



## ORDINARY MINUTES

**DATE:** Tuesday, 30 January 2018

**TIME:** 3:00pm

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

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

Resolution Nos: 1/18 to 23/18  
**MEMBERSHIP – Quorum (5)**

**Membership:**

Cr C Pavlovich Shire President  
Cr B Bell  
Cr K Clements  
Cr S Etherington JP  
Cr L Handasyde  
Cr B Lang  
Cr J Moir  
Cr M O'Dea  
Cr J Oldfield Deputy Shire President

*Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute the Council's decision until considered by the Council.*

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## 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 L Handasyde	Councillor
Cr C Pavlovich	Councillor
Cr B Bell	Councillor
Cr S Etherington	Councillor
Cr K Clements	Councillor
Cr B Lang	Councillor
Cr J Moir	Councillor
Cr J Oldfield	Deputy Shire President

### In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Mr Peter Duncan	Manager Development Services
Ms Fiona Pengel	Manager Community Services
Mr Vincent Jenkins	Planning Officer
Ms Nolene Wake	Executive Officer

### Apologies:

Cr M O'Dea

### Members of the Public Present:

There were four members of the public and one media representative 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**

Nil

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

#### **4.1 MR MARK COLBUNG**

Mr Colbung gave information about his Noongar heritage in Mount Barker and connections to the local Menang people. Mr Colbung spoke on his wish to have the Aboriginal flag flying permanently outside the Shire office. He felt this would assist the community in the reconciliation process. Mr Colbung believed funding may be available to contribute to the costs associated with the flag pole if needed.

#### **4.2 MR BEN OLDFIELD – LOT 504 BUNKER ROAD, KENDENUP – ROTATIONAL OUTDOOR PIGGERY EXTENSION – GROW-OUT.**

Mr Oldfield spoke in support of the Officer's Recommendation at Item 9.1.2 and gave some additional information.

#### **4.3 MRS CAMILLE INIFER – PLANTAGENET HISTORICAL SOCIETY'S 150<sup>TH</sup> CELEBRATION –**

Mrs Inifer spoke in support of the Officer's Recommendation at Item 9.5.2.

## 5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

### Cr J Oldfield

Item: 9.1.2  
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)  
Nature: Owner of the piggery the subject of this report. Partner in Oldfield Contracting who is the applicant.  
Extent: Not required

### Cr K Clements

Item: 9.5.2  
Type: Proximity (Section 5.60 (B) LGA)  
Closely Associated Person (Section 5.62 LGA)  
Nature: Member of the Plantagenet Historical Society  
Wife is the Treasurer of the Plantagenet Historical Society  
Extent: Not required

## 6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

## 7 CONFIRMATION OF MINUTES

Moved Cr B Bell, seconded Cr J Oldfield:

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 5 December 2017 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (8/0)**

**NO. 1/18**

## 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 LOT 197 HASSELL STREET MOUNT BARKER - OVERSIZE AND OVER HEIGHT OUTBUILDING

<b>File Ref:</b>	<b>N43859</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Site Plan</a> <a href="#">Floor Plan</a> <a href="#">Elevations</a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>30 January 2018</b>
<b>Applicant:</b>	<b>Marcus Coleman</b>

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#### **PURPOSE**

The purpose of this report is to consider a proposal for an outbuilding addition at Lot 197 Hassell Street, Mount Barker. This outbuilding addition, combined with the existing outbuilding, means the cumulative floor area set by Council policy is exceeded.

#### **BACKGROUND**

Council records show the registered owner of Lot 197 Hassell Street is M Coleman.

This proposal is for an outbuilding addition of 56m<sup>2</sup> (7.0m x 8m) with a wall height of 3.2m. The existing outbuilding has floor area of 80m<sup>2</sup> and a 3.2m wall height. The cumulative floor area of the outbuilding (including the outbuilding addition) will total 136m<sup>2</sup>. The 136m<sup>2</sup> cumulative floor area exceeds the 100m<sup>2</sup> floor area set by Council policy for the Residential zone. In addition, the 3.2m outbuilding wall height exceeds the 3.0m wall height set by Council policy for the Residential zone.

The reason provided by the proponent for the outbuilding addition is for a hobby workshop and storage purposes.

#### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Residential (R2.5).

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

Residential Design Codes (R-Codes).

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

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

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

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

### **FINANCIAL IMPLICATIONS**

The application fee of \$147.00 has been paid.

### **POLICY IMPLICATIONS**

Town Planning Scheme Policy No. 16.3 (Outbuildings) limits outbuildings to a maximum wall height of 3.0m and a maximum cumulative floor area of 100m<sup>2</sup> for Residential zones. The combined floor area of this outbuilding is 136m<sup>2</sup> with a wall height of 3.2m. The Council must have regard to a Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2016-2027 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**

Lot 179 Hassell Street is 1.38ha in area and located in the Residential (R2.5) zone. The proposed outbuilding addition is setback 25m from the north property boundary and 80m from the east property boundary. The existing outbuilding and proposed

outbuilding addition location meets the setback requirements of the Residential (R2.5) zone.

