



## ORDINARY MINUTES

**DATE:** Tuesday, 31 January 2017

**TIME:** 3:00pm

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

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

Resolution Nos. 1/17 to 32/17

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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 (Left the Chamber 4:09pm, returned 4:10pm) (Left the Chamber at 4:16pm, returned 4:18pm)
Cr M O'Dea	Councillor
Cr J Oldfield	Councillor
Cr C Pavlovich	Councillor (Left the Chamber.3:38pm, returned 3:39pm) (Left the Chamber at 4:14pm, returned 4:16pm).

### In Attendance:

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

### Apologies:

Nil

### Members of the Public Present:

There were 15 members of the public present.

### Previously Approved Leave of Absence:

Nil

### Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

### **3 PUBLIC QUESTION TIME**

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

Nil

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

##### **3.2.1 FOOTPATHS – EASTERN SIDE OF TOWN**

Asked by: Ms Frances Yule

When will footpaths be rectified in the eastern side of the town, in particular Deane Street.

Response by: Cr Ken Clements Shire President

The contract for footpath works on the eastern side of town which includes Deane Street has been let and will commence in February 2017.

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

#### **4.1 PLANTAGENET PLAYERS**

Dorothy Sutcliffe spoke on behalf of Plantagenet Players in thanking the Shire for its support with funding applications and the development and consideration today of the draft lease of the Plantagenet District Hall.

#### 4.2 PORONGURUP PROMOTION ASSOCIATION – DEVELOPMENT OF PORONGURUP ENTRY STATEMENT PLAN

Jim Bailey spoke in support of Item 9.1.4 Porongurup Entry Statements – Porongurup Road near Chester Pass Road and Reserve 15986 Porongurup Road Mount Barker.

*In 2013 the Porongurup Promotion Association(PPA) conducted a facilitation session to define priorities into the future. The entry statement was prioritised during these sessions.*

*In 2014/15 we considered acquiring land adjoining the townsite for such a purpose and also for recreational use, however this all proved to be too difficult.*

*Early in 2016 we considered the sites as proposed in the plan being presented for the entry statement and met with Jim Robertson and Alex Tucker on site and discussed what we were proposing and the planning issues that would be involved.*

*Our plan was to create a granite structure to look similar to the Porongurup. Dave Taylor from Lothlorien Studio was engaged to design the structure and create the signage ‘Welcome to the Porongurup’.*

*Suitable granite boulders have been donated by Angelo and Wendy Dilletti, which had been excavated from their house pad.*

*I would like to thank Shire employees Jim Robertson and Alex Tucker for the advice and assistance during the past 12 months locating suitable sites on the reserves we selected to build the entry statements.*

*The PPA committee wait in anticipation for planning so we may move forward with a project that will enhance the visitor experience to the Porongurup.*

#### 4.3 ITEM 9.1.2 LOT 783 PILE ROAD, FOREST HILL – LIQUID WASTE FACILITY

Claire Pragnell gave an overview of the development application and spoke in support of the Officer’s Recommendation.

### 5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

#### Cr J Moir

Item: 9.4.5  
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)  
Nature: Cattle Farmer and Elders’ Employee  
Extent: Not required

Item: 12.1.1  
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)

Nature: Cattle Farmer and Elders' Employee  
Extent: Not required

Item: 12.2.1  
Type: Code of Conduct Disclosure (s5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)

Nature: Use Pioneer Health Medical Centre  
Extent: Not required

#### Cr C Pavlovich

Item: 9.2.2  
Type: Closely Associated Persons (Section 5.62 LGA)  
Nature: Staff member lives on Plumer Road  
Extent: Not required

Item: 9.2.4  
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)  
Nature: Transport related item  
Extent: Not required

Item: 9.5.4  
Type: Code of Conduct Disclosure (s5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)  
Nature: Wife volunteer Manager of Sounness Park Clubrooms.  
Extent: Not required

#### Cr M O'Dea

Item: 12.2.1  
Type: Code of Conduct Disclosure (s5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)

Nature: Job sharing with Mrs Larissa Seah as Wine Show Coordinator and employee of Plantagenet Medical and will be an employee of Prima Stella

Extent: Not required



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

Section 5.25 Local Government Act 1995

Cr C Pavlovich requested Leave of Absence from 20 February 2017 to 2 March 2017.

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

**That Cr C Pavlovich be granted Leave of Absence from 20 February 2017 to 2 March 2017 inclusive.**

**CARRIED (9/0)**

**NO. 1/17**

## **7 CONFIRMATION OF MINUTES**

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

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 6 December 2016 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (9/0)**

**NO. 2/17**

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

The Shire President distributed notes separately.

## **9 REPORTS OF COMMITTEES AND OFFICERS**

### **9.1 DEVELOPMENT SERVICES REPORTS**

#### **9.1.1 LOTS 10 AND 2849 ALBANY HIGHWAY NARRIKUP - RURAL SIGNAGE**

<b>File Ref:</b>	<b>N40041</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Site Plan - Lot 10</a> <a href="#">Site Plan - Lot 2849</a> <a href="#">Advertising Sign Artwork</a> <a href="#">Sign Frame</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>31 January 2017</b>
<b>Applicant:</b>	<b>Mt Barker Express Freight</b>

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#### **PURPOSE**

The purpose of this report is to consider an application for two rural signs at Lots 10 and 2849 Albany Highway, Narrikup.

#### **BACKGROUND**

Council records show the registered owner of Lot 10 Albany Highway is V La Bianca. The landowner granted authority to the applicant to submit this application for one rural sign at Lot 10. Council records further show the registered owners of Lot 2849 Albany Highway are R and M Parsons. These landowners also granted authority to the applicant to submit this application for one rural sign at Lot 2849.

This proposal involves the location of two rural business signs respectively at Lots 10 and 2849 Albany Highway, Narrikup. These signs will advertise a local freight and courier business that is not actually located at those properties but is located in Kendenup.

#### **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 5.6.5 and Schedule 10 - details where planning consent is not required for advertising signs. In this instance planning consent is required.

## **EXTERNAL CONSULTATION**

Advertising included a letter to Main Roads WA for comment for a 42 day period closing on 11 January 2017.

The Main Roads WA submission raised no objection to the proposed advertising signs being located beyond the State road reserve of Albany Highway.

## **FINANCIAL IMPLICATIONS**

The planning consent fee of \$110.00 involving \$55.00 for each sign has been paid.

## **POLICY IMPLICATIONS**

Town Planning Scheme Policy No. 22 (Advertising Signs) (TPS Policy 22) permits the erection of one rural business sign on the property where the actual business is being carried out. However, TPS Policy 22 requires the Council's support for rural business signs advertising products or facilities not actually produced, or located on that property, but only in instances where the product or facility is produced or located within the Shire of Plantagenet. The business being advertised in this instance is Mt Barker Express Freight located in Kendenup.

## **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 22 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

Strategy 2.2.3:

*'Control advertising signage'*

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**

This proposal involves pylon advertising signs with a maximum height of 3.0m, a maximum width of 2.4m and a total signage area of 2.88m<sup>2</sup> (1.2m x 2.4m). The sign ground level clearance will be 1.5m. The sign areas will be a one sided steel sheeting showing the business name and telephone number. The proposed sign extent conforms to requirements for rural business signs set in TPS Policy 22.

Lot 10 is approximately 388.4ha in area and is currently used for pasture, cropping, plantation trees and an agricultural trucking and works business. Two signs are currently displayed at Lot 10. One advertising sign involves the agricultural trucking and works business being operated from the property. The other is the well-known 'Welcome to Maffia (sic) Country' sign.

The proposed sign location at Lot 10 is 10m from the Albany Highway property boundary and 10m from the south property boundary adjoining Lot 180 Albany Highway. The proposed sign will be sited to be visible for traffic driving towards Albany. This sign location conforms to boundary setback requirements set in TPS3 for the Rural zone.

Lot 2849 is approximately 28.5ha in area and is currently used for pasture, cropping and a grader contractor business. Three signs are currently displayed at Lot 2849. One advertising sign involves the grading contractor business being operated from the property. The two other signs involve a rural business sign for a nearby sheep stud farmer on Redhill Road and a business advertising sign for Bendigo Bank in Mount Barker. Although the rural business sign for Galafrey Wines appears to be located at Lot 2849, this sign is actually located at Lot 200 Albany Highway owned by Mr N and Mrs M Hill.

The proposed sign location at Lot 2849 is 10m from the Albany Highway property boundary and approximately 140m from the property boundary with Lot 200 to the north and approximately 550m from the property boundary with Redhill Road to the south. The proposed sign will be sited to be visible for traffic driving towards Mount Barker. This sign location also conforms to boundary setback requirements set in TPS3 for the Rural zone.

Main Roads WA raised no objection to the proposed rural signs. The proposal is supported.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That in accordance with clause 5.2 of the Shire of Plantagenet Town Planning Scheme No. 3, clauses 66, 67, 68 and 70 to 74 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the Shire of Plantagenet Town Planning Scheme Policy No. 22 (Advertising Signs) and the plans dated 18 August 2016 and 29 November 2016, the two pylon signs at Lots 10 and 2849 Albany Highway, Narrikup be approved.**

**CARRIED (8/1)**

**NO. 3/17**

**9.1.2 LOT 783 PILE ROAD, FOREST HILL - LIQUID WASTE FACILITY**

<b>File Ref:</b>	<b>N40125</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">1km Assessment Mapping</a> <a href="#">Pond Facility Site Plan</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>31 January 2017</b>
<b>Applicant:</b>	<b>Great Southern Liquid Waste</b>

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**PURPOSE**

The purpose of this report is to consider an application for a 'use not listed' (liquid waste facility) in the Shire of Plantagenet Town Planning Scheme No. 3 and to support the advertisement for public comment before a decision is made.

**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.

**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:

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*'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.

### **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 will need to determine by absolute majority if the use is consistent with the objectives and purpose of the Scheme and if so, advertise the application for public comment before making a decision. The Scheme objectives are as follows:

### **‘1.6 SCHEME OBJECTIVES**

- 1.6.1 *To encourage and control orderly development in the Scheme Area in such a way that will promote and safeguard the health, safety, convenience, and economic and general welfare of its' inhabitants and the amenities of the area.*
- 1.6.2 *To promote the development of Kendenup, Narrikup, Rocky Gully and Mount Barker town sites and all Plantagenet rural areas.*
- 1.6.3 *To protect and retain the existing rural amenity around the Stirling and Porongurup National Parks.*
- 1.6.4 *To promote growth of the grape and industry and to encourage and control efficient Animal Husbandry.*
- 1.6.5 *To rationalise the small allotment subdivision in and around the Kendenup Townsite.'*

In terms of this current proposal, it is consistent with the objectives 1.6.1 and 1.6.2.

In respect to details of the development, should the Council agree to advertise the use not listed, then detailed development conditions can be imposed on the proposal when the Council is considering submissions. The kinds of conditions would include matters such as heavy vehicle access, road upgrade, tree planting/screening and noise reduction measures.

