



## ORDINARY MINUTES

**DATE:** Tuesday, 20 June 2017

**TIME:** 3:00pm

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

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

Resolution Numbers: 112/17 to 138/17

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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 B Bell	Councillor
Cr S Etherington	Councillor
Cr J Hamblin	Councillor (Left the Chambers at 4:30pm, returned 4:34pm)
Cr L Handasyde	Councillor
Cr J Moir	Councillor (Left the Chambers at 3:38pm, returned 3:40pm)
Cr M O'Dea	Councillor
Cr J Oldfield	Councillor
Cr C Pavlovich	Councillor (Left the Chambers at 3:20pm, returned 3:21pm) (Left the Chambers at 3:22pm, returned 3:29pm)

### In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Mr Peter Duncan	Manager Development Services
Mr Dominic Le Cerf	Manager Works and Services
Ms Fiona Pengel	Manager Community Services
Mr Vincent Jenkins	Planning Officer
Ms Cobie MacLean	Administration Officer (Planning)

### Apologies:

Nil

### Members of the Public Present:

There were two members of the public and one member of the media present

### Previously Approved Leave of Absence:

Cr M O'Dea – 3 July 2017 to 14 July 2017 inclusive

Cr L Handasyde – 6 August to 31 August 2017 inclusive

### 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**

Nil

### **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

#### Cr J Hamblin

Item: 12.1.1

Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)

Nature: David Stockdale is the Chair of GHSS Board where I am the Principal.

Extent: Not required

Cr C Pavlovich

Item: 9.2.2  
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section LGA)  
Nature: Financial – Effect of vehicle access to Shire roads.  
Extent: Not required

Cr C Pavlovich

Item: 9.2.3  
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section LGA)  
Nature: Financial – Effect Log Haulage Operations  
Extent: Not required

Cr J Moir

Item: 9.4.3  
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section LGA)  
Nature: Employee of Elders, Cattle Farmer  
Extent: Not required

## 6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Cr Marie O’Dea withdrew her previously approved leave (3 July 2017 to 14 July 2017 inclusive) and requested Leave of Absence for the Council Meeting to be held on 15 August 2017.

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

**That Cr Marie O’Dea be granted Leave of Absence for the Council Meeting to be held on 15 August 2017.**

**CARRIED (9/0)**

**NO. 112/17**

## 7 CONFIRMATION OF MINUTES

**Moved Cr B Bell, seconded Cr M O’Dea:**

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 23 May 2017 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (9/0)**

**NO. 113/17**

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

The Shire President distributed notes separately.

The Shire President also noted:

- A Certificate of Appreciation received from the recent Black Dog Ride;
- Cr Moir will be seeking the Council's approval to introduce a Late Item regarding a tour of selected cemeteries outside the Shire of Plantagenet; and
- The CEO will report on the Kamballup Hall meeting held 19 June 2017 at the conclusion of this meeting.

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 DEVELOPMENT SERVICES REPORTS

#### 9.1.1 LOT 651 WARD ROAD, MOUNT BARKER - TOURIST ACCOMMODATION

<b>File Ref:</b>	<b>N41675</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Site Plan</a> <a href="#">Floor Plan</a> <a href="#">Works Program – APZ Area</a> <a href="#">Summary of Submissions</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>20 June 2017</b>
<b>Applicants:</b>	<b>Donna and Robert Stain</b>

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#### **PURPOSE**

The purpose of this report is to consider a proposal for tourist accommodation (holiday home) at Lot 651 Ward Road, Mount Barker.

#### **BACKGROUND**

Council records show the registered owner of Lot 651 Ward Road is R Stain.

On 3 August 2016, the Council received a Planning Consent (PC) application for tourist accommodation (holiday home) at Lot 651 Ward Road, Mount Barker. This holiday home proposal involves the short stay use of an existing farm house for tourist accommodation purposes where there is no onsite manager or landowner at the premises.

Lot 651 Ward Road is located in a Bushfire Prone Area. The tourist accommodation use is classified as a 'Vulnerable Land Use' pursuant to Western Australian bushfire legislation. The PC application did not examine the latest Guidelines for Planning in Bushfire Prone Areas for vulnerable land use and additional supporting information was sought.

The Council on 24 January 2017 received supporting information in the form of a Bushfire Management Plan (BMP) prepared by a Level 2 accredited Bushfire Planning and Design practitioner and reviewed by a Level 3 accredited Bushfire Planning and Design practitioner.

The proposal was advertised for public comment for a period of 42 days ending on 30 March 2017. Advertising also included a letter to the Department of Fire and Emergency Services (DFES) Albany Regional Office dated 13 February 2017. However, DFES on 27 February 2017 altered the process for land use referrals where bushfire related advice was being sought. The new process meant that land use referrals to DFES were now required to be submitted to the DFES Advisory

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Services Section in Perth. The proposal was resubmitted to DFES on 29 March 2017.

On 5 May 2017 DFES sought additional supporting information to the proposal and the proponents' response was forward to DFES on 10 May 2017. At the time of finalising this report, DFES had not responded.

Two submissions have been received including one from a government agency and one from an adjoining landowner (see Summary of Submissions attached).

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 deemed provisions.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural. Tourist Accommodation is a discretionary 'SA' use in the Rural zone under TPS3 meaning that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

Fire and Emergency Services Act 1998 (as amended) – the FES Commissioner identifies and designates bushfire prone areas. Such areas are identified on the Map of Bush Fire Prone Areas. Designation of an area as being bushfire prone reflects the potential of bushfire to affect that site. It acts as a mechanism for initiating further assessment in the planning and building processes. Lot 651 Ward Road is located in a Bushfire Prone Area.

Western Australian Planning Commission (WAPC) State Planning Policy 3.7 (Planning in Bushfire Prone Areas) (SPP3.7) - directs how land use should address bushfire risk management and applies to all land which has been designated as bushfire prone by the FES Commissioner. SPP3.7 shows tourist accommodation as a 'vulnerable land use' in a bushfire prone area. SPP3.7 requires assessment against the bushfire protection criteria as well as the creation of a BMP and/or an emergency evacuation plan for occupants of a vulnerable land use. The intent of this policy measure is to recognise that such sites require special consideration when located in bushfire prone areas. This will ensure that bushfire risk management is sufficiently addressed in the planning assessment of these land uses.

WAPC Guidelines for Planning in Bushfire Prone Areas December 2015 - These Guidelines provide supporting information for decision making authorities to implement SPP3.7.

WAPC Guidelines for Holiday Homes – these guidelines are applicable to short stay use of holiday homes for tourism accommodation where there is no onsite manager or landowner at the premises.

Building Code of Australia

## WA Building Regulations 2012

AS3959 Construction of Buildings in Bushfire Prone Areas (2009 as amended) – The objective of this Standard is to prescribe construction details for buildings to reduce the risk of ignition from a bushfire, appropriate to the:

- Potential for ignition caused by embers, radiant heat or flame generated by a bushfire; and
- Intensity of the bushfire attack on the building.

To achieve this, the Standard defines six categories of BAL, details their assessment methodology and specifies constructions standards corresponding to each.

### **EXTERNAL CONSULTATION**

In accordance with Delegation LG035 the proposal was advertised for public comment for the minimum 42 day period ending on 30 March 2017. Advertising included letters to three adjoining landowners and notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site.

Further advertising included a letters to the Department of Agriculture and Food WA, Department of Health and the DFES Albany Regional Office.

A follow-up to DFES on 27 March 2017 by the Council's Planning Officer revealed that the Albany Regional Office did not consider making comments on the proposal. DFES on 27 February 2017 altered the process for land use referrals where bushfire related advice was being sought and the proposal was resubmitted to Perth on 29 March 2017.

On 5 May 2017 DFES (Perth) sought additional supporting information to the proposal and the proponents' response was forward to DFES on 10 May 2017. At the time of finalising this report DFES had not completed a submission. Should a submission be received prior to the Council meeting it will be brought to the Council's attention.

### **FINANCIAL IMPLICATIONS**

The application fee of \$147.00 and the \$500.00 advertising bond have been paid.

In accordance with the Shire of Plantagenet Town Planning Scheme Policy No. 14 Rural Tourist Accommodation and Additional Houses (TPS Policy No. 14) the Council may require a once off financial contribution toward maintenance of the gravel roads at the time of approval. The fee is currently set in the Annual Budget (2016/2017) at \$3,360.00 per chalet.

### **POLICY IMPLICATIONS**

Town Planning Scheme Policy No. 14 (Rural Tourist Accommodation and Additional Houses) contains a range of planning criteria to provide for tourist accommodation in the rural areas of the Shire in a manner that will not conflict with existing or potential agricultural or horticultural pursuits.

TPS Policy No. 14

Policy criteria 5 reads as follows:

*'Each tourist accommodation unit (such as a Chalet) will be a maximum of 2 bedrooms.'*

This proposal involves the conversion of the original four bedroom house to a holiday home. The proposed holiday home conforms to all other policy criterion. 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**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

Strategy 2.2.2:

*'Ensure quality, consistent and responsive development and building assessment approval processes and enforcement'*

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

Further, the Council's Corporate Plan, Goal 2 – Enhanced Natural and Built Environment notes an outcome of 2.2 *'Appropriate development which is diverse in nature and protects local heritage'*. The Key Performance Indicator (KPI) is *'Percentage of Council planning decisions in line with the Planning Vision'*.

By supporting the officer recommendation the KPI will be met.

### **OFFICER COMMENT**

The subject land is located approximately 7.1km north of Mount Barker and approximately 2.9km west of Albany Highway on Ward Road. The 13.2ha property is rectangular in shape and is located in the Rural zone.