The proposed outbuilding addition will be finished in Woodland Grey Colorbond® to match the existing outbuilding. The cumulative floor area of the outbuilding and proposed outbuilding addition will total 136m<sup>2</sup>. The wall height of the proposed outbuilding addition will be 3.2m to match the existing outbuilding wall height.

No difficulties are seen with the maximum cumulative floor area of the outbuilding being 136m<sup>2</sup> and the wall height of the outbuilding being 3.2m given the size of the lot being 1.38ha.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**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 proposed outbuilding addition at Lot 179 Hassell Street, Mount Barker be approved which will mean a maximum floor area for the outbuilding being 136m<sup>2</sup> and a wall height of 3.2m which is in excess of the 100m<sup>2</sup> and 3.0m wall height stated in Town Planning Scheme Policy 16.3 (Outbuildings), subject to:**

- 1. The development being in accordance with plans dated 23 November 2017.**
- 2. The outbuilding addition being Woodland Grey Colorbond® (external walls and roof) in colour to the satisfaction of the Manager Development Services.**

**CARRIED (8/0)**

**NO. 2/18**

**9.1.2 LOT 504 BUNKER ROAD, KENDENUP - ROTATIONAL OUTDOOR PIGGERY EXTENSION - GROW-OUT**Cr J Oldfield

Item: 9.1.2  
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)  
Nature: Owner of the piggery the subject of this report. Partner in Oldfield Contracting who is the applicant.  
Extent: Not required  
  
3:22 Cr J Oldfield withdrew from the meeting.

**File Ref:** N43893  
**Attachments:** [Location Plan](#)  
[Site Location](#)  
[Property Layout and Proposal](#)  
[APL Fact Sheet](#)  
[Summary of Submissions](#)  
**Responsible Officer:** Peter Duncan  
Manager Development Services  
**Author:** Vincent Jenkins  
Planning Officer  
**Proposed Meeting Date:** 30 January 2018  
**Applicant:** Oldfield Contracting and Milne Agrigroup

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**PURPOSE**

The purpose of this report is to consider a proposal for an extension to the existing rotational outdoor piggery at Locations 504, 505, 523, 524, 525, 670, 681, 872, 1034 and 1298 Bunker Road, Happy Valley Road and Martagallup Road, Kendenup.

**BACKGROUND**

Council records show the registered owners of the properties are BJ and JL Oldfield.

On 27 August 2013 the Council approved an application for noxious industry for rotational outdoor piggery at Lots 504, 505, 523, 524, 525, 681 and 1034 Bunker Road, Happy Valley Road and Martagallup Road, Kendenup. That approval involved a grower unit of 6,380 animals consisting of 3,080 weaners and 3,300 growers on four fixed rotational outdoor piggery areas.

The Council on 17 October 2017 received a fresh application for development approval (DA) (formerly referred to as planning consent (PC)) for the development of an expanded rotational outdoor piggery. This DA application included supporting information prepared by Milne Agrigroup. Preliminary assessment of the supporting Environmental Management Plan (EMP) revealed the proposal needed to be refined to address some requirements set in the National Environmental Guidelines for Rotational Outdoor Piggeries 2013 (NEGROP 2013) and the Australian Pork Limited Fact Sheet, Design and Management of Outdoor Free Range Areas for Pigs July 2011 (APL Fact Sheet 2011). These two documents are relevant when proposing to

develop rotational outdoor piggeries as they include the latest scientific data and provide specific advice on development requirements for rotational outdoor piggeries.

The Council on 30 October 2017 received an amended EMP and that proposal is the subject of this report. The latest proposal seeks to increase the number of pigs produced at the site. The increase in production numbers will involve an increase in the number and size of rotational outdoor pig areas at the site. The new EMP is a revised version of the 2013 EMP document and incorporates additional rotational areas, some changes in the existing rotational area boundaries and an increase in the pig numbers at the site.

The operation proposes to increase the pig numbers from 3,080 to 3,500 weaners and 3,300 to 5,000 growers. The maximum number of animals at the subject land at any one time will not exceed 8,500 animals with a yield of approximately 28,000 pigs annually. The number of rotational outdoor piggery areas will increase from four to six areas.

## **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. A piggery falls within the definition of a Noxious Industry that is a discretionary ‘SA’ use under TPS3. This means that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015.

Environmental Protection Act 1986

Rotational outdoor piggeries do not constitute a prescribed activity under the Environmental Protection Act 1986 and therefore do not require works approval or licensing from the Department of Water and Environment Regulation (DWER).

Draft Environmental Assessment Guideline – Separation Distances between Industrial and Sensitive Land Uses September 2015 (EPA 2015).