#### **VOTING REQUIREMENTS**

Absolute Majority

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

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

**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.**

**CARRIED (9/0)**

**NO. 4/17**

**Absolute Majority**



**9.1.3 LOTS 49 AND 50 SOUNNESS STREET, MOUNT BARKER – AFFIX  
COMMON SEAL**

<b>File Ref:</b>	<b>N40243</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Deposited Plan 407726</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>31 January 2017</b>
<b>Applicant:</b>	<b>John Kinnear</b>

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**PURPOSE**

The purpose of this report is to seek authority for the Shire President and Chief Executive Officer to affix the Common Seal of the Council to an Application for New Title, Notification Under Section 70A for proposed Lots 49 and 50 on Deposited Plan 407726 Sounness Street, Mount Barker.

**BACKGROUND**

Council records show the registered owner of Lot 277 Sounness Street is W Hawkins.

The Manager Development Services considered the proposed two lot rural residential subdivision of Lot 277 Sounness Street in June 2015 in accordance with Council Delegation LG035.

The subdivision application was supported subject to the following conditions and advice note:

*‘That the proposed subdivision into 2 lots at Lot 277 Sounness Street, Mount Barker is supported subject to:*

- 1. A crossover from lot A being constructed and drained to the satisfaction of the Manager Works and Services.*
- 2. The land being filled, stabilised, drained and/or graded as required to ensure that stormwater is contained on-site, or appropriately treated or connected to the local drainage to the satisfaction of the Manager Development Services.*
- 3. The landowner/applicant shall make arrangements to ensure that prospective purchasers of subject lots are advised in writing that the provisions for Subdivision Guide Plan Rural Residential Zone 3 apply to the site to the satisfaction of the Manager Development Services.*
- 4. A fence restricting stock access to the creek line located on proposed lots A and B is to be constructed on the boundaries of the Creekline Protection Area as shown on the Subdivision Guide Plan to protect native vegetation.’*

The subdivision application was approved by the Western Australian Planning Commission (WAPC) on 15 June 2015 subject to a number of conditions including:

*'A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

*"A reticulated sewerage service is not available to the lot/s."*

On 6 January 2017 the Council received this application to clear the conditions of subdivision imposed by the WAPC (WAPC 152096).

### **STATUTORY ENVIRONMENT**

Transfer of Land Act 1893 (as amended) – Section 70A refers to factors that affects the use and enjoyment of land and notification on the title.

Local Government Act 1995

Planning and Development Act 2005

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

### **FINANCIAL IMPLICATIONS**

The subdivision clearance fee of \$146.00 has 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 WAPC issued a conditional approval requiring a Notification under Section 70A of the Transfer of Land Act 1893 to be prepared. The notification on the deposited plan and the certificates of title will inform prospective owners that a reticulated sewerage service is not available to the lots.

The Council must resolve that the Shire President and Chief Executive Officer are to affix the Shire of Plantagenet Common Seal to the Notification under Section 70A of the Transfer of Land Act 1893.

This authority is now sought for the seal to be applied in order that a subdivision clearance can be issued.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr J Moir, seconded Cr C Pavlovich:**

**That authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the Notification under Section 70A of the Transfer of Land Act 1893 (as amended) pertaining to the creation of proposed Lots 49 and 50 Sounness Street, Mount Barker on Deposited Plan 407726.**

**CARRIED (9/0)**

**NO. 5/17**

**9.1.4 PORONGURUP ENTRY STATEMENTS - PORONGURUP ROAD NEAR CHESTER PASS ROAD AND RESERVE 15986 PORONGURUP ROAD, MOUNT BARKER**

<b>File Ref:</b>	<b>N40151</b>
<b>Attachments:</b>	<a href="#">Entry Statement Location - Reserve 15986</a> <a href="#">Entry Statement Artwork</a> <a href="#">Entry Statement Photographs - Reserve 15986</a> <a href="#">Entry Statement Photographs - Porongurup Road/Chester Pass Road Junction</a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Authors:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b> <b>Alexandra Tucker</b> <b>Environmental Officer</b>
<b>Proposed Meeting Date:</b>	<b>31 January 2017</b>
<b>Applicant:</b>	<b>Porongurup Promotion Association</b>

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**PURPOSE**

The purpose of this report is to consider a request from the Porongurup Promotion Association (PPA) for approval to erect entry statements at Reserve 15986 (Lot 4005) Porongurup Road, Mount Barker and Porongurup Road near the junction with Chester Pass Road.

**BACKGROUND**

The PPA has been working towards the installation of the two entry statements to define entry to the Porongurup locality east and west of the Porongurup Village on Porongurup Road.

The PPA submitted an application for funding of the entry statements to the Council's annual Financial Assistance Grants for community groups and organisations for the 2016/2017 budget. The application however was unsuccessful.

In October 2016 the Council received a formal request from the PPA for erection of two entry statements.

**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 Local Scheme Reserve (Recreation).

Clause 6.3.2 of TPS3 states:

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

Environmental Protection Act 1986

Aboriginal Heritage Act 1972

### **FINANCIAL IMPLICATIONS**

The construction of the entry statements will be funded by the PPA at no cost to the Council.

The Council will be responsible for the cost for clearing permit applications (\$100.00 each) and the set out of the entry statement locations. The Council will also be responsible for the maintenance of the areas surrounding the entry statements as part of its road maintenance program.

### **POLICY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 22 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

Strategy 2.2.3:

*'Control advertising signage'*

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 at outcome 2.2 'Appropriate development which is diverse in nature and protects local heritage'.

### **OFFICER COMMENT**

An entry statement is an optional element of landscape work which defines the entry to a Townsite or locality. Entry statements can be constructed simply, using vegetation and pavement. More elaborate forms may also include either one or a combination of fences, walls, gates, fountains, statues, light and effects lighting and artworks. Often, identification signage is incorporated into entry statements.

The design of the entry statements and the creation of the lettering were prepared by David Taylor of Lothlorien Studios. These entry statements will consist of arranged granite boulders with attached steel lettering similar to the entry statement in Kendenup at the corner of Beverley and Chauvel Roads. The granite boulder

arrangement dimensions for the statements will be approximately 6.5m to 7.0m in length and 2.5m in height. The boulders will be set into the ground and secured with cement if required.

The western entry statement will be located at Reserve 15986 (Lot 4005) Porongurup at the east Mount Barker locality boundary on Porongurup Road. The Crown owns Reserve 15986 and the care, control and management of the Reserve is vested with the Shire of Plantagenet for the purpose of 'Recreation'. The proposal now before the Council will not impact the overall purpose of the vesting. The feature will be located approximately 19m from the property boundary abutting Lot 1061 Porongurup Road to the west and 1m from the Porongurup Road property boundary. This entry statement location is in close proximity to a cairn acknowledging the location of the 1921-1924 Porongurup Road School. Care will need to be taken during the entry statement construction to ensure that this memorial is not disturbed.

The location of the eastern entry statement will be located within the Porongurup Road road reserve at the entrance to the pull off bay to the tourist information sign at Porongurup Road near the junction with Chester Pass Road.

The entry location statement locations were identified by the Council's Environmental Officer, Alexandra Tucker and Engineering Technical Officer, Jim Robertson in consultation with Mr Jim Baily representing the PPA. The proposed entry statements will not obscure driver visibility at the two locations and the Manager Works and Services is supportive. The proposed entry statements in this instance are not likely to adversely affect remnant vegetation and the amenity of the surrounding areas or the localities.

The Council's Environmental Officer has carried out searches for Aboriginal Heritage and declared rare flora. No known registered heritage or rare flora sites were located within the proposed statement locations.

A 'Dial Before You Dig' query revealed Telstra infrastructure in close vicinity to the proposed eastern entry statement location at the entrance to the pull off bay to the tourist information sign. Given the proximity of Telstra infrastructure at the Porongurup Road junction with Chester Pass Road at this statement location, it should be a requirement of the planning consent that the proposed entry sign location is to be to the satisfaction of the Manager Works and Services.

The construction of entry statements at Reserve 15986 (Lot 4005) Porongurup Road, Mount Barker and Porongurup Road near the junction with Chester Pass Road will enhance the entry into the Porongurup locality and aid tourists visiting the region.

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That in accordance with clause 5.2 of the Shire of Plantagenet Town Planning Scheme No. 3 and clauses 66, 67, 68 and 70 to 74 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the entry statements proposed by the Porongurup Promotion Association at Reserve 15986 (Lot 4005) Porongurup Road, Mount Barker and the Porongurup Road junction with Chester Pass Road be approved subject to:

1. Development being in accordance with the plans dated 12 October 2016 and 13 January 2017.
2. Entry statement locations being to the satisfaction of the Manager Works and Services.
3. Clearing permits for remnant vegetation for both entry statement locations being issued by the Department of Environment Regulation prior to the erection of the entry statements.

## Advice Note:

The Porongurup Promotion Association is to ensure that the Porongurup Road School 1921-1924 cairn currently located at Reserve 15986 (Lot 4005) Porongurup Road, Mount Barker is not disturbed.

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

**That in accordance with clause 5.2 of the Shire of Plantagenet Town Planning Scheme No. 3 and clauses 66, 67, 68 and 70 to 74 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the entry statements proposed by the Porongurup Promotion Association at Reserve 15986 (Lot 4005) Porongurup Road, Mount Barker and the Porongurup Road junction with Chester Pass Road be approved subject to:**

- 1. Development being in accordance with the plans dated 12 October 2016 and 13 January 2017.**
- 2. Entry statement locations being to the satisfaction of the Manager Works and Services.**
- 3. Clearing permits for remnant vegetation for both entry statement locations being issued by the Department of Environment Regulation prior to the erection of the entry statements.**
- 4. The Porongurup Promotion Association will be responsible for the ongoing maintenance of both structures.**

**Advice Note:**

**The Porongurup Promotion Association is to ensure that the Porongurup Road School 1921-1924 cairn currently located at Reserve 15986 (Lot 4005) Porongurup Road, Mount Barker is not disturbed.**

**CARRIED (9/0)**

**NO. 6/17**

**Reason for Change**

Councillors agreed that maintenance of these structures will be the responsibility of the Porongurup Promotion Association.



**9.1.5 TOWN PLANNING SCHEME POLICY NO 16.3 - OUTBUILDINGS**

<b>File Ref:</b>	<b>N40012</b>
<b>Attachments:</b>	<a href="#"><u>Existing Town Planning Scheme Policy No. 16.2 – Outbuildings with edits marked</u></a>
<b>Responsible Officer:</b>	<b>Peter Duncan Manager Development Services</b>
<b>Author:</b>	<b>Peter Duncan Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>31 January 2017</b>

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**PURPOSE**

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

**BACKGROUND**

The Council on 9 December 2014 reviewed Town Planning Scheme Policy No. 16.1 and adopted Town Planning Scheme Policy No. 16.2 (Outbuildings).

