in the location to the north and east and plantation trees to the west and south.

The proposed house at Strata Lot 13 on Plan 31689 is not likely to adversely affect the amenity of the locality. The proposal is supported.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That in accordance with special provision (b)(1)(i) of Special Site zone R13 of Town Planning Scheme No. 3, Planning Consent be granted for one grouped dwelling at Strata Lot 13 on Plan 31689, 101 Albany Highway, Mount Barker subject to:**

- 1. The development being in accordance with the plans dated 28 August 2014.**
- 2. The effluent disposal system for the house being located within the defined building envelope.**

**CARRIED (8/0)**

**NO. 219/14**

**9.1.5 STRATA LOT 13 ON PLAN 31689, 101 ALBANY HIGHWAY, MOUNT BARKER - APPLICATION FOR TEMPORARY ACCOMMODATION**Cr C Pavlovich

Type: Proximity (Section 5.60(B) LGA)  
Nature: Proximity to Lot 101  
Extent: Not required

**File No:** N31754  
**Attachments:** [Locations Plans](#)  
[Site Plan](#)  
**Responsible Officer:** Peter Duncan  
Manager Development Services  
**Author:** Eric Howard  
Environmental Health Officer  
**Proposed Meeting Date:** 14 October 2014  
**Applicant:** Robert and Maureen Ellis

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**PURPOSE**

The purpose of this report is to consider an application for temporary accommodation at Strata Lot 13 on Plan 31689, 101 Albany Highway, Mount Barker.

**BACKGROUND**

Shire records show the owners to be R and M Ellis.

An application has been received from the owner of Strata Lot 13 on Plan 31689, 101 Albany Highway, Mount Barker seeking approval to occupy a caravan located on the lot for a period of up to 12 months during the construction of a Class 1a dwelling.

A building permit (3790/2014) for the construction of a Class 1a dwelling is due to be issued to the applicant once the application for a grouped dwelling is considered by the Council following advertising.

**STATUTORY ENVIRONMENT**

Caravan Parks and Camping Ground Regulations 1997-Section (11)(2) states as follows:

- (2) *Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) *by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
  - (b) *by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
-

- (c) *despite paragraph (b), by the local government of the district where the land is situated —*
- (i) *if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
  - (ii) *if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'*

### **FINANCIAL IMPLICATIONS**

The \$110.75 application fee has been paid.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 3.6 (Sustainable population growth) the following strategy:

Strategy 3.6.1 - *'Attract new residents through promoting and marketing the benefits of living in the area'*

### **OFFICER COMMENT**

The applicant wishes to reside on site during the construction of a Class 1a dwelling to maintain site security and to expedite the building project. It is expected that the dwelling will be constructed to a habitable standard within 12 months and therefore temporary accommodation is sought for a 12 month period.

Ablution facilities are to be provided within an existing outbuilding. An approved on-site sewage and wastewater treatment and disposal system has been installed and connected to the outbuilding's ablution facilities.

The Council may revoke the temporary accommodation approval at any time during this approval period.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr G Messmer:

That the application for temporary accommodation at Strata Lot 13 on Plan 31689, 101 Albany Highway, Mount Barker be approved for a period of 12 months effective from 14 October 2014 subject to:

1. Inspection and certification by the Council's Environmental Health Officer that the temporary accommodation facility meets all relevant health and safety standards.
2. Satisfactory progress being achieved with the construction of the Class 1a dwelling.

**ADVICE NOTE:**

- i) The approval to occupy temporary accommodation may be revoked at any time within the 12 month approval period.

**CARRIED (8/0)**

**NO. 220/14**

3:27pm Cr C Pavlovich returned to the meeting.