The purpose of the Environmental Assessment Guideline is to:

- provide advice on which land uses require separation, and recommend the appropriate separation distances;
- outline the Environmental Protection Authority’s expectations on the application of separation distances for schemes and scheme amendments in the environmental impact assessment process; and
- support strategic and statutory land use planning and development decisions by planning authorities where proposed land uses have the potential to adversely impact on human health and amenity

## Appendix 1

<i>Industry</i>	<i>Description of industry</i>	<i>Relevant codes of practice (Cop) and regulations.</i>	<i>Emissions type of risk</i>	<i>Recommended separation distance in metres</i>
Piggery – extensive (all premises)	premises on which pigs are fed, watered and housed in outside paddocks or enclosures.	National Environmental Guidelines for Piggeries (Australian Pork Limited) 2010	Dust, odour	1,000 metres

The buffer distances included in the NEGROP 2013 and the APL Fact Sheet 2011 are specific to rotational outdoor piggery operations (free-range) and these guidelines are more up to date and relevant when proposing to develop rotational outdoor piggeries. The guidelines include the latest scientific data and provide specific advice on buffer requirements for rotational outdoor piggeries. Rotational outdoor piggeries are seen as intensive due to their method of operation even though they may be on a large property.

Health Act 1911 (as amended) - Piggery is defined as an offensive trade and must be registered with the local authority on an annual basis. This property has an appropriate registration.

Shire of Plantagenet Health Local Law 2008, Part 5 Piggeries and Part 9 Offensive Trades

## Part 5 Piggeries

Clause 5.6.2 reads:

- (1) *No premises shall be used as a piggery unless approved by the local government;*
- (2) *Subject to subsection (3), no premises shall be approved as a piggery by the local government unless every portion of such piggery complies with the minimum separation distances listed in Table 2; or if it is an intensive piggery, the minimum separation distances listed in Table 3; and*
- (3) *Sites unsuitable to satisfy the separation may be approved at the discretion of the local government, if the local government is satisfied that approving the piggery will not give rise to a health nuisance*

*Table 2. Required Buffer Distances for Piggeries*

<i>Buffer</i>	<i>Distance</i>
<i>Townsite boundaries</i>	<i>5,000m</i>
<i>Isolated rural dwellings, dairies and industries</i>	<i>1,000m</i>
<i>Public roads and recreation areas</i>	<i>100m</i>
<i>Neighbouring rural property boundaries</i>	<i>50m</i>
<i>Major water course and water impoundments</i>	<i>300m</i>
<i>Bores, wells or soaks used for drinking, stock or irrigation</i>	<i>300m</i>
<i>Minor water courses</i>	<i>100m'</i>

The key issue of concern for piggeries is not to give rise to health nuisances with the recommended buffer distance to isolated rural dwellings being 1,000m.

Discretion exists for the Council to vary standards at clause 5.6.2(3). The EMP addresses the current management methods for this proposal and separation from isolated dwellings will not be an issue. Health Department Guidelines from 2012 (Guidelines for Separation of Agricultural and Residential Land Uses) do not include farmhouses in their current separation standards.

Australian Pork Limited Fact Sheet, Design and Management of Outdoor Free Range Areas for Pigs July 2011 (APL Fact Sheet 2011) (copy attached).

That fact sheet summarises the desired site selection characteristics, buffer distances and nutrient management actions specifically for free range piggeries. The fact sheet provides a reference for the assessment of the suitability of the site for the development of a free-range piggery, and independent verification of the proposed management practices. All six rotational outdoor piggery areas conform to site selection criteria and buffer requirements set out in the fact sheet.

Australian Pork Industry Quality Assurance Program (APIQ®)

APIQ® provides the framework and standards by which Australian pig producers can demonstrate they are responsible farmers who care for their animals and the environment by following safe and sustainable practices contained in the NEGROP 2013. A condition of DA will require this piggery to be APIQ® accredited annually.

## **EXTERNAL CONSULTATION**

In accordance with Delegation 7.1A the proposal was advertised for public comment for the minimum 14 day period ending on 30 November 2017. Advertising included letters to 17 adjoining and nearby landowners and notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site.

Further advertising included letters to the Department of Water and Environment Regulation (DWER), Department of Biodiversity, Conservation and Attractions (DBCA) and the Department of Primary Industries and Regional Development (DPIRD) for comment and recommendations for the minimum 42 day period ending on 21 December 2017.

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

Two submissions have been received from government agencies. One submission has been received from an adjoining landowner. These submissions are contained in the attached Summary of Submissions.

Concerns raised by the adjoining landowner in her submission included noise, dust, odour, flies and loss of property value.

## **FINANCIAL IMPLICATIONS**

The planning application fee of \$320.00 and a bond of \$500.00 for advertising costs 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 2016-2027 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

Strategy 2.2.2:

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

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

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

By supporting the officer recommendation the KPI will be met.

## **OFFICER COMMENT**

The subject land is located approximately 17km north of Mount Barker and approximately 6km from Albany Highway on Bunker Road, Happy Valley Road and Martagallup Road. The cumulative area for the subject land (Lots 504, 505, 523, 524, 525, 670, 681, 872, 1034 and 1298) is approximately 470ha and is currently used for the rotational outdoor piggery operations, cropping and small compartments of plantation trees.

A total of three submissions have been received from government agencies and one adjoining landowner.

DWER did not object to this proposal but raised some drainage and nutrient concerns. DWER is concerned with the potential for contaminated runoff from rotational outdoor piggery area 2 entering the adjoining waterway. DWER recommends that a vegetation filter strip be established on the eastern boundary of rotational outdoor piggery area 2. It will be challenging for the landowner to establish and maintain a vegetation filter strip in this location especially during the summer months. Alternatively, a condition of development approval will require the construction of a combination of swale and interceptor drains along the full length of the waterway where it adjoins rotational outdoor piggery area 2 to retain runoff.