At that meeting the Council resolved:

- ‘1. That Town Planning Scheme Policy No. 16.2 (Outbuildings) be approved and then be referred to the Western Australian Planning Commission for its approval as the Policy amends a deemed-to-comply provision of the Residential Design Codes for the Residential Zone.*
- 2. Following the approval of the Western Australian Planning Commission, Town Planning Scheme Policy No. 16.2 (Outbuildings) be advertised as finalised.’*

The Western Australian Planning Commission (WAPC) approved the policy as required at 1 above and the Policy was advertised as finalised.

A review of Town Planning Scheme Policy No. 16.2 revealed it needs to be adjusted to tighten up 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:

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**‘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 will need to be advertised for a minimum period of 21 days. The Council then must consider submissions received before the policy can be finalised (with or without alteration).

### **FINANCIAL IMPLICATIONS**

The cost of advertising will be 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 in many instances they are found to be unsafe and unhygienic. In recent times the Council's Principal Environmental Health Officer has issued two notices under the Health Act that structures are unfit for habitation.

It is proposed that part 11) of TPS Policy No. 16.2 be 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

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the CEO to the Manager Development Services. No alteration to the Delegation is needed in respect to this policy.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

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

**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**

- 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.

#### **AMENDMENT**

Moved Cr C Pavlovich, seconded Cr J Oldfield:

That the wording in Part 11 be deleted and replaced with:

'In respect to outbuildings proposed for vacant Residential, Enterprise, Rural Residential, Landscape Protection or Rural Smallholding 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.'

**LOST (4/5)**

The Motion was then Put

**CARRIED (6/3)**

**NO. 7/17**

## 9.2 WORKS AND SERVICES REPORTS

### 9.2.1 POLICY REVIEW – POLICY I/R/7 ROADS - UNCONSTRUCTED ROADS

<b>File Ref:</b>	<b>N39238</b>
<b>Attachments:</b>	<a href="#"><u>I/R/7 Roads – Unconstructed Roads Policy</u></a>
<b>Responsible Officer:</b>	<b>Dominic Le Cerf</b> <b>Manager Works and Services</b>
<b>Author:</b>	<b>Amy Chadbourne</b> <b>Senior Administration/Project Officer Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>31 January 2017</b>

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#### **PURPOSE**

The purpose of this report is to review Council Policy I/R/7 Roads – Unconstructed Roads.

#### **BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 11 November 2014.

On 13 September 2016 a workshop was held with Councillors to discuss the policy and the increase in requests for work on unconstructed roads within the Shire of Plantagenet. Due to the unusually long wet winter, residents 'getting by' with a track type access were finding access to property difficult.

#### **STATUTORY ENVIRONMENT**

Land Administration Act 1997 – Section 55 (2) – 'Property in and management etc. of roads'

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

#### **FINANCIAL IMPLICATIONS**

It should be noted that Council funds need to be approved in the budget for a road to be constructed and once constructed the Council will incur maintenance costs.

#### **POLICY IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

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

Strategy 2.4.1:

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

And further at Outcome 2.6 (Assets and infrastructure managed over the long term to meet current and future needs) the following Strategy:

Strategy 2.6.1:

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

Further, the Council’s Corporate Business Plan 2016/2017 – 2020/2021 provides the following Action:

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**

The Works and Services department receives many requests from residents for maintenance to be carried out on road reserves which do not have a recognised constructed road. Refusal of the request is further complicated when the road reserve has a name. Residents seem to think a named road reserve automatically means it is a constructed road. There are many road reserves throughout the Shire which have an approved name for future planning purposes but which have not been approved for construction by the Council.

Following the workshop with the Council held on 13 September 2016, a number of adjustments to the policy have been made including the definition of a road reserve and an unconstructed road. Also, further clarification to help residents understand the Council’s decision making process for unconstructed road construction and maintenance has been detailed. The policy now also provides clearer guidelines for applicants who are willing to fund construction of an unconstructed road themselves to meet Council road specifications.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That amended Council Policy No I/R/7 – Roads – Unconstructed Roads as follows:**

### **‘OBJECTIVE**

**To provide clear guidelines to the Council, its staff and residents of the Shire of Plantagenet regarding requests relating to the maintenance and construction of unconstructed roads in dedicated road reserves under the care, control and management of the Council.**

## **POLICY**

### **1. Definition**

**A road is defined pursuant to Section 3 of the Land Administration Act 1997 as:**

*'Road means, subject to section 54, land dedicated at common law or reserved, declared or otherwise dedicated under an Act as an alley, bridge, court, lane, road, street, thoroughfare or yard for the passage of pedestrians or vehicles or both'*

## **2. Road Reserve Dedication Process**

The dedication of a road reserve is the process where a portion of land is set apart and registered with the Department of Lands specifically for a public road whether or not a road is constructed.

An unconstructed road may be an access located within a dedicated road reserve which has not been constructed, 'made' or recognised by the Council as a constructed road. This road reserve may have an approved name intended for future use, but will not qualify for maintenance work until a road is constructed and recognised as constructed by the Council.

A list of constructed roads recognised by the Council and therefore eligible for maintenance is found in Council Policy I/R/16 – Rural Road Hierarchy.

## **3. Request for Construction or Maintenance**

Members of the public may request that an unconstructed road be either maintained or constructed.

**3.1** Where the Council is of the opinion that the road, the subject of the request, should be constructed, the road will then be included in the Council's Five Year Road Construction Program. The applicant shall be advised when such construction is likely to occur.

**3.2** Notwithstanding the Council decision to include the road in the Five Year Road Construction Program, should the applicant be prepared to pay for the cost of construction to ensure earlier completion, the following procedures shall apply:

- a) The Council shall arrange for design plans to be prepared and costed; and
- b) On payment of the estimate of the road construction costs by the applicant the Council shall schedule the works within the next 12 months.

**3.3** Where the Council is of the opinion that the requested construction work is not warranted the following procedures shall apply in the event that the applicant is willing to meet the costs of construction:

- a) Have prepared and submit to the satisfaction of the Manager Works and Services, plans demonstrating that the road will be constructed:
  - (i) By suitably qualified persons; and

(ii) To the minimum standard required for the intended use of the road and traffic volumes; or

b) Request the Council to undertake the works as if the Council Policy I/PW/1 Private Works – External applied.'

be endorsed.

**CARRIED (9/0)**

**NO. 8/17**

**9.2.2 PLUMER ROAD – REQUEST TO CONSTRUCT A ROAD**Cr C Pavlovich

Type: Closely Associated Persons (Section 5.62 LGA)  
Nature: Staff member lives on Plumer Road  
Extent: Not required

3:38pm Cr C Pavlovich withdrew from the meeting.

**File Ref:** N40118  
**Attachments:** [Plumer Road Map](#)  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Amy Chadbourne  
Senior Administration/Project Officer Works  
and Services  
**Proposed Meeting Date:** 31 January 2017  
**Applicant:** Mr Anthony Boughton

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**PURPOSE**

The purpose of this report is to consider a request from Mr Anthony Boughton for the construction of a section of the named unconstructed road known as 'Plumer Road'.

**BACKGROUND**

Plumer Road is a named unconstructed road reserve positioned off the east side of Craddock Road (see attached map).

An application has been received from Mr A Boughton seeking the construction of a portion of Plumer Road pursuant to Council Policy I/R/7 Unconstructed Roads.

**STATUTORY ENVIRONMENT**

Land Administration Act 1997, Part 5, Section 55 - 'Property in roads etc'

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

**EXTERNAL CONSULTATION**

Consultation has taken place with Mr Boughton, who is acting on behalf of some of the residents living along the section of unconstructed road reserve.

Geographic Names has confirmed that Plumer Road is the approved road name for this unconstructed road reserve.

**FINANCIAL IMPLICATIONS**

To construct the approximate 600m section of road to a 'C Class' road standard (as defined in Council Policy No I/R/16 Rural Road Hierarchy) the Manager Works & Services has estimated the cost will be in the vicinity of \$2,800.00 (ex GST). A 'C Class' road is defined in the policy as a non-strategic access road to property with a 6m carriageway width, 1m wide shoulders on both sides of the road and the possible inclusion of table drains.

Construction of the section of road would include tree pruning, minor drainage improvements and earthworks such as grading, gravel sheeting and water binding.

Gravel is to be provided by a nearby landowner.

### **POLICY IMPLICATIONS**

Council Policy No I/R/7 Roads – Unconstructed Roads

Council Policy I/PW/1 Private Works - External

Council Policy I/R/16 Rural Road Hierarchy

### **ASSET MANAGEMENT IMPLICATIONS**

The length of road requested to be constructed is 600m.

As this is an unconstructed road reserve there has previously been no cost to the Council to maintain it. It is estimated that it would cost the Council \$320.00 a year to winter grade the road. As there are currently only four occupied properties along this section of road, it is estimated wear and tear on the road will not be extensive. It should be noted the road will not be suitable for heavy vehicles.

### **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.'*

Further, the Council's Corporate Business Plan 2015/16 – 2019/20 provides the following Action:

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**

There are no Council delegations applicable to this policy.

The Council has no obligation to undertake capital improvement and/or maintenance of unconstructed roads within a road reserve for purpose of access by land owners to their property. However, under Council Policy No I/R/7 Unconstructed Roads, a person may request to have an unconstructed road constructed at their expense and request the Council to carry out the works at the rates provided by the Council's annual fees and charges.

Shire staff received a number of requests from residents for maintenance on the unconstructed road reserve known as 'Plumer Road' during the winter of 2016. As a result of the request for construction and upon inspection of the road reserve by the Engineering Technical Officer, it was noted that drainage was extremely poor in one particular section and a culvert may need to be installed to ensure rutting and boggy areas experienced by residents in 2016 would not be repeated.

It was also noted during the inspection that the resident of Lot 642 has installed a gate with a lock, effectively blocking the unconstructed road reserve. This is contrary to Council Policy No RS/G/1 Gate Permits which states that the erection of a gate across a road reserve requires Council approval. Shire staff will follow this up with the landowner.

It is estimated it will take Shire staff two days to complete the works required to construct the requested 600m section of Plumer Road to a C Class standard road. If approved, it is intended the works will be scheduled to be completed during planned re-sheeting works to Craddock Road.

It should also be noted that the cost apportioned to the proposed job is an estimate only and payment will be required prior to works being commenced.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That:**

- 1. Pursuant to Council Policy I/R/7 Roads – Unconstructed Roads authority be granted for an approximate 600m section of the named unconstructed road reserve ‘Plumer Road’ from the intersection of Craddock Road to the eastern boundary of lots 637 and 642 (see attached map) to be constructed to a ‘C Class’ standard as defined in Council Policy No I/R/16 Rural Road Hierarchy.**
- 2. Works to construct the section of road as described above be carried out by the Shire of Plantagenet at an estimated cost of \$2,800.00 (ex GST) in accordance with Council Policy No I/PW/1 Private Works - External.**
- 3. Once constructed, the 600m section of Plumer Road be recognised as a constructed road on the Shire’s road network.**

**CARRIED (8/0)**

**NO. 9/17**

3:39pm Cr C Pavlovich returned to the meeting.