**9.2 WORKS AND SERVICES REPORTS**

Nil

**9.3 COMMUNITY SERVICES REPORTS**

**9.3.1 DENBARKER FIRE BRIGADE SHED - ACQUISITION OF LAND – (ITEM WITHDRAWN)**

## 9.4 CORPORATE SERVICES REPORTS

### 9.4.1 FINANCIAL STATEMENTS – SEPTEMBER 2014

<b>File No:</b>	<b>N31783</b>
<b>Attachment:</b>	<a href="#">Financial Statement (separate attachment)</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Brendan Webb</b> <b>Accountant / Office Manager</b>
<b>Proposed Meeting Date:</b>	<b>14 October 2014</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 30 September 2014.

#### **STATUTORY ENVIRONMENT**

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

- a) annual budget estimates;
- b) budget estimates to the end of the month;
- c) actual 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 L Handasyde:**

**That the Financial Statements for the month ending 30 September 2014 be received.**

**CARRIED (9/0)**

**NO. 221/14**

**9.4.2 LIST OF ACCOUNTS - SEPTEMBER 2014**

**File No:** N31867  
**Attachment:** [September 2014](#)  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Emma Gardner  
Accounts Officer  
**Proposed Meeting Date:** 14 October 2014

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**PURPOSE**

The purpose of this report is to present the list of payments that were made during the month of September 2014.

**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 (27 May 2014). 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 C Pavlovich, seconded Cr J Moir:

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 September 2014 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$519,236.46;
- b. Municipal Cheques 44805 – 44830, 44832 – 44847 and 44849 - 44859 totalling \$34,631.69; and
- c. Cancelled cheques 44831 and 44848.

**CARRIED (9/0)**

**NO. 222/14**

**9.4.3 POLICY REVIEW - HALL HIRE DONATIONS**

**File No:** N31473  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Donna McDonald  
Senior Administration/Human Resources  
Officer  
**Proposed Meeting Date:** 14 October 2014

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**PURPOSE**

The purpose of this report is to review Council Policy A/PA/4 – ‘Halls – Hall Hire Donations’.

**BACKGROUND**

The policy was last reviewed by Council at its meeting held on 14 August 2012.

**FINANCIAL IMPLICATIONS**

This policy provides proper fiscal control of building hire activities.

**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 2013 – 2023 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following strategy:

Strategy 4.6.6 – *‘Ensure the Shire’s property, administration and records systems are managed effectively and efficiently.’*

**OFFICER COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Cr S Etherington, seconded Cr G Messmer:

That Council Policy A/PA/4 – Halls – Hall Hire Donations:

**‘OBJECTIVE**

To enable the Council to encourage use of Council venues, properly account for both hall and equipment hire charges and to protect assets from misuse or inadvertent damage.

**POLICY:**

1. That for any hire of a Council facility or Council owned equipment, the appropriate bond, as adopted by the Council shall be paid by the hirer.
2. As the Council has set hall hire fees at a rate designed to encourage greater use of such facilities the Council will not consider further donations of hall hire except during the budget grants process.’

be endorsed.

**AMENDMENT**

Moved Cr K Clements, seconded Cr L Handasyde:

That in part 2 of the policy, remove the words ‘as’ at the beginning of the sentence; remove the words ‘will not’ and replace with ‘may’; and remove the word ‘except’ and replace with ‘other than’.

**CARRIED (9/0)**

**NO. 223/14**

**COUNCIL DECISION**

That Council Policy A/PA/4 – Halls – Hall Hire Donations:

**‘OBJECTIVE**

To enable the Council to encourage use of Council venues, properly account for both hall and equipment hire charges and to protect assets from misuse or inadvertent damage.

**POLICY:**

1. That for any hire of a Council facility or Council owned equipment, the appropriate bond, as adopted by the Council shall be paid by the hirer.
2. The Council has set hall hire fees at a rate designed to encourage greater use of such facilities the Council may consider further donations of hall hire other than during the budget grants process.’

be endorsed.