DWER raised the issue of revegetation of the swale drains at rotational outdoor piggery area 5 for nutrient management purposes. DWER recommends that these interceptor drains be maintained with drought resistant perennial ground cover all year round. The use of swale drains for surface water management purposes was successfully implemented at other piggery operations. The use of drought resistant



ground cover vegetation is likely to contribute to increased bushfire risk and long-term maintenance challenges.

DWER is also concerned with winter dam levels downslope from rotational piggery areas and possible overflow of these dams into adjoining water ways. DWER recommends that these dams are monitored to ensure dam capacities are not exceeded and that contingency measures are put in place should these dams overflow. The Council on 27 August 2013 granted development approval for this piggery operation. This development approval included a detailed EMP involving surface water management requirements showing a combination of interceptor drains and retention dams for rotational outdoor piggery areas 1, 2, 3 and 4. The surface water management measures included in the original EMP proved to be appropriate. The current EMP includes similar surface water management measures for rotational outdoor piggery areas 1, 2, 3 and 4.

DBCA raised no objection to this proposal provided the proponent erects appropriate fencing at active rotational outdoor piggery areas. DBCA is concerned with pigs escaping onto DBCA managed land resulting in adverse impacts on biodiversity values including fauna, flora and threatened ecological communities. The pigs are adequately fenced within their rotational outdoor areas.

The adjoining landowner at Lot 2 Bunker Road raised concerns about noise, odour, dust and flies. The proposal conforms to all the regulatory requirements including site characteristics, buffer and separation distance requirements set out in the NEGROP 2013 and the APL Fact Sheet 2011. It is unlikely that adverse odour, noise and dust impacts will be experienced as the closest rotational outdoor piggery area (area 2) will be located more than 700m from the house at Lot 2.

This landowner of Lot 2 is further concerned with the possible loss of property value. The possible loss of property value is not a relevant planning consideration.

The EMP will conform to all regulatory requirements including the NEGROP 2013 and the APL Fact Sheet 2011, except for the 1km buffer distance requirement for isolated rural dwellings set out in the Shire of Plantagenet Health Local Law 2008. As this proposal is for a rotational outdoor piggery and not a conventional piggery the national guidelines require a separation of 250m to a rural dwelling. The closest house is located more than 700m from rotational outdoor piggery area 2.

Revisions to the EMP requiring the construction of swale and interceptor drains at rotational piggery area 2 will mean the amended EMP in the main will conform to regulatory requirements, and the new national guidelines. Subject to appropriate conditions, the proposal is supported.

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That:

1. 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 proposed enlarged rotational outdoor piggery operation with reduced separation distances from isolated rural dwellings at Lots 504, 505, 523, 524, 525, 681 and 1034 Bunker Road, Happy Valley Road and Martagallup Road, Kendenup be approved subject to:
  - a. A revised Environmental Management Plan for the rotational outdoor piggery at Lots 504, 505, 523, 524, 525, 681 and 1034 Bunker Road, Happy Valley Road and Martagallup Road, Kendenup being submitted to the satisfaction Manager Development Services showing swale and interceptor drains being constructed along the full length of the east boundary of Rotational Outdoor Piggery Area 2 to the satisfaction of the Manager Development Services.
  - b. The revised Environmental Management Plan being submitted within 30 days of the Council granting Development Approval.
  - c. All Rotational Outdoor Piggery Areas being fenced to the satisfaction of the Manager Development Services.
  - d. All surface run-off water retention dams and swale drains being constructed to the satisfaction of the Manager Development Services.
  - e. All burial trenches being designed, constructed and maintained in accordance with the National Environmental Guidelines for Piggeries Second Edition (Revised) 2010.
  - f. The piggery being operated in accordance with the National Environmental Guidelines for Rotational Outdoor Piggeries 2013.
  - g. The piggery being registered and operated in accordance with the Australian Pork Industry Quality Assurance Program (APIQ®).
2. Staff carry out annual inspections of this piggery to ensure compliance.

**ALTERNATIVE RECOMMENDATION**

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

That:

1. **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 proposed enlarged rotational outdoor piggery operation with reduced separation distances from isolated rural dwellings at Lots 504, 505, 523,**

524, 525, 681 and 1034 Bunker Road, Happy Valley Road and Martagallup Road, Kendenup be approved subject to:

- a. A revised Environmental Management Plan for the rotational outdoor piggery at Lots 504, 505, 523, 524, 525, 681 and 1034 Bunker Road, Happy Valley Road and Martagallup Road, Kendenup being submitted to the satisfaction Manager Development Services showing swale and interceptor drains being constructed along the full length of the east boundary of Rotational Outdoor Piggery Area 2 to the satisfaction of the Manager Development Services.
  - b. The revised Environmental Management Plan being submitted within 30 days of the Council granting Development Approval.
  - c. All Rotational Outdoor Piggery Areas being fenced to the satisfaction of the Manager Development Services.
  - d. All surface run-off water retention dams and swale drains being constructed to the satisfaction of the Manager Development Services.
  - e. All burial trenches being designed, constructed and maintained in accordance with the National Environmental Guidelines for Piggeries Second Edition (Revised) 2010.
  - f. The piggery being operated in accordance with the National Environmental Guidelines for Rotational Outdoor Piggeries 2013.
  - g. The piggery being registered and operated in accordance with the Australian Pork Industry Quality Assurance Program (APIQ®).
2. Staff carry out annual inspections of this piggery to ensure compliance.
  3. A letter being written by the CEO to J Brass explaining the consultation process to enable all comments to be considered and that her implications of impropriety are inappropriate.

