



## ORDINARY MINUTES

**DATE:** Wednesday, 26 April 2017

**TIME:** 3:00pm

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

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

Resolution Nos. 64/17 to 89/17

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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 L Handasyde	Councillor
Cr J Moir	Councillor (Left the Chambers at 4:40pm, returned at 4:41pm)
Cr M O'Dea	Councillor
Cr J Oldfield	Councillor
Cr C Pavlovich	Councillor (Left the Chambers at 5:08pm, returned at 5:18pm)

### In Attendance:

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
Mrs Cobie MacLean	Administration Officer (Planning)

### Apologies:

Nil

### Members of the Public Present:

There were eighteen members of the public in attendance.

### Previously Approved Leave of Absence:

Cr J Hamblin – 26 April 2017

### Emergency Evacuation Procedures/Disclaimer:

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

Mr Fathers then read aloud the following disclaimer:

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

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

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

### **3 PUBLIC QUESTION TIME**

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

Nil

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

Nil

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

#### **4.1 PETITION RECEIVED WITH 203 SIGNATURES REGARDING LANGTON ROAD.**

The Deputy Chief Executive Officer read aloud a petition received on 24 April 2017. The petition stated:

*'Petition to Plantagenet Shire*

*Langton Road*

*We, the undersigned, are concerned citizen who urge our leaders to leave Langton Road as it is, due to the fact it will inhibit movement of Ambulance, Caravans, trucks and take parking bays, which there is already a shortage and disrupt business for the people of Langton Road.'*

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

**That the petition regarding the Langton Road townscape improvements in Mount Barker be received into the meeting.**

**CARRIED (8/0)**

**NO. 64/17**

**4.2 LANGTON ROAD TOWNSCAPE IMPROVEMENTS – MS JO COLLINS**

Ms Collins spoke on behalf of the shop owners and residents and the signers of the petition against townscape improvements on Langton Road.

**4.3 PROPOSED LIQUID WASTE FACILITY – LOT 783 PILE ROAD, FOREST HILL - MS CLAIRE PRAGNELL**

Ms Pragnell spoke in support of Item 9.1.2. A copy of Ms Pragnell's presentation is attached to these Minutes.

**4.4 ORMOND ROAD – NEW ROAD WORKS - MS CAROL BARNES**

Ms Barnes read the following presentation:

'The issue

*Increasing speeding motorists up Ormond Road putting residents at risk of an accident.*

*Vehicles entering and exiting driveways are experiencing safety issues from speeding vehicles (between Osborne and Hassell Sts).*

*Road narrowing has reduced motorists ability to safely go around a parked/stationary vehicle if another vehicle is approaching. The parked vehicle has taken up a lane of the road.*

*Police aware of problem but are unable to have a regular presence due to limited staffing resources.*

*Cars veering into the centre of the road as they drive down Ormond Road due to limited visibility over the hill crest and down the road (Hassell and Ormond Road intersection).*

Current Practice

*All vehicles drive at varying speeds up and down Ormond Road (mostly unchecked by Police).*

*Ormond Road has no 50km sign reminding motorists of the required speed limit.*

*Ormond Road has no centre line markings aiding motorists to keep to the left of the roadway.*

*Residents are encouraged to notify Police of the number plates of speeding vehicles.*

Reasons for this issue to be addressed

*Motorists and residents safety, including children and the elderly.*

*Ormond Road is a direct access way to and from the Albany Highway to residential estates.*

*Ormond Road is a direct link and used frequently, to the shopping centre, tourist centre and bus station for pedestrians.*

*Making our neighbourhood roads safer to drive on and curbing the speed motorists drive.*

*Roadwise representative (Cr Len Handasyde), The Council's Manager of Works and Services (Dominic Le Cerf), Mt Barker Police and Main Roads representatives have all agreed that Ormond Road has several road aspects that need addressing. (The intersection of Ormond and Hassell streets).*

Proposal

*As this issue is escalating as our town expands and more motorists are using Ormond Road, we request that this matter be addressed urgently.*

*We request the named parties (Shire of Plantagenet Senior staff, Main Roads, Roadwise, and Police) be charged with creating an effective solution in a reasonable period of time.*

*We request this issue be taken to the next budget meeting (2017) and sufficient funding be allocated to enable the necessary road works to be completed in 2018 if not before.'*

#### **4.5 GARDENS - MRS CARLENE PENN**

Mrs Penn raised concerns about the condition of the gardens around the Shire Administration Building and the plantings in Lowood Road.

#### **4.6 LIQUID WASTE FACILITY - MR CLIVE DRAGE**

Mr Drage spoke against the Officer's Recommendation at Item 9.1.2. Lot 783 Pile Road Forest Hill Liquid Waste Facility.

### **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

Cr J Moir

Item: 9.4.6  
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)  
Nature: Cattle Farmer, Employee of Elders  
Extent: Not required

Cr C Pavlovich

Item: 12.1.1  
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)  
Nature: Company tendered on equipment.  
Extent: Not required



**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 Local Government Act 1995

Cr S Etherington requested leave of Absence from 27 April 2017 to 12 May 2017 inclusive.

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

**That Cr S Etherington be granted Leave of Absence from 27 April 2017 to 12 May 2017 inclusive.**

**CARRIED (8/0)**

**NO. 65/17**

**7 CONFIRMATION OF MINUTES**

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

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 28 March 2017 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (8/0)**

**NO. 66/17**

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Shire President's notes were not available for this meeting.

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 DEVELOPMENT SERVICES REPORTS

#### 9.1.1 LOT 213 HAMBLEY STREET, MOUNT BARKER - OUTBUILDINGS EXCEEDING CUMULATIVE FLOOR AREA FOR RESIDENTIAL ZONE

<b>File Ref:</b>	<b>N41159</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Site Plan</a> <a href="#">Elevations</a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>26 April 2017</b>

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#### **PURPOSE**

The purpose of this report is to consider a proposal for an additional outbuilding at Lot 213 Hambley Street, Mount Barker. This outbuilding, combined with two other existing outbuildings, means the cumulative floor area set by Council policy is exceeded.

#### **BACKGROUND**

Council records show the registered owners of Lot 213 Hambley Street are A and I Hales.

This proposal is for an additional outbuilding (carport) of 27.2m<sup>2</sup> (4.0m x 6.8m) with a wall height of 2.4m. Three other existing outbuildings have a combined floor area of 120.16m<sup>2</sup>. The cumulative floor area of all outbuildings (including the additional outbuilding) will total 147.3m<sup>2</sup>. The 147.3m<sup>2</sup> cumulative floor area exceeds the 100m<sup>2</sup> floor area set by Council policy for the Residential zone. In addition, the wall height of 2.4m complies with the wall height set by the policy.

The reason provided by the proponent for the additional outbuilding is to protect their car or caravan from the weather.

#### **STATUTORY ENVIRONMENT**

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Residential (R2.5).

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

Residential Design Codes (R-Codes).

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

*'In making a determination on the suitability of a proposal, the decision-maker shall exercise its judgement, having regard to the following:*

- a) any relevant purpose, objectives and provisions of the scheme;*
- b) any relevant objectives and provisions of the R-Codes;*
- c) a provision of a local planning policy adopted by the decision-maker consistent with and pursuant to the R-Codes; and*
- d) orderly and proper planning.'*

The variation required here relates to 2.5.2(b) above as outbuilding requirements are in part 5 of the R-Codes.

### **FINANCIAL IMPLICATIONS**

The application fee of \$147.00 has been paid.

### **POLICY IMPLICATIONS**

Town Planning Scheme Policy No. 16.2 (Outbuildings) limits outbuildings to a maximum wall height of 3.0m and a maximum cumulative floor area of 100m<sup>2</sup> for Residential zones. The cumulative floor area of all outbuildings onsite including the additional outbuilding will total 147.3m<sup>2</sup>. The wall height of the proposed outbuilding is 2.4m. 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 protect local heritage) the following Strategy:

Strategy 2.2.2:

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

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

### **OFFICER COMMENT**

Lot 213 Hambley Street is 5,043.00m<sup>2</sup> in area and is zoned Residential (R2). The proposed outbuilding is setback 30m from the northern and western property boundaries. The proposed outbuilding location meets the setback requirements of the Residential (R2) zone.

The proposed outbuilding will be finished in galvanised steel. The cumulative floor area of all outbuildings on the property including the proposed outbuilding will total 147.3m<sup>2</sup>. The wall height of the proposed outbuilding will be 2.4m.

No difficulties are seen with the maximum cumulative floor area of outbuildings being 147.3m<sup>2</sup> and the wall height of the outbuilding being 2.4m given the size of the lot being 5,043.00m<sup>2</sup>.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr J Moir, seconded Cr S Etherington:

That in accordance with Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed outbuilding at Lot 213 Hambley Street, Mount Barker be approved which will mean a maximum floor area for the outbuilding being 147.3m<sup>2</sup> which is in excess of the 100m<sup>2</sup> stated in Town Planning Scheme Policy 16.2 (Outbuildings), subject to the development being in accordance with plans dated 27 February 2017.

**CARRIED (8/0)**

**NO. 67/17**

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### 9.1.2 LOT 783 PILE ROAD, FOREST HILL - LIQUID WASTE FACILITY - SUBMISSIONS RECEIVED

<b>File Ref:</b>	<b>N40811</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">1km Assessment Mapping</a> <a href="#">5km Assessment Mapping</a> <a href="#">Pond Facility Site Plan</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>26 April 2017</b>
<b>Applicant:</b>	<b>Great Southern Liquid Waste</b>

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#### **PURPOSE**

The purpose of this report is to consider submissions received on a proposal for a 'use not listed' in the Shire of Plantagenet Town Planning Scheme No. 3 (liquid waste facility).

#### **BACKGROUND**

Council records show the registered owner of Lot 783 Pile Road is DK Parker. The applicant is currently in the process of buying the property from the landowner with a view to develop the liquid waste facility. The landowner granted authority to the applicant to submit this Planning Consent (PC) application.

On 7 December 2016, the Council received the PC application form and supporting information to the liquid waste facility proposal from the applicant. The application however was incomplete. The Council on 9 December 2016 received further supporting information in an Environmental Assessment Report from the applicant's environmental consultant, Bio Diverse Solutions. The PC application fee and the charge for advertising costs were received on 10 January 2017.