**CARRIED (9/0)**

**NO. 224/14**

**9.4.4 POLICY REVIEW - HIRE OF COUNCIL CONTROLLED PROPERTY**

**File No:** N31474  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Donna McDonald  
Senior Administration/Human Resources  
Officer  
**Proposed Meeting Date:** 14 October 2014

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**PURPOSE**

The purpose of this report is to review Council Policy A/PA/1 – ‘Hire of Council Controlled Property’.

**BACKGROUND**

The policy was last reviewed by the Council at its meeting held on 14 August 2012.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 2.5 (Council buildings and facilities that meet community needs) the following strategy:

Strategy 2.5.1 – *‘Ensure Council buildings, facilities and public amenities are provided and maintained to an appropriate standard.’*

**OFFICER COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr G Messmer, seconded Cr B Bell:

That Council Policy A/PA/1 – Hire of Council Controlled Property:

**‘OBJECTIVE**

To establish a time limit on the hire of Council controlled property.

**POLICY:**

No function shall be continued after 1:00am on Council controlled property except by special permission of the Council.’

be endorsed.

**CARRIED (9/0)**

**NO. 225/14**

## **9.5 EXECUTIVE SERVICES REPORTS**

### **9.5.1 CHRISTMAS CLOSURE 2014/2015**

**File No:** N31901  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Donna McDonald  
Senior Administration/Human Resources  
Officer  
**Proposed Meeting Date:** 14 October 2014

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#### **PURPOSE**

The purpose of this report is to seek approval for closures of some of the Shire's facilities between the Christmas/New Year period – December 2014/January 2015.

The specific facilities are:

- Shire Administration Office
- Mount Barker Library
- Mount Barker Swimming Pool
- The Rec.Centre
- O'Neill Road Waste Management Facility

#### **BACKGROUND**

The Council has authorised the closure of its facilities for the period between Christmas and New Year for a number of years and this has not caused any community disquiet or inconvenience.

#### **FINANCIAL IMPLICATIONS**

A reduction in accrued annual leave entitlements, rostered days off (RDO) and / or time in lieu at no additional cost to the Council will reduce these balance sheet liabilities.

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

#### **OFFICER COMMENT**

The closure of Council facilities over the Christmas period is an opportunity for all members of staff to utilise the two days negotiated as holidays as part of the Shire of Plantagenet Enterprise Agreements. The Chief Executive officer would prefer that these holidays be taken between Christmas and New Year to minimise disruption to office routine.



The closure of the Administration Office from the 25 December 2014 to Thursday 1 January (inclusive) will encompass three public holidays and two negotiated holiday days with the balance (one day) being taken as RDO, annual leave and/or time in lieu.

A skeleton staff will be working at the Shire Works Depot over the Christmas/New Year closure on the 'normal' working days that are not public holidays.

Emergency phone contacts will be available for all 'out of hours' emergencies.

Closure days for the Administration Office and Library would be close of business on Wednesday 24 December 2014, re-opening Friday 2 January 2015.

Standard Department of Transport licence renewals can be conducted over the internet and also via B-Pay.

The O'Neill Road Waste Management Facility will be closed on Thursday 25 December 2014.

The Mount Barker Swimming Pool will be closed on Thursday 25 December 2014.

The Rec.Centre will be closed on Tuesday 23 December 2014, re-opening on Friday 2 January 2015. Access to the gym will still be available to members via swipe card access.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

That:

1. The Shire of Plantagenet's Administration Office and Mount Barker Public Library be closed from close of business on Wednesday 24 December 2014 with the resumption of services on Friday 2 January 2015.
2. The Rec.Centre be closed from Wednesday 24 December 2014 until Thursday 1 January 2015 inclusive.
3. The O'Neill Road Waste Management Facility be closed on Thursday 25 December 2014.
4. The Mount Barker Swimming Pool be closed on Thursday 25 December 2014.
5. The closures inclusive of public holidays be advertised locally.