This holiday home proposal involves the short stay use of the existing farm house at Lot 651 Ward Road for tourist accommodation purposes where there is no onsite manager or landowner at the premises. The proponents live on a nearby farm approximately 2.2km east of the application site.

The proponents engaged Bio Diverse Solutions and Eco Logical Australia to prepare and review the BMP including an evacuation plan for Lot 651 Ward Road. Bio Diverse Solutions and Eco Logical Australia are suitably accredited Bushfire Planning and Design practitioners to prepare and review the BMP.

For the holiday home proposal, to conform with the Guidelines for Planning in Bushfire Prone Areas 2015 and SPP3.7 (Planning in Bushfire Prone Areas) the following recommendations will need to be implemented at the application site:

- Reclassification of the dwelling from a Class1a to a Class1b building;
- Retrofitting of the dwelling in accordance with AS 3959-2009 for BAL- 19;

- Implementation of modifications to the Asset Protection Zone (APZ) area in accordance with requirements of the Works Program set in the BMP and no introduction of further vegetation;
- Ongoing management of the APZ area in accordance with requirements of the Works Program set in the BMP;
- Implementation of the Evacuation Plan set in the BMP; and
- Provision of one additional 5,000 litre water tank in the APZ area for firefighting purposes.

The existing farm dam is located approximately 40m west of the existing house. To ensure that children visiting the holiday home do not gain access to the dam area, a condition of planning consent will require the homestead to be suitably fenced.

The proposal is in accordance with the requirements set out in TPS Policy No. 14 except for the holiday home having two additional bedrooms which is two more than the two required. No substantial increase of vehicular traffic is anticipated. The proposed use is not likely to affect the landscape, rural character or amenity of the area and the use is not expected to prejudice or displace viable agricultural land or production.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

**Moved Cr S Etherington, seconded Cr M O'Dea:**

**That in accordance with clauses 66, 67, 68 and 70 to 74 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, planning consent be granted for tourist accommodation at Lot 651 Ward Road, Mount Barker subject to:**

- 1. Development being in accordance with the plans dated 9 August 2016, 10 October 2016 and the Bushfire Management Plan dated 24 January 2017.**
- 2. A suitable fence being erected around the existing homestead to keep children away from the dam to the satisfaction of the Manager Development Services.**
- 3. A Building Permit being issued for reclassification of the dwelling from a Class 1a to a Class 1b building prior to the tourist accommodation being operated.**
- 4. The payment of a once off financial contribution toward the maintenance of the gravel Ward Road. The fee is currently set in the 2016/2017 Annual Budget at \$3,360.00.**

### **Advice Note:**

- 1. In addition to complying with fire mitigation requirements, it is the land owner who is ultimately responsible for the protection of the property.**
- 2. The proponents are to advise visitors that this site is in a Rural area and as such may be subject to rural activities in the locality.**

**AMENDMENT**

Moved Cr C Pavlovich, seconded Cr B Bell:

That Part 4 of the motion 'The payment of a once off financial contribution toward the maintenance of the gravel Ward Road. The fee is currently set in the 2016/2017 Annual Budget at \$3,360.00.' be deleted.

**CARRIED (9/0)**

**NO. 114/17**

**COUNCIL DECISION**

That in accordance with clauses 66, 67, 68 and 70 to 74 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, planning consent be granted for tourist accommodation at Lot 651 Ward Road, Mount Barker subject to:

1. Development being in accordance with the plans dated 9 August 2016, 10 October 2016 and the Bushfire Management Plan dated 24 January 2017.
2. A suitable fence being erected around the existing homestead to keep children away from the dam to the satisfaction of the Manager Development Services.
3. A Building Permit being issued for reclassification of the dwelling from a Class 1a to a Class 1b building prior to the tourist accommodation being operated.

**Advice Note:**

1. In addition to complying with fire mitigation requirements, it is the land owner who is ultimately responsible for the protection of the property.
2. The proponents are to advise visitors that this site is in a Rural area and as such may be subject to rural activities in the locality.

**CARRIED (9/0)**

**NO. 115/17**

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**9.1.2 RESERVE 23870 BOOTH STREET CORNER ALBANY HIGHWAY, MOUNT BARKER – ADDITIONAL OUTBUILDING FOR PLANTAGENET MENS SHED INC**

<b>File Ref:</b>	<b>N41409</b>
<b>Attachments:</b>	<a href="#"><u>Location Plan</u></a> <a href="#"><u>Site Plan</u></a> <a href="#"><u>Outbuilding Plan</u></a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>20 June 2017</b>
<b>Applicant:</b>	<b>Plantagenet Mens Shed Inc</b>

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**PURPOSE**

The purpose of this report is to consider a request from the Plantagenet Mens Shed Inc for approval to construct an additional outbuilding on Reserve 23870 Booth Street corner Albany Highway, Mount Barker.

**BACKGROUND**

The Council at its meeting held on 3 February 2015 resolved at Resolution No. 6/15:

*‘That no objections be raised to the proposed outbuilding on Reserve 23870 Booth Street corner Albany Highway, Mount Barker subject to:*

- 1. The development being in accordance with the plans dated 6 January 2015.*
- 2. The Plantagenet Mens Shed Inc acknowledging the outbuilding will become the property of the Council.*
- 3. The Plantagenet Mens Shed Inc retaining all maintenance responsibilities for the outbuilding.*
- 4. The Plantagenet Mens Shed Inc being responsible for any insurance excess in the event that an insurance claim, relating solely to the outbuilding, is necessary.*
- 5. The Plantagenet Mens Shed Inc acknowledging the Council may at its discretion require the outbuilding to be removed and disposed of at no cost to the Council to the satisfaction of the Manager Works and Services.’*

The Plantagenet Mens Shed Inc has now requested permission to construct an additional outbuilding to be used as metalwork workshop.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

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Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Local Scheme Reserve (Public Purpose).

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

Environmental Protection (Noise) Regulations 1997

### **EXTERNAL CONSULTATION**

The Plantagenet Mens Shed as part of lodging this application sought comment from five adjoining and nearby landowners. These landowners raised no objection to the proposal.

### **FINANCIAL IMPLICATIONS**

A building permit fee will be required to be paid by the Plantagenet Mens Shed. The purchase of the outbuilding and its erection will be by the Plantagenet Mens Shed at no cost to the Council.

As the building will become the property of the Council, there will be an ongoing cost for insurance.

It should be noted that a Financial Assistance Grant request is to be considered as part of the 2017-2018 Budget deliberations by the Council.

### **POLICY IMPLICATIONS**

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

### **ASSET MANAGEMENT IMPLICATIONS**

As the building is to be erected on a Council managed reserve, it will become the property of the Council.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

Strategy 2.2.2:

*‘Ensure quality, consistent and responsive development and building assessment approval processes and enforcement’*

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

Further, the Council’s Corporate Plan, Goal 2 – Enhanced Natural and Built Environment notes an outcome of 2.2 *‘Appropriate development which is diverse in nature and protects local heritage’*. The Key Performance Indicator (KPI) is *‘Percentage of Council planning decisions in line with the Planning Vision’*.

By supporting the officer recommendation the KPI will be met.

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**OFFICER COMMENT**

The proposed outbuilding is a gable roof Colorbond® structure and is 12.1m long, 12.1m wide with a 3.0m wall height. The building will be constructed in Colorbond® with external walls to be finished in country green colour and the roof is to be zincalume to match the existing hall building and outbuilding.

The proposed outbuilding is setback 9.0m from the side property boundary with Albany Highway to the west and 6.0m from the rear property boundary with Lot 29 Osborne Road to the south.

Noise emanating from properties must meet assigned allowable noise levels set in the Environmental Protection (Noise) Regulations 1997. This noise shall not interfere with the health, comfort or convenience of adjoining or nearby residents. Pursuant to the Environmental Protection (Noise) Regulations 1997 specified equipment such as tools and machinery may only be used for two hours a day between the hours of 7am to 7pm on Monday to Saturday and 9am to 7pm on Sundays and Public Holidays. A condition of PC will be included to remind the proponents of the requirement to comply with the Environmental Protection (Noise) Regulations 1997.

As the structure is erected on a Council reserve, the structure will become the property of the Council. However, the Mens Shed will be responsible for the ongoing maintenance of the outbuilding. No objection is seen to the erection of the new outbuilding.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

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

**That no objection be raised to the proposed outbuilding on Reserve 23870 Booth Street corner Albany Highway, Mount Barker and in accordance with Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, Planning Consent be granted subject to:**

- 1. The development being in accordance with the plans dated 21 April 2017 and 8 May 2017.**
- 2. The Plantagenet Mens Shed Inc acknowledging the outbuilding will become the property of the Council.**
- 3. The Plantagenet Mens Shed Inc retaining all maintenance responsibilities for the outbuilding.**
- 4. Compliance with the relevant requirements of the Environmental Protection (Noise) Regulations 1997.**



**AMENDMENT**

Moved Cr J Moir, seconded Cr B Bell:

That a Part 5 be added to the motion as follows:

‘The Plantagenet Mens Shed Inc being responsible for any insurance excess in the event that an insurance claim, relating solely to the outbuilding, is necessary’.

**CARRIED (9/0)**

**NO. 116/17**

**COUNCIL DECISION**

That no objection be raised to the proposed outbuilding on Reserve 23870 Booth Street corner Albany Highway, Mount Barker and in accordance with Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, Planning Consent be granted subject to:

1. The development being in accordance with the plans dated 21 April 2017 and 8 May 2017.
2. The Plantagenet Mens Shed Inc acknowledging the outbuilding will become the property of the Council.
3. The Plantagenet Mens Shed Inc retaining all maintenance responsibilities for the outbuilding.
4. Compliance with the relevant requirements of the Environmental Protection (Noise) Regulations 1997.
5. The Plantagenet Mens Shed Inc being responsible for any insurance excess in the event that an insurance claim, relating solely to the outbuilding, is necessary.