The proposal involves the construction of a liquid waste facility for the treatment of up to 10,000 tonnes (10 million litres) of liquid waste annually. Liquid waste will be collected from the Shires of Plantagenet, Manjimup, Denmark, Cranbrook, Bridgetown-Greenbushes, Boyup Brook, Broomhill-Tambellup, Collie, Kojonup, Lake Grace, Katanning, Nannup, Narrogin, Williams, Woodanilling and the City of Albany. However, liquid waste collection will not be limited to these local government areas only.

The Council at its meeting held on 31 January 2017 resolved at Resolution No. 4/17:

*'That:*

- 1. The use of liquid waste facility at Lot 783 Pile Road, Forest Hill is consistent with the objectives and purpose of the Rural zone.*

2. *The development proposal for liquid waste facility at Lot 783 Pile Road, Forest Hill be advertised for public comment for a period of 42 days in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.*
3. *A further report be placed before the Council on the development proposal at 2 above after the close of the submission period at the meeting of the Council to be held at 26 April 2017.'*

That proposal was advertised for a period of 42 days closing on 23 March 2017.

## 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

Clause 3.2.5 of TPS3 states:

*'If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- (a) *determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- (b) *determine by absolute majority that the proposed use is consistent with the objectives and purpose of the zone and thereafter follow the 'SA' procedure of Clause 6.2 in considering an Application for planning consent.'*

There is no use class of 'liquid waste facility' and the proposed use does not fall within the ambit of any of the definitions in TPS3.

Environmental Protection Act 1986

Environmental Protection Regulations 1987

Draft Separation Distances August 2015 – to provide guidance on the Department of Environment Regulation's (DER) regulatory functions in relation to works approvals and licences under Division 3, Part V of the Environmental Protection Act 1986 (EP Act).

<i>Category No and Description</i>		<i>Emissions and Distance (m)</i>
61	<i>Liquid waste facility (1,000 tonnes or more per year) Premises on which liquid waste produced on other premises (other than sewerage waste) is stored, reprocessed, treated or irrigated.</i>	<i>Noise, odour 1,000</i>

The key issues for concern are odour and noise emissions.

Liquid waste facility premises with a design capacity of over 1,000 tonnes per year constitute a prescribed activity under the Environmental Protection Act 1986 and therefore the liquid waste facility in this instance will require works approval and licensing from the DER.

### **EXTERNAL CONSULTATION**

The proposal was advertised for public comment for the minimum 14 day period ending on 24 February 2017. Advertising included letters to 7 adjoining and nearby 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 letters to the DER, Department of Parks and Wildlife (DPAW), Department of Water (DOW), Department of Agriculture and Food WA (DAFWA), Department of Health (DOH), Department of Mines and Petroleum, Department of State Development, Department of Fire and Emergency Services and the Water Corporation for comment and recommendations for the minimum 42 day period ending on 23 March 2017.

Note the 14 day and 42 day periods are set by the Planning and Development (Local Planning Schemes) Regulations 2015.

16 submissions have been received from government agencies, incorporated associations and adjoining and nearby landowners. These submissions are contained in the attached Summary of Submissions. One landowner provided two submissions hence the Summary lists 15.

Concerns raised by landowners in their submissions included amenity, environment, health, road safety and lifestyle matters. Further concerns raised included supporting information and land value matters.

### **FINANCIAL IMPLICATIONS**

The application fee of \$774.40 and the \$500.00 advertising bond have been paid.

### **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 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 application site location is approximately 31km west (by road) of Mount Barker on Pile Road. Lot 783 is 71.2ha in area, located in the Rural zone and is currently used for plantation trees.

The proposed liquid waste facility will consist of one waste deposit point, two aerobic receiver ponds, one facultative (stabilisation) pond, one evaporative pond and one emergency overflow pond involving an existing clay dam. Drains will be located within the liquid waste facility to capture and divert stormwater to the emergency overflow pond.

The anaerobic ponds will be lined with a High Density Polyethylene (HDPE) geomembrane liner which is impervious to liquid seepage, preventing the transfer of liquid waste to the subgrade and water table. The facultative and evaporative ponds will have a firm lateritic base layer compacted to 95% dry density and lined with a 300mm clay liner using the clay onsite.

The proposed liquid waste facility is designed to accept controlled waste categories listed by the DER. The DER controlled waste categories list includes waste from septic tanks, reticulated sewage systems and grease traps. Further controlled waste categories include non-toxic salts, industrial wash water contaminated with controlled waste, vehicle wash water and fire debris and wash water.

The liquid waste facility in this instance will require works approval and licensing from the DER.

Lot 783 is currently landlocked with no direct access to Pile Road. There is an unconstructed road reserve to the south of Lot 783 and this reserve is heavily vegetated. However, the adjoining Lot 1191 Pile Road abuts Lot 783 and this Lot 1191 is burdened with a 'right of carriageway' easement in favour of Lot 783 giving Lot 783 legal access to Pile Road.

With this proposal being treated as a 'use not listed' in TPS3, the Council needed to determine by absolute majority that the use was consistent with the objectives and purpose of the Scheme and then advertise the application for public comment before making a decision.

As stated under Statutory Environment, the DER will need to grant works approval and licence the facility. The DER will be a key government agency in the construction and ongoing operation of the facility and will monitor its use.

During the submission period, the DOW raised some water concerns and the proponent's engineers provided an addendum to the consultant engineer's report (Appendix G) and the DOW were satisfied with the addendum report findings.



Another important issue that arose was in submission nine by Seymore Legal acting for the owner of Lot 1191 Pile Road. Lot 1191 is owned by Philip Drage and has a 'right of carriageway' easement in favour of Lot 783 (application site) which provides for vehicular access to Lot 783. Seymore Legal in its submission stated '*...it was not contemplated that it would utilised (sic) for regular heavy traffic carrying liquid waste, as such it is outside the permitted usage for the ROW. In this regard our client reserves his rights.*' Should the owner of Lot 1191 Pile Road have the legal ability to remove the 'right of carriageway' easement, then Lot 783 will have no vehicular access to a constructed road. This is a matter that needs to be investigated by the proponent's solicitors before a decision is made by the Council as it could have a bearing on the conditions imposed by the Council.

Once the legal matter is resolved and if it is found the 'right of carriageway' easement can remain for vehicular access, the Council can then make its decision on the development proposal.

In making that decision the Council may impose conditions on matters such as the preparation of a decommissioning and rehabilitation plan should the use cease and other matters such as boundary setbacks, fencing, maintenance, runoff, odour, engineering certification of the ponds and liners, a spill notification procedure, vehicle access standards, road upgrading and noise reduction measures.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

That:

1. 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 deferred for the liquid waste facility at Lot 783 Pile Road, Forest Hill to enable the proponents the opportunity to seek legal advice in respect to the comments made at submission 9 in the Summary of Submissions regarding the longevity of tenure of the right of carriageway over Lot 1191 Pile Road.
2. A further report be presented to the Council once the legal advice is provided by the proponent.

**ALTERNATE RECOMMENDATION**

Moved Cr B Bell, seconded Cr J Oldfield:

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 a liquid waste facility at Lot 783 Pile Road, Forest Hill subject to:

1. Development being in accordance with the plans dated 7 December 2016, the Environmental Assessment Report dated 9 December 2016 and the Addendum 1 to the Appendix G Engineering Report.
2. Matters including runoff, odour control, spill notification procedure and engineering certification of the ponds to the satisfaction of the Department of Health and the Department of Environment Regulation.
3. The necessary works approval and licencing by the Department of Environment Regulation.
4. When the use is to be terminated, three months prior, the operator is required to prepare a decommissioning and rehabilitation plan detailing how the site will be rehabilitated at the end of the use to the satisfaction of the Council.
5. The vehicular crossover access to Pile Road being constructed, drained and sealed to the satisfaction of the Manager Works and Services.
6. Any additional road upgrading to Pile Road adjacent to the vehicular entry to the satisfaction of the Manager Works and Services.

**MOTION TO ADJOURN THE QUESTION**

Moved Cr J Moir, seconded

That the question be adjourned until the meeting of 23 May 2017.

The motion lapsed for a want of a seconder.

The substantive motion was then put.

**CARRIED (8/0)**

**NO. 68/17**

### 9.1.3 TOWN PLANNING SCHEME POLICY NO. 16.3 - OUTBUILDINGS - SUBMISSIONS RECEIVED

<b>Attachments:</b>	<a href="#">Town Planning Scheme Policy No. 16.3 – Outbuildings</a>
<b>File Ref:</b>	<b>N40465</b>
<b>Responsible Officer:</b>	<b>Peter Duncan Manager Development Services</b>
<b>Author:</b>	<b>Peter Duncan Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>26 April 2017</b>

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#### **PURPOSE**

The purpose of this report is to consider submissions received on revisions to Town Planning Scheme Policy No. 16.2 to become Town Planning Scheme Policy No. 16.3 – Outbuildings.

#### **BACKGROUND**

The Council on 31 January 2017 reviewed Town Planning Scheme Policy No. 16.2 and agreed Town Planning Scheme Policy No. 16.3 (Outbuildings) be advertised for public comment.