**ALTERNATIVE RECOMMENDATION**

Moved Cr S Etherington, seconded Cr B Bell:

That:

1. The Shire of Plantagenet's Administration Office and Mount Barker Public Library be closed from close of business on Wednesday 24 December 2014 with the resumption of services on Monday 5 January 2015.
2. The Rec.Centre be closed from Wednesday 24 December 2014 until Friday 2 January 2015 inclusive.
3. The O'Neill Road Waste Management Facility be closed on Thursday 25 December 2014.
4. The Mount Barker Swimming Pool be closed on Thursday 25 December 2014.
5. The closures inclusive of public holidays be advertised locally.

**AMENDMENT**

Moved Cr C Pavlovich, seconded Cr G Messmer:

That:

1. In part 1 of the motion, the date 'Monday 5 January 2015' is deleted and replaced with 'Friday 2 January 2015'; and
2. In part 2 of the motion, the date 'Friday 2 January 2015' is deleted and replaced with 'Thursday 1 January 2015'.

CARRIED (7/2)

NO. 226/14

**COUNCIL DECISION**

That:

1. The Shire of Plantagenet's Administration Office and Mount Barker Public Library be closed from close of business on Wednesday 24 December 2014 with the resumption of services on Friday 2 January 2015.
2. The Rec.Centre be closed from Wednesday 24 December 2014 until Thursday 1 January 2015 inclusive.
3. The O'Neill Road Waste Management Facility be closed on Thursday 25 December 2014.
4. The Mount Barker Swimming Pool be closed on Thursday 25 December 2014.
5. The closures inclusive of public holidays be advertised locally.

CARRIED (7/2)

NO. 227/14

**9.5.2 COUNCIL MEETINGS SCHEDULE**

<b>File No:</b>	<b>N31939</b>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>Linda Sounness Executive Secretary</b>
<b>Proposed Meeting Date:</b>	<b>14 October 2014</b>

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**PURPOSE**

The purpose of this report is to review and schedule meetings for the Council for 2015.

**BACKGROUND**

At its meeting held on 19 November 2013 the Council resolved:

*'That:*

1. *The Ordinary meetings of the Council for February to December 2014 inclusive be held at four weekly intervals on a Tuesday commencing on 4 February 2014 and then as follows:*
  - a) *4 March 2014*
  - b) *1 April 2014*
  - c) *29 April 2014*
  - d) *27 May 2014*
  - e) *24 June 2014*
  - f) *22 July 2014*
  - g) *19 August 2014*
  - h) *16 September 2014*
  - i) *14 October 2014*
  - j) *11 November 2014*
  - k) *9 December 2014*
3. *All ordinary meetings of the Council shall commence at 3.00pm and be held in the Council Chambers, Lowood Road Mount Barker.*
4. *All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.'*

**STATUTORY ENVIRONMENT**

Local Government Act 1995 - Section 5.3 provides that a Council is to hold ordinary meetings and may hold special meetings.

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Local Government Act 1995 - Section 5.5 requires the CEO to convene ordinary meetings by giving each Council member at least 72 hours notice of a date, time and place of a meeting and an agenda for the meeting.

Local Government (Administration) Regulations 1996 - Regulation 12 requires that ordinary council meetings to be held in the next 12 months shall be advertised.

Further, a local government is to give local public notice of any change to the date, time or place of the meeting.

### **FINANCIAL IMPLICATIONS**

The frequency and timing of meetings and workshops may impact on catering costs.

### **POLICY IMPLICATIONS**

Policy No CE/CS/3 – Committee Meetings and Workshops – Attendance by Members of the Public and Policy No CE/CS/6 – Briefing Sessions for Councillors apply.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012-2023 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**

On average, three workshops have been held on each Council meeting day held between February and September 2014. In addition to the scheduled Council meeting days, a Council workshop day was held in March and two Special Council Meetings held in July and September respectively.