**9.2.3 LOT 223 (110) SECOND AVENUE, KENDENUP - APPROVAL TO KEEP THREE DOGS IN A TOWNSITE**

<b>File Ref:</b>	<b>N39991</b>
<b>Attachments:</b>	<a href="#">Lot 223 Second Avenue Kendenup Map</a>
<b>Responsible Officer:</b>	<b>Dominic Le Cerf Manager Works and Services</b>
<b>Author:</b>	<b>Tracy Powell Administration Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>31 January 2017</b>

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**PURPOSE**

The purpose of this report is to consider a request from Ms Peta Stephensen to keep three dogs at Lot 223 (110) Second Avenue, Kendenup.

**BACKGROUND**

Ms Stephensen currently has a 12 year old sterilised Labrador. Ms Stephensen's request is due to her mother being admitted into full time care, who owns the following dogs:

- Five year old Chihuahua – sterilised; and
- Six year old Maltese / Shih Tzu.

All dogs are registered with the Shire of Plantagenet.

**STATUTORY ENVIRONMENT**

Dog Act 1976

Section 26(3) of the Dog Act 1976 provides for a local government to grant an exemption for the number of dogs that would otherwise be permitted at a property, provided that the approval is only applicable to the dogs at the property in question. Further, no more than six dogs are allowed on any property. Also, the approval may be varied or revoked at any time.

Shire of Plantagenet Dogs Local Law 2008

The Shire of Plantagenet Dogs Local Law 2008 states that the limit on the number of dogs which may be kept on a property within a townsite is two dogs over the age of three months and the young of those dogs under that age.

**EXTERNAL CONSULTATION**

Consultation has occurred with the owner of the property, Ms Peta Stephensen and the adjoining neighbours, Ms K Welch (Lot 189 [107] First Avenue), Ms B Tilbrook (Lot 6430 [111] First Avenue) and Ms K Stoneham (Lot 965 [106] Austin Street). All have confirmed that the three dogs are well behaved, contained on the property and have expressed their support for the request.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

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**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 1.9 (A Safe Plantagenet) the following Strategy:

Strategy 1.9.1:

*'Provide animal control in accordance with legislative requirements.'*

Further, the Council's Corporate Business Plan 2015/2016 – 2019/2020 provides the following Action:

Action 1.9.1.1:

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

And

Action 1.9.1.2:

*'Enforce animal controls in order to maintain public safety.'*

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

**OFFICER COMMENT**

Ms Stephensen applied to the Shire on 7 October 2016 to keep an additional dog on her property. Ms Stephensen currently owns one dog, her mother two. Due to her mother being admitted into full time care Ms Stephensen has taken over the care of the two dogs. Ms Stephensen was advised that she cannot register the third dog at Lot 223 (110) Second Avenue, Kendenup unless the keeping of more than two dogs in a townsite is approved by the Council.

The subject property is 1,012m<sup>2</sup> in area and it is considered that sufficient space is available for the dogs, two of which are relatively small. The dogs at the property have never been the cause of any ranger issues and are not causing a nuisance.

If the dogs at the property were to become a nuisance at any point, the approval could be reconsidered by the Chief Executive Officer.

**VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr J Hamblin, seconded Cr S Etherington:

That:

1. An exemption from the requirements of the Shire of Plantagenet Dogs Local Law 2008, section 3.2(1) 'Limitation on the number of dogs' be granted to Ms P Stephensen to keep three dogs at Lot 223 (110) Second Avenue Kendenup, subject to the following:
  - a) The approval being limited to the following dogs:
    - Lucy – 12 year old Labrador;
    - Sofie – five year old Chihuahua; and
    - Wally – six year old Maltese x Shih Tzu.
  - b) No additional dogs being housed at the property should the dog number reduce by either death of a dog or other means;
  - c) The exemption being reconsidered if the dogs are found to be causing a public nuisance;
  - d) No more than three dogs being kept at the premises at any one time; and
  - e) All dogs being registered with the Shire of Plantagenet.
2. The Chief Executive Officer be authorised to revoke the exemption above, should one of the circumstances referred to in part 1 apply.

**CARRIED (9/0)**

**NO. 10/17**

## 9.2.4 HEAVY VEHICLES – RECLASSIFICATION OF ROADS – LOWOOD ROAD AND MCDONALD AVENUE

### Cr C Pavlovich

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)  
Nature: Transport related item  
Extent: Not required

4:14pm Cr C Pavlovich withdrew from the meeting.

**File Ref:** N39362  
**Attachments:** [Reclassification of Roads Lowood Road and McDonald Avenue Mount Barker Map](#)  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Amy Chadbourne  
Senior Administration/Project Officer Works and Services  
**Proposed Meeting Date:** 31 January 2017

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### PURPOSE

The purpose of this report is to consider a recommendation from the Heavy Haulage Advisory Committee to revise the Main Roads WA (MRWA) Restricted Access Vehicle Network (RAV) conditions currently applicable to sections of Lowood Road and McDonald Avenue, Mount Barker.

### BACKGROUND

The Heavy Haulage Committee, at its meeting held on 8 November 2016, resolved that it be a recommendation to the Council:

*‘That Lowood Road from Albany Highway to McDonald Avenue and McDonald Avenue from Lowood Road to Marmion Street be removed from the RAV Network.’*

Administered by the Heavy Vehicles Section (HVS) of MRWA, the RAV Network is a list of roads throughout the state which have been assessed and classified according to the type and size of heavy vehicle approved to access them. It should be noted that not all roads are suitable to be included on this network and therefore have no RAV classification. Some of the roads on this network require a permit/approval from the road manager (such as Local Government) which lists any conditions associated with its use. RAV Networks are published in the form of road tables and a visual RAV Mapping Tool is available on the MRWA website.

A vehicle is classed as a RAV if it exceeds one or more of the following limits:

- Width of 2.5 metres;
- Height of 4.3 metres;
- Length of 12.5 metres in the case of a motor vehicle that is not part of a combination; or
- Length of 19 metres in the case of a combination; and
- Any other dimension specified in the Road Traffic (Vehicles) Regulations 2014.

Any heavy vehicle that is not a RAV with limits falling below the above is commonly referred to an 'as of right' vehicle and generally does not require a permit to use a road.

Following the meeting of the Heavy Haulage Committee, letters were sent on 15 November 2016 to the following transport operators requesting their opinion on the proposed removal of the above described sections of McDonald Avenue and Lowood Road from the RAV Network:

Southern Haulage Industries  
RR & GC O'Connor  
Mount Barker Transport

Great Southern Logistics  
Mount Barker Regional Carriers  
Kendenup Bulk Haulage

One response was received from Southern Haulage Industries supporting the proposal and suggesting that Bourke Street (see attached map) be classified as a RAV 5 route which would allow heavy vehicles to access the back of industrial properties on McDonald Avenue. The letter also suggested Taylor Road from the Bourke Street intersection to Langton Road be removed from the RAV Network as Langton Road (connecting road) is not on the RAV Network. No other correspondence was received.

### **STATUTORY ENVIRONMENT**

Land Administration Act 1997 Section 55 – Property in and management etc. of roads states that the 'local government within the district of which a road is situated has the care, control and management of the road.'

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 took place with local transport operators.

### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

### **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 2.4.4:

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

Further, the Council's Corporate Business Plan 2015/2016 – 2019/2020 provides the following Action:

Action 2.4.4.3:

*'Effective communication with external agencies as required.'*

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

**OFFICER COMMENT**

Lowood Road from Albany Highway to McDonald Avenue, McDonald Avenue and Taylor Road are all currently classified as RAV 5 Network roads on the MRWA RAV Network.

The section of Lowood Road described above and the eastern end of McDonald Avenue act as one of the routes to the western end of McDonald Avenue where a number of industrial properties are situated (see attached map). The proposal to remove these two sections of road from the RAV Network would mean heavy vehicles would still be able to access McDonald Avenue from its western end off Taylor Road.

The removal of these two sections of road would ensure the number of heavy vehicles travelling past the Sounness Park Sporting facility and Frost Park would reduce and only 'as of right' vehicles (19 metres or less in combination length [or a maximum 12.5 metres for rigid vehicles] with a gross mass less than 42.5 tonne) would be permitted to use these sections of road.

During correspondence with local transport operators it was suggested Bourke Street (see attached map) be added to the RAV Network as a class 5 allowing heavy vehicles to access the rear of industrial properties. The inclusion of Bourke Street would ensure a 'loop' for vehicles to access these properties. As neither McDonald Avenue or Taylor Road have any conditions attached to their use this would be the same for Bourke Street. It was also suggested that the portion of Taylor Road from Bourke Street to Langton Road be removed from the RAV Network as Langton Road is not classified and heavy vehicles have nowhere to go from this point. Both suggestions are viable and are supported by the Manager Works and Services.

The outcome of the officer's recommendation will require the Manager Works and Services to arrange for an increased number of inspections to assess wear and tear.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That:**

- 1. Main Roads WA be requested to reclassify the following roads on the Restricted Access Vehicles (RAV) Network as follows:**
  - a. Lowood Road, Mount Barker from Albany Highway to McDonald Avenue be removed from the RAV Network;**
  - b. McDonald Avenue, Mount Barker from Lowood Road to Marmion Street be removed from the RAV Network;**
  - c. Taylor Road from Bourke Street to Langton Road be removed from the RAV Network; and**
  - d. Bourke Street, Mount Barker be added to the RAV 5 Network.**

2. **Appropriate signage be erected advising road users of RAV restrictions at the entrance to Lowood Road (Albany Highway), Mount Barker.**

**CARRIED (8/0)**

**NO. 11/17**

4:16pm Cr C Pavlovich returned to the meeting.

**9.2.5 POLICY REVIEW (REVOCATION) - SCHOOL BUS ROUTES**

<b>File Ref:</b>	<b>N39217</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>31 January 2017</b>

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**PURPOSE**

The purpose of this report is to recommend revocation of Council Policy No I/R/10 – School Bus Routes.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 11 November 2014.

**STATUTORY ENVIRONMENT**

Land Administration Act 1997 Section 55(1)(a) – ‘Property in and management etc. of roads’

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

**EXTERNAL CONSULTATION**

Consultation has occurred with a representative from the Public Transport Authority – School Bus Services (PTA) to obtain advice on the Authority’s current policy and their school bus route mapping system.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Strategy 2.4.4:

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

Further, the Council’s Corporate Business Plan 2016/2017 – 2020/2021 provides the following Action:

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**

School Bus routes are currently not subject to delegation. However, Council Delegation LG027 School Bus Bays and LG028 School Bus Signs applies.

Delegation LG027 provides the Chief Executive Officer (CEO) with the authority to determine a cost to applicants to construct a school bus bay if safety issues and location are involved and Delegation LG028 ensures authority can be given by the CEO to place and remove school bus signs.