At that meeting the Council resolved:

*‘That:*

- 1. Draft Town Planning Scheme Policy No. 16.3 – Outbuildings as follows:*

*‘Town Planning Scheme No. 3*

*Town Planning Scheme Policy No. 16.3.*

#### **OUTBUILDINGS**

##### *Definitions*

*An outbuilding is defined in the Residential Design Codes as ‘an enclosed non-habitable structure that is detached from any dwelling, but not a garage’. Should the Residential Design Codes definition be altered, then that new definition will apply.*

*Cumulative floor area means the total area of all outbuildings on a lot.*

*A garage is defined in the Residential Design Codes as ‘any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling.’ Should the Residential Design Codes definition be altered, then that new definition will apply.*

##### *Objectives*

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1. *To protect the amenity of the locality in which the outbuilding is proposed.*
2. *To set standards in respect to size (height and cumulative area), boundary setbacks and use of the outbuilding.*

*In considering any application for approval for an outbuilding, the criteria below will be considered.*

*Policy Criteria:*

- 1) *This policy applies to the whole municipal district of the Shire of Plantagenet excluding Crown Reserves. It applies to all land zoned Rural, Residential, Enterprise, Rural Residential, Landscape Protection, Rural Smallholding and Special Site.*
- 2) *For outbuildings proposed on Residential and Enterprise Zoned land, the required rear setback shall be determined in accordance with side setback calculations detailed within the Residential Design Codes.*
- 3) *On Residential and Enterprise Zoned land an outbuilding shall not be sited on a lot nearer to the frontage of the lot than the setback of the building to which it is appurtenant, or less than half the front setback from any other street boundary of the lot, other than in accordance with the minimum standards as stated in the Residential Design Codes and Building Code of Australia.*
- 4) *An outbuilding may be built on a boundary of a lot following receipt by the Council of written approval from the adjoining landowner stating no objections to the construction of an outbuilding on the boundary with the proviso that no openings are located in the wall on the boundary and Building Code of Australia standards are met.*
- 5) *The Council will consider the visual amenity of residential areas and the safety of pedestrians and overshadowing when determining approvals for outbuildings to be located on a lot boundary.*
- 6) *Outbuildings proposed for Residential and Enterprise Zones are limited to being single storey with a maximum wall height of 3.0m and a maximum cumulative total floor area of 100m<sup>2</sup>.*
- 7) *Outbuildings proposed for Rural Residential, Landscape Protection and Special Site Zones are limited to have a maximum wall height of 4.2m and a maximum cumulative total floor area of 200m<sup>2</sup>.*
- 8) *Outbuildings proposed for Rural Smallholding Zones are limited to have a maximum wall height of 4.2m and a maximum cumulative floor area of 300m<sup>2</sup>.*
- 9) *The Council may approve proposals for outbuildings where they exceed the above standards by up to 20% on the basis that adjoining owners support has been received and the outbuilding will not have an adverse visual impact on the amenity of the locality. The approval can include conditions which may limit floor area, height or specific external colours and finishes.*

- 10) *Outbuildings proposed for Rural Zones are not limited in respect to wall height or cumulative floor area.*
- 11) *Outbuildings proposed for vacant Residential, Enterprise, Rural Residential, Landscape Protection, Rural Smallholding or Special Site Strata lots, will not be approved unless a Building Permit has been issued for a dwelling on that lot and construction of that dwelling has been substantially commenced.*
- 12) *Pre-fabricated garden sheds, cubby houses, kennels and other animal enclosures (such as aviaries, but excluding stables) less than 10m<sup>2</sup> in total aggregate area and less than 2.4m in height (measured from natural ground level) are exempt from this policy provided they are located to the rear of the residence.*
- 13) *A building permit will be required for outbuildings in all zones.*

*This Town Planning Scheme Policy No. 16.3 supersedes Town Planning Scheme Policy No. 16.2.*

*Adopted on \_\_\_\_\_ in accordance with clauses 3, 4, 5 and 6 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.'*

*be advertised for public comment for a period of 21 days.*

2. *After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 26 April 2017.'*

A review of Town Planning Scheme Policy No. 16.2 revealed it needs to be adjusted to tighten control over the construction and use of outbuildings prior to the construction of a dwelling on the lot. This is a similar approach to that used in the City of Albany and the Shire of Denmark.

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

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

Prior to the introduction of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), Policies made under TPS3 were prepared and adopted in accordance with Clause 7.6 (Power to Make Policies). With the introduction of the Regulations in 2015 a Schedule 2 (Deemed provisions for local planning schemes) brought down a set of standard provisions for all Planning Schemes throughout the State. Clauses 3, 4, 5, and 6 below set out the procedure for making and amending a local planning policy. These clauses are:

### **'3. Local planning policies**

- 
- (1) *The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.*
  - (2) *A local planning policy —*
    - (a) *may apply generally or in respect of a particular class or classes of matters specified in the policy; and*
    - (b) *may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.*
  - (3) *A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.*
  - (4) *The local government may amend or repeal a local planning policy.*
  - (5) *In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.*

#### **4. Procedure for making local planning policy**

- (1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*
    - (a) *publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —*
      - (i) *the subject and nature of the proposed policy; and*
      - (ii) *the objectives of the proposed policy; and*
      - (iii) *where the proposed policy may be inspected; and*
      - (iv) *to whom, in what form and during what period submissions in relation to the proposed policy may be made;*
    - (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
    - (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
  - (2) *The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*
  - (3) *After the expiry of the period within which submissions may be made, the local government must —*
-

- (a) *review the proposed policy in the light of any submissions made; and*
  - (b) *resolve to —*
    - (i) *proceed with the policy without modification; or*
    - (ii) *proceed with the policy with modification; or*
    - (iii) *not to proceed with the policy.*
- (4) *If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.*
- (5) *A policy has effect on publication of a notice under subclause (4).*
- (6) *The local government —*
- (a) *must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and*
  - (b) *may publish a copy of each of those local planning policies on the website of the local government.*

**5. Procedure for amending local planning policy**

- (1) *Clause 4, with any necessary changes, applies to the amendment to a local planning policy.*
- (2) *Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.*

**6. Revocation of local planning policy**

*A local planning policy may be revoked —*

- (a) *by a subsequent local planning policy that —*
  - (i) *is prepared in accordance with this Part; and*
  - (ii) *expressly revokes the local planning policy;*
- or*
- (b) *by a notice of revocation —*
  - (i) *prepared by the local government; and*

(ii) *published in a newspaper circulating in the Scheme area.*'

The procedure for amending such a policy is addressed by clause 5 above which refers to the process set in clause 4.

Heath Act 1911 – Section 135 – a structure can be declared unfit for habitation by the Council's Principal Environmental Health Officer.

### **EXTERNAL CONSULTATION**

In accordance with the deemed provisions set down in the Regulations, the amended policy was advertised for public comment. At the close of the 21 day advertising period no submissions had been received.

### **FINANCIAL IMPLICATIONS**

The cost of advertising was met from the Town Planning advertising budget.

### **POLICY IMPLICATIONS**

There are no policy implications in this report.

### **STRATEGIC IMPLICATIONS**

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

Strategy 2.2.2:

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

### **OFFICER COMMENT**

Town Planning Scheme Policy No. 16.3 was prepared to replace existing Town Planning Scheme Policy No. 16.2 and to provide guidance and direction when considering proposals to erect outbuildings in particular zones.

What has become increasingly apparent is that various outbuildings, once erected, are being occupied as a form of residential accommodation. Those outbuildings do not meet relevant standards in terms of the Building Code of Australia or the Health Act and have been found to be unsafe and unhygienic.

TPS Policy No. 16.2 has been altered to not allow outbuildings to be constructed on vacant lots that are zoned Residential, Enterprise, Rural Residential, Landscape Protection, Rural Smallholding or Special Site Strata lots. Parts 1) and 7) have been altered to include reference to the Special Site zone.

Council Delegation LG035 at part 10 permits the Chief Executive Officer (CEO) to approve various outbuilding proposals and that delegation has been on-delegated by the CEO to the Manager Development Services. No alteration to the Delegation is needed in respect to this policy.

As a result of the public advertising there were no submissions received. It is considered no changes are warranted to TPS Policy 16.3 as advertised.



## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION**

Moved Cr B Bell, seconded Cr C Pavlovich:

That Town Planning Scheme Policy No. 16.3 – Outbuildings:

Town Planning Scheme No. 3

‘Town Planning Scheme Policy No. 16.3.

## **OUTBUILDINGS**

### **Definitions**

An outbuilding is defined in the Residential Design Codes as ‘an enclosed non-habitable structure that is detached from any dwelling, but not a garage’. Should the Residential Design Codes definition be altered, then that new definition will apply.

Cumulative floor area means the total area of all outbuildings on a lot.

A garage is defined in the Residential Design Codes as ‘any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling.’ Should the Residential Design Codes definition be altered, then that new definition will apply.

### **Objectives**

1. To protect the amenity of the locality in which the outbuilding is proposed.
2. To set standards in respect to size (height and cumulative area), boundary setbacks and use of the outbuilding.

In considering any application for approval for an outbuilding, the criteria below will be considered.

### **Policy Criteria:**

- 1) This policy applies to the whole municipal district of the Shire of Plantagenet excluding Crown Reserves. It applies to all land zoned Rural, Residential, Enterprise, Rural Residential, Landscape Protection, Rural Smallholding and Special Site.
- 2) For outbuildings proposed on Residential and Enterprise Zoned land, the required rear setback shall be determined in accordance with side setback calculations detailed within the Residential Design Codes.
- 3) On Residential and Enterprise Zoned land an outbuilding shall not be sited on a lot nearer to the frontage of the lot than the setback of the building to which it is appurtenant, or less than half the front setback

from any other street boundary of the lot, other than in accordance with the minimum standards as stated in the Residential Design Codes and Building Code of Australia.

- 4) An outbuilding may be built on a boundary of a lot following receipt by the Council of written approval from the adjoining landowner stating no objections to the construction of an outbuilding on the boundary with the proviso that no openings are located in the wall on the boundary and Building Code of Australia standards are met.
- 5) The Council will consider the visual amenity of residential areas and the safety of pedestrians and overshadowing when determining approvals for outbuildings to be located on a lot boundary.
- 6) Outbuildings proposed for Residential and Enterprise Zones are limited to being single storey with a maximum wall height of 3.0m and a maximum cumulative total floor area of 100m<sup>2</sup>.
- 7) Outbuildings proposed for Rural Residential, Landscape Protection and Special Site Zones are limited to have a maximum wall height of 4.2m and a maximum cumulative total floor area of 200m<sup>2</sup>.
- 8) Outbuildings proposed for Rural Smallholding Zones are limited to have a maximum wall height of 4.2m and a maximum cumulative floor area of 300m<sup>2</sup>.
- 9) The Council may approve proposals for outbuildings where they exceed the above standards by up to 20% on the basis that adjoining owners support has been received and the outbuilding will not have an adverse visual impact on the amenity of the locality. The approval can include conditions which may limit floor area, height or specific external colours and finishes.
- 10) Outbuildings proposed for Rural Zones are not limited in respect to wall height or cumulative floor area.
- 11) Outbuildings proposed for vacant Residential, Enterprise, Rural Residential, Landscape Protection, Rural Smallholding or Special Site Strata lots, will not be approved unless a Building Permit has been issued for a dwelling on that lot and construction of that dwelling has been substantially commenced.
- 12) Pre-fabricated garden sheds, cubby houses, kennels and other animal enclosures (such as aviaries, but excluding stables) less than 10m<sup>2</sup> in total aggregate area and less than 2.4m in height (measured from natural ground level) are exempt from this policy provided they are located to the rear of the residence.
- 13) A building permit will be required for outbuildings in all zones.