**CARRIED (9/0)**

**NO. 117/17**

## 9.2 WORKS AND SERVICES REPORTS

### 9.2.1 NEW POLICY – KEEPING OF DOGS WITHIN TOWNSITES

<b>File Ref:</b>	<b>N41622</b>
<b>Attachments:</b>	<a href="#">RS/AC/1 – Keeping of Dogs Within Townsites</a>
<b>Responsible Officer:</b>	<b>Dominic Le Cerf</b> <b>Manager Works and Services</b>
<b>Author:</b>	<b>Amy Chadbourne</b> <b>Senior Administration/Project Officer Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>20 June 2017</b>

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#### **PURPOSE**

The purpose of this report is to adopt a new policy RS/AC/1 Keeping of Dogs Within Townsites.

#### **BACKGROUND**

The Council at its meeting held on 28 March 2017 resolved:

*'That:...*

- 3. The Chief Executive Officer be requested to prepare a draft policy for the Council's consideration relating to the limitation on the number of dogs that may be housed at a property, such policy to be considered by the Council at its meeting to be held on or before 20 June 2017.'*

Pursuant to the Dog Act 1976 and the Shire of Plantagenet Dogs Local Law 2008, all applications from residents who wish to keep more than two dogs at a property within a townsite must have the approval of the Council. The Council has considered three such applications for the keeping of dogs on properties within townsites during the last year.

#### **STATUTORY ENVIRONMENT**

Dog Act 1976, Section 26 (3) 'Limitations as to numbers'

Section 26 (3) provides for a local government to grant an exemption for the number of dogs that would otherwise be permitted at a property, provided that the approval is only applicable to the dogs at the property in question. Further, no more than six dogs are allowed on any property. Approval may be varied or revoked at any time.

Shire of Plantagenet Dogs Local Law 2008 Section 3.2 'Limitation on the number of dogs'

Section 3.21 states that the limit on the number of dogs which may be kept on a property within a townsite is two dogs over the age of three months and the young of those dogs under that age and four dogs if the premises are situated outside a townsite.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

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## **POLICY IMPLICATIONS**

This report recommends the adoption of a new policy.

## **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 1.9 (A Safe Plantagenet) the following Strategy:

Strategy 1.9.1:

*‘Provide animal control in accordance with legislative requirements.’*

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

The Shire of Plantagenet Corporate Business Plan 2016/2017 – 2020/2021 provides the following Action:

Action 1.9.1.1:

*‘Educate the community regarding rules and requirements associated with keeping animals in rural and urban areas’.*

And

Action 1.9.1.2:

*‘Enforce animal controls in order to maintain public safety’.*

Accordingly, the recommended outcome for this report aligns with the Corporate Business Plan.

## **OFFICER COMMENT**

The adoption of this policy provides clarity of the criteria under which applications to keep more than two dogs on property within a townsite would be considered.

A Delegation of Authority to the Chief Executive Officer to approve applications is sought, and is included in the Delegation Review to be considered by the Council at the June 2017 meeting. This will remove the requirements for such decisions to be considered by the Council.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION**

That new policy RS/AC/1 Keeping of Dogs within Townsites, as follows:

### OBJECTIVE

To provide clear criteria against which applications to keep more than two dogs on property within a townsite will be considered.

### POLICY

#### 1. Scope

This policy relates to applications from residents who wish to keep more than two dogs at a property located in the townsites of Mount Barker, Kendenup, Rocky Gully and Narrikup.

2. Legislation
  - Dog Act 1976
  - Shire of Plantagenet Dogs Local Law 2008
3. Application of Policy
  - 3.1 The Chief Executive Officer may approve applications for permission to keep more than two dogs at a property within a townsite under the following circumstances:
    - a) All dog registration requirements are satisfied;
    - b) The dogs are not used for breeding purposes;
    - c) The dogs are not of a restricted breed or declared a dangerous dog;
    - d) There is no history or current incidence of dog nuisance, wandering or control that is likely to impact on the surrounding community; and
    - e) All abutting neighbours have provided written consent or have no substantiated reasons for refusal.
  - 3.2 Consideration will also be given to:
    - a) Fence height and stability;
    - b) Proximity of neighbours;
    - c) Location and housing arrangements of dogs; and
    - d) Faecal disposal.
  - 3.3 Approval may be withdrawn at any time if the Shire receives a complaint regarding the dogs at the property, or if any conditions of the permit have been contravened.'

be adopted.

## **COUNCIL DECISION**

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

**That new policy RS/AC/1 Keeping of Dogs within Townsites, as follows:**

### **OBJECTIVE**

**To provide clear criteria against which applications to keep more than two dogs on property within a townsite will be considered.**

### **POLICY**

#### **1. Scope**

**This policy relates to applications from residents who wish to keep more than two dogs at a property located in the townsites of Mount Barker, Kendenup, Rocky Gully and Narrikup.**

#### **2. Legislation**

**Dog Act 1976**

**Shire of Plantagenet Dogs Local Law 2008**

#### **3. Application of Policy**

**3.1 The Chief Executive Officer may approve applications for permission to keep more than two dogs at a property within a townsite under the following circumstances:**

- f) All dog registration requirements are satisfied;**
- g) The dogs are not used for breeding purposes;**
- h) The dogs are not of a restricted breed or declared a dangerous dog;**
- i) There is no history or current incidence of dog nuisance, wandering or control that is likely to impact on the surrounding community; and**
- j) All adjoining landholders have provided written consent or have no substantiated reasons for refusal.**

**3.2 Consideration will also be given to:**

- e) Fence height and stability;**
- f) Proximity of neighbours;**
- g) Location and housing arrangements of dogs; and**
- h) Faecal disposal.**

**3.3 Approval may be withdrawn at any time if the Shire receives a complaint regarding the dogs at the property, or if any conditions of the permit have been contravened.'**

**be adopted.**

**CARRIED (9/0)**

**NO. 118/17**

Reason for Change

Councillors preferred to use the words 'adjoining landholders' due to the interpretation of 'adjoining' as set out in Section 5.60B(2) of the Local Government Act 1995.

**9.2.2 POLICY REVIEW - ROAD CLOSURE (TEMPORARY) - WET WEATHER**Cr C Pavlovich

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section LGA)  
Nature: Financial – Effect of vehicle access to Shire roads.  
Extent: Not required

3:20pm Cr C Pavlovich withdrew from the meeting.

**File Ref:** N41506  
**Attachments:** [Policy RS/TRC/1 – Road Closures – Temporary Wet Weather](#)  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Amy Chadbourne  
Senior Administration/Project Officer Works and Services  
**Proposed Meeting Date:** 20 June 2017

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**PURPOSE**

The purpose of this report is to review Council Policy RS/TRC/1 Road Closure (Temporary) – Wet Weather.

**BACKGROUND**

The Policy was adopted by the Council at its meeting held on 3 February 2015. Since the adoption of the policy, one or more gravel roads within the Shire have been closed to vehicles over 4.5 tonnes on six occasions.

The Council has delegated to the Chief Executive Officer the power to implement road closures pursuant to Section 3.50(1) of the Local Government Act.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

Road Traffic Code 2000

**FINANCIAL IMPLICATIONS**

Roads are sometimes closed during wet weather in order to reduce the amount of preventable damage to the Shire's infrastructure and the resulting costs to reinstate and repair affected roads.

Costs to the Shire are incurred as a result of the administrative and physical tasks associated with road closures.

**POLICY IMPLICATIONS**

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

## STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.4 (Safe and reliable transport infrastructure) the following Strategies:

Strategy 2.4.1:

*'Maintain and further develop roads and pathways at appropriate standards'*

Strategy 2.4.4:

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

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

The Shire of Plantagenet Corporate Business Plan 2015/2016 – 2019/2020 includes the following actions:

Action 2.4.1.6:

*'Construct and maintain Shire roads and associated infrastructure to the standard adopted by the Council and in accordance with requirements of State agencies'*

Action 2.4.4.2:

*'Ensure both temporary and permanent road closures are processed and approved in accordance with all necessary legal and administrative requirements'*

Accordingly, the recommended outcome for this report aligns with the Corporate Business Plan.

## OFFICER COMMENT

This policy is considered relevant and works well. Some minor changes are recommended to improve the clarity and flow of the document.

It is recommended that an additional point is included to provide clarification on the circulation of information to affected parties if a temporary road closure is put in place.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr M O'Dea:

That amended Policy RS/TRC/1 Road Closure (Temporary) – Wet Weather as follows:

### **'OBJECTIVE**

**To provide guidelines for the closure of affected Shire roads due to inclement or persistent wet weather, to vehicles with a Gross Vehicle Mass of 4.5 tonnes or greater.**

### **POLICY**

**1. Scope**

Section 3.50(1) of the Local Government Act 1995 provides for a local government to close any road it manages, wholly or partially, for a period not exceeding four weeks.

The Road Traffic Code 2000 defines a heavy vehicle as a vehicle with a Gross Vehicle Mass of more than 4.5 tonnes.

## 2. Legislation

Local Government Act 1995

Road Traffic Code 2000

## 3. Application of Policy

3.1 If, in the opinion of the Manager Works and Services, there is a risk of damage to Shire road infrastructure due to inclement or persistent wet weather, the Chief Executive Officer may close roads for vehicles with a Gross Vehicle Mass of 4.5 tonnes or greater.