#### AMENDMENT

Moved Cr B Bell, seconded Cr K Clements

That in part 1a. of the recommendation the words 'full length of the' be deleted.

CARRIED (7/0)

NO. 3/18

#### COUNCIL DECISION

That:

1. 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 proposed enlarged rotational outdoor piggery operation with reduced separation distances from isolated rural dwellings at Lots 504, 505, 523, 524, 525, 681 and 1034 Bunker Road, Happy Valley Road and Martagallup Road, Kendenup be approved subject to:

- a. A revised Environmental Management Plan for the rotational outdoor piggery at Lots 504, 505, 523, 524, 525, 681 and 1034 Bunker Road, Happy Valley Road and Martagallup Road, Kendenup being submitted to the satisfaction Manager Development Services showing swale and interceptor drains being constructed along the east boundary of Rotational Outdoor Piggery Area 2 to the satisfaction of the Manager Development Services.
  - b. The revised Environmental Management Plan being submitted within 30 days of the Council granting Development Approval.
  - c. All Rotational Outdoor Piggery Areas being fenced to the satisfaction of the Manager Development Services.
  - d. All surface run-off water retention dams and swale drains being constructed to the satisfaction of the Manager Development Services.
  - e. All burial trenches being designed, constructed and maintained in accordance with the National Environmental Guidelines for Piggeries Second Edition (Revised) 2010.
  - f. The piggery being operated in accordance with the National Environmental Guidelines for Rotational Outdoor Piggeries 2013.
  - g. The piggery being registered and operated in accordance with the Australian Pork Industry Quality Assurance Program (APIQ®).
2. Staff carry out annual inspections of this piggery to ensure compliance.
  3. A letter being written by the CEO to J Brass explaining the consultation process to enable all comments to be considered and that her implications of impropriety are inappropriate.

**CARRIED (7/0)**

**NO. 4/18**

Reason for Change

Due to comments in submission

3:30pm Cr J Oldfield returned to the meeting.

**9.1.3 LOT 55 DENMARK-MOUNT BARKER ROAD, DENBARKER -  
AQUACULTURE**

<b>File Ref:</b>	<b>N43492</b>
<b>Attachments:</b>	<a href="#"><u>Location Plan</u></a> <a href="#"><u>Site Plan</u></a> <a href="#"><u>Aerial Image of Marron Dams</u></a> <a href="#"><u>Summary of Submissions</u></a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>30 January 2018</b>
<b>Applicants:</b>	<b>Ryan and Bronwyn Waddington</b>

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**PURPOSE**

The purpose of this report is to consider a proposal for aquaculture at Lot 55 Denmark-Mount Barker Road, Denbarker.

**BACKGROUND**

Council records show the registered owners of the properties are R and B Waddington.

On 29 March 2017, the Council received an application for development approval (DA) for aquaculture involving a marron farming operation at Lot 55 Denmark-Mount Barker Road, Denbarker. The DA application however was incomplete.

The Council on 30 October 2017 received supporting information in the form of a Management and Environmental Monitoring Plan (MEMP) for the proposed marron farm at Lot 55 Denmark-Mount Barker Road, Denbarker. The supporting information was prepared by environmental consultant Mekong Environmental.

The proposal involves four farm dams with a cumulative area of 1,840 m<sup>2</sup>. With the recommended stocking rate of 3 to 4 marron per square metre for semi-intensive marron farming, the maximum carrying capacity for this operation will be 6,490 marron at any one time. The saleable yield for this aquaculture operation will be between 276 and 368 kilogram of product annually.

**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.

Aquaculture is a discretionary 'SA' use under TPS3 meaning that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in

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accordance with the Planning and Development (Local Planning Scheme) Regulations 2015.

Fish Resources Management Act 1994.

Fish Resources Management Regulations 1995.

Marron Environmental Code of Practice (ACWA) 2013.

Aquaculture Management and Environmental Monitoring Plan (MEMP) Guidance Statement (August 2013) - Department of Fisheries.

Department of Water, Water Quality Protection Note No. 2 - Aquaculture February 2009 (WQPN02).

Department of Water, Water Quality Protection Note No. 27 - Liners for containing pollutants, using engineered soils August 2013 (WQPN27).

### **EXTERNAL CONSULTATION**

In accordance with Delegation 7.1A the proposal was advertised for public comment for the minimum 14 day period ending on 23 November 2017. Advertising included letters to 4 adjoining landowners and notices were placed in the Plantagenet News, Albany Advertiser, the Council's website and the Council's notice board and a sign placed on site.