**This Town Planning Scheme Policy No. 16.3 supersedes Town Planning Scheme Policy No. 16.2.**

Adopted on \_\_\_\_\_ in accordance with clauses 3, 4, 5 and 6 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015'

proceed and this decision be advertised.

#### **AMENDMENT**

Moved Cr L Handasyde, seconded Cr S Etherington:

That the words in Part 11 of the Policy be deleted and replaced with:

'In respect to outbuildings proposed for vacant Residential, Enterprise, Rural Residential, Landscape Protection, Rural Smallholding or Special Site strata lots, the Council will not allow their use for residential, commercial or industrial purposes. Written confirmation in the form of a Statutory Declaration or similar to this effect may be required of the property owner in making such an application'.

**CARRIED (8/0)**

**NO. 69/17**

#### **COUNCIL DECISION**

That Town Planning Scheme Policy No. 16.3 – Outbuildings,

Town Planning Scheme No. 3

'Town Planning Scheme Policy No. 16.3.

#### **OUTBUILDINGS**

##### **Definitions**

An outbuilding is defined in the Residential Design Codes as 'an enclosed non-habitable structure that is detached from any dwelling, but not a garage'. Should the Residential Design Codes definition be altered, then that new definition will apply.

Cumulative floor area means the total area of all outbuildings on a lot.

A garage is defined in the Residential Design Codes as 'any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling.' Should the Residential Design Codes definition be altered, then that new definition will apply.

**Objectives**

1. To protect the amenity of the locality in which the outbuilding is proposed.
2. To set standards in respect to size (height and cumulative area), boundary setbacks and use of the outbuilding.

In considering any application for approval for an outbuilding, the criteria below will be considered.

**Policy Criteria:**

- 1) This policy applies to the whole municipal district of the Shire of Plantagenet excluding Crown Reserves. It applies to all land zoned Rural, Residential, Enterprise, Rural Residential, Landscape Protection, Rural Smallholding and Special Site.
- 2) For outbuildings proposed on Residential and Enterprise Zoned land, the required rear setback shall be determined in accordance with side setback calculations detailed within the Residential Design Codes.
- 3) On Residential and Enterprise Zoned land an outbuilding shall not be sited on a lot nearer to the frontage of the lot than the setback of the building to which it is appurtenant, or less than half the front setback from any other street boundary of the lot, other than in accordance with the minimum standards as stated in the Residential Design Codes and Building Code of Australia.
- 4) An outbuilding may be built on a boundary of a lot following receipt by the Council of written approval from the adjoining landowner stating no objections to the construction of an outbuilding on the boundary with the proviso that no openings are located in the wall on the boundary and Building Code of Australia standards are met.
- 5) The Council will consider the visual amenity of residential areas and the safety of pedestrians and overshadowing when determining approvals for outbuildings to be located on a lot boundary.
- 6) Outbuildings proposed for Residential and Enterprise Zones are limited to being single storey with a maximum wall height of 3.0m and a maximum cumulative total floor area of 100m<sup>2</sup>.
- 7) Outbuildings proposed for Rural Residential, Landscape Protection and Special Site Zones are limited to have a maximum wall height of 4.2m and a maximum cumulative total floor area of 200m<sup>2</sup>.
- 8) Outbuildings proposed for Rural Smallholding Zones are limited to have a maximum wall height of 4.2m and a maximum cumulative floor area of 300m<sup>2</sup>.

- 9) The Council may approve proposals for outbuildings where they exceed the above standards by up to 20% on the basis that adjoining owners support has been received and the outbuilding will not have an adverse visual impact on the amenity of the locality. The approval can include conditions which may limit floor area, height or specific external colours and finishes.
- 10) Outbuildings proposed for Rural Zones are not limited in respect to wall height or cumulative floor area.
- 11) In respect to outbuildings proposed for vacant Residential, Enterprise, Rural Residential, Landscape Protection, Rural Smallholding or Special Site strata lots, the Council will not allow their use for residential, commercial or industrial purposes. Written confirmation in the form of a Statutory Declaration or similar to this effect may be required of the property owner in making such an application.
- 12) Pre-fabricated garden sheds, cubby houses, kennels and other animal enclosures (such as aviaries, but excluding stables) less than 10m<sup>2</sup> in total aggregate area and less than 2.4m in height (measured from natural ground level) are exempt from this policy provided they are located to the rear of the residence.
- 13) A building permit will be required for outbuildings in all zones.

This Town Planning Scheme Policy No. 16.3 supersedes Town Planning Scheme Policy No. 16.2.

Adopted on \_\_\_\_\_ in accordance with clauses 3, 4, 5 and 6 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015'

proceed and this decision be advertised.

**CARRIED (8/0)**

**NO. 70/17**

Reason For Change

Councillors considered that the proposed restriction on development of outbuildings was not warranted.

## 9.2 WORKS AND SERVICES REPORTS

### 9.2.1 LANGTON ROAD - TOWNSCAPE IMPROVEMENTS

<b>File Ref:</b>	<b>N41115</b>
<b>Attachments:</b>	<a href="#">Langton Road Upgrade - site and construction plans</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Dominic Le Cerf</b> <b>Manager Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>26 April 2017</b>

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#### PURPOSE

The purpose of this report is to recommend the endorsement of engineering plans for the upgrade of Langton Road, Mount Barker in accordance with the Council's approved Townscape Improvement Plan.

#### BACKGROUND

The Council at its meeting held on 27 July 2010 resolved:

*'That:*

- 1. The Manager Works and Services consider the priorities for townscape improvement works for Mount Barker as put forward by the Townscape Review Steering Committee as part of future funding proposals.*
- 2. The Manager Development Services continue to investigate potential external funding sources for the preparation of Townscape Improvement Plans for the rural villages of Kendenup, Narrikup, Porongurup and Rocky Gully.'*

It should be noted that discussions relating to the project occurred during the budget deliberations in 2014/15 and 2015/16. The Council also investigated this proposed project on the 2014/15 annual road inspection.

The Shire of Plantagenet engaged Opus to provide design and documentation services for the proposed upgrade of Langton Road, Mount Barker which were provided in February 2016. The scope for the design is based on the July 2010 Townscape Improvement Plan and includes design and documentation of kerb layout, 45° angle parking bays, footpaths, as of right vehicle access and drainage improvements.

The preliminary site survey was carried out by 35 Degrees South and the survey information was used as the basis for the design which includes improvement to footpaths, drainage, kerbing and the road pavement.

The proposed works will tie the footpaths on either side of Langton Road into the existing red brick paved footpaths and continue along both sides of the road to Lot 8 Langton Road which is the last property at the western end of the section to be upgraded (see Attachment One).

The existing drainage system on this section of Langton Road is considered inadequate due to existing culverts being too small and the lack of storm water catch points (side entry pits or sumps). The proposed upgraded drainage system has been

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designed to increase the number of storm water catch points from two to ten and would improve the catchment capacity of the existing drainage network. The network joins the drainage system to the culverts that feed to Government Dam which is situated on the corner of McDonald Avenue and Lowood Road.

The possibility of allowing for bicycle lanes was investigated, however, the existing road pavement width was deemed insufficient to accommodate cyclists and vehicles.

The plans provided by Opus in February 2016 were reviewed for compliance by the Shire's Manager Works and Services (MWS). Parallel parking bays were assigned for the northern side of Langton Road and were designed to accommodate the road's regulatory speed of 50km/hr. The dimensions required for 45° angle parking bays and vehicle manoeuvring space were not suitable for this side of the road due to the limited road width to the centre line. 45° angle parking bays were a feature of parking bays on the south side of Langton Road.

It should be noted that all parking bays in the designs are in accordance with AS2890.5 -1993.

Following the initial site set out in June 2016 (pink flagging and ground markings) comments were received from members of the public and business owners. Concerns were raised about the angle parking, the corresponding lack of reversing room and limited protection for people when accessing the boot of their vehicle. Concern was also expressed about the narrowness of the intersection turn outs for as of right vehicles.

As explained in a memo to Councillors on 7 September 2016, the plans were returned to Opus for modification which included a request to remove the 45° angle parking bays on the south side of the road. The parallel parking bays would be widened to 2.5m and a 0.5m wide clearance allowed for between the parking bay and the traffic lane. This is normally only necessary where traffic speeds exceed 60km/hr but in this instance was considered an additional safety initiative for the design.

A memo sent to Councillors on 4 November 2016 included the revised plans and explained the changes of the replacement of angle parking with parallel parking on the south side of Langton Road, a reduction in width of the footpath and the readjustment of drainage. It should be noted the road width increased in this plan from 6.5m to 8.0m.

Adjacent business proprietors and building owners were provided with a copy of the updated plan and were invited to a consultation on site with the MWS on Thursday 1 December 2016. In an email following the meeting, the MWS informed Councillors of the outcome of the consultation. The requested change to remove proposed paving east of the Landmark driveway and replace it with two car parks was forwarded to Opus for change.

## **STATUTORY ENVIRONMENT**

Local Government Act 1995

Land Administration Act 1997, Part 5 Section 55 (2) - 'Property in and management etc. of roads

Shire of Plantagenet - Parking Facilities Local Law 2008

Austrroads Guide to Road Design Part 3: Geometric Design, Section 4.10 On-Street Parking

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AS2890.5 (1993), Parking Facilities Part 5: On-Street Parking

### **EXTERNAL CONSULTATION**

Consultation has occurred with business owners on Langton Road, Opus International Consultants (Opus), 35 Degrees South (licenced surveyor), City of Albany (peer review of design plans), utility providers and many community members.

### **FINANCIAL IMPLICATIONS**

The Council's 2016/17 budget has a provision of \$91,322.00 to upgrade Langton Road. To date, an estimated \$18,600.00 has been spent on two sets of design plans from Opus and approximately \$3,750.00 has been spent on site survey and set out.

### **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 2.3 (Pleasant streetscapes, open spaces, parks and gardens) the following Strategy:

Strategy 2.3.2:

*'Develop, maintain and enhance town streetscapes and public spaces.'*

Further 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.'*

And Strategy 2.4.2:

*'Maintain Shire drainage systems'*

Further at Outcome 2.6 (Assets and Infrastructure managed over the long term to meet current and future needs) the following strategy:

Strategy 2.6.2:

*'Maintain effective liaison with other levels of government and regional bodies to ensure coordinated provision of regional infrastructure.'*

The Shire of Plantagenet Corporate Business Plan 2016/17 – 2020/21 includes Action 2.3.2.1:

*'Promote and design the upgrading of public spaces.'*

And Action 2.4.1.2:

*'Maintain and improve constructed footpath infrastructure.'*

And 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 Strategic Community Plan.