The administrative and operational statements made in the existing policy are covered by the Shire of Plantagenet Customer Service Charter which states that customer requests are to be acknowledged and completed within 10 working days of receipt.

Obtaining school bus route maps from the PTA is also a routine matter for an administration officer.

Accordingly it is recommended that this policy is revoked.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That Council Policy I/R/10 – School Bus Routes as follows:**

#### **'OBJECTIVE**

**To provide clear guidelines relating to applications for and changes to School Bus Routes.**

#### **POLICY**

**The Council will, with regard to School Bus Routes require:**

- 1. A minimum of 10 working days after the application is received for the approval of School Bus Routes.**
- 2. An updated set of school bus route maps from the Public Transport Authority by the end of January each year and that a new set of school bus route maps be forwarded each year regardless of whether a change has occurred or not.'**

**be revoked.**

**CARRIED (9/0)**

**NO. 12/17**

## 9.3 COMMUNITY SERVICES REPORTS

### 9.3.1 CHILD CARE FACILITIES FEASIBILITY STUDY

<b>File Ref:</b>	<b>N40008</b>
<b>Attachments:</b>	<a href="#">Plantagenet Child Care Facilities Feasibility Study</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>31 January 2017</b>

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#### PURPOSE

The purpose of this report is to recommend the acceptance of the Plantagenet Child Care Centre Feasibility Study.

#### BACKGROUND

Prior to 2008, the Shire of Plantagenet operated child care services from Lot 7, Marmion Street, Mount Barker.

At its meeting held on 12 August 2008, the Council resolved that the management of the Plantagenet Day Care Centre be transferred to Wanslea (Inc) from 1 January 2009. The Council also resolved that the premises on Marmion Street, Mount Barker be leased to Wanslea on a peppercorn lease.

The Shire has undertaken maintenance and improvements to ensure the building is compliant with minimum standards set under the Children and Community Services Act 2004, Children and Community Services (Child Care) Regulations 2006 and the National Child Care Accreditation Council.

In February 2016, the Shire was successful in securing funding through the WA Department of Local Government and Communities (DLGC) Regional Child Care Development Fund (RCCDF) to undertake a pre-feasibility report and feasibility study into future facility requirements for child care in the Shire of Plantagenet.

At its meeting on 13 September 2016, the Council decided that:

1. *The outcomes of the Plantagenet Child Care Centre Pre-Feasibility Report dated 17 June 2016, as attached, be noted.*
2. *A feasibility study into the option of locating child care facilities at the Mount Barker Community College be undertaken.*
3. *The feasibility study referred to in part 2 above shall consider opportunities for private sector investment in the construction of the facilities.'*

The resulting feasibility study is attached to this report for acceptance by the Council.

#### STATUTORY ENVIRONMENT

There are no statutory implications for this report. However, the Children and Community Services Act 2004 and Children and the Community Services (Child Care) Regulations 2006 set out the minimum standards for child care facilities.

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## EXTERNAL CONSULTATION

Consultation took place during the development of the pre-feasibility report. The Mount Barker Community College and Wanslea were consulted as were the following community groups:

- Mount Barker Playgroup;
- Play in the Park;
- Afghani Mothers Group;
- Wriggle, Giggle and Grow; and,
- Great Southern TAFE.

Consultation also took place with the wider community in the form of an online survey which resulted in 41 responses being received.

Further discussions have taken place with Wanslea and the Mount Barker Community College in regards to the recommendations of the Feasibility Study.

## FINANCIAL IMPLICATIONS

There are no financial implications for this report. The pre-feasibility report and feasibility study recommended to be undertaken in this report have been fully funded by DLGC.

Should the Council decide to progress the recommendations of the Feasibility Study, Funding will be sought to design and construct any future facility.

## 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

There are no asset management implications for this report. However, the increasing cost of maintaining aging infrastructure may be considered when determining if the relocation of child care facilities in the Shire of Plantagenet be progressed.

Lot 7 Marmion Street is freehold land owned by the Shire of Plantagenet. Consideration would need to be given to the management of that land and buildings should the facility be relocated. This would be the subject of a future report.

## STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 1.1: (Health and family support services that are accessible and meet the needs of our community) the following Strategy:

Strategy 1.1.3:

*'Provide and promote childhood development services and facilities'*

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

**OFFICER COMMENT**

The child care centre on Marmion Street is not a purpose built facility. The infrastructure consists of an old house which has undergone several extensions and refurbishments.

The construction of the facility is such that the service operator provides the service in less than ideal circumstances. Reports from the service provider indicate that the configuration and location of the facility impacts on the organisation's ability to provide a flexible service to parents.

The age of the facility will inevitably lead to greater demands for maintenance. Should legislative requirements change in the future, further alterations may be required.

The location of the centre is also less than optimum, being on the outskirts of town. The current service provider is of the opinion that the location is a factor that restricts the accessibility for parents and growth of the service.

Should the child care centre be located at the Mount Barker Community College (MBCC), it will improve the service's profile. Parents dropping older siblings at school will provide a single drop off point for children of differing ages in a family.

Another advantage of locating the centre at the MBCC is the seamless transition of children throughout their years in education, expanding MBCC's Kindergarten –Year 12 pathway to 0 years –Year 12. There are educational advantages of being on the same site as the school. Children could suffer less disruption as they move from child care through kindergarten and onto primary and high school education.

The Council decided in 2008 to hand over the child care service to Wanslea. It should be noted that if the operations become unviable at the current facility, the Council runs the risk of coming under community pressure to provide child care services again in the future.

Should the proposed facilities be managed in accordance with Recommendation 5 of the attached feasibility report (which states '*That the new centre is operated by a not-for-profit organisation or private provider under a direct lease offered through tender by the Department of Education*') the Shire would not be party to any future agreements.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Cr J Hamblin, seconded Cr J Moir:

That:

1. The Plantagenet Child Care Centre Feasibility Study be received.
2. It be noted that the Manager Community Services will be undertaking further discussions with the Principal of the Mount Barker Community College to:
  - a. Investigate land tenure options for the child care facility site with the Department of Education;
  - b. Investigate potential funding models for the construction of new child care facilities at the Mount Barker Community College; and,
  - c. Provide a project plan by 5 December 2017 Council meeting for the progression of this project based on (a) and (b) above.

**AMENDMENT**

Moved Cr L Handasyde, seconded Cr B Bell:

That the whole of part c be deleted and a part 3 be included with the words 'A further report be presented to the Ordinary Meeting of the Council to be held 15 August 2017.'

CARRIED (9/0)

NO. 13/17

**COUNCIL DECISION**

That:

1. The Plantagenet Child Care Centre Feasibility Study be received.
2. It be noted that the Manager Community Services will be undertaking further discussions with the Principal of the Mount Barker Community College to:
  - a. Investigate land tenure options for the child care facility site with the Department of Education;
  - b. Investigate potential funding models for the construction of new child care facilities at the Mount Barker Community College.
3. A further report be presented to the Ordinary Meeting of the Council to be held 15 August 2017.

CARRIED (9/0)

NO. 14/17

**9.3.2 MEMORANDUM OF UNDERSTANDING - DEPARTMENT OF PARKS AND WILDLIFE - INTER-AGENCY FIRE OPERATIONS**

**File Ref:** N40247  
**Attachments:** [MOU Fire Operations](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Fiona Pengel  
Manager Community Services  
**Proposed Meeting Date:** 31 January 2017

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**PURPOSE**

The purpose of this report is to recommend the endorsement of the Cooperative Inter-Agency Fire Operations Operating Principles Memorandum of Understanding between the Shire of Plantagenet and the Department of Parks and Wildlife (P&W).

**BACKGROUND**

In February 2007, the Porongurup National Park suffered a major fire that required the Department of Parks and Wildlife (then Department of the Environment and Conservation) to work closely with the Shire of Plantagenet Bush Fire Brigades.

Following that fire, it was agreed that a Memorandum of Understanding (MOU) would be developed to clearly articulate the operating principles for future fire operations involving both organisations.

Discussions between the Shire and P&W, resulted in the inaugural MOU being signed in October 2009.

The P&W have recently met with Shire of Plantagenet representatives and the Bush Fire Advisory Committee Executive to review and update the existing MOU to reflect the contemporary operating environment.

**STATUTORY ENVIRONMENT**

Bush Fires Act 1956  
Emergency Management Act 2005  
State Emergency Management Plan WESTPLAN – FIRE.

**EXTERNAL CONSULTATION**

Consultation has taken place with the P&W and executive members of the Shire of Plantagenet Bush Fire Advisory Committee.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report. The MOU does, however, agree to committing resources to fire operations if needed. Costs associated with fire operations are largely reimbursable through the Department of Fire and Emergency Services Local Government Grant Scheme, though some expenses are borne by the Shire of Plantagenet for which there is a budget allocation of \$12,000.00 for the 2016/2017 financial year.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Strategy 1.9.2:

*‘Support the community in emergency and fire management planning, preparedness, response and recovery’*

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

**OFFICER COMMENT**

The review of the MOU provided a forum for the P&W, the Shire of Plantagenet and the Volunteer Bush Fire Brigades to clarify roles and responsibilities during fire operations involving both parties.

Several changes have been made to terminology and references to State Emergency Plans that have been superseded, as well as changes to the Departmental name.

The spirit and specific responsibilities of each party, however, remain the same as the previous version.

The Chief Bush Fire Control Officer has been involved in the development of this MOU and is satisfied with the final version.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr S Etherington:

That:

- 1. The Memorandum of Understanding between the Shire of Plantagenet and the Department of Parks and Wildlife for Cooperative Inter-Agency Operations Operating Principles 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 (9/0)**

**NO. 15/17**

**9.3.3 RESERVE 27184 AND FROST PARK SHEEP PAVILION ON RESERVE  
1790 MCDONALD AVENUE - DETERMINATION FOR THE USE OF  
ARCHERY**

**File Ref:** N39963  
**Responsible Officer:** Fiona Pengel  
Manager Community Services  
**Author:** Kirsten Perrin  
Community Development Officer  
**Proposed Meeting Date:** 31 January 2017

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**PURPOSE**

The purpose of this report is to recommend that a determination pursuant to the Council's Local Government Property Local Law 2008 be made such that the activity of archery be a permitted use on A Class Reserve 27184 (Lot 577), situated on the corner of Marmion Street and McDonald Avenue, Mount Barker. Further, it is recommended that a similar determination be made for the Frost Park Sheep Pavilion.

**BACKGROUND**

Reserve 27184 is vested to the Shire of Plantagenet for the purpose of 'Vehicle Parking'.

The reserve was used as the Woogenellup Polocrosse Club grounds until the equestrian facilities at Frost Park were developed and the polocrosse club moved to Frost Park.

The Plantagenet Company of Archers (PCA) has been using the cleared part of the reserve for archery practice and competitions. The PCA is also using the Frost Park Sheep Pavilion for practice during inclement weather.