3.2 The Chief Executive Officer may exempt certain vehicles that require access, which may include:

- a) Local traffic that is proceeding to a place of garaging;
- b) Other vehicles that require access on the road, such as school buses or emergency services vehicles; and
- c) Access relating to perishable goods or animal welfare.

3.3 In the event of a temporary road closure, an information bulletin will be provided to affected parties via text message and/or email. Information will also be communicated via local radio and on the Shire of Plantagenet website.

3.4 This policy does not apply during flood or emergency situations where roads may be closed to all vehicles for public safety or other reasons.'

be endorsed.

**CARRIED (8/0)**

**NO. 119/17**

3.21 pm Cr C Pavlovich returned to the meeting.



### 9.2.3 POLICY REVIEW - ROADS - LOG HAUL REQUIREMENTS

#### Cr C Pavlovich

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section LGA)  
Nature: Financial – Effect Log Haulage Operations  
Extent: Not required

3.22pm Cr C Pavlovich withdrew from the meeting.

**File Ref:** N41423  
**Attachments:** [Policy I/R/6 – Roads – Log Haul Requirements](#)  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Amy Chadbourne  
Senior Administration/Project Officer Works  
and Services  
**Proposed Meeting Date:** 20 June 2017

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#### **PURPOSE**

The purpose of this report is to review Council Policy No. I/R/6 – Roads – Log Haul Requirements.

#### **BACKGROUND**

The Policy was last reviewed by the Council at its meeting held on 3 February 2015.

#### **STATUTORY ENVIRONMENT**

Road Traffic Code (2000)

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **POLICY IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.4 (Safe and reliable transport infrastructure) the following Strategy:

Strategy 2.4.1:

*‘Maintain and further develop roads and pathways at appropriate standards’*

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

The Shire of Plantagenet Corporate Business Plan 2016/2017 – 2020-2021 includes Action 2.4.1.6:

*‘Construct and maintain Shire roads and associated infrastructure to the standard adopted by the Council and in accordance with requirements of State agencies’.*

Accordingly, the recommended outcome for this report aligns with the Corporate Business Plan.

### **OFFICER COMMENT**

This policy is considered relevant and works well. However, some changes are recommended for clarification, to improve the flow of the document, and to ensure compliance with the relevant legislation.

Part 2 (Application of Policy) has been adjusted to ensure that it reflects the appropriate process for requesting use of Shire roads by heavy vehicles.

The ordering of the conditions in Part 3 of the policy has been altered to ensure that the points are listed in chronological order.

The current policy makes reference to maximum speeds which were permitted on various road types (unsealed, sealed without pavement markings, sealed with pavement markings). This section has been revised, as local government does not have the authority to specify speed limits which are lower than those permitted in the Road Traffic Code (2000).

In many cases, the roads on the RAV network already have a maximum speed specified as part of the conditions of use of the road. Often these are significantly lower than those mentioned in the previous policy. The revised policy makes reference to these conditions, and notes that if there is no condition then the maximum speed allowable is either 100km/hr (as per the Road Traffic Code 2000) or the posted speed limit, whichever is the lesser.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

That amended Policy I/R/6 Roads – Log Haul Requirements as follows:

#### OBJECTIVE

To provide clear guidelines to the Council, its staff, and plantation companies regarding log/woodchip haulage on roads within the Shire of Plantagenet.

#### POLICY

1. Scope

This policy applies to plantation companies who wish to use roads under the care, control and management of the Shire of Plantagenet for the purposes of transporting logs/woodchips from plantations.

2. Legislation

Road Traffic Code 2000

### 3. Application of Policy

Plantation companies may request use of a classified road on the Restricted Access Vehicle (RAV) Network by applying to the Chief Executive Officer (CEO) for approval. If the desired route includes an unclassified road, an application must be made by the plantation company to Main Roads WA (Heavy Vehicles Section). For further information on heavy vehicle access to roads within the Shire, refer to Policy I/R/17 Roads – Heavy Vehicle Access.

Approvals will be for a duration of three months and may be extended upon request by the plantation company. The Manager Works and Services must be satisfied with the proposed haulage route(s) and the following conditions are to be adhered to by the plantation company:

- a) Neighbouring properties to access routes should be notified of the commencement date and anticipated duration, at least one week prior to the commencement of harvest;
- b) School bus operators are to be notified of the commencement date and the anticipated duration, at least one week prior to the commencement of harvest;
- c) If no maximum speed is specified as a condition of use of the applicable road, speeds are to be limited to a maximum of:
  - 100km/hr (as per the Road Traffic Code 2000), or;
  - The posted speed limit,whichever is the lesser.
- d) Suitable sign posting for traffic in accordance with Australian Standard AS1742.3-2009, with signs identifying truck movements is to be placed at the entrance and exit of the property;
- e) All vehicles must adhere to any road closure prescribed by the Council due to inclement or persistent wet weather.
- f) Cartage through townsites is to be limited to 12 hours daily between the hours of 6.00am and 6.00pm;
- g) All gravel roads covered under the letter of approval are to be graded by the relevant plantation company during haulage when requested by the Council;
- h) The Council is to be advised of any seal failures on bitumen roads within 24 hours so that repairs can be carried out;
- i) Cartage must cease on Christmas Day and New Year's Day; and
- j) Post haulage inspections of roads listed in the letter of approval will be carried out by Shire of Plantagenet staff. If required, works to reinstate roads to pre-haulage condition are to be undertaken by the plantation companies.

The Council reserves the right to revoke support if any of the above conditions are not adhered to, or road condition/user safety is in question.'

be endorsed.

## **COUNCIL DECISION**

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

**That amended Policy I/R/6 Roads – Log Haul Requirements as follows:**

### **‘OBJECTIVE**

**To provide clear guidelines to the Council, its staff, and plantation companies regarding log/woodchip haulage on roads within the Shire of Plantagenet.**

### **POLICY**

#### **1. Scope**

**This policy applies to plantation companies who wish to use roads under the care, control and management of the Shire of Plantagenet for the purposes of transporting logs/woodchips from plantations.**

#### **2. Legislation**

**Road Traffic Code 2000**

#### **3. Application of Policy**

**Plantation companies may request use of a classified road on the Restricted Access Vehicle (RAV) Network by applying to the Chief Executive Officer (CEO) for approval. If the desired route includes an unclassified road, an application must be made by the plantation company to Main Roads WA (Heavy Vehicles Section). For further information on heavy vehicle access to roads within the Shire, refer to Policy I/R/17 Roads – Heavy Vehicle Access.**

**Approvals will be for a duration of three months and may be extended upon request by the plantation company. The Manager Works and Services must be satisfied with the proposed haulage route(s) and the following conditions are to be adhered to by the plantation company:**

- a) Adjoining landholders along access routes should be notified of the commencement date and anticipated duration, at least one week prior to the commencement of harvest;**
- b) School bus operators are to be notified of the commencement date and the anticipated duration, at least one week prior to the commencement of harvest;**
- c) If no maximum speed is specified as a condition of use of the applicable road, speeds are to be limited to a maximum of:**
  - 100km/hr (as per the Road Traffic Code 2000), or;**

- The posted speed limit,  
whichever is the lesser.
- d) Suitable sign posting for traffic in accordance with Australian Standard AS1742.3-2009, with signs identifying truck movements is to be placed at the entrance and exit of the property;
- e) All vehicles must adhere to any road closure prescribed by the Council due to inclement or persistent wet weather.
- f) Cartage through townsites is to be limited to 12 hours daily between the hours of 6.00am and 6.00pm;
- g) All gravel roads covered under the letter of approval are to be graded by the relevant plantation company during haulage when requested by the Council;
- h) The Council is to be advised of any seal failures on bitumen roads within 24 hours so that repairs can be carried out;
- i) Cartage must cease on Christmas Day and New Year's Day; and
- j) Post haulage inspections of roads listed in the letter of approval will be carried out by Shire of Plantagenet staff. If required, works to reinstate roads to pre-haulage condition are to be undertaken by the plantation companies.

The Council reserves the right to revoke support if any of the above conditions are not adhered to, or road condition/user safety is in question.'

be endorsed.

**CARRIED (8/0)**

**NO. 120/17**

Reason for Change

Councillors preferred to use the words 'adjoining landholders along' due to the interpretation of the word 'adjacent' as set out in Section 5.60B(2) of the Local Government Act 1995.

3:29 pm Cr C Pavlovich returned to the meeting.

## 9.2.4 POLICY REVIEW - RURAL ROAD RESERVE VEGETATION MANAGEMENT - TREES ACROSS FENCES AND BOUNDARIES

<b>File Ref:</b>	<b>N41507</b>
<b>Attachments:</b>	<a href="#"><u>I/RR/5 – Rural Road Reserve Vegetation Management – Trees Across Fences and Boundaries</u></a>
<b>Responsible Officer:</b>	<b>Dominic Le Cerf Manager Works and Services</b>
<b>Author:</b>	<b>Amy Chadbourne Senior Administration/Project Officer Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>20 June 2017</b>

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### PURPOSE

The purpose of this report is to review Council Policy I/RR/5 Rural Road Reserve Vegetation Management – Trees Across Fences and Boundaries Policy.

### BACKGROUND

The Policy was adopted by the Council at its meeting held on 3 February 2015.