It will be recommended that the current four weekly cycle continue and that a meeting not be held in January.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr C Pavlovich, seconded Cr G Messmer:

That:

1. The ordinary meetings of the Council for February to December 2015 inclusive be held at four weekly intervals as follows:
  - a) 3 February 2015
  - b) 3 March 2015
  - c) 31 March 2015
  - d) 28 April 2015
  - e) 26 May 2015
  - f) 23 June 2015
  - g) 21 July 2015
  - h) 18 August 2015
  - i) 15 September 2015
  - j) 13 October 2015
  - k) 10 November 2015
  - l) 8 December 2015
2. All ordinary meetings of the Council shall commence at 3.00pm and be held in the Council Chambers, Lowood Road Mount Barker.
3. All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.

**CARRIED (5/4)**

**NO. 228/14**

**9.5.3 DONATION REQUEST – BORNEO EXHIBITION GROUP INC**

**File No:** N31942  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 14 October 2014

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**PURPOSE**

The purpose of this report is to consider the granting of a donation to the Borneo Exhibition Group Inc for a World War 2 Sandakan exhibition.

**BACKGROUND**

The Borneo Exhibition Group Inc is in the process of organising a World War 2 Sandakan exhibition to be held at the Plantagenet District Hall between 15 and 29 November 2014. The Group is seeking approval for the hire fee associated with the exhibition to be waived.

**FINANCIAL IMPLICATIONS**

The hire fee to be charged would be 15 days @ \$84.00 = \$1,260.00. Funds have not been budgeted for a donation towards this event within the relevant donations account, however could be the subject of a budget review.

**POLICY IMPLICATIONS**

Council Policy A/PA/4 Halls – Hall Hire Donations applies. The policy states as follows:

***OBJECTIVE***

*To enable the Council to encourage use of Council venues, properly account for both hall and equipment hire charges and to protect assets from misuse or inadvertent damage.*

***POLICY:***

- 1. That for any hire of a Council facility or Council owned equipment, the appropriate bond, as adopted by the Council shall be paid by the hirer.*
- 2. As the Council has set hall hire fees at a rate designed to encourage greater use of such facilities the Council will not consider further donations of hall hire except during the budget grants process.'*

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 1.3 (A cohesive and supportive community) the following Strategy:

Strategy 1.3.1 – *'Promote and support community and cultural events.'*

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**OFFICER COMMENT**

The Borneo Exhibition Group Inc. is a Perth based organisation which is currently touring country areas undertaking a community education program on the World War 2 story 'Borneo 1942-45, Sandakan the Story that Must be Told'.

The exhibition has recently been presented in Bridgetown and Busselton, through the local historical society and City of Busselton. It has also been to Bunbury via the local cadet units and has been in Northam, sponsored by the Shire of Northam and local RSL.

The organisers wish to present the exhibition in Mount Barker during the period of the dedications for the 100<sup>th</sup> Year Anniversary for Gallipoli.

The organisers advise that:

*'The Exhibition is based on the Transportation of over 3,000 Allied POWs from Singapore to work in slave camps in Sabah and Sarawak, building roads and airfields between 1942-45 in Japanese Occupied North Borneo, now East Malaysia. It also covers the story of the brutality, starvation and murder of all the prisoners held in Sandakan. The Underground Movement, The Three Death Marches of over 1100 POWs, that only 6 Australian POWs who escaped to report the events of their captivity to the War Crimes Trials 1945-46.*

*It also uncovers the aspects of how the locals also suffered but assisted the captives with their ultimate sacrifice. The family profiles of their loss and suffering without the 'real' events being divulged for over fifty years under the Secrecy Act and closed files even to this day. The latter recognition to the lost soldiers with Memories and Memorials now all over Australia and Overseas, with Pilgrimages and Services being held to pay homage to all our fallen due to this event Lest We Forget.*

