



ORDINARY MINUTES

DATE: Tuesday, 28 February 2017

TIME: 3:00pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

Resolution No's 33/17 to 38/17

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

Members Present:

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

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Mr Dominic Le Cerf	Manager Works and Services
Ms Fiona Pengel	Manager Community Services
Mrs Linda Sounness	Executive Secretary
Mr Vincent Jenkins	Acting Manager Development Services

Approved Leave of Absence

Cr C Pavlovich

Apologies:

Nil

Members of the Public Present:

There was one member of the public present.

Previously Approved Leave of Absence:

Cr C Pavlovich – 20 February 2017 to 2 March 2017

Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 MR STEVE SMITH – MOUNT BARKER CARAVAN PARK - RV FRIENDLY PARKING SITE

Thank you for the opportunity to address you today regarding the RV site.

Since the Shire of Plantagenet became an RV Friendly Town, we have consistently observed several areas of non-compliance by users of the RV Friendly site.

The parameters originally outlined in the recommendation to the Council, as requested by the Campervan Motorhome Club of Australia (CMCA), and the expectation of our local community, was that only fully self-contained campers would be permitted to stay at the RV friendly site in town.

However, to date, the majority of users that stay at the site do not adhere to this expectation and requirement. As a result, some users are defecating in the car park, and also letting the grey water flow out onto either the gardens or the carpark because they do not comply with the Shire's conditions of use.

This creates a health risk, is unsightly, and detracts from other local users of the carpark.

The CMCA define an RV as, a vehicle that has capacity to contain both the grey and black waters in tanks within the motorhome or caravan. The idea being that the CMCA members will come and stay and leave no trace of their stay, because the waters from their tanks are dumped at an approved Dump Point. A caravan can have an indoor toilet and shower but not have the capacity to carry and store the grey water, and therefore are not a fully self-contained Recreational Vehicle.

With this in mind, I request two possible solutions:

1) Consider shifting the RV Friendly site to the newly refurbished site at Kendenup. Although there would be a \$10.00 charge per night at Kendenup, the campers would have access to clean toilets and showers, where the sites can be appropriately monitored, and the local community would receive some income.

2) Significantly increase the supervision of the site by Shire Rangers to ensure non-compliant vehicles will be moved on. This would require daily attendance on site after 7pm and from 5am, before users leave.

I would like to emphasise that if the present site was only open to fully self-contained RVs, and those RVs complied with the requirements, this would be not be such a problem.

Relocation to the previous site (Lot 624 Reserve 6454 south of Hicks Close) is not the answer. In fact, due to the proximity of toilets, this would potentially encourage more non-compliance, by non-RV users.

In the Shire of Plantagenet, there are already two caravan parks adhering to the current Caravan and Camping Act, with full time supervision of sites, and with approved sullage for all non-compliant vehicles.

I have emailed you all a copy of this letter and a link to some of the photos showing non-compliant vehicles in the RV site.

Thank you for your consideration

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

7 CONFIRMATION OF MINUTES

Moved Cr L Handasyde, seconded Cr B Bell:

That the Minutes, as circulated, of the Ordinary Meeting of the Shire of Plantagenet, held on 31 January 2017 be confirmed subject to the following changes:

Pages 65 and 66 – Item 9.4.6 - All references in the report and motion to Policy F/FM/8 be amended to read F/FM/11.

CARRIED (8/0)

NO. 33/17

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

CONDOLENCE MOTION

Moved Cr B Bell, seconded Cr J Moir:

That the Council acknowledge the recent passing of Mr Jim Gilbert and the Chief Executive Officer write to his family extending the Council's sincere condolences and sympathy at this difficult time. The Council would like to acknowledge the contribution and commitment he made to this community.

CARRIED (8/0)

NO. 34/17

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 BICYCLE MASTER PLAN FOR MOUNT BARKER

File Ref:	N40178
Attachments:	<u>Mount Barker Bike Master Plan Opportunities and Constraints Discussion Paper</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	28 February 2017

PURPOSE

The purpose of this report is to update Councillors on the progress of the Mount Barker Bike Master Plan of which Phase One (Opportunities and Constraints Discussion Paper) has now been completed.

BACKGROUND

In 1998 the Council engaged Halpern Glick Maunsell (engineers) to prepare a Cycleway Master Plan for Mount Barker. That plan was only prepared to a draft stage and never finalised.

The Plantagenet Trails Master Plan was prepared in 2006 by Sally Malone Design and Chris Antill Planning and Urban Design. That Trails Master Plan provided guidance and recommendations for a variety of trails in the Shire.