### STATUTORY ENVIRONMENT

Dividing Fences Act 1961, Part I, Section 5 – ‘Interpretation’ of an owner:

*‘...does not include any trustees or other persons in whom land is vested as a public reserve, public park for such other public purposes as may be prescribed, or a person who has the care, control and management of a public reserve, public park or land used for such other public purposes as may be prescribed.’*

Dividing Fences Regulations 1971, Point 3 – ‘Exclusion from meaning of owner’:

*‘... “owner” does not include a person who has the care, control and management of land used...for open space, streets, roads and rights of way that are public.’*

### FINANCIAL IMPLICATIONS

If this Policy was not in place the Council may be called upon to remove fallen trees in rural verges, the cost would range from \$84.00 per hour for a relatively simple task requiring two staff and no additional heavy machinery, to \$273.00 per hour for a more complex scenario requiring two staff, a backhoe and a 4-tonne truck.

### POLICY IMPLICATIONS

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

### STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.4 (Safe and reliable transport infrastructure) the following Strategy:

Strategy 2.4.1:

*‘Maintain and further develop roads and pathways at appropriate standards’.*

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Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

### **OFFICER COMMENT**

This policy is considered relevant and should be retained. While the implementation of the policy does at times result in discontent amongst affected Shire residents, the policy provides the appropriate guidelines for Shire staff based on the relevant legislation.

### **VOTING REQUIREMENTS**

Simple Majority

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

Moved Cr S Etherington, seconded Cr L Handasyde:

That amended Council policy I/RR/5 Rural Road Reserve Vegetation Management – Trees Across Fences and Boundaries as follows:

#### **‘OBJECTIVE**

To provide guidelines for property owners that have been affected by a tree or branch from rural road reserves, falling into their property.

#### **POLICY**

##### **1. Scope**

Where trees and/or branches fall from rural road reserves onto fences and/or into properties, fence reinstatement is the responsibility of the adjacent property owner as, pursuant to the Dividing Fences Act 1961, the Shire is not classified as an owner for the purposes of the Act.

##### **2. Legislation**

Dividing Fences Act 1961

Dividing Fences Regulations 1971

##### **3. Application of Policy**

3.1 The property owner is responsible for removing and disposing of the fallen tree within their property.

3.2 The tree debris remaining on the rural road reserve may be retained as roadside vegetation to provide habitat for wildlife, unless otherwise determined by the Manager Works and Services.

3.3. Repair of damage to crossovers or private assets, caused by trees falling from a road reserve, is the responsibility of the property owner.’

be endorsed.

**CARRIED (9/0)**

**NO. 121/17**

**9.2.5 POLICY REVIEW - TOWN STREET VERGE MANAGEMENT**

<b>File Ref:</b>	<b>N41222</b>
<b>Attachments:</b>	<a href="#">I/RR/4 – Town Street Verge Management</a>
<b>Responsible Officer:</b>	<b>Dominic Le Cerf Manager Works and Services</b>
<b>Author:</b>	<b>Amy Chadbourne Senior Administration/Project Officer Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>20 June 2017</b>

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**PURPOSE**

The purpose of this report is to review Council Policy I/RR/4 – Town Street Verge Management Policy.

**BACKGROUND**

Council Policy I/RR/4 was last reviewed by the Council at its meeting held on 9 December 2014.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

Dividing Fences Act 1961 – Part I – Preliminary

Dividing Fences Regulations 1971, Point 3 – ‘Exclusion from meaning of owner’

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008, Sections 2.6 to 2.12

Shire of Plantagenet Town Planning Scheme 3

**FINANCIAL IMPLICATIONS**

This report includes comment relating to the removal of fallen trees from verges on to private property. If this Policy was not in place the Council may be called upon to remove fallen trees in rural verges, the cost would range from \$84.00 per hour for a relatively simple task requiring two staff and no additional heavy machinery, to \$273.00 per hour for a more complex scenario requiring two staff, a backhoe and a 4-tonne truck.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.3 (Pleasant streetscapes open spaces, parks and gardens) the following Strategy:

Strategy 2.3.2:

*‘Develop, maintain and enhance town streetscapes and public places’*

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

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The Shire of Plantagenet Corporate Business Plan 2015/2016 – 2019/2020 includes Action 2.3.1.1:

*'Maintain parks, gardens and open space at standards acceptable to the community'.*

Accordingly, the recommended outcome for this report aligns with the Corporate Business Plan.

### **OFFICER COMMENT**

A number of changes to this policy are recommended.

The revised policy provides additional clarity for the Council and property owners on the removal of trees which have fallen from a verge on to private land. It is recommended that the Council accepts responsibility to remove such trees. However the repair of any damage to property remains the responsibility of the property owner, as specified in the Dividing Fences Act 1961.

The Council receives a number of requests each year from residents for Council staff to remove dead branches from street verges, which are viewed by residents as a fire hazard. Following consultation with the Community Emergency Services Manager, it is recommended that the revised policy address this issue by specifying that such requests will be assessed by the Council, subject to the level of risk and availability of resources.

Additional proposed changes to the policy have been made to ensure consistency with the specifications for acceptable verge treatments outlined in the Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Laws. It is recommended that residents not be required to obtain a permit for verge treatments which meet the specifications for acceptable verge treatments, however, permission must still be sought for any other type of verge treatment.

It is recommended that the application of the policy be specifically limited to the area within townsite boundaries of Mount Barker, Kendenup, Rocky Gully and Narrikup (see attached maps) and that maps showing the boundaries are attached as part of the policy. A separate policy (I/RR/2 – Rural Road Verge Vegetation Management) relates to the management of verges on rural roads.

It is intended that reference to this policy be included as part of a review of the Council's Delegations Register.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

**Moved Cr M O'Dea, seconded Cr J Oldfield:**

**That amended policy I/RR/4 Town Street Verge Management Policy as follows:**

#### **OBJECTIVE**

**To provide guidelines for the maintenance and development of street verges within townsites under the care, control and management of the Council.**

#### **POLICY**

##### **1. Scope**

This policy applies to street verges within the townsite boundaries of Mount Barker, Kendenup, Rocky Gully and Narrikup. A separate policy (I/RR/2 – Rural Road Verge Vegetation Management) relates to the management of verges on rural roads.

## 2. Legislation

Dividing Fences Act 1961

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008 – Division 1 – General and Division 3 – Verge treatments

Shire of Plantagenet Town Planning Scheme 3

## 3. Definitions

**Verge** The part of a thoroughfare between the carriageway and the land which abuts the thoroughfare but does not include any footpath (Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008).

**Footpath** An area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians (Road Traffic Code 2000).

## 4. Application of Policy

### 4.1 Council Responsibilities

4.1.1 The Shire may undertake drainage preservation, annual spraying for weeds and maintenance of street trees on verges in townsites. The Shire will also schedule the removal of trees on verges that are considered a danger to persons or infrastructure. Any other works are the responsibility of the adjoining land owner.

4.1.2 The Shire reserves the right to remove any verge treatment for the purpose of carrying out maintenance works, without being liable to compensate any person for such removal. Notice of Shire verge works will be provided to the property owner prior to any works being carried out.

### 4.2 Street Trees

4.2.1 The Shire is responsible for the planting, maintenance and removal of trees on townsite verges. Occasionally it is necessary to remove a dangerous tree that poses a threat to public safety such as impeding sight along the roadway or one threatening to fall.

4.2.2 Property owners are permitted and encouraged to prune any branches overhanging their fence line from a verge tree. The appropriate removal and disposal of these branches is the responsibility of the property owner.

4.2.3 The Council will accept removal responsibility for any tree that has fallen from any Council controlled land within townsites onto private land, subject to the owner/occupier providing the required access authorisation. Local Government is not bound by the Dividing Fences Act 1961,

therefore any damage to fences caused by a tree on Council controlled land is the responsibility of the property owner.

#### **4.3 Trees Near Power Lines**

The Shire is provided with a regular report from Western Power listing trees within a townsite that require pruning. A resident may request that a street tree be pruned by Shire staff, however, this will only occur if an inspection deems the branches to be within Western Power's recommended safe distance.

#### **4.4 Verge Spraying**

**4.4.1** The Shire undertakes an annual verge spraying program within all townsites to reduce weeds and limit fuel loads on verges. As part of the program, an undeveloped verge is sprayed from the edge of the road to the property boundary.

**4.4.2** Residents may request that their verge be added to the 'Do Not Spray' Register, which is maintained by the Works and Services Department and updated regularly to ensure requested (and developed) verges are excluded from the spraying program.

**4.4.3** The Council reserves the right to maintain verges that are added to the 'Do Not Spray' Register as it sees fit, if they are not maintained to required standards.

#### **4.5 Fire Hazard Reduction**

Residents are encouraged to include their verges as part of the fire hazard management plans for their own properties, including raking and removing of accumulated leaf and twig materials to help reduce fuel loads. Any requests for the removal of larger branches for the purpose of fire hazard reduction will be assessed by the Council, subject to the level of risk and availability of resources.

#### **4.6 Verge Enhancements by Property Owners**

The Shire permits property owners to enhance their verge, subject to compliance with the conditions outlined in this policy. A landscaped verge contributes to the attractiveness of the adjacent property and helps develop the town's character and form a 'sense of place'.

##### **4.6.1 Permissible Treatments**

As detailed in the Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008, the owner or occupier of land which abuts a verge may install a permissible verge treatment, as follows:

- a) The planting and maintenance of a lawn;
- a) The planting and maintenance of a garden provided that:
  - i) Clear sight visibility is maintained at all times; and
  - ii) Where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb.

- c) The installation of an acceptable material, which is defined as the following hardstand materials:
  - i) Brick paving;
  - ii) Bitumen;
  - iii) Concrete; and
  - iv) Paving slabs.
- d) The installation of no more than one third of the area of the verge (excluding any vehicle crossing) of an acceptable material, and the planting of either a lawn or a garden on the balance of the verge.