Further advertising included letters to the Department of Water and Environment Regulation (DWER), Department of Biodiversity, Conservation and Attractions (DBCA), Main Roads WA (MRWA) and the Department of Primary Industries and Regional Development (DPIRD) (both the Agriculture and Food and Fisheries divisions) for comment and recommendations for the minimum 42 day period ending on 21 December 2017.

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

Three submissions have been received from government agencies and these are contained in the attached Summary of Submissions.

### **FINANCIAL IMPLICATIONS**

The planning application fee of \$147.00 and a bond of \$500.00 for advertising costs 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 2016-2027 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

Strategy 2.2.2:

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

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

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

By supporting the officer recommendation the KPI will be met.

### **OFFICER COMMENT**

The subject land is located approximately 16.5km west of Narrikup village and approximately 2km south of the Spencer Road/Denmark-Mount Barker Road junction. Lot 55 is 38.2ha in area, is partially cleared farmland and is currently used for hobby farming purposes.

The MEMP for the proposed marron farm has considered the requirements set in the Marron Environmental Code of Practice (ACWA) 2013 and the Aquaculture WQPN02. The MEMP has further considered the advice and recommendations shown in the State's Aquaculture Management and Environmental Monitoring Plan Guidance Statement August 2013.

Three submissions have been received from government agencies.

MRWA raised no objection to the proposal. MRWA advised that any change of use or upgrading of the access from Lot 55 to the Denmark-Mount Barker Road will require MRWA approval.

Letters were forwarded to both the Agriculture and Food and Fisheries divisions of the DPIRD. The Agriculture and Food division raised no objection to the proposal. At the time of finalising this report the Fisheries division had not made a submission and the 42 day submission period has expired.

The DWER advised that surface water management measures included in the MEMP are consistent with the Department of Water WQPN02 (Aquaculture). DWER also suggested that advice and recommendation No. 27 of the Department of Water guidelines recommends that a minimum of 400mm of pond freeboard is maintained to avoid dams overtopping during extreme rainfall events. However, WQPN27 show a freeboard of at least 500mm is required to prevent unplanned overflow resulting from a 20-year average return frequency storm event. A condition of development approval will require a minimum 500m freeboard for aquaculture ponds.

The MEMP in the main conforms to the regulatory requirements and guidelines including the Marron Environmental Code of Practice (ACWA) 2013, the Government of Western Australia's Aquaculture Management and Environmental Monitoring Plan

Guidance Statement August 2013 and WQPN02. Subject to appropriate conditions, the proposal is supported.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**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 proposed aquaculture operation involving marron farming at Lot 55 Denmark-Mount Barker Road, Denbarker be approved subject to:**

- 1. Development being in accordance with the Management and Environmental Monitoring Plan dated 2 November 2017.**
- 2. All aquaculture dams being constructed to the satisfaction of the Manager Development Services.**
- 3. A minimum 500m freeboard being required for all aquaculture dams to prevent overflow from extreme rainfall events.**

**CARRIED (8/0)**

**NO. 5/18**



**9.1.4 LOT 623, LOT 624 (RESERVE 6454), LOT 625 (RESERVE 9859) AND LOT 627 (RESERVE 7694) LOWOOD ROAD MOUNT BARKER - RESERVE RATIONALISATION**

<b>File Ref:</b>	<b>N44133</b>
<b>Attachments:</b>	<a href="#">Lot 623 &amp; Lot 503 - Location Plan</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Donna Fawcett</b> <b>Senior Administration/Human Resources Officer</b>
<b>Proposed Meeting Date:</b>	<b>30 January 2018</b>

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**PURPOSE**

The purpose of this report is to seek the Council's approval to affix the Common Seal of the Shire of Plantagenet to Transfer of Land documents to facilitate the rationalisation of reserves in the vicinity of the Council's administration building. The land involved includes Lot 623, Lot 624 (Reserve 6454), Lot 625 (Reserve 9859) and Lot 627 (Reserve 7694) Lowood Road, Mount Barker.

**BACKGROUND**

At its meeting held on 10 March 2009, the Council resolved:

*'That State Land Services of the Department for Planning and Infrastructure be requested to rationalise lot and reserve boundaries in the vicinity of the Council's administration building as follows:*

- 1. Lot 623 (Council freehold) and Lot 627 (Reserve 7694) be amalgamated to form one reserve for Shire Administration and Council Chambers, Park, Library, Car Parking, Toilets and Vehicular Access.*
- 2. The southern (approximately 5m wide) leg of Lot 623 (Council freehold) which extends over a sewer line be amalgamated with Lot 624 (Reserve 6454) to be part of Wilson/Centenary Parks complex.*
- 3. Lot 625 (Reserve 9859) be converted to freehold and transferred to the Council free of cost in exchange for the transfer of Lot 623 to the Crown at 1 and 2 above.'*

**STATUTORY ENVIRONMENT**

Land Administration Act 1997  
Planning and Development Act 2005

**EXTERNAL CONSULTATION**

Consultation has taken place with various officers from State Land Services of the then Department for Planning and Infrastructure (DPI).