The PCA has made an approach to Shire staff to seek permission to expand its facilities into the partially cleared area of Reserve 27184, for field archery practice and competitions. Field shooting involves targets being placed in natural bush areas and over uneven terrain with target distance ranging from 15 to 60 metres.

Pursuant to the Shire of Plantagenet Local Government Property Local Law 2008, the local government may make a determination to set aside specified local government property for the pursuit of certain activities. Section 2.7 (1) states that;  
' A determination may provide that specified local government property is set aside as an area on which a person may (among other things) -  
(f) play or practice –  
(i) golf or archery'

The Council has not made such a determination in relation to the activities carried out by the PCA at Reserve 27184, or in the Frost Park Sheep Pavilion which is located on Reserve 1790 McDonald Avenue.

The process for making a determination requires that a public notice is given of its intention to make a determination and that written submissions are sought within 21 days of the publication of notice.

At its meeting on 19 July 2016, the Council resolved that:

*'Pursuant to Section 2.2 of the Shire of Plantagenet Property Local Law, 2008, the intention of the Council to make a determination that:*

- 1. Frost Park Sheep Pavilion on Reserve 1790 McDonald Avenue and Reserve 27184 (Lot 577) McDonald Avenue be set aside for the pursuit of archery, be advertised by local public notice.*
- 2. Following the 21 day submission period for public submissions, a further report be submitted to the Council no later than its meeting to be held on 13 September 2016.'*

The period for public submissions concluded on 21 December 2016 and no submissions were received.

## **STATUTORY ENVIRONMENT**

Local Government Act 1995

Shire of Plantagenet Property Local Law 2008.

## **EXTERNAL CONSULTATION**

The PCA has been consulted in regards to their use of Frost Park Sheep Pavilion and Reserve 27184.

A public notice was published in the Albany Advertiser on December 1 2016 requesting public submissions within a period of 21 days.

## **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 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) the following Strategy:

Strategy 1.5.1:

*'Maintain and improve sporting and recreation facilities in the District based on catchment needs'*

And:

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 PCA has been operating from the Frost Park Sheep Pavilion and Reserve 27184 for some years. However, designation of these areas for archery has not been sought from the Council.

Pursuant to Section 2.2 of the Shire of Plantagenet Property Local Law 2008, a 21 day period for public submissions has been undertaken and no submissions were received.

Therefore, the recommendation if adopted will formalise the use of the Frost Park Sheep Pavilion and Reserve 27184 pursuant to the Shire of Plantagenet's Property Local Law 2008.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That pursuant to Section 2.2 of the Shire of Plantagenet Property Local Law, 2008 is determined that:**

- 1. Frost Park Sheep Pavilion on Reserve 1790 McDonald Avenue and Reserve 27184 (Lot 577) McDonald Avenue is set aside for the pursuit of archery.**
- 2. The determination referred to in 1 above shall take effect from the day of local public notice.**

**CARRIED (9/0)**

**NO. 16/17**



## 9.4 CORPORATE SERVICES REPORTS

### 9.4.1 BUDGET REVIEW - JANUARY 2017

<b>File Ref:</b>	<b>N39876</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>31 January 2017</b>

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#### PURPOSE

The purpose of this report is to review the adopted 2016/2017 Annual Budget to recognise variations in actual income and expenditure.

#### BACKGROUND

The 2016/2017 annual budget was adopted by the Council at a special meeting on 12 July 2016. This review is the second quarterly review of the 2016/2017 Annual Budget. The Local Government (Financial Management) Regulations 1996 require that local governments conduct a budget review between 1 January and 31 March in each financial year.

#### STATUTORY ENVIRONMENT

There is no specific section of the Local Government Act 1995 that deals with the re-allocation of funds, however Section 6.2(1) of the Local Government Act 1995 governs budget requirements for local governments.

Local Government (Financial Management) Regulations 1996. Regulation 33A states:

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2A) The review of an annual budget for a financial year must -*
- (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
  - (b) consider the local government's financial position as at the date of the review; and*
  - (c) review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
- \*Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review*
-

*and determination is to be provided to the Department.'*

## **FINANCIAL IMPLICATIONS**

The purpose of a budget review is to ensure that the income and expenditure for the current year is monitored in line with the adopted budget and, where exceptions to the adopted budget occur, make amendments to the budget or work scope as necessary. The overall recommended net cash effect on the budget is \$nil.

## **POLICY IMPLICATIONS**

There are no policy implications for this report.

## **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**

This is the main budget review of the year. In terms of operating result, operating income is currently 1.0% above (year to date) budget and operating expenditure is 6.5% below (year to date) budget. The value of outstanding rates is currently 23.0%, which is in line with the usual value at this time of year.

The capital works program is currently 18.6% under (year to date) budget. While only 13% of the roadworks program has been carried out so far, the majority of construction projects commencing very soon, with a number of contractors having been engaged. All plant purchases have either been finalised or are currently on order.

Transfers to reserve funds have been carried out in line with the budget and the September 2016 budget review.

The actual surplus carried forward at 30 June 2016, as detailed in the audited 2015/2016 annual financial report, was \$1,167,942.00. The budgeted surplus carried forward was \$1,034,960.00. A variance of \$132,982.00 exists between the budgeted and actual balance carried forward, although there was some capital income and expenditure differences which offset this surplus. The September 2016 Budget Review adopted budget amendments to deal with this.

While there are a number of under and over-expenditures, there is only one item that requires immediate attention. The Manager Works and Services has requested that the budgeted trade-in of the current works crew transporter not be proceeded with. The income would only amount to \$8,000.00, as opposed to \$12,000.00 in the budget and this utility can be used as a second traffic control vehicle providing added flexibility to operations. An increased transfer from the Plant Replacement Reserve will offset the loss of income.

Other matters requiring a reallocation of funds can be examined again in the March 2017 review.

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. The Council adopted a 10% and a \$5,000.00 minimum for the reporting of material variances to be used in the statements of financial activity and the annual budget review.

### **VOTING REQUIREMENTS**

Absolute Majority

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

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

**That the budget review for the period 1 July 2016 to 31 December 2016 be adopted and the 2016/2017 Annual Budget be amended as follows:**

<b>Account</b>	<b>Description</b>	<b>Original / Amended Budget</b>	<b>New Budget</b>	<b>Net Cash Amount</b>
41412.0105	Trade In Works Vehicles / Minor Plant	\$48,100	\$36,100	(\$12,000)
41413.0486	Transfers from Reserve Funds	\$663,600	\$675,600	\$12,000

**CARRIED (9/0)**

**NO. 17/17**

**Absolute Majority**

**9.4.2 CHANGE IN BASIS OF VALUATION - LOT 200 (31720) ALBANY HIGHWAY, MOUNT BARKER - PART OF CARAVAN PARK**

**File Ref:** N40081  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Leanne Briggs  
Rates Officer  
**Proposed Meeting Date:** 31 January 2017

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**PURPOSE**

The purpose of this report is to seek the approval of the Director General of the Department of Local Government and Communities that the basis for rating for Lot 200 (31720) Albany Highway, Mount Barker be changed from unimproved value to gross rental value.

**BACKGROUND**

The Mount Barker Caravan Park comprises Lot 1160 and Lot 200, the latter being transferred from Main Roads WA to the owners in 2014/2015.

Lot 1160, forming the majority of the caravan park is 34,592m<sup>2</sup> and is valued as a gross rental value property. Lot 200 is 4,317m<sup>2</sup> comprises the 'Round House' and some vacant land and is valued as an unimproved value property.

Landgate has recently noted that the two lots are now in common ownership, are contiguous and appear to be used in common and therefore asked if the Council is proposing to change the rating valuation methodology for Lot 200 from rural UV to urban GRV.

**STATUTORY ENVIRONMENT**

Local Government Act, 1995

Section 6.28 requires the Minister for Local Government to determine the method of valuation of land to be used by a local government and publish a notice of the determination in the Government Gazette.

In determining the method of valuation to be used by a local government, the Minister for Local Government is to have regard to the principle that the basis for a rate on any land is to be either:

1. Where the land is used predominantly for rural purposes, the unimproved value of the land; and
2. Where the land is used predominantly for non-rural purposes, the gross rental value of the land.

This authority has been delegated to the Director General of the Department of Local Government and Communities.

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 – Zone Special Site (Caravan Park)

**EXTERNAL CONSULTATION**

Consultation has taken place with the owners, Mr and Mrs S Smith.

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

Strategy 4.6.3:

*'Maintain, develop and monitor rating and property strategies'*

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

**OFFICER COMMENT**

Local government has a role in ensuring that the rating principles of the Local Government Act, 1995 are correctly applied to rateable land within their districts.

Guidelines issued by the Department of Local Government and Communities recommend that affected property owners be informed of proposed changes to the method of valuing their properties, although a modified consultation process may be considered where the change is driven by large scale subdivisions.

With regard to this property, consultation was undertaken with the owners by way of a request to complete a Land Use Declaration Form. As the declaration was not returned it can be assumed that the land is used predominantly for non-rural purposes based on the data already known about the property.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That:**

- 1. The change in predominant use of the land at Lot 200 (31720) Albany Highway, Mount Barker as non-rural be noted.**
- 2. The Director General of the Department of Local Government and Communities be requested to change the method of valuation of the land area referred to in Part 1 above from unimproved value to gross rental value, in accordance with Section 6.28 of the Local Government Act 1995.**
- 3. The effective date of the new method of valuation be the date of gazettal.**

**CARRIED (9/0)**

**NO. 18/17**

**9.4.3 FINANCIAL STATEMENTS – NOVEMBER AND DECEMBER 2016**

<b>File Ref:</b>	<b>N39902</b>
<b>Attachment:</b>	<a href="#">Financial Statements (separate attachment)</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Alison Kendrick</b> <b>Senior Administration Officer - Finance</b>
<b>Proposed Meeting Date:</b>	<b>31 January 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 periods ending 30 November and 31 December 2016. There was insufficient time to present the November financial statement to the Council meeting held on 6 December 2016.

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

**That the Financial Statement for the periods ending 30 November and 31 December 2016 be received.**

**CARRIED (9/0)**

**NO. 19/17**



**9.4.4 LIST OF ACCOUNTS – DECEMBER 2016**

<b>File Ref:</b>	<b>N40155</b>
<b>Attachment:</b>	<a href="#">List of Accounts – December 2016</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>31 January 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 December 2016.

**STATUTORY ENVIRONMENT**

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

The Chief Executive Officer has delegated authority to authorise payments (21 June 2016). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

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

- 1. Electronic Payments and Direct Debits totalling \$821,103.41;**
- 2. Municipal Cheques 45788 - 45808 totalling \$86,060.50; and**
- 3. Trust Cheque 426 totalling \$10,000.00.**

**CARRIED (9/0)**

**NO. 20/17**

**9.4.5 ALMA BOARD MEETING 23, 24 FEBRUARY 2017 - ATTENDANCE BY MR M SKINNER**Cr J Moir

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

Nature: Cattle Farmer and Elders' Employee

Extent: Not required

4:09pm Cr J Moir withdrew from the meeting.