4.6.2 Low growing water wise plants are highly recommended for planting in verges. The advantages of water wise plants, in particular plants native to the area, include supporting biodiversity, decreasing storm water and nutrient runoff and less maintenance costs and water requirements compared to lawn. Productive gardens are permitted provided that produce will not lie on the footpath, kerb or carriageway.

4.6.3 Property owners are responsible for checking for the presence of any service infrastructure in their verge prior to developing the site. This may include a 'Dial Before You Dig' check.

4.6.4 Permission for any other form of verge treatment, other than the permissible verge treatments outlined above, must be sought in writing from the Chief Executive Officer.

#### 4.7 Restrictions

The following restrictions apply to verge treatments:

- a) No structures or objects that would create a hazard to vehicles or pedestrians are to be placed on the verge;
- b) No plant is to be more than 750mm in height when mature or of a hazardous nature eg declared weeds (WA), poisonous or thorny;
- c) The level and grade of the verge, and between adjoining verges, shall remain consistent and free of trip hazards, excess undulations, mounds, holes, depressions, ridges and terraces; and
- d) Verges cannot be used for permanent or long term car parking purposes unless approved by the Chief Executive Officer.

#### 4.8 Irrigation

4.8.1 If a property owner wishes to irrigate their verge an application must be made in writing to the Chief Executive Officer. Installation and maintenance of irrigation structures will be at the property owner's expense and will not be maintained by the Shire.

4.8.2 If approved, irrigation pipes and connections shall be laid underground and pipefittings not protrude above the surface. Drip line and/or pop up sprinklers must be used. Water supplied to the system must be sourced from the adjoining property. Sprinklers are not to cause an inconvenience to any person using the verge and 'half' sprinklers must be used adjacent to kerbs, footpaths or carriageways to ensure flow is directed away from these surfaces.

#### 4.9 Obligations of property owners

4.9.1 A property owner who installs or maintains a verge treatment shall ensure the treatment is in a good and tidy condition and that the footpath, kerb and/or carriageway is not impeded. The Shire will not carry out any maintenance work (including mowing, watering, spraying, slashing and pruning) on these developed verges.

4.9.2 The Shire may give a notice in writing to the property owner of a lot abutting a verge to make good, within the time specified in the notice, any breach of the verge treatment guidelines.'

be endorsed.

#### AMENDMENT

Moved Cr J Oldfield, seconded Cr C Pavlovich:

That after the words 'as sees fit,' in Part 4.4.3 the words 'which may include the use of appropriate herbicides,' be added.

CARRIED (6/3)

NO. 121/17

#### COUNCIL DECISION

That amended policy I/RR/4 Town Street Verge Management Policy as follows:

##### OBJECTIVE

To provide guidelines for the maintenance and development of street verges within townsites under the care, control and management of the Council.

##### POLICY

#### 1. Scope

This policy applies to street verges within the townsite boundaries of Mount Barker, Kendenup, Rocky Gully and Narrikup. A separate policy (I/RR/2 – Rural Road Verge Vegetation Management) relates to the management of verges on rural roads.

#### 2. Legislation

Dividing Fences Act 1961

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**Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008 – Division 1 – General and Division 3 – Verge treatments**

**Shire of Plantagenet Town Planning Scheme 3**

**3. Definitions**

**Verge** The part of a thoroughfare between the carriageway and the land which abuts the thoroughfare but does not include any footpath (Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008).

**Footpath** An area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians (Road Traffic Code 2000).

**4. Application of Policy**

**4.1 Council Responsibilities**

**4.1.1** The Shire may undertake drainage preservation, annual spraying for weeds and maintenance of street trees on verges in townsites. The Shire will also schedule the removal of trees on verges that are considered a danger to persons or infrastructure. Any other works are the responsibility of the adjoining land owner.

**4.1.2** The Shire reserves the right to remove any verge treatment for the purpose of carrying out maintenance works, without being liable to compensate any person for such removal. Notice of Shire verge works will be provided to the property owner prior to any works being carried out.

**4.2 Street Trees**

**4.2.1** The Shire is responsible for the planting, maintenance and removal of trees on townsite verges. Occasionally it is necessary to remove a dangerous tree that poses a threat to public safety such as impeding sight along the roadway or one threatening to fall.

**4.2.2** Property owners are permitted and encouraged to prune any branches overhanging their fence line from a verge tree. The appropriate removal and disposal of these branches is the responsibility of the property owner.

**4.2.3** The Council will accept removal responsibility for any tree that has fallen from any Council controlled land within townsites onto private land, subject to the owner/occupier providing the required access authorisation. Local Government is not bound by the Dividing Fences Act 1961, therefore any damage to fences caused by a tree on Council controlled land is the responsibility of the property owner.

**4.3 Trees Near Power Lines**

The Shire is provided with a regular report from Western Power listing trees within a townsite that require pruning. A resident may request that a street tree be pruned by Shire staff, however,

this will only occur if an inspection deems the branches to be within Western Power's recommended safe distance.

#### **4.4 Verge Spraying**

**4.4.1** The Shire undertakes an annual verge spraying program within all townsites to reduce weeds and limit fuel loads on verges. As part of the program, an undeveloped verge is sprayed from the edge of the road to the property boundary.

**4.4.2** Residents may request that their verge be added to the 'Do Not Spray' Register, which is maintained by the Works and Services Department and updated regularly to ensure requested (and developed) verges are excluded from the spraying program.

**4.4.3** The Council reserves the right to maintain verges that are added to the 'Do Not Spray' Register as it sees fit, which may include the use of appropriate herbicides, if they are not maintained to required standards.

#### **4.5 Fire Hazard Reduction**

Residents are encouraged to include their verges as part of the fire hazard management plans for their own properties, including raking and removing of accumulated leaf and twig materials to help reduce fuel loads. Any requests for the removal of larger branches for the purpose of fire hazard reduction will be assessed by the Council, subject to the level of risk and availability of resources.

#### **4.6 Verge Enhancements by Property Owners**

The Shire permits property owners to enhance their verge, subject to compliance with the conditions outlined in this policy. A landscaped verge contributes to the attractiveness of the adjacent property and helps develop the town's character and form a 'sense of place'.

##### **4.6.1 Permissible Treatments**

As detailed in the Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008, the owner or occupier of land which abuts a verge may install a permissible verge treatment, as follows:

- a) The planting and maintenance of a lawn;
- b) The planting and maintenance of a garden provided that:
  - i) Clear sight visibility is maintained at all times; and
  - ii) Where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb.
- c) The installation of an acceptable material, which is defined as the following hardstand materials:
  - i) Brick paving;
  - ii) Bitumen;

iii)Concrete; and

iv)Paving slabs.

- d) The installation of no more than one third of the area of the verge (excluding any vehicle crossing) of an acceptable material, and the planting of either a lawn or a garden on the balance of the verge.

4.6.2 Low growing water wise plants are highly recommended for planting in verges. The advantages of water wise plants, in particular plants native to the area, include supporting biodiversity, decreasing storm water and nutrient runoff and less maintenance costs and water requirements compared to lawn. Productive gardens are permitted provided that produce will not lie on the footpath, kerb or carriageway.

4.6.3 Property owners are responsible for checking for the presence of any service infrastructure in their verge prior to developing the site. This may include a 'Dial Before You Dig' check.

4.6.4 Permission for any other form of verge treatment, other than the permissible verge treatments outlined above, must be sought in writing from the Chief Executive Officer.

#### 4.7 Restrictions

The following restrictions apply to verge treatments:

- a) No structures or objects that would create a hazard to vehicles or pedestrians are to be placed on the verge;
- b) No plant is to be more than 750mm in height when mature or of a hazardous nature eg declared weeds (WA), poisonous or thorny;
- c) The level and grade of the verge, and between adjoining verges, shall remain consistent and free of trip hazards, excess undulations, mounds, holes, depressions, ridges and terraces; and
- d) Verges cannot be used for permanent or long term car parking purposes unless approved by the Chief Executive Officer.

#### 4.8 Irrigation

4.8.1 If a property owner wishes to irrigate their verge an application must be made in writing to the Chief Executive Officer. Installation and maintenance of irrigation structures will be at the property owner's expense and will not be maintained by the Shire.

4.8.2 If approved, irrigation pipes and connections shall be laid underground and pipefittings not protrude above the surface. Drip line and/or pop up sprinklers must be used. Water supplied to the system must be sourced from the adjoining property. Sprinklers are not to cause an inconvenience to any person using the verge and 'half'



sprinklers must be used adjacent to kerbs, footpaths or carriageways to ensure flow is directed away from these surfaces.

**4.9 Obligations of property owners**

**4.9.1 A property owner who installs or maintains a verge treatment shall ensure the treatment is in a good and tidy condition and that the footpath, kerb and/or carriageway is not impeded. The Shire will not carry out any maintenance work (including mowing, watering, spraying, slashing and pruning) on these developed verges.**

**4.9.2 The Shire may give a notice in writing to the property owner of a lot abutting a verge to make good, within the time specified in the notice, any breach of the verge treatment guidelines.'**

be endorsed.

**CARRIED (9/0)**

**NO. 122/17**

**9.3 COMMUNITY SERVICES REPORTS**

Nil

## 9.4 CORPORATE SERVICES REPORTS

### 9.4.1 FINANCIAL STATEMENTS – MAY 2017

<b>File Ref:</b>	<b>N41726</b>
<b>Attachment:</b>	<a href="#">Financial Statements (separate attachment)</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Alison Kendrick</b> <b>Senior Administration Officer - Finance</b>
<b>Proposed Meeting Date:</b>	<b>20 June 2017</b>

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#### **PURPOSE**

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 May 2017.