**FINANCIAL IMPLICATIONS**

There is a fee of \$39.00 payable to Australia Post for lodgement of the Land Title Identity Verification Form.

**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.

**OFFICER COMMENT**

The fully executed Land Exchange Agreement and transfer of land documents were submitted to DPI in April 2014.

Some three years later in July 2017, the Manager Development Services was advised by DPI that due to departmental changes, the file had been misplaced for a period of time and further, the submission for approval to advertise had not been signed by the requisite DPI officer and was subsequently required to be resubmitted to the Department's Interim Director General.

The Shire was recently notified by DPI that the transfer of land documentation that was signed and executed in 2014 is now not suitable for registration at Landgate in 2017 for the following reasons:

1. Landgate's current format of a transfer of land document is slightly different;
2. Landgate requirements for the execution, witnessing, common seal and sealing clause have changed and Landgate will not accept lodgement of documents under the old format; and
3. The Western Australian Registrar and Commissioner of Titles Joint Practice Verification of Identity Practice (VOI) has been implemented.

The VOI practice is designed to reduce the opportunity for successful land title fraud as a result of identity theft or other improper dealings. It sets out to achieve this by requesting verification of the identity of a person transacting and their authority to deal with an interest in land. Self-represented parties in the sale or purchase of land are required to verify their identity by an Identifier on the Landgate Panel of Identifiers.

The necessary steps for the VOI for the Shire President and Chief Executive Officer have been commenced.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Land Transfer documents where required in the land exchange of Lot 623 and Lot 503 Lowood Road, Mount Barker.**

**CARRIED (8/0)**

**NO. 6/18**

### 9.1.5 THIRD PARTY APPEAL RIGHTS IN PLANNING - WALGA CONSULTATION

<b>File Ref:</b>	<b>N43871</b>
<b>Attachments:</b>	<a href="#">WALGA Outcomes of Consultation – Letter and Report</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>30 January 2018</b>

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#### PURPOSE

The purpose of this report is to consider a report from WALGA on the matter of third party appeal rights in planning and to recommend that the Council does not support the introduction of appeal rights for third parties.

#### BACKGROUND

WALGA in December 2016 resolved to undertake research into the matter of third party appeals. A third party appeal is where a person, other than the applicant for a development, can lodge an appeal against the decision or conditions imposed on a particular development. The appeal would be to the State Administrative Tribunal (SAT).

Feedback on WALGA's research was presented to State Council where it was resolved:

- 1. State Council notes that there is increased support for the introduction of some form of Third Party Appeal rights.*
- 2. WALGA undertakes further consultation with members on Third Party Appeal Rights, including Elected Member workshops, discuss the various concerns and suggestions raised in response to the discussion paper, the form and scope of any such appeal right should include the appropriate jurisdiction including JDAPS, SAT and WAPC to determine a preferred model.*
- 3. The findings to be distributed for comment and the Item then be reconsidered by State Council.*
- 4. WALGA continue to advocate that an independent review of decision making within the WA planning system is required, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and State Administrative Tribunal appeal process.'*

WALGA held workshops in November 2017 and these were attended by representatives from only 25 local governments. The Association is now requesting that members consider the following as the preferred model by 15 March 2018.

*'Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels.'*

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The 'Outcomes of Consultation' paper is attached.

### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3

Planning and Development (Development Assessment Panel) Regulations 2016

### **EXTERNAL CONSULTATION**

WALGA is now seeking feedback from all local governments by 15 March 2018.

### **FINANCIAL IMPLICATIONS**

Should Third Party Appeal Rights be introduced there will be an extra cost on councils in respect of officer time in dealing with an increased number of appeals to the SAT.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2016-2027 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 matter of a third party (not the developer) lodging an appeal against a planning decision of a Council has been discussed for many years now. In the 1980's the then Town of Albany and the Shire of Wagin included the ability for a third party to lodge an appeal against a decision of the Council. In both of these instances, when the Town Planning Schemes were reviewed, the provision was deleted as it was contrary to the State Government Model Scheme Text.

The current planning legislation does not include provision for third party appeals. If WALGA decides to push for the introduction of this kind of appeal, then the planning

legislation will need to be amended by the State Government. Some years ago the government introduced the system of Development Assessment Panels (DAP) for considering large developments. The DAP system effectively has taken decisions on large developments out of the hands of the relevant local government. The DAP consists of five members of which two are from the relevant local government. This current issue of third party appeals may be coming from opposition to metropolitan DAP decisions as there could be instances where a local government could lodge an appeal with the SAT against a decision (or conditions imposed) made by the relevant DAP.

The issue of the ability for a third party to appeal a planning decision extends further than a local government appealing a DAP decision. Lately it can be seen, particularly in Perth metropolitan region, the community in general is becoming very vocal in its opinions on particular developments leading to exposure in the press and also extensive commentary on social media.