### **OFFICER COMMENT**

Finalised plans were received from Opus by the Shire in late February 2017 and site set out was undertaken by 35 Degrees South in March 2017. Sand bags were installed to indicate where proposed kerb lines would be laid, parking bays set out and drainage upgrades be positioned.

The set out indicated that a loss of three parking bays would occur where vehicle protection nibs would be installed. As community members have been able to see the layout, some have expressed their opposition to the proposed upgrade. Items of concern raised by community members are as follows;

- The road will become too narrow;
- Caravans won't be able to park in this section of town;
- Motorists will find it too hard to manoeuvre in and out of parking bays;
- Large trucks will not be able to use the road;
- Parking bays will be lost;
- Emergency vehicles will have problems entering and exiting the road; and
- The project is a waste of money.

The Chief Executive Officer (CEO) and the MWS have reviewed the issues of complaint on site. It was confirmed that only one parking bay on the north side of Langton Road at the front of the Catholic Church would be lost in the road upgrade. The bay could not be reinstated due to drainage requirements (see Attachment Two).

The report author considers the design complies with all relevant Australian design standards and is of the opinion that adequate consultation has occurred. Therefore, it is recommended that the upgrade works on Langton Road proceed as per the attached plan.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr C Pavlovich:**

**That:**

- 1. The attached plan for construction to upgrade a section of Langton Road from Lowood Road to the western side of Lot 8 Langton Road be endorsed.**
- 2. The Manager Works and Services be authorised to recommence works to complete the upgrade of Langton Road from Lowood Road to the western side of Lot 8 Langton Road as per the attached plan for construction.**

**CARRIED (8/0)**

**NO. 71/17**

**9.2.2 POLICY REVIEW - PLANT - GENERAL**

<b>File Ref:</b>	<b>N40816</b>
<b>Attachments:</b>	<a href="#">I/PM/1 - Plant - General</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 review Council Policy I/PM/1 Plant – General Policy.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 3 February 2015. On 28 March 2017, a Heavy Plant Review Committee Meeting was held and the amended Policy I/PM/1 Plant – General was presented for discussion.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**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 2.6 (Assets and infrastructure managed over the long term to meet current and future needs) the following Strategy:

Strategy 2.6.1:

*‘Develop and implement long-term Service and Asset Management Plans for all Council assets, having regard for current and future asset need and the Shire’s long-term financial plan.’*

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

Further, the Shire of Plantagenet Corporate Business Plan 2015/2016 – 2019/2020 includes Action 2.6.1.3:

*‘Ensure the Council has an efficient and cost effective plant and machinery management program.’*

**OFFICER COMMENT**

It is considered that the current policy is adequate and works well. Minor amendments to the policy have been made to improve the flow of the document and ease of interpretation.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That amended Council Policy No I/PM/1 Plant – General Policy as follows:

**OBJECTIVE**

To provide clear guidelines relating to the replacement period for the Council's heavy plant.

**POLICY**

1. This policy applies to the Council's plant, which includes:
  - Trucks (over 4.5 tonnes); and
  - Vehicular plant, including (but not limited to) loaders, graders, and backhoes.
2. Plant purchases are to be structured around a replacement program intended to maintain consistent annual expenditure and based upon the benchmark standards developed by the Institute of Public Works Engineering Australia Limited (IPWEA): Plant and Vehicle Management Manual - Third Edition (2012).
3. Plant disposal should occur where the cost of ownership of the vehicle is optimised. Generally, plant will be disposed of where the time of disposal maximises the financial advantage to the Council, as outlined in the following table.

Type	Years	Hours/km
Grader	5-9 years	7,000hrs to 10,000hrs
Heavy Loader	7-9 years	7,000hrs to 10,000hrs
Backhoe/Loader	6-8 years	6,000hrs to 8,000hrs
Heavy Truck 6x4	5-7 years	250,000km to 500,000km
Medium Truck 4x2	7-12 years	300,000km
Light Truck	5-12 years	300,000km
Roller	7-12 years	7,000hrs to 9,000hrs

<b>Tractor</b>	<b>4-8 years</b>	<b>3,000hrs to 6,000hrs</b>
<b>Heavy Trailer</b>	<b>10-25 years</b>	<b>N/A</b>

4. **Plant may be kept past the suggested optimum hours/kms if considered to be providing ongoing value to the Council and will therefore fall outside the purview of this Policy.'**

**be endorsed.**

**CARRIED (8/0)**

**NO. 72/17**

### 9.2.3 ROADWISE COMMITTEE - REPLACEMENT OF MEMBERS

<b>File Ref:</b>	<b>N41206</b>
<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>26 April 2017</b>

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#### **PURPOSE**

The purpose of this report is to note the resignation of two members from the Plantagenet RoadWise Committee and to consider the appointment of two replacement members.

#### **BACKGROUND**

The RoadWise Committee was created with the following functions:

- (1) To provide a structured forum for stakeholders to consider and discuss road safety issues; and*
- (2) To discuss and make recommendation regarding the identification and appropriate counter measures to negative attitudinal, behavioural and environmental factors linked to enforcement, engineering, education, encouragement and evaluation of road safety initiatives.*

Sergeant Gailene Hamilton and Mr Arthur Patterson respectively have advised of their resignations. Sergeant Hamilton represents the Mount Barker Police and Mr Patterson is a Community Representative.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 Section 5.8 – ‘Establishment of committees’

The RoadWise Committee was formed under Section 5.9 (2)(c) which provides that a Committee is to comprise ‘...council members, employees and other person.’ These appointments must be adopted by an Absolute Majority.

Sections 5.10 and 5.11 refer to ‘Appointment of committee members’ and ‘Tenure of committee membership’ respectively.

#### **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**

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

Strategy 2.4.4:

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

The Shire of Plantagenet Corporate Business Plan 2016/2017 – 2020/2021 includes Action 2.4.4.1:

*'Support the RoadWise Program.'*

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

### **OFFICER COMMENT**

In her role with the Mount Barker Police, Sergeant Gailene Hamilton has relocated to Perth and pursuant to Section 5.11 of the Local Government Act 1995 no longer holds the office as a member of the Plantagenet RoadWise Committee. It would be proper to replace Sergeant Hamilton and it is suggested the vacancy be filled by her replacement Sergeant Andy McRae.

Also pursuant to Section 5.11 of the Local Government Act 1995, Mr Arthur Patterson resigned from his role as Community Representative. Mrs Elsa Drage has been approached to fill the role and has accepted.

### **VOTING REQUIREMENTS**

Absolute Majority

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

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

**That:**

- 1. Sergeant Andy McRae be appointed as a committee member on the RoadWise Committee.**
- 3. Sergeant Gailene Hamilton be thanked for her service to the RoadWise Committee.**
- 4. The resignation of Mr Arthur Patterson from the RoadWise Committee be accepted and Mr Patterson be thanked for his service.**
- 5. Mrs Elsa Drage be appointed as a committee member on the RoadWise Committee as the Community Representative.**

**CARRIED (8/0)**

**NO. 73/17**

**Absolute Majority**

### 9.3 COMMUNITY SERVICES REPORTS

#### 9.3.1 PLANTAGENET DISTRICT HALL COLOUR PATCH WINDOW - MEMORANDUM OF UNDERSTANDING

<b>File Ref:</b>	<b>N40282</b>
<b>Attachments:</b>	<a href="#">RSL MEMORANDUM OF UNDERSTANDING</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Fiona Pengel</b> <b>Manager Community Services</b>
<b>Proposed Meeting Date:</b>	<b>26 April 2017</b>

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#### **PURPOSE**

The purpose of this report is to recommend the endorsement of the Memorandum of Understanding (MOU) between the Mount Barker Sub-Branch of the Returned and Services League (Sub-Branch), the Plantagenet Players Inc. and the Shire of Plantagenet in regards to the colour patch window at the Plantagenet District Hall (the hall).

#### **BACKGROUND**

The previous MOU between the Sub-Branch and the Shire expired on 31 December 2016 and whilst reviewing the MOU, it seemed pertinent that the Plantagenet Players, Inc. should also be a signatory to the MOU as lessees of the hall.

The MOU acknowledges that the Sub-Branch is the owner of the colour patch window that is installed in the front foyer of the hall and will be consulted should the window require relocation.

#### **STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

#### **EXTERNAL CONSULTATION**

The Sub-Branch and Plantagenet Players have been consulted about the MOU and both parties agree that the Plantagenet Players should be signatories to the MOU.

#### **FINANCIAL IMPLICATIONS**

Insurance for the window will continue to be covered under the Shire's buildings insurance.

#### **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 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

Strategy 2.2.6:

*‘Support the conservation and maintenance of heritage buildings, heritage items and places of interest’*

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

## OFFICER COMMENT

The colour patch window was relocated over 10 years ago to the Plantagenet District Hall following the demolition of the old RSL building that stood on the site now occupied by the Shire of Plantagenet Administration Office.

The Sub-Branch use Plantagenet District Hall for Council’s ANZAC Day commemorations. The location of the colour patch window in the foyer is ideal as people pass it moving from the War Memorial to the hall.

The Sub-Branch has indicated that it does not have any plans to relocate the window to their leased premises on Booth Street.

As lessees of the hall, Plantagenet Players Inc. is willing to sign the MOU. Therefore, renewal of the MOU to include Plantagenet Players Inc. is recommended.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

**Moved Cr S Etherington, seconded Cr B Bell:**

**That:**

- 1. The Colour Patch Window Memorandum of Understanding between the Shire of Plantagenet, the Returned and Services League, Mount Barker Sub-Branch and the Plantagenet Players Inc., be endorsed.**
- 2. The Shire President and Chief Executive Officer be authorised to sign the Memorandum of Understanding on behalf of the Shire of Plantagenet.**

**CARRIED (8/0)**

**NO. 74/17**

## 9.4 CORPORATE SERVICES REPORTS

### 9.4.1 FINANCIAL STATEMENTS – MARCH 2017

<b>File Ref:</b>	<b>N41153</b>
<b>Attachment:</b>	<a href="#">Financial Statements</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>26 April 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 March 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 S Etherington, seconded Cr M O'Dea:**

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

**CARRIED (8/0)**

**NO. 75/17**

**9.4.2 LIST OF ACCOUNTS – MARCH 2017**

<b>File Ref:</b>	<b>N41129</b>
<b>Attachment:</b>	<a href="#">March 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>26 April 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 March 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 S Etherington:

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 March 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 \$1,300,818.13;
2. Municipal Cheques 45856 – 45893 and 45895 – 45901 totalling \$100,349.05.
3. Trust Cheques – 431 – 434 totalling \$65,532.61; and
4. Cancelled Cheque 45894 be noted.