#### **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.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **POLICY IMPLICATIONS**

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

#### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr S Etherington:**

**That the Financial Statement for the period ending 31 May 2017 be received.**

**CARRIED (9/0)**

**NO. 123/17**

**9.4.2 LIST OF ACCOUNTS – MAY 2017**

<b>File Ref:</b>	<b>N41745</b>
<b>Attachment:</b>	<a href="#">May 2017</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Emma Gardner</b> <b>Accounts Officer</b>
<b>Proposed Meeting Date:</b>	<b>20 June 2017</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 May 2017.

**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 (21 June 2016). 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 M O'Dea, seconded Cr J Oldfield:

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 31 May 2017 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$936,207.18;
2. Municipal Cheques 45923 – 45936 and 45941 – 45944 totalling \$45,349.03.
3. Trust Cheques – 436 – 438 totalling \$34,757.96; and
4. Cancelled Cheques 45937 - 45940.

**CARRIED (9/0)**

**NO. 124/17**

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### 9.4.3 CONFERENCE ATTENDANCE – MR M SKINNER - AUSTRALIAN LIVESTOCK MARKETS ASSOCIATION INC NATIONAL SALEYARDS EXPO

Cr J Moir

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section LGA)  
Nature: Employee of Elders, Cattle Farmer  
Extent: Not required

3:38pm Cr J Moir withdrew from the meeting.

**File Ref:** N41727  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 20 June 2017

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#### PURPOSE

The purpose of this report is to seek authority for Mr Michael Skinner to attend the 2017 Australian Livestock Markets Association Inc (ALMA) National Saleyards Expo and AGM.

#### BACKGROUND

At its meeting held on 15 September 2015, the Council resolved to nominate Mr Michael Skinner to the board of ALMA. Mr Skinner was successfully appointed to the Board at ALMA's annual general meeting in September 2015. Mr Skinner is the Industry Representative on the Council's Saleyards Advisory Committee.

Mr Skinner was previously authorised to attend the ALMA Board meetings held in Brisbane on 26 - 27 November 2015, Darwin on 26 - 27 May 2016 and Brisbane on 23 and 24 February 2017.

The 2017 ALMA National Saleyards Expo is to be held in Rockhampton on 26 and 27 July 2017. The Saleyards Advisory Committee has recommended Mr Skinner's attendance at the conference and AGM. Mr Skinner does not intend to renominate to the ALMA Board. The Saleyards Manager, Stewart Smith will also attend the conference.

#### STATUTORY ENVIRONMENT

There are no statutory implications for this report.

#### FINANCIAL IMPLICATIONS

The registration for the Expo is \$810.00, including events and Expo Dinner.

At the time of this report Mr Skinner is believed to be travelling throughout Queensland and therefore may not be requiring accommodation or air fares. Confirmation is being sought however should Mr Skinner be requiring accommodation and air fares the approximate cost would be \$600.00 for accommodation and \$1,000.00 air fares plus \$250.00 for airport parking, meals and taxi.

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ALMA will cover the cost of accommodation for one night and breakfast the following day. In addition, each board member's sponsor organisation can place a claim to ALMA for up to \$2,000.00 per financial year.

### **POLICY IMPLICATIONS**

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 3.5 (Appropriate infrastructure that supports sustainable economic development) the following Strategy:

Strategy 3.5.5:

*'Manage and maintain the Saleyards to ensure that the facility is successful and self-sustaining'*

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

### **OFFICER COMMENT**

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

A full conference program is attached, which has some very topical items of interest such as:

- MSA pathways and training options for saleyards;
- The new National Saleyard Quality Assurance Program;
- Australian herd predictions and market update;
- eNVDs - the state of play;
- Saleyard positioning to take advantage of future live exports markets; and
- The Future - where will the industry be in 20 years?

Previous attendees have benefitted and the knowledge gained from exposure to industry trends has resulted in improvements at the Saleyards.

ALMA has previously advised that it would expect the Shire's representative to attend two of the four meetings per year. Mr Skinner and the Saleyards Advisory Committee are of the view that it would be appropriate to endorse his personal attendance at this meeting.

### **VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr L Handasyde:**

**That:**

- 1. Mr Michael Skinner be authorised to attend the Australian Livestock Markets Association Inc National Saleyards Expo and AGM to be held in Rockhampton on 26 and 27 July 2017.**
- 2. The expenditure be charged to Budget Item Saleyards – Conferences and Training – 21320.0029.**

**CARRIED (8/0)**

**NO. 125/17**

3:40pm Cr J Moir returned to the meeting.

**9.4.4 POLICY REVIEW - ALTERNATIVE FLAGS**

<b>File Ref:</b>	<b>N41728</b>
<b>Responsible Officer:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Donna McDonald Senior Administration/Human Resources Officer</b>
<b>Proposed Meeting Date:</b>	<b>20 June 2017</b>

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**PURPOSE**

The purpose of this report is to review Council Policy A/PA/15 – Alternative Flags.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 23 June 2015.

**STATUTORY ENVIRONMENT**

Guidelines for the flying of the Australian National Flag are laid out in the Flags Act (1953) which is a Federal Act.

**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**

There are no strategic implications for this report.

**OFFICER COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr J Oldfield, seconded Cr M O'Dea:

That Council Policy A/PA/15 – Alternative Flags, as follows:

**Objective:**

To give guidance on the flying of alternative flags.

**POLICY:**

That alternative flags be flown from the Council official masts along with the Australian flag on specific occasions requested by the Protocol Branch of the Department of Premier and Cabinet or the Council.'

be endorsed.

**CARRIED (9/0)**

**NO. 126/17**

**9.4.5 POLICY REVIEW - COMMUNITY HALLS AND BUILDINGS**

<b>File Ref:</b>	<b>N41729</b>
<b>Responsible Officer:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Donna McDonald Senior Administration/Human Resources Officer</b>
<b>Proposed Meeting Date:</b>	<b>20 June 2017</b>

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**PURPOSE**

The purpose of this report is to review Council Policy A/PA/17 – Community Halls and Buildings.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 23 June 2015.

**STATUTORY ENVIRONMENT**

Section 3.58 of the Local Government Act relates to the disposition of property and the manner by which a Local Government can dispose of property.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

The 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 2.5.3:

*‘Continue to investigate opportunities to rationalise or devolve obsolete buildings and other assets’*

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

**OFFICER COMMENT**

This policy continues to provide a position regarding Council owned halls and public buildings from an asset management point of view and the potential for community groups to assume responsibility for the running of those buildings.

To date lease agreements have been entered into in regard to the following halls and public buildings:

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- Kendenup Agricultural Grounds – Kendenup Community Grounds Committee;
- Former Guide/Scout Hall – Plantagenet Mens Shed Inc;
- Woogenellup Hall – Woogenellup Progress Association;
- Mitchell House – Plantagenet Arts Council;
- Porongurup Hall – Porongurup Community Association Inc;
- Plantagenet District Hall - Plantagenet Players; and
- Sounness Park Clubrooms / Changerooms – Plantagenet Sporting Club Inc.

It is recommended that the current policy is endorsed unchanged.

### **VOTING REQUIREMENTS**

Simple Majority

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

Moved Cr L Handasyde, seconded Cr C Pavlovich:

**That Council Policy A/PA/17 – Community Halls and Buildings, as follows:**

#### **‘OBJECTIVE:**

**To clarify the Council’s position with regard to Community Halls.**

#### **POLICY:**

**The Council is of the opinion that community halls within the District should be:**

- 1. Wherever possible, operated by an appropriate incorporated community body;**
- 2. ‘Operated’ in part 1. can include ownership or leasing;**
- 3. If sale or lease cannot be effected for Community Hall purposes the closure of the hall and subsequent sale and removal of the subject structure may be pursued.’**

**be endorsed.**

**CARRIED (9/0)**

**NO. 127/17**

## 9.5 EXECUTIVE SERVICES REPORTS

### 9.5.1 REGISTER OF DELEGATED AUTHORITY - ANNUAL REVIEW

<b>File Ref:</b>	<b>N41810</b>
<b>Attachments:</b>	<a href="#">Summary of Review of Delegations (attached)</a> <a href="#">Delegation Register 21/6/2016 (separate attachment)</a> <a href="#">Proposed Register of Delegated Authority 20/6/2017(separate attachment)</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Linda Sounness</b> <b>Executive Secretary</b>
<b>Proposed Meeting Date:</b>	<b>20 June 2017</b>

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#### PURPOSE

The purpose of this report is to present for adoption an updated Register of Delegations, Sub delegations, Appointments and Authorities (Register of Delegated Authority) to the Council for endorsement.

#### BACKGROUND

Local Government has the ability to carry out many of its statutory functions and duties by way of delegation. Delegation provides for the conferral of the ability to exercise a power or duty to a person or committee, vesting that person or committee the responsibility to exercise that power or duty.

The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision making and is consistent with the Shire's Strategic Community Plan and commitment to a strong customer service focus.

The use of delegated authority does not 'undermine' the roles and responsibilities of elected members constituting the Council as the peak local decision making body of the community. Rather it should be seen as freeing up the Council from some matters to better deal with higher level strategic matters in the knowledge that decision making on the former will be made by employees consistent with Council policy.

During the past 12 months, an extensive review of the Register of Delegated Authority has been undertaken. This review has identified some areas for improvement. Amended and new legislation has prompted the requirement for additional delegations. The review also identified the need for delegations to formalise what is considered, in some instances, current practice.