The sum of \$7,500.00 was included in the 2016/2017 Annual Budget for the commencement of the preparation of a bike plan for Mount Barker.

This current Bike Master Plan is aimed specifically at Mount Barker and the use of push bikes. Calibre Consulting (Bunbury based) was engaged to prepare phase one of the plan.

STATUTORY ENVIRONMENT

There are no direct statutory requirements for Phase one of this plan.

EXTERNAL CONSULTATION

Calibre consulting prepared an online public feedback forum through a survey on a dedicated website which ended on 16 December 2016.

FINANCIAL IMPLICATIONS

Phase one of the plan was carried out for \$7,000.00 (ex GST) which was within the \$7,500.00 amount in the Budget.

Phase two, which has not been budgeted for this financial year, will include a ground survey, report preparation, recommended improvement to facilities and upgrades needed. Phase two will cost in the order of \$10,000.00 which will need to be considered in the Council's 2017/2018 Annual Budget deliberations.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 2.3.4:

'Encourage the development of trails in line with the Trails Master Plan.'

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

OFFICER COMMENT

As stated earlier Phase one of the Mount Barker Bike Master Plan has now been completed and a copy of the Phase one report is attached for Councillors information and reference.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That the Mount Barker Bike Master Plan Opportunities and Constraints Discussion Paper dated January 2017 be noted.

CARRIED (8/0)

NO. 35/17

9.2 WORKS AND SERVICES REPORTS

9.2.1 ADOPTION OF NEW COUNCIL POLICY - HEAVY VEHICLE ACCESS

File Ref:	N40452
Attachments:	I R 17 Roads Heavy Vehicle Access Policy
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Amy Chadbourne Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	28 February 2017

PURPOSE

The purpose of this report is to recommend the adoption of new Council Policy I/R/17 Roads - Heavy Vehicle Access Policy.

BACKGROUND

On 15 March 2016 a workshop was held with the Council to discuss a draft Roads and Heavy Vehicle Access Policy. Feedback indicated the draft policy needed to be revised further.

On 8 November 2016, a Heavy Haulage Committee Meeting was held and discussion took place on the Restricted Access Vehicle (RAV) Network and the new Accredited Mass Management Scheme (AMMS) and its application to Shire roads, in particular some roads within the Mount Barker townsite.

On 14 February 2017, another Heavy Haulage Committee Meeting was held and the draft Policy I/R/17 Roads – Heavy Vehicle Access was presented for discussion.

STATUTORY ENVIRONMENT

Land Administration Act 1997 Section 55 – ‘Property in and management etc of roads’

Local Government Act 1995 Section 3.53 (2) – ‘Control of certain unvested facilities’

Road Traffic (Vehicles) Act 2012

Road Traffic (Vehicle) Regulations 2014

EXTERNAL CONSULTATION

Consultation has occurred with representatives from Main Roads and its Heavy Vehicles Operations section.

FINANCIAL IMPLICATIONS

There are no financial implications for this report, however, it should be noted that increased heavy vehicle use of Shire roads may result in additional budgeting requirements for road maintenance and renewal.

POLICY IMPLICATIONS

This draft policy is presented to the Council as part of its policy development.

STRATEGIC IMPLICATIONS

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

Strategy 2.4.1:

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

And further at 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 2.4.1.6:

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

And further at Action 2.4.4.3

'Effectively communicate with external agencies as required.'

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

OFFICER COMMENT

The intention of the policy is to balance road safety, transport efficiency for economic benefits to both local business and the Shire, community amenity and preservation of the Council's assets. The policy achieves this by acknowledging 'as of right' vehicles are permitted access to all Shire managed roads without a permit. An 'as of right' vehicle is defined by MRWA as one that may operate state wide provided it meets the following criteria:

- Is not a road train or a b-double;
- Falls within regulation axle mass limits;
- Is 19 metres or less in combination length (or a maximum 12.5 metres for rigid vehicles);
- Has a total combination mass less than 42.5 tonnes;
- Has a width less than 2.5 metres (excluding mirrors and lights); and
- Has a height less than 4.3 metres.

Heavy vehicles using the RAV Network are issued permits (where necessary and requested) and the Council assesses requests to add new roads to the RAV network using MRWA approved guidelines and assessment criteria.

The adoption of this policy has been recommended by the Heavy Haulage Committee to provide clear guidelines to staff and heavy vehicle users of Shire of Plantagenet managed roads.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That it be a recommendation to the Council:

That the new Policy I/R/17 Roads – Road and Heavy Vehicle Policy:

OBJECTIVE

To provide clear guidelines to the Council, its staff and heavy vehicle transport operators for Restricted Access Vehicle (RAV) Network requests and access to roads under the care, control and management of the Shire of Plantagenet.