**CARRIED (8/0)**

**NO. 76/17**

**9.4.3 MATERIAL VARIANCE AMOUNT - 2017/2018**

<b>File Ref:</b>	<b>N41200</b>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>26 April 2017</b>

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**PURPOSE**

The purpose of this report is to adopt reportable budget variance values for the 2017/2018 financial year.

**BACKGROUND**

Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AASB 1031 (formerly AAS 5) to be used in the statements of financial activity for reporting material variances. According to AASB 1031:

*'materiality means, in relation to information, that information which if omitted, misstated or not disclosed has the potential to adversely affect decisions about the allocation of scarce resources made by users of the financial report or the discharge of accountability by the management or governing body of the entity.'*

The purpose of this report is to assist the Council in adopting the required annual percentage and minimum value over which budget variances would be considered material.

For several years, the material variances have been set at:

1. Expenditure in excess of 10% of (monthly) budget to a minimum of \$5,000.00.
2. Income less than 90% of (monthly) budget to a minimum of \$5,000.00.

**STATUTORY ENVIRONMENT**

Regulation 34 of the Local Government (Financial Management) Regulations requires local governments to report on a monthly basis. The Financial Management Regulations require local governments to prepare, each month, a statement of financial activity reporting on revenue and expenditure for the month in question and must include - material variances i.e. material variances between the comparable amounts in year to date budget and year to date actual.

The relevant parts of that Regulation are detailed below:

*'34. Financial activity statement report — s. 6.4*

*(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —...*

*(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*

*...*

(5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.'*

### **FINANCIAL IMPLICATIONS**

There are no actual budget implications from adopting these materiality figures as they are there to assist and guide management and the Council. Adoption of this recommendation should assist the Council in making sound financial management decisions.

### **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 4.6 (Effective and efficient corporate and administrative services) the following Strategy:

Strategy 4.6.1:

*'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 current material variances utilised by the Council are working well and meet legal and practical requirements.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That material financial variances for the 2017/2018 financial year be set at:**

- 1. Expenditure in excess of 10% of (monthly) budget to a minimum of \$5,000.00.**
- 2. Income less than 90% of (monthly) budget to a minimum of \$5,000.00.**

**CARRIED (8/0)**

**NO. 77/17**

#### 9.4.4 POLICY REVIEW - SELF SUPPORTING LOANS

<b>File Ref:</b>	<b>N41155</b>
<b>Attachments:</b>	<a href="#">Policy - Self Supporting Loans</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>26 April 2017</b>

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#### PURPOSE

The purpose of this report is to review Council Policy No. F/FM/1 – Self Supporting Loans.

#### BACKGROUND

This policy was last reviewed by the Council at its meeting held on 26 May 2015.

#### STATUTORY ENVIRONMENT

The Local Government Act 1995 stipulates the requirements for a local authority when borrowing money. It does not differentiate between normal loans and self supporting loans.

#### FINANCIAL IMPLICATIONS

Self supporting loans are taken out in the Council's name, however all repayments relating to self supporting loans are met by the applicant and therefore there is no cost to the Council.

The purpose of this policy is to minimise the Council's exposure to inheriting a self supporting loan, by ensuring all applicants can financially meet the repayments of the loan.

#### POLICY IMPLICATIONS

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

#### STRATEGIC IMPLICATIONS

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

Strategy 1.3.4:

*'Actively promote and assist community groups and clubs'*

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

#### OFFICER COMMENT

The policy has been amended to add that an additional Government Guarantee Fee will be payable six monthly at rates that may vary during the term of the loan. This

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fee has been imposed by the State Government on all Shire debentures within the last two years and in the case of self supporting loans, the fee has been passed on to the relevant group.

Otherwise, it is considered that the current policy is sufficient and should be endorsed.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

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

That amended Council Policy No. F/FM/1 – Self Supporting Loans:

**'OBJECTIVE: To assist clubs and organisations in improving community based facilities.**

### **POLICY:**

#### **1. Eligible Organisations**

**1.1 Loans will only be considered for applicants that are incorporated bodies occupying land either owned by, or vested in the care, control and management of a community organisation.**

#### **1.2 Organisations are to provide:**

- a) Three years audited financial statements.**
- b) A business plan for the proposed term of the loan that clearly demonstrates an ability to repay.**
- c) Their constitution.**
- d) Minute agreeing to borrow funds.**
- e) Whatever security or guarantees that the Council considers appropriate to ensure that the loan is repaid.**
- f) Any other information that the Council requires.**

#### **2. Funding Details**

**2.1 Funds will only be provided for capital works on the subject land when ownership of all infrastructure ultimately vests in the community (notwithstanding established leasehold arrangements).**

**2.2 Loans will be provided at the State Treasury interest rate when drawing the loan and will be fixed for the duration of the loan. The term of the loan is not to exceed ten years. Loan repayments will be amortised and will generally be six monthly unless the applicant organisation requests otherwise. An additional Government Guarantee Fee will be payable six monthly at rates that may vary during the term of the loan.**

#### **3. Approval Process**

**3.1 The Council will consider the approval of the loan on the following basis:**

- a) Demonstrated ability to repay.**
- b) Maximum loan amount 50% project cost or 50% of value of completed structure (not to include land content).**

- c) Stability, sound management, membership base, community accessibility and longevity of applicant organisation.
- d) Funds being used for capital improvements.
- e) Debenture security over assets (including lease) of organisation if considered appropriate.

**3.2 Organisations will be required to:**

- a) Enter into a Deed of Agreement for the period of the loan repayments.
- b) Pay all costs associated with the preparation of documents concerning the raising of the loan.
- c) Insure and keep insured premises where the premises are security over repayment of a loan.

**3.3 Any proposal to lend to a community organisation that has not been included in the Council's annual budget must be advertised for one month in accordance with Section 6.20 (2) of the Local Government Act 1995.**

**4. Other**

**4.1 Funds will only be released after documentary proof of significant expenditure (or committed expenditure) is submitted.**

**4.2 The Council will seek any remedy available to it under law in terms of the recovery of delinquent instalments of loans.**

**4.3 The Council will consider the objectives of Policy No. F/FM/6 – Borrowing Program and Asset Financing in determining applications for self supporting loans.'**

be endorsed.

**CARRIED (8/0)**

**NO. 78/17**

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**9.4.5 ATTENDANCE FEES AND ALLOWANCES - COUNCILLORS - 2017/2018**

**File Ref:** N41201  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 26 April 2017

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**PURPOSE**

The purpose of this report is to review and recommend adoption of the elected member expenses and allowances for the 2017/2018 financial year.

**BACKGROUND**

The Shire of Plantagenet currently pays elected members the following attendance fees and allowances:

- Annual attendance fee (Shire President) \$14,950.00
- Annual attendance fees (Councillor) \$7,980.00
- Shire President's Annual Allowance \$6,565.00
- Deputy Shire President's Annual Allowance \$1,641.25

At its meeting held on 23 February 2010, the Council resolved to adopt a policy that Councillors' annual attendance fees and allowances are to be paid on a pro-rata basis, based on time served in the position and that fees and allowances are to be paid monthly in arrears.

In 2013, changes to legislation increased some of the minimum and maximum fees for annual attendance fees and annual allowances. The changes also provided for such fees to be determined by the State Government Salaries and Allowances Tribunal.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 and Local Government (Administration) Regulations.

The Local Government Act 1995 (section 5.98 to 5.102), Local Government (Administration) Regulations 30 to 34 and determinations of the Salaries and Allowances Tribunal legislate the payment of expenses and allowances to elected members. This legislation defines minimum and maximum allowances for the Shire of Plantagenet, a Band 3 local government, as follows:

- Annual attendance fee (Shire President) – Minimum \$7,612.00; Maximum \$25,091.00.
- Annual attendance fees (Councillor) - Minimum \$7,612.00; Maximum \$16,205.00.
- Shire President's Annual Allowance:
  - Minimum - \$1,015.00;
  - Maximum - \$36,591.00 or 0.2% of the local government's operating revenue, whichever is the lesser amount. This calculation currently equates to \$19,650.00 for the Shire of Plantagenet (based on 2016/2017

budget). As this is less than \$36,591.00, \$19,650.00 is the maximum allowance amount for the Shire President.

- Deputy President's Annual Allowance - Minimum \$253.75, Maximum 25% of the Shire President's allowance (\$4,912.50).

Section 5.98A (1) of the Local Government Act 1995 states that:

*'A local government may decide\* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).*

*Absolute majority required.'*

Section 5.99 of the Local Government Act 1995 states that:

*'A local government may decide\* that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —*

- (a) the annual fee determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B; or*
- (b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.*

*Absolute majority required.'*

Section 5.63(1)(c) of the Act states that the requirement to declare an interest does not apply to a person who has *'an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers'*.

## **FINANCIAL IMPLICATIONS**

An allocation of \$86,996.00 has been made in the 2016/2017 annual budget for elected members' attendance fees and allowances. The outcome of this report will guide the formulation of the 2017/2018 draft budget.

## **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 4.1 (Effective governance and leadership) the following Strategy:

Strategy 4.1.5

*'Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role'*

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

**OFFICER COMMENT**

The recommended fees and allowances include an increment of 1% in keeping with current trends and consumer price index movements.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr B Bell:

That in accordance with Sections 5.98A (1) and 5.99 of the Local Government Act 1995, elected member attendance fees and allowances for the 2017/2018 financial year be set as follows:

1. Annual attendance fee (Shire President) \$15,100.00.
2. Annual attendance fee (Councillor) \$8,060.00.
3. Shire President's Annual Allowance \$6,630.00.
4. Deputy President's Annual Allowance \$1,657.50.