**File Ref:** N40325  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 31 January 2017

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**PURPOSE**

The purpose of this report is to authorise Mr Michael Skinner to attend the Australian Livestock Markets Association Inc. (ALMA) Board meeting to be held in Brisbane on 23 and 24 February 2017.

**BACKGROUND**

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

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

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**FINANCIAL IMPLICATIONS**

Accommodation for an estimated two nights will be approximately \$500.00. Air fares to and from Brisbane will be approximately \$750.00 and travel / incidental expenses are estimated at \$160.00.

ALMA will cover the cost of accommodation for one night and breakfast the following day. In addition, each board member's sponsor organisation can place a claim to ALMA for up to \$2,000.00 per financial year. At this point in the financial year, the Council has not used any of this amount, so the cost of this trip will be fully reimbursable.

**POLICY IMPLICATIONS**

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

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## 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

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

ALMA is currently finalising the agenda and venue. The Saleyards Advisory Committee is expected to support the proposal.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

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

**That:**

- 1. Mr Michael Skinner be authorised to attend the Australian Livestock Markets Association Inc. Board meeting to be held in Brisbane on 23 and 24 February 2017; and**
- 2. The expenditure be initially charged to Budget Item Saleyards – Conferences and Training – 21320.0029 and recouped from the Australian Livestock Markets Association Inc.**

**CARRIED (8/0)**

**NO. 21/17**

4:10pm Cr J Moir returned to the meeting.

### **9.4.6 POLICY REVIEW – F/FM/8 - PENSIONER REBATES ON RURAL PROPERTIES**

<b>File Ref:</b>	<b>N39877</b>
<b>Responsible Officer:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Leanne Briggs Rates Officer</b>
<b>Proposed Meeting Date:</b>	<b>31 January 2017</b>

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#### **PURPOSE**

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

#### **BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 3 March 2015.

#### **STATUTORY ENVIRONMENT**

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

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

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

The Council's policy is based on option 4.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **POLICY IMPLICATIONS**

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

## **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 4.6.3:

*‘Maintain, develop and monitor rating and property strategies’*

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

## **OFFICER COMMENT**

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

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

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

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That Council Policy F/FM/8 – Pensioner Rebates on Rural Properties, as follows:**

### **‘OBJECTIVE:**

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

### **POLICY:**

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

**be endorsed.**

**CARRIED (9/0)**

**NO. 22/17**

## **9.5 EXECUTIVE SERVICES REPORTS**

### **9.5.1 DEVELOPMENT ASSESSMENT PANEL MEMBERSHIP**

<b>File Ref:</b>	<b>N40167</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>31 January 2017</b>

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#### **PURPOSE**

The purpose of this report is to recommend to the Council the appointment of two Development Assessment Panel members and two alternate members.

#### **BACKGROUND**

Development Assessment Panels (DAP) were created by the State Government to deal with development applications for particular classes of development.

For example, in the case of an application for development in a district outside of the district of the City of Perth and where the development has determined an estimated cost of \$2,000,000.00 or more and less than \$10,000,000.00 it is of a class of development that can be referred to the DAP.

A DAP consists of five members two of whom are appointed by the Minister for Planning from recommendations given by each Local Government Authority. The other members are classified as 'expert' members.

At its meeting held on 27 October 2015 the Council recommended for appointment to the Great Southern Joint DAP (JDAP), Councillors K Clements and L Handasyde as representatives and Councillors C Pavlovich and J Oldfield as alternate members. The DAP regions have since been altered and Plantagenet now falls within the Southern JDAP which includes the South West area.

The Director General of the Department of Planning is now seeking fresh nominations from Local Government Authorities as the current appointments expire on 26 April 2017 and fresh nominations are required to be received by the Director General by 28 February 2017.

#### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Planning and Development (Development Assessment Panels) Regulations 2011

#### **EXTERNAL CONSULTATION**

No internal or external consultation has occurred with regard to this report.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

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**POLICY IMPLICATIONS**

Council Policy CE/CS/1 'Elected Members Expenses' to be reimbursed would apply.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2 (Enhancing natural and built environment) the following Strategies:

Strategy 2.1.3:

*'Collaborate with the State Government to ensure local planning development and long term growth needs are met'*

and

Strategy 2.2.2:

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

**OFFICER COMMENT**

The Minister will appoint Local Government representatives for a term of up to three years, expiring 26 April 2020. Should any Councillor who is appointed not be re-elected, it will be necessary to renominate another member for the Minister's consideration.

Further, it is a mandatory requirement pursuant to the regulations that all JDAP members attend training before they can sit on a JDAP and determine applications. Local Government members who have previously undertaken training are not required to attend further training but are encouraged to attend refresher training.

It is recommended that the appointments made by the Council in October 2015 are renewed and that authority for those Councillors to undertake training or refresher training be authorised.

**VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION/COUNCIL DECISION****Moved Cr S Etherington, seconded Cr J Hamblin:****That:**

- 1. Councillor K Clements and Councillor L Handasyde be nominated as representatives for the Shire of Plantagenet for the Southern Joint Development Assessment Panel (JDAP); and**
- 2. Councillor C Pavlovich and Councillor J Oldfield be nominated as alternate members.**
- 3. The Minister for Planning be advised of the nominations referred to in parts 1 and 2 above.**
- 4. The members referred to above be authorised to undertake the mandatory training for Development Assessment Panel members.**

**CARRIED (9/0)****NO. 23/17**

**9.5.2 HEALTH (ASBESTOS) REGULATIONS 1992 - APPOINTMENT OF AUTHORISED OFFICERS**

<b>File Ref:</b>	<b>N40185</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>31 January 2017</b>

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**PURPOSE**

The purpose of this report is to recommend the appointment of authorised officers and an approved officer for the issuing of infringement notices pursuant to the Health (Asbestos) Regulations 1992.

**BACKGROUND**

On 24 January 2017 the Health (Asbestos) Regulations 1992 were amended to increase the penalties for offences relating to asbestos and for infringement notices to be issued. The penalties pursuant to these Regulations have been increased to \$10,000.00 and, if the offence is of a continuing nature, to an additional daily penalty of not more than \$1,000.00.

The amendments to the Regulations were made as a direct result of Local Government input that non-compliance with the Regulations was often a cheaper alternative compared with disposing of asbestos in accordance with the Regulations.

**STATUTORY ENVIRONMENT**

Public Health Act 2016

Health (Asbestos) Regulations 1992

Criminal Procedure Act 2004

**EXTERNAL CONSULTATION**

There was no consultation for this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 4 (Effective Governments and Organisation) the following Strategy:

Strategy 4.6.2:

*'Develop and maintain risk management policies and procedures.'*

The Council's Audit and Risk Management Committee has discussed the risks associated with asbestos in the environment, including the risk to Shire staff who inadvertently come into contact with asbestos that may have been inappropriately or illegally disposed of.

#### **OFFICER COMMENT**

It is recommended that the position of Principal Environmental Health Officer and the position of Principal Building Surveyor be classified as authorised officers pursuant to the Regulations and for the purposes of Part 2 of the Criminal Procedure Act 2004.

It is also recommended that the position of Chief Executive Officer be classified as an approved officer for the purposes of the Regulations and Part 2 of the Criminal Procedure Act 2004 so that this officer can withdraw an infringement notice or extend a period to pay an infringement notice. It should be noted an approved officer cannot be appointed as an authorised officer.

It should also be noted that in the event that an infringement notice is not paid, the matter would need to be pursued through the courts.

It is further noted that investigations will be undertaken regarding the possibility of the Shire referring unpaid infringements to the Fines Enforcement Registry.

#### **VOTING REQUIREMENTS**

Simple Majority

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

**Moved Cr C Pavlovich, seconded Cr J Hamblin:**

**That:**

- 1. The officer occupying the position of Principal Environmental Health Officer and the officer occupying the position of Principal Building Surveyor be authorised pursuant to the Health (Asbestos) Regulations 1992 for the issuing of infringement notices.**
- 2. The officer occupying the position of Chief Executive Officer be appointed as an approved officer pursuant to the Health (Asbestos) Regulations 1992 and the Criminal Procedure Act 2004.**

**CARRIED (9/0)**

**NO. 24/17**

### 9.5.3 PLANTAGENET PLAYERS - PROPOSAL TO LEASE THE PLANTAGENET DISTRICT HALL

<b>File Ref:</b>	<b>N40091</b>
<b>Attachments:</b>	<a href="#">Lease</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>31 January 2017</b>

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#### **PURPOSE**

The purpose of this report is to recommend to the Council the endorsement of a lease with the Plantagenet Players over the Plantagenet District Hall, situated at Lot 250 Memorial Road, Mount Barker.

#### **BACKGROUND**

At its meeting held on 25 June 2013 the Council resolved:

*'That:*

1. *The concept plans for the refurbishment of the Plantagenet District Hall dated May 2013, as attached, be noted.*
2. *The concept of a lease between the Shire of Plantagenet and the Plantagenet Players Incorporated for the Plantagenet District Hall be endorsed subject to:*
  - a) *The ability of other community groups and members of the public to utilise the Plantagenet District Hall not being impeded;*
  - b) *The lease term being for a minimum period of ten years;*
  - c) *The lease fees being based on a 'peppercorn' payment in return for the lessee carrying out operational maintenance of the building; and*
  - d) *The lessee being able to charge a fee for the hire of the Plantagenet District Hall, in line with the Council's adopted Fees and Charges for the hire of other halls within the District.'*

Since that resolution of the Council, negotiations have occurred between Council Officers and representatives of Plantagenet Players resulting in significant grant funds being received by the Council to renovate and refurbish the Plantagenet District Hall so that it is a modern facility for theatrical productions and community use.

#### **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.

Councillors are also 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.

### **EXTERNAL CONSULTATION**

Significant external consultation has occurred with Plantagenet Players and Lotterywest.

### **FINANCIAL IMPLICATIONS**

It is proposed that the lease payments be set at a peppercorn and that revenues from the use of the building accrue to the lessees. The lessees would also be responsible for maintenance except for when that maintenance is of a structural nature.

### **POLICY IMPLICATIONS**

Council Policy A/PA/17 – 'Community Halls and Buildings' clarifies the Council's position with regard to community halls. The policy states that wherever possible, community halls within the district should be operated by an appropriate incorporated community body. 'Operate' includes leasing or ownership.

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

### **LEGAL IMPLICATIONS**

The proposed lease would be a legally enforceable relationship between the Shire and Plantagenet Players, two incorporated bodies.

### **ASSET MANAGEMENT IMPLICATIONS**

For many years the Plantagenet District Hall has been under-utilised and has also been a drain on the Council's financial resources. The proposal to lease the building to Plantagenet Players has allowed opportunities for significant capital funding to be acquired by the Council for urgent renovations and refurbishment effectively giving the building a new lease of life.