The Council wishes to balance road safety, transport efficiency for Shire economic benefits, community amenity and preservation of the road asset.

The Policy supports 'as of right' vehicles as defined by Main Roads WA (MRWA) or approved RAV routes, except where roads are closed for safety reasons.

POLICY

1. Scope

This Policy applies to any heavy vehicle transport operator using RAV on roads managed by the Council.

2. Legislation

The *Road Traffic Act 1974* and the *Road Traffic (Vehicle) Regulations 2014* govern the use of heavy vehicles on roads within Western Australia and define items such as compliance notices, exemptions, permits and notices for heavy restricted access vehicles. These regulations also contain provisions for mass and loading, load restraints, vehicle modifications and vehicle maintenance.

The *Land Administration Act 1997* Section 55 and *Local Government Act 1995* Section 3.53(2) gives the Shire of Plantagenet management responsibility for roads within its boundaries.

3. Definitions

3.1 Restricted Access Vehicle (RAV) Network

The RAV Network is a list of roads which have been assessed and classified by MRWA according to the type and size of heavy vehicle that may access them. It is administered by the Heavy Vehicles Section (HVS) of MRWA.

3.2 Accredited Mass Management Scheme (AMMS) Network

The AMMS scheme allows for three (3) concessional mass tiers that are available to approved heavy vehicle transport operators with appropriate loading control methods. This scheme uses a network approach similar to the existing RAV Network.

Both the RAV and AMMS Networks are published in the form of road tables and a visual Mapping Tool is available on the MRWA website.

4. Request to Access Roads

- a) **RAV Classified Roads** - If required, heavy vehicle transport operators may request use of a classified road on the RAV Network by applying to the Chief Executive Officer (CEO) for approval.

- b) **Unclassified Roads** - If the road is not classified on the RAV Network then the applicant will first need to apply to MRWA (HVS). Upon receipt from MRWA (HVS), the Shire of Plantagenet will assess the request in accordance with MRWA approved guidelines and if supported, a submission will be made to MRWA (HVS) for their consideration including any conditions that may apply to the use of the road.
- c) **AMMS Network - Heavy Vehicle transport operators** may apply for a road already classified on the RAV Network to be approved for an AMMS Network level by applying to MRWA (HVS). Upon receipt from MRWA (HVS) the Shire of Plantagenet will assess the request in accordance with MRWA approved guidelines. If supported, a submission will be made to MRWA (HVS) for their consideration
- d) Should the road access request be declined, the Shire of Plantagenet will inform MRWA (HVS) who will advise the applicant.
- e) Depending on the need for access, a RAV access request may be supported if the applicant accepts responsibility to carry out any road upgrades or vegetation pruning necessary to qualify the road for the RAV network level requested.

5. RAV Road Reclassification

The Shire may withdraw support for an approved route at any time if:

- (i) The route is deemed unsafe for RAV use;
- (ii) The route is deemed unsuitable for RAV use; or
- (iii) The heavy vehicle transport operator has breached approval conditions.

be adopted.

CARRIED (8/0)

NO. 36/17

9.3 COMMUNITY SERVICES REPORTS

Nil

9.4 CORPORATE SERVICES REPORTS

9.4.1 FINANCIAL STATEMENTS – JANUARY 2017

File Ref:	N40373
Attachment:	Financial Statements (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Alison Kendrick Senior Administration Officer - Finance
Proposed Meeting Date:	28 February 2017

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 January 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 B Bell, seconded Cr S Etherington:

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

CARRIED (8/0)

NO. 37/17

9.4.2 LIST OF ACCOUNTS – JANUARY 2017

File Ref:	N40522
Attachment:	January 2017
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Emma Gardner Accounts Officer
Proposed Meeting Date:	28 February 2017

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of January 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 L Handasyde, seconded Cr M O'Dea:

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 January 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 \$383,989.04; and
2. Municipal Cheques 45809 - 45831 totalling \$108,625.60.

CARRIED (8/0)

NO. 38/17

9.5 EXECUTIVE SERVICES REPORTS

Nil

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL

12.1.1 DEED OF ASSIGNMENT OF SUBLEASE - PLANTAGENET MEDICAL CENTRE (ITEM WITHDRAWN)

13 CLOSURE OF MEETING

3:11pm The Presiding Member declared the meeting closed.

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