**CARRIED (8/0)**

**NO. 79/17**

**Absolute Majority**

#### 9.4.6 RENEWAL OF LEASE - ALBANY REGIONAL CATTLE ASSOCIATION

Cr J Moir

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)

Nature: Cattle Farmer, Employee of Elders

Extent: Not required

4:40pm Cr J Moir withdrew from the meeting.

**File Ref:** N41197

**Attachments:** [Draft Lease](#)

**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer

**Author:** Donna Fawcett  
Senior Administration/Human Resources  
Officer

**Proposed Meeting Date:** 26 April 2017

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#### PURPOSE

The purpose of this report is to seek approval for the renewal of the lease agreement between the Shire of Plantagenet and the Albany Regional Cattle Association (the Association) for a portion of Lot 3 Albany Highway, Mount Barker, for the storage of portable yards for their annual bull sale.

#### BACKGROUND

At its meeting held on 27 February 2007, the Council resolved:

- (1) *The proposal to lease a 55.54m<sup>2</sup> portion of the Great Southern Regional Cattle Saleyards to the Albany Region Cattle Association with the following provisions, as shown hatched on the attached plan, be advertised in accordance with Section 3.58 of the Local Government Act, with all costs being met by the applicant:*
- a) *Rental to be one (1) dollar per annum;*
  - b) *Term of the lease to be ten (10) years, with an option for renewal at the agreement of both parties;*
  - c) *Location – As shown on the attached plan of the site;*
  - d) *Use – Storage of temporary yards;*
  - e) *No option to sub-lease;*
  - f) *The group will be responsible for insurance of the shed and its contents and public liability indemnity insurance;*
  - g) *Ownership of the building will remain with the association before, during and at the conclusion of the lease; and*
  - h) *After hours access to the shed should be by notification to the manager.*
- (2) *If no submissions are received from the advertising in (1) above, that authority be granted to the Shire President and Chief Executive Officer to affix the*

*Common Seal of the Council to the lease agreement between the Shire of Plantagenet and the Albany Region Cattle Association relating to a lease of 55.54m<sup>2</sup> portion of the Great Southern Regional Cattle Saleyards.'*

A shed (5.87m x 4.35m) has been erected on the premises to store the portable yards. The shed was erected at no cost to the Council.

### **STATUTORY ENVIRONMENT**

Section 3.58 of the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 govern the disposal of Council property. It is not considered that this will not be an exempt disposition and therefore the advertising requirement of the Act will need to be adhered to.

Section 6.26 Local Government Act 1995 provides that any organisation leasing or renting land and/or facilities from the Council shall be rateable, unless provisions of the Act provide for them to be non- rateable. The leasehold interest in question is rateable and in 2016/2017 attracted minimum rates of \$860.00.

### **EXTERNAL CONSULTATION**

Consultation has taken place with Janice Hard, Secretary of the Association.

### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

### **POLICY IMPLICATIONS**

Clause 3(a) of Council Policy A/PA/14 'Sporting and Community Organisations using Council and Vested land – rateability' provides that the Council will apply a 100% waiver on the annual rates. It was considered that the shed owned by the Albany Cattle Association should be non-rateable as that organisation is affiliated with the Royal Agricultural Society and the yards within the shed are hired out to the local stud breeders on a peppercorn basis.

### **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 current lease agreement provides for a ten year renewal option. It is recommended that the lease agreement be renewed for a further ten year period under the same terms and conditions.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr L Handasyde:

That:

1. The proposal to renew the lease of a 55.54m<sup>2</sup> portion of the Mount Barker Regional Saleyards to the Albany Regional Cattle Association be advertised in accordance with Section 3.58 of the Local Government Act 1995, with costs being met by the applicant.
2. If no submissions are received from the advertising in Clause 1 above, that authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the lease agreement between the Shire of Plantagenet and the Albany Regional Cattle Association for a portion of Lot 3 Albany Highway, Mount Barker, for the purpose of storage of portable cattle yards.
3. Due to the public purpose status of the Association, a 100% waiver of annual rates shall apply throughout the term of the lease.

**CARRIED (7/0)**

**NO. 80/17**

4:41pm Cr J Moir returned to the meeting.



## 9.5 EXECUTIVE SERVICES REPORTS

### 9.5.1 COUNCILLOR TRAINING - WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - PROFESSIONALLY SPEAKING FOR MAYORS/PRESIDENTS AND THEIR DEPUTIES

<b>File Ref:</b>	<b>N41228</b>
<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>26 April 2017</b>

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#### **PURPOSE**

The purpose of this report is to seek authority for Cr Len Handasyde to attend Professionally Speaking for Mayors/President and their Deputies Training to be held in Albany on Tuesday 30 May 2017.

#### **BACKGROUND**

The training brief is as follows:

*'Professionally Speaking (or how to deal with communication minefields – everything from media interviews to hostile public meetings) is an interactive workshop specially designed to get participants 'battle-ready' and offers practical techniques for handling unfamiliar public speaking situations with confidence. Elected members emerge with the skills and knowledge to handle a media interview or public meeting – especially those that are adversarial in nature.'*

#### **STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

#### **FINANCIAL IMPLICATIONS**

The course has been subsidised via the Country Local Government Fund and will cost participants \$50.00.

#### **POLICY IMPLICATIONS**

Council Policy CE/CS/1 – Elected Members Expenses to be Reimbursed applies and states that elected members can receive reimbursement of expenses whilst attending, 'Conferences and training sessions specifically authorised by the Council'.

#### **STRATEGIC IMPLICATIONS**

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

Strategy 4.1.5:

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

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

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Further at Outcome 4.1 (Effective Governance and leadership) the Shire of Plantagenet Corporate Business Plan 2015/2016 – 2019/2020 includes:

Action 4.1.5.1 – *‘Undertake ongoing training for Councillors and senior staff emphasising the role of corporate governance’*

### **REGIONAL IMPLICATIONS**

As hosts for this training, the City of Albany demonstrates regional cooperation and resource sharing.

### **OFFICER COMMENT**

Cr Handasyde has advised that he attended this course many years ago and believes that it would be advantageous to attend again.

The Shire President Cr Clements is unable to attend the training.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That:**

- 1. Councillor Len Handasyde be authorised to attend the Professionally Speaking for Mayors/President and their Deputies in Albany on 30 May 2017.**
- 2. The expenditure be charged to Budget Item – Conferences, Training and Accommodation 20026.0029.**

**CARRIED (8/0)**

**NO. 81/17**

**9.5.2 KAMBALLUP HALL - SALE/DEMOLITION**

<b>File Ref:</b>	<b>N41244</b>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>26 April 2017</b>

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**PURPOSE**

The purpose of this report is to seek authority from the Council to offer the Kamballup Hall for sale and removal from the site or subsequent demolition, should the sale process be unsuccessful.

**BACKGROUND**

The Council has been gradually divesting itself of structures that are underutilised or no longer fit for purpose. Examples (non-exhaustive) include the Perillup Hall (sold and removed), the Plantagenet District Hall (leased), Woogenellup Hall (leased) and Rocky Gully Hall (demolished).

On 15 February 2017 an advertisement was placed in the Plantagenet News seeking submissions from interested persons regarding the sale, demolition or retention of the Kamballup Hall. Only one response was received and that related to the possible purchase of the Hall.

Councillors have also been advised that Hall revenue amounts to less than \$20.00 per year, indicating a lack of use. Also, the Hall is now experiencing vandalism requiring the expenditure of funds to make good.

The land upon which the hall is situated is vested in the Council under Management Order for the purpose of 'hall site'. Therefore the land is Crown land.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 – Section 3.58 relates to disposing of property.

In this instance it is suggested that local public notice be given of the proposed disposition of the Hall.

**EXTERNAL CONSULTATION**

Except for the advertisement mentioned above, no consultation has taken place with regard to this matter.

In previous years, when the subject of demolition or sale has been mooted substantial public opposition has arisen.

**FINANCIAL IMPLICATIONS**

Should the structure be sold, it would be on the condition that it was removed from the site and the site made good at no cost to the Council.

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Should the structure be unable to be sold, demolition costs would accrue. As some asbestos is present in the structure and, given our experience with the Rocky Gully Hall, the cost could be in the vicinity of \$30,000.00.

### **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**

Expenditure in the order of \$5,000.00 is required to rectify recent vandalism. From an asset management point of view it is considered that such expenditure is not warranted given that the hall is not used.

Further, if the Hall was to be either sold or demolished, there would be no further need for future building maintenance.

### **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:

*'The Council will continue to investigate opportunities to rationalise or devolve obsolete buildings and other assets'*

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

### **OFFICER COMMENT**

The Kamballup Hall and adjacent outbuildings are no longer used for any purpose and are deteriorating through lack of use and vandalism.

Although informal consultation has occurred through one advertisement in the Plantagenet News (which elicited minimal response) it will now be suggested that formal community consultation take place relating to either the retention of the Hall, the sale and removal of the Hall and/or the demolition of the Hall.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That:**

- 1. The CEO be authorised to convene a public meeting regarding the future of the Kamballup Hall;**
- 2. Unless significant opposition arises with regard to the proposal to either sell and remove or demolish the Hall, the CEO be authorised to offer the Hall for Sale and Removal pursuant to Section 3.58 of the Local Government Act; and**
- 3. Should the sale of the Hall and removal not eventuate within a reasonable time the CEO be authorised, subject to budget allocation, to demolish the Hall and adjacent outbuildings.**

**CARRIED (8/0)**

**NO. 82/17**

**9.5.3 LOWER GREAT SOUTHERN ALLIANCE - GROWTH PLAN PARTNERSHIP  
- MEMORANDUM OF UNDERSTANDING**

**File Ref:** N41193  
**Attachments:** [Growth Plan Partnership MOU](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Linda Sounness  
Executive Secretary  
**Proposed Meeting Date:** 26 April 2017

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**PURPOSE**

The purpose of this report is to recommend the endorsement of a Memorandum of Understanding with the City of Albany, Shire of Denmark, Great Southern Development Commission, Department of Regional Development, Department of Planning, LandCorp and the Albany Chamber of Commerce and Industry Inc. in relation to the Lower Great Southern Growth Plan.

**BACKGROUND**

The Regional Centres Development Plan (RCDP) Program was developed by the State Government to realise the economic potential of Western Australia's strategic regional centres. The RCDP establishes strategic economic partnerships known as Growth Plan Partnerships (GPP) and supports the preparation of economic development plans known as Growth Plans.