The building is also listed as 'Place No. 29' on the Council's Municipal Heritage Inventory. The Council's Municipal Heritage Inventory is not an enforceable

document. The Place is not listed in Schedule 11 as 'A Place of Value' in Town Planning Scheme No. 3.

It should also be noted that the execution of the lease, as recommended in this report, will allow further funds to be released to be expended on the Hall.

Lot 250 Memorial Road, Mount Barker and the buildings situated on that land are owned by the Shire of Plantagenet in fee simple. That is, the land is not Crown Land vested in the Council with a Management Order.

Also the attached structure to the rear of the District Hall (Lesser Hall) is leased to the WA Country Health Service until 2031 and does not form part of the lease the subject of this report.

Councillors may also like to note that the colour patch window in the Plantagenet District Hall is subject to a separate Memorandum of Understanding with the Mount Barker Sub Branch of the Returned and Services League. The window is specifically excluded from the terms of this lease, including insurance provisions which are provided for separately.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 1.8 (Cultural, arts and learning opportunities that contribute to vibrancy and diversity in the community) the following Strategies:

Strategy 1.8.3:

*'Support the provision of appropriate, accessible arts facilities and activities to encourage artistic and cultural expression'*  
and

Strategy 1.8.4:

*'Include arts and cultural considerations in all aspects of urban and social planning.'*

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

### **STRATEGIC RISK IMPLICATIONS**

The Shire's Strategic Risk Register at Risk No. 1.5.1 relates to failure to manage assets for the future. The leasing of this building will address this risk through the allocation of funds for refurbishment.

### **OFFICER COMMENT**

The proposed lease is appended to this report.

Plantagenet Players has indicated its support of the lease in its present format and the lease has also been perused by the Council's Legal Advisor with minor amendments made to assist with the understanding of the document.

The Council Resolution of 25 June 2013 provides at 2(d):

- 'd) The lessee being able to charge a fee for the hire of the Plantagenet District Hall, in line with the Council's adopted Fees and Charges for the hire of other halls within the District.'*

This provision has not been included in the lease in favour of a clause allowing the lessees to charge their own hire fees, (Schedule 2 paragraph 2). This is in line with the 'Quiet Possession' principle of Clause 4.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**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 with the Plantagenet Players over the Plantagenet District Hall, Lot 250 Memorial Road, 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 (9/0)**

**NO. 25/17**

**9.5.4 PLANTAGENET SPORTING CLUB INC - LEASE OF SOUNNESS PARK**Cr C Pavlovich

Type: Code of Conduct Disclosure (s5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)

Nature: Wife volunteer Manager of Sounness Park Clubrooms.

Extent: Not required

**File Ref:** N39388

**Attachments:** [Sounness Park Lease](#)

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

**Author:** Rob Stewart  
Chief Executive Officer

**Proposed Meeting Date:** 31 January 2017

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**PURPOSE**

The purpose of this report is to seek the Council's endorsement of a lease between the Shire of Plantagenet and the Plantagenet Sporting Club Inc (PSC) relating to the Sounness Park clubrooms, changerooms and some adjacent infrastructure.

**BACKGROUND**

At its meeting held on 21 June 2016 the Council resolved:

*'That the Mount Barker Football Club (Inc) be advised that:*

- 1. It is the intention of the Council to determine the lease between the Shire of Plantagenet and the Mount Barker Football Club Inc for Part of Lot 150 McDonald Avenue Mount Barker (Sounness Park Clubrooms) on 30 June 2017; and*
- 2. The Council is pleased with the professional running of the Clubrooms by the Football Club during the current lease and that the determination only arises due to the formation of the Plantagenet Sporting Club of which the Football Club is a Foundation Member.'*

**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'.

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

Councillors are also 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.

### **EXTERNAL CONSULTATION**

The determination of the lease between the Council and the Mount Barker Football Club and the intention to lease premises to the PSC has involved lengthy consultation with both representatives of the Football Club and the President of the PSC.

### **FINANCIAL IMPLICATIONS**

The draft lease provides for a peppercorn rental.

### **POLICY IMPLICATIONS**

Policy A/PA/14 Sporting and Community Organisations Using Council and Vested Land – Rateability. Councillors will recall that this policy refers to the rateability of Council land leased to external organisations and the extent of any waiver of rates.

Policy CS/SC/1 Advertising Signage at Sounness Park will also apply at such time as the Council considers the lease to the PSC. At present advertising at Sounness Park can only be temporary. It is understood that the PSC will be seeking an amendment to the policy which will allow more permanent advertising for fundraising purposes.

The draft lease also provides for naming rights to be negotiated.

### **ASSET MANAGEMENT IMPLICATIONS**

The clubrooms are a relatively new and expensive addition to the Council's Asset Register.

An 'arm's length' agreement between the Council and an incorporated body will assist Council staff to ensure that the asset is maintained to a high standard and continues to provide service to the community for many years.

### **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'*.

At Outcome 1.4 (Opportunities for development and participation of our youth) the following Strategy:

Strategy 1.4.2:

*'Provide and promote appropriate and accessible facilities and activities for youth.'*

Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) provides at Strategies:

Strategy 1.5.1:

*'Maintain and improve sporting and recreation facilities in the district based on catchment needs'*

Strategy 1.5.2:

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

Strategy 1.5.3:

*'Develop Sounness Park as the primary ball sports facility in the district.'*

Accordingly, the direction of this report aligns with the Council's Strategic Community Plan.

### **STRATEGIC RISK IMPLICATIONS**

The Shire's Strategic Risk Register relates to Risk No. 1.5.1, Failure to Manage Assets for the future. In proposing to lease this substantial asset the Council will enter into legal relationships for the long term running of the asset.

### **REGIONAL IMPLICATIONS**

The Great Southern Development Commission's Regional Blueprint refers to Sounness Park as a 'major upgrade'.

### **OFFICER COMMENT**

The recommended outcome of this report is in accordance with the Council's resolution of 21 June 2016.

Discussions with both the Football Club and the PSC indicate that advantages would accrue to both the lessee and lessor if the changerooms were incorporated into the lease and if adjacent land that provides tiered seating was also incorporated.

In the current lease with the Football Club, the changerooms and adjacent land are excluded. This means that the Council has needed to adopt a separate charging regime for the changerooms as well as a cleaning regime. If the lessee was in charge of the booking process for the changerooms, they would be able to control both the use and the cleanliness. Further, with the use of volunteer labour, there may be an opportunity to raise funds or minimise outgoings.

Should the adjacent tiered seating (to the north and east of the clubrooms), be included in the lease, it would enable that area to be licensed for the consumption of alcohol.

Councillors will no doubt be pleased that the PSC has been actively developing its 'product' through the endorsement of a Facility Management Plan. Representatives of the PSC will present this Plan to the Council on 28 February 2017.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr S Etherington:

That:

1. Authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the Lease between the Shire of Plantagenet and Plantagenet Sporting Club Inc for the Sounness Park Clubrooms, Changerooms and Adjacent Land; and
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 (9/0)**

**NO. 26/17**

4:16pm Cr C Pavlovich returned to the meeting.

**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 CORPORATE SERVICES REPORTS

#### 12.1.1 SALEYARDS AGENT'S AGREEMENTS

##### Cr J Moir

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

4:16pm Cr J Moir withdrew from the meeting.

**File Ref:** N40109  
**Attachment:** [Agent's Agreement Template](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 31 January 2017

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#### PURPOSE

The purpose of this report is to enter into new Agent's Agreements with Elders Rural Services Australia Ltd and Landmark for continued operation at the Mount Barker Regional Saleyards.

#### MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr L Handasyde, seconded Cr J Hamblin:

4:16pm That the meeting be closed to members of the public pursuant to Section 5.23 (2) (c) of the Local Government Act as the matter to be considered relates to a contract entered into, or which may be entered into, by the local government.

CARRIED (8/0)

NO. 27/17

#### MOTION TO PROCEED IN PUBLIC

Moved Cr L Handasyde, seconded Cr B Bell:

4:17pm That the meeting proceed in public.

CARRIED (8/0)

NO. 28/17

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr J Oldfield:

That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to:

1. A new Agent's Agreement with Elders Rural Services Australia Ltd and Landmark respectively, permitting them to conduct livestock sales at the Mount Barker Regional Saleyards.
2. A Deed of Variation with Primaries of WA which amends the \$1.00 per head of cattle contribution to be a Licence Fee.

**CARRIED (8/0)**

**NO. 29/17**

4:18pm Cr J Moir returned to the meeting.

## 12.2 EXECUTIVE SERVICES REPORTS

### 12.2.1 MOUNT BARKER MEDICAL CENTRE - ASSIGNMENT OF LEASE

#### Cr J Moir

Type: Code of Conduct Disclosure (s5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)  
Nature: Use Pioneer Health Medical Centre  
Extent: Not required

#### Cr M O'Dea

Type: Code of Conduct Disclosure (s5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)  
Nature: Job sharing with Mrs Larissa Seah as Wine Show Coordinator and employee of Plantagenet Medical and will be an employee of Prima Stella  
Extent: Not required

**File Ref:** N40009  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 31 January 2017

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### PURPOSE

The purpose of this report is to recommend to the Council the assignment of the Lease relating to the Mount Barker Medical Centre [40 Marmion Street Mount Barker (Lot 530 – Reserve 49690)] from the Plantagenet Medical Group Unit Trust to Prima Stella Pty Ltd trading as Plantagenet Doctors Unit Trust of 2 Pioneer Road Albany.

### MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr L Handasyde, seconded Cr J Hamblin:

4:19pm That the meeting be closed to members of the public pursuant to Section 5.23 (2) of the Local Government Act as the matter to be considered relates:  
(c) to a contract entered into, or which may be entered into, by the local government;  
(e)(ii) information that has a commercial value to a person; or  
(e)(iii) information about the business, professional, commercial or financial affairs of a person.

CARRIED (9/0)

NO. 30/17

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**MOTION TO PROCEED IN PUBLIC**

Moved Cr L Handasyde, seconded Cr B Bell:

4:24pm That the meeting proceed in public.

**CARRIED (9/0)**

**NO. 31/17**

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr J Hamblin:

That:

1. The assignment of the lease between the Shire of Plantagenet and the Plantagenet Medical Group Unit Trust to Plantagenet Doctors Unit Trust be endorsed.
2. Authority be granted for the Shire President and CEO to affix the Common Seal of the Council to the Deed of Covenant relating to the Assignment of the Lease between the Shire of Plantagenet (lessor) and the Plantagenet Medical Group Unit Trust (lessee) to Prima Stella Pty Ltd (assignee) trading as Plantagenet Doctors Unit Trust for the premises at 40 Marmion Street Mount Barker (Lot 530 – Reserve 49690 Plantagenet Medical Centre).
3. Permission of the Minister for Lands be requested for the assignment

**CARRIED (9/0)**

**NO. 32/17**

**13 CLOSURE OF MEETING**

4:25pm The Presiding Member declared the meeting closed.

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