*This is a mobile exhibition of over 600kgs of material based on archival data, pictures, newspaper articles, memorabilia, replica of the Secret Radio, landscape Diorama of the Death March, the Punishment Cage and the poignant tragedy of the Death Marches set on a 40ft continuous painting done by a wonderful lady, former Senior Vice Chairperson of BEG, my mentor, who sadly passed away recently. Her father was POW killed on the Second Death March only a short distance out of the POW Camp in Sandakan.'*

If a donation cannot be secured, the exhibition will likely not be held here. The Borneo Exhibition Group Inc maintains the exhibition through the benevolence of its members and donations through the entry to the exhibitions by a gold coin fee. In some cases this is restricted with only a voluntary donation at the counter.

Through this financial support and other forms of fund raising, the Group sponsors an annual Anzac Schools Scholarship Fund towards delegates on a tour each year. This supports disadvantaged students on the annual Anzac Tour from within Borneo. The Group also supports the Bursary Fund for the Sandakan Girl Guides Association. This fund provides an outreach facility for young girls and supports the development of their young members in the rural community.

The event proposed for the Plantagenet District Hall is designed to be an event for local people. Although the request is 'out of phase' with the Council's Financial Assistance Grant program it is nevertheless a worthwhile project for the Council's consideration, notwithstanding the Council policy. The specific nature of the Council policy prevents a positive recommendation.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That no contribution be made to the Borneo Exhibition Group Inc to assist with the running of the World War 2 Sandakan exhibition at the Plantagenet District Hall between 15 and 29 November 2014.

**ALTERNATIVE RECOMMENDATION**

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

**That seven days hire charges be waived for the Borneo Exhibition Group Inc to assist with the display of the World War 2 Sandakan Exhibition at the Plantagenet District hall between 15 and 29 November 2014 with the amount (\$588.00) charged to the CEO Donation Account 20033-0255.**

**Amendment**

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

**That the word 'seven' be deleted and replaced with '15' and the amount '\$588.00' be replaced with '\$1260.00'.**

**CARRIED (9/0)**

**NO. 229/14**

**COUNCIL DECISION**

**That 15 days hire charges be waived for the Borneo Exhibition Group Inc to assist with the display of the World War 2 Sandakan Exhibition at the Plantagenet District Hall between 15 and 29 November 2014 with the amount (\$1260.00) charged to the CEO Donation Account 20033-0255.**

**CARRIED (9/0)**

**NO. 230/14**

Reason for Change

Councillors believed that given the ANZAC commemoration activities, the World War 2 Sandakan Exhibition is extremely appropriate and should be supported.



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

Nil

**11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING****11.1 SOUNNESS PARK DRAINAGE AND SOIL PROFILE**

Moved Cr S Etherington, seconded Cr B Bell:

That new business of an urgent nature namely;

Sounness Park Drainage and Soil Profile

be introduced into the meeting.

**CARRIED (9/0)**

**NO. 231/14**

**MOTION TO PROCEED BEHIND CLOSED DOORS**

Moved Cr B Bell, seconded Cr L Handasyde:

4:18pm That the meeting be closed to members of the public pursuant to Section 5.23 (2)(d) of the Local Government Act as the matter to be considered relates to legal advice obtained, or which may be obtained, by the Local government and which relates to a matter to be discussed at the meeting.

**CARRIED (9/0)**

**NO. 232/14**

**MOTION TO PROCEED IN PUBLIC**

Moved Cr S Etherington, seconded Cr A Budrikis:

4:33pm That the meeting proceed in public.

**CARRIED (9/0)**

**NO. 233/14**

**COUNCIL DECISION**

Moved Cr S Etherington, seconded Cr L Handasyde:

That in view of advice received from Kyle & Company on 9 October 2014, remedial works not proceed on Sounness Park oval until further legal advice has been obtained.

**CARRIED (7/2)**

**NO. 233/14**

**12 CONFIDENTIAL**

**13 CLOSURE OF MEETING**

4:34pm The Presiding Member declared the meeting closed.

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