Albany was selected as one of the five regional cities participating in Stage 2 of the Regional Centre Development Plan (RCDP) process. As Alliance partners, the Shires of Plantagenet and Denmark have received an invitation from the City of Albany to participate in the process of 'growing' economic development in the Alliance area. Other parties to the MOU include the Great Southern Development Commission (GSDC), Department of Regional Development (DRD), Department of Planning (DOP); LandCorp and the Albany Chamber of Commerce and Industry Inc (ACCI).

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**EXTERNAL CONSULTATION**

Substantial discussions have taken place during Alliance meetings with regard to this RCDP process. Representatives from the Alliance travelled to Geraldton in 2016 to discuss the RCDP process with the Greater City of Geraldton, who received funding in Stage 1.

**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.

## **LEGAL IMPLICATIONS**

This MOU is not a legally binding document however it seeks to ensure mutually beneficial working arrangements and clarification of the relationships and responsibilities of all the parties concerned.

## **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 3.5.4:

*'Support the development of a Regional Economic Development Strategy',*

Further, at

Outcome 4.1 (Effective Governance and Leadership) the following Strategy:

Strategy 4.1.4:

*'Supports strategic alliances, stakeholder forums and advisory committees that assist Shire in policy development and service planning.'*

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

## **REGIONAL IMPLICATIONS**

The recommended outcome of this report is in line with the previously endorsed Strategic Regional Economic Development MOU; Waste Minimisation – Regional Partnership MOU and Tourism Development Strategy. These documents seek to address economic development, waste minimisation and tourism/marketing development on a regional basis.

## **OFFICER COMMENT**

The Growth Plan aims to:

- a) Strengthen the strategic position of a centre;
- b) Enable effective partnerships between the private and public sectors;
- c) Respond innovatively to challenges; and
- d) Translate visions and aspirations into investment, jobs and prosperity.

Growth plans consist of a coordinated set of partnerships, aligned plans and strategic actions that will enable long run development and encourage the attraction of investment.

It is recommended that the MOU be endorsed so that the process may commence.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr M O’Dea:**

**That the Lower Great Southern Alliance – Growth Plan Partnership – Memorandum of Understanding between the City of Albany, Shire of Denmark, Great Southern Development Commission, Department of Regional Development, Department of Planning, LandCorp, Albany Chamber of Commerce and Industry and Shire of Plantagenet, as attached, be endorsed.**

**CARRIED (8/0)**

**NO. 83/17**



**9.5.4 RENEWAL OF LEASE - PLANTAGENET MEN'S SHED**

<b>File Ref:</b>	<b>N41202</b>
<b>Attachments:</b>	<a href="#">Draft Lease</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Donna Fawcett</b> <b>Senior Administration/Human Resources Officer</b>
<b>Proposed Meeting Date:</b>	<b>26 April 2017</b>

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**PURPOSE**

The purpose of this report is to seek approval for the renewal of the lease agreement between Shire of Plantagenet and Plantagenet Men's Shed Incorporated for Reserve 23870, being Lot 363 Albany Highway (Booth Street), Mount Barker.

**BACKGROUND**

At its meeting held on 7 February 2012 the Council resolved:

*'That subject to the Management Order of the subject land being amended to allow both the required use and giving the Council the power to lease, the Shire President and the Chief Executive Officer be authorised to attach the Common Seal of the Council to the lease of Mount Barker Lot 363 (Reserve 23870) to the Plantagenet Men's Shed Inc. with the following provisions:*

- a) Rental to be set at \$10.00 per annum.*
- b) The term of the lease be set at five years with a Lessee's option to renew for two further terms of five years.*
- c) The Lessee being responsible for public risk insurance, contents insurance, building maintenance not of a structural nature, garden maintenance, water usage and electricity charges.'*

**STATUTORY ENVIRONMENT**

Local Government Act 1995. – Section 3.58 relates to a disposition of local government property.

Local Government (Functions and General) Regulations 1996 - Regulations 30 and 31 govern the disposal of land.

Under the regulations 'a disposition of land is an exempt disposition, and is excluded from the application of section 3.58, if the land is disposed of to a body, whether incorporated or not the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions'.

Given the above, the disposal of this land is exempt from the requirements of section 3.58 of the Act.

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**EXTERNAL CONSULTATION**

Consultation has taken place with the Plantagenet Men's Shed.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

Council Policy A/PA/14 'Sporting and Community Organisations using Council and Vested land – rateability'.

Councillors are advised that recent legal advice indicates that when the Council leases Council property that the land which is the subject to the lease should be rateable. Whether the Council subsequently donates those rates back to the organisation is a matter for Council consideration.

**STRATEGIC IMPLICATIONS**

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

Strategy 1.3.4:

*'Actively promote and assist community groups and clubs.'*

Further, Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) provides the following Strategy:

Strategy 1.5.2:

*'Promote sporting, recreation and leisure facilities and programs in the District.'*

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

**OFFICER COMMENT**

The Plantagenet Men's Shed has provided an invaluable source of support and benefit to members of the community of Plantagenet since it took up residence in the former Guide Hall.

Improvements and alterations carried out by the Men's Shed to the Premises have resulted in the preservation and maintenance of a Council asset which otherwise may have fallen into disrepair or been demolished.

The current lease agreement provides for two five year renewal options. It is recommended that the lease agreement be renewed for a further five years under the same terms and conditions.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr C Pavlovich, seconded Cr J Oldfield:

That:

1. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the lease agreement between Shire of Plantagenet and Plantagenet Men's Shed Incorporated for Reserve 23870, being Lot 363 Albany Highway (Booth Street), Mount Barker.
2. For the purposes of interpreting Council Policy A/PA/14 'Sporting and Community Organisations using Council and Vested land – rateability' it is determined, due to the benefits to the Shire, number of active participants and the not for profit status of the lessee, that a 100% waiver of annual levied land rates shall apply.

**CARRIED (8/0)**

**NO. 84/17**

## 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 10.1 COMMUNITY BUS

Cr S Etherington has given notice of her intention to move the following motion at pursuant to Clause 3.7 of Standing Orders:

That:

1. The CEO be requested to prepare a report for the Council's consideration relating to the purchase by the Council of a 12 seater bus for community use, such report to include potential funding sources.
2. The report requested in part 1 above be prepared for Council consideration prior to the adoption of the 2017/2018 budget.'

#### Councillor Comment

I am of the opinion that the Council needs to provide a cost neutral community bus service for elderly people, sporting groups, clubs and associations.

I am aware that the Shire of Cranbrook owns two 12 seater buses which is very beneficial to the communities of Cranbrook and Frankland River.

Also, I believe that funding may be available through Lotterywest.

**Moved Cr S Etherington, seconded Cr B Bell:**

That:

1. **The CEO be requested to prepare a report for the Council's consideration relating to the purchase by the Council of a 12 seater bus for community use, such report to include potential funding sources.**
2. **The report requested in part 1 above be prepared for Council consideration prior to the adoption of the 2017/2018 budget.'**

#### **AMENDMENT**

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

**That the words 'potential funding sources' in part 1 be deleted and replaced with:**

**'but not limited to:**

- a. **Potential funding sources;**
- b. **Capital costs;**
- c. **Operating costs;**
- d. **Demonstrated need; and**
- e. **Alternative bus service providers.**

**CARRIED (8/0)  
NO. 85/17**

**COUNCIL DECISION****That:**

1. The CEO be requested to prepare a report for the Council's consideration relating to the purchase by the Council of a 12 seater bus for community use, such report to include but not limited to:
  - a. Potential funding sources;
  - b. Capital costs;
  - c. Operating costs;
  - d. Demonstrated need; and
  - e. Alternative bus service providers.
2. The report requested in part 1 above be prepared for Council consideration prior to the adoption of the 2017/2018 budget.

**CARRIED (8/0)****NO. 86/17****11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY  
DECISION OF THE MEETING**

Nil

## 12 CONFIDENTIAL

### 12.1 WORKS AND SERVICES REPORTS

#### 12.1.1 REQUEST FOR QUOTE - SUPPLY OF A CUSTOM BUILT SKEL TRAILER AND/OR OUTRIGHT SALE (DISPOSAL) OF A MACK HOOK LIFT TRUCK

##### Cr C Pavlovich

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)  
Nature: Company tendered on equipment  
Extent: Financial

5:08pm Cr C Pavlovich withdrew from the meeting.

**File Ref:** N41126  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Amy Chadbourne  
Senior Administration/Project Officer Works and Services  
**Proposed Meeting Date:** 26 April 2017

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#### **PURPOSE**

The purpose of this report is to consider quotes received for the supply and delivery of a custom built Skel Trailer. Included in the request for quote was the removal of the existing hook lift unit from the Mack Hook Lift Truck, refurbishment of, and cost to fit, the hook lift unit to the Skel Trailer. Also included in the request was the option for a tenderer to purchase outright the Mack Hook Lift Truck minus the hook lift unit.

By way of definition, a 'skel' trailer or 'skeletal' trailer is a trailer or semi-trailer that has no tray but has attachments fitted to the frame.

It should be noted that although the Chief Executive Officer is delegated the authority to acquire goods valued at an amount not exceeding \$99,999.00, this matter is brought before the Council as the Heavy Plant Review Committee at its meeting held on 28 March 2017 requested that the quotes be presented to the Council at its meeting scheduled for 26 April 2017.

**MOTION TO PROCEED BEHIND CLOSED DOORS**

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

5:08pm 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 (7/0)**

**NO. 87/17**

**MOTION TO PROCEED IN PUBLIC**

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

5:17pm That the meeting proceed in public.

**CARRIED (7/0)**

**NO. 88/17**

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr L Handasyde:

That:

1. The quote submitted by Evertrans for the supply and delivery of a custom built Skel Trailer to act as a chassis for a hook lifting unit including the removal of the hook lift unit from the Shire's Mack Hook Lift Truck and fitting it to the new trailer at a cost of \$45,100.00 (exc GST) be accepted.
2. In accordance with Delegation LG012 Property – Acquisition and Disposal the Chief Executive Officer dispose of the Mack Hook Lift Truck with funds received being placed in the Plant Replacement Reserve.

**CARRIED (7/0)**

**NO. 89/17**

5:18pm Cr C Pavlovich returned to the meeting.

**13 CLOSURE OF MEETING**

5:19pm The Presiding Member declared the meeting closed.

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