#### STATUTORY ENVIRONMENT

Local Government Act 1995 permits a local government (by absolute majority decision under s5.42(1)) to delegate to the Chief Executive Officer the exercise of

any of its powers or the discharge of any of its duties under the Act except those listed in s5.43, which are:

- any power or duty that requires a decision of an absolute majority or special majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government;
- any of the local government's powers under s5.98, 5.98A, s5.99, s5.99A and s5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in s9.5 of the Act;
- the power under S9.49A(4) of the Act to authorise a person to sign documents on behalf of the local government; and
- any power or duty that requires the approval of the Minister or the Governor.

In addition, there are several other matters which cannot be delegated to the CEO:

- under Regulation 18G of the Local Government (Administration) Regulations s7.12a, 7.12A(3)(a) and s7.12(4), which relate to meetings with auditors;
- under Regulation 18C and 18D which relate to the recruitment and performance management of the CEO; and
- under Regulation 16 of the Local Government (Financial Management) Regulations which prevent the delegation of matters relating to internal audit to an employee who has been delegated the duty of maintaining the day to day accounts or financial management operations.

The delegation powers under the Local Government Act 1995 relate to the Act itself, Regulations made under the Act and Local Laws made under the Act.

## **EXTERNAL CONSULTATION**

A review was undertaken by consultant Steven Tweedie who suggested changes to the content and format of the Register and proposed inclusion of additional delegations. These suggested changes have been included in the proposed Register of Delegated Authority.

## **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

## **POLICY IMPLICATIONS**

Should the new Register of Delegated Authority be adopted, it is the intention of the CEO to require that, over the next two years and as part of the normal policy review process, that policies and delegations be cross referenced to ensure that where a delegation is in place, a relevant policy to assist with interpretation is also in place.

## **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 4.1(Effective governance and leadership) the following Strategy:

Strategy 4.1.6:

*'Provide administrative support to Shire for governance functions'*

Further at Outcome 4.6 (Effective and efficient corporate and administrative services) the following strategy:

Strategy 4.1.6:

*'Provide a full range of financial services to support Shire's operations and to meet planning, reporting and accountability requirements.'*

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

## **OFFICER COMMENT**

The outcome of the review of the Shire's 42 delegations resulted in 33 delegations being recommended for amendment, 19 new delegations being proposed and 9 delegations being recommended for revocation.

The Summary of Review of Delegations, attached to this report, provides a reconciliation of the existing delegations against the updated/new proposed delegations.

Delegations have been updated and renumbered. Some have been combined with other delegations. Some have been developed with reference to updates in legislation and formalising current practice. Some delegations were identified as administrative in nature and no longer required.

The proposed new Register of Delegated Authority also contains information relating to Appointments and Authorities. Appointments and Authorities have previously been recorded in personnel files and not in a single reference document. It is seen as extremely beneficial to be able to identify all delegations, sub delegations, appointments and authorities in one reference document to maintain current and relevant information.

## **VOTING REQUIREMENTS**

Absolute Majority



**OFFICER RECOMMENDATION**

Moved Cr L Handasyde, seconded Cr J Oldfield:

That the Shire of Plantagenet Register of Delegations, Sub Delegations, Appointments and Authorisations (Register of Delegated Authority) be adopted.

**MOTION TO PROCEED BEHIND CLOSED DOORS**

Moved Cr L Handasyde, seconded Cr M O'Dea:

3:56pm That the meeting be closed to members of the public pursuant to Section 5.23 (a) a matter affecting an employee or employees.

**CARRIED (8/1)**

**NO. 128/17**

**MOTION TO PROCEED IN PUBLIC**

Moved Cr L Handasyde, seconded Cr J Moir:

4:18pm That the meeting proceed in public.

**CARRIED (9/0)**

**NO.129/17**

**THE MOTION WAS THEN PUT**

**CARRIED (9/0)**

**NO. 130/17**

**Absolute Majority**

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**

Moved Cr S Etherington, seconded Cr J Hamblin:

That new business of an urgent matter namely:

‘Cemetery Inspection’

be introduced to the meeting.

**CARRIED (9/0)**

**NO. 131/17**

**11.1 CEMETERY INSPECTION**

Moved Cr J Moir, seconded Cr B Bell:

That Cr Bell and Cr Moir be authorised to undertake an inspection of cemeteries outside of the Shire of Plantagenet and that a Council vehicle be made available for this purpose and that associated costs of means and accommodation be charges to account 20026.0029 (Conferences, Training and Accommodation).

**CARRIED (9/0)**

**NO. 132/17**

**ADJOURNMENT OF THE MEETING**

**4.20pm** The Presiding member adjourned the meeting to allow Mr Damien Yarran from Baldja Maar Foundation to address the Council.

**RESUMPTION**

**4.25pm** The meeting resumed

Members Present:

Cr K Clements	Shire President
Cr B Bell	Councillor
Cr S Etherington	Councillor
Cr J Hamblin	Councillor
Cr L Handasyde	Councillor
Cr J Moir	Councillor
Cr M O'Dea	Councillor
Cr J Oldfield	Councillor

Cr C Pavlovich

Councillor

In Attendance:

Mr Rob Stewart

Chief Executive Officer

Mr John Fathers

Deputy Chief Executive Officer

Mr Peter Duncan

Manager Development Services

Mr Dominic Le Cerf

Manager Works and Services

Ms Fiona Pengel

Manager Community Services

Mr Vincent Jenkins

Planning Officer

Ms Cobie MacLean

Administration Officer (Planning)

## 12 CONFIDENTIAL

### 12.1 DEVELOPMENT SERVICES REPORTS

#### 12.1.1 LOT 150 BEVERLEY AND CHAUVEL ROAD, KENDENUP - TENDERS RECEIVED FOR RENOVATIONS TO AGRICULTURAL HALL - STAGE TWO

##### Cr J Hamblin

Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)

Nature: David Stockdale is the Chair of GHSS Board where I am the Principal.

Extent: Not required

4:30pm Cr J Hamblin withdrew from the meeting.

**File Ref:** N41472

**Attachments:** [Location Plan](#)  
[Renovations to Agricultural Hall – Floor Plan And East Elevation](#)  
[Summary of Tenders Received](#)

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

**Author:** Peter Duncan  
Manager Development Services

**Proposed Meeting Date:** 20 June 2017

An interest was disclosed by the Manager Development Services Mr Peter Duncan. Nature and extent of Interest – Mr Duncan advised that he is the author of the Report and is a member of a caravan club which is affiliated with the WA Association of Caravan and Camping Inc.

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### PURPOSE

The purpose of this report is to consider tenders received for the Stage Two renovations to the Kendenup Agricultural Hall at Lot 150 Beverley and Chauvel Roads, Kendenup.

### MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr L Handasyde, seconded Cr M O'Dea:

4:30pm That the meeting be closed to members of the public pursuant to Section 5.23 (c) of the Local Government Act as the matter to be considered relates to a contract entered into, or which may be entered into, by the local government.

CARRIED (8/0)

NO. 133/17

**MOTION TO PROCEED IN PUBLIC**

Moved Cr L Handasyde, seconded Cr M O'Dea:

4:33pm That the meeting proceed in public.

**CARRIED (8/0)**

**NO. 134/17**

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr C Pavlovich, seconded Cr M O'Dea:

That:

1. The tender of \$143,600.00 (ex GST) submitted by Stockdale Building Company for the Stage Two renovations to the Agricultural Hall at Lot 150 Beverley and Chauvel Roads, Kendenup be accepted.
2. The Chief Executive Officer be authorised to negotiate a suitable start date for the works.

**CARRIED (8/0)**

**NO. 135/17**

4:34pm Cr J Hamblin returned to the meeting.

## 12.2 WORKS AND SERVICES REPORTS

### 12.2.1 LAND ACQUISITION - LOT 534 JUTLAND ROAD, KENDENUP AND LOT 250 FISHER ROAD, KENDENUP

<b>File Ref:</b>	<b>N40800</b>
<b>Attachments:</b>	<a href="#">Location and Survey Sketch</a>
<b>Responsible Officer:</b>	<b>Dominic Le Cerf Manager Works and Services</b>
<b>Author:</b>	<b>Amy Chadbourne Senior Administration/Project Officer Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>28 March 2017</b>

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#### PURPOSE

The purpose of this report is to seek authority for the Chief Executive Officer (CEO) to finalise a compensation payment with two landowners for the acquisition of approximately 50m<sup>2</sup> of land from each property to a total of 100m<sup>2</sup> as follows:

1. Jeff and Ron Taylor (Messrs R & J and Estate of the Late G Taylor) from Lot 534 Jutland Road, Kendenup; and
2. Donna Ahern from Lot 250, Fisher Road, Kendenup.

The land is to be included into the Jutland Road road reserve to enable a realignment of the Jutland and Fisher Roads intersection.

#### MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr L Handasyde, seconded Cr M O'Dea:

4:34pm That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

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

(e)(ii) information that has a commercial value to a person; or

(e)(iii) information about the business, professional, commercial or financial affairs of a person.

**CARRIED (9/0)**

**NO. 136/17**

**MOTION TO PROCEED IN PUBLIC**

Moved Cr L Handasyde, seconded Cr M O'Dea:

4:35pm That the meeting proceed in public.

**CARRIED (9/0)**

**NO.137/17**

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr B Bell:

That the Chief Executive Officer be authorised to finalise a compensation payment to Jeff and Ron Taylor (Messrs R & J and Estate of the Late G Taylor) of Lot 534 Jutland Road, Kendenup and Donna Ahern of Lot 250 Fisher Road, Kendenup to enable a realignment of the Jutland and Fisher Roads intersection.

**CARRIED (9/0)**

**NO. 138/17**

**13 CLOSURE OF MEETING**

4.36pm The Presiding Member declared the meeting closed.

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