In the WALGA report attached, four options were put to the workshop discussions and these plus an option five are summarised as follows:

- 1. Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels:** *Under this system, third party appeals would be broadly similar to the New South Wales system whereby appeal rights are limited to uses such as major developments where the development is high impact and possibly of state significance. This would include the ability to appeal amendments to an existing approval.*
- 2. Support the introduction of Third Party Appeal Rights for decisions where discretion has been exercised under the R-Codes, Local Planning Policies and Local Planning Schemes:** *Under this system, third party appeals would be broadly similar to the Tasmanian system whereby third party appeals are limited to development applications where discretion has been exercised. This would include the ability to appeal an amendment to an existing approval.*
- 3. Support the introduction of Third Party Appeal Right against development approvals:** *Including all development application approvals made by Local Governments, JDAPs and the Perth DAP, MRA or WAPC. This would include appeal rights for affected neighbours and community groups for applications and the ability to appeal amendments to an existing approval.*
- 4. Support the introduction of Third Party Appeal Rights against development approvals and/or the conditions or absence of conditions of an approval:** *Under this system, third party appeals would be broadly similar to the Victorian system whereby the provision of third party appeal rights cover most development applications and the use of, or lack of, any conditions being imposed. This would include the ability to appeal an amendment to an existing approval.*
- 5. Other –** *as a range of options were provided by members, any alternate versions to the above, or combinations of the above could be proposed, including maintaining WALGA's current policy position of not supporting Third Party Appeal Rights.'*

The fifth option is to not support third party appeal rights.

The report also states that should such appeal rights be introduced, the planning system will need to include criteria that:

- ‘• *Ensures that appeals are only made on valid planning grounds and are not made for commercial or vexatious reasons.*
- *Limits Third Party Appeals Rights to those parties which previously made a submission on that development application during the advertising period.*
- *Require a short window in which to appeal (for example 14 days).’*

The State Government will need to change the planning legislation to introduce a right for third parties to appeal a planning decision and it is considered highly unlikely the State will support changing the legislation. The State introduced the system of the DAPs to improve time efficiency in the larger planning development applications. To introduce third party appeal rights will then bring in serious delays before a final determination is made by the SAT.

In a recent situation with the SAT, an appeal against the Western Australian Planning Commission (WAPC) refusal of a subdivision was determined after three hearings. The SAT member handed down his decision to uphold the appeal some three months after the substantive hearing. The WAPC has now lodged an appeal against the SAT decision with the Supreme Court which will bring in more delays before a final determination is made.

The introduction of third party appeal rights will also have implications on staff time where officers will be required to prepare a report on the appeal and the decision for the SAT and to then attend up to three SAT hearings.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr L Handasyde:**

**That the Western Australian Local Government Association be advised that the introduction of third party appeal rights in the planning legislation is not supported.**

**CARRIED (8/0)**

**NO. 7/18**

## 9.2 WORKS AND SERVICES REPORTS

### 9.2.1 STOCK CROSSING LIGHTS - SETTLEMENT ROAD

<b>File Ref:</b>	<b>N43927</b>
<b>Attachments:</b>	<a href="#">Photos</a>
<b>Responsible Officer:</b>	<b>David Lynch</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>30 January 2018</b>

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#### PURPOSE

The purpose of this report is to consider a request from a landowner to upgrade the stock crossing lights positioned on either side of a stock crossing located at SLK 4.37 on Settlement Road, Narrikup.

#### BACKGROUND

As part of the Narrikup Eastern Transport Corridor Project, works to upgrade Settlement Road from an estimated 5.5m wide road to a sealed 7.5m wide road (type 5) commenced in 1998/99. Funded by Regional Road Group funds, the works to improve Settlement Road and realign intersections of Waycott Road (was Drive) and Jackson Road occurred in conjunction with the commencement of operations at Fletchers Abattoir in June 1998. Works were funded due to the expectation of an increase in heavy vehicle movements. Settlement Road was also identified as a strategic road in the Main Roads WA Roads 2020 Regional Development Strategy for the Great Southern.

At the time of planning for the abattoir and the road upgrade, three landowners with property on both sides of Settlement Road objected to the road being the main access route to the abattoir and suggested other options. The objections related to the anticipated increase in the number of heavy vehicles using the western section of Settlement Road to access the abattoir and it was argued that difficulties would be experienced with the movement of stock and machinery from one side of the road to the other amongst other things. Underpasses were initially considered for animal movement, however, these were decided against at the time for economic and topographic reasons.

Correspondence from Main Roads WA (MRWA) at the time indicates that as part of the funded upgrade of the western end of Settlement Road, flashing amber warning lights affixed to a sign (stock crossing) were installed at two points on Settlement Road to assist affected landowners to move stock from one side of the road to the other. The cost of these two sets of lights/signs was \$24,000.00 and they were installed by a local electrical contractor.

One set of stock crossing lights was installed for use by the owner of 409 Settlement Road, Mr Greg Woodward. It should be noted that no written or verbal agreement as to who would maintain the lights in the future has been recorded.



Since the stock crossing lights were installed, Mr Woodward has made requests of the Shire to have the lights repaired. Mr Woodward's most recent request in November 2017 is for the Shire to install an amber flashing light to the back of each stock crossing light so the user of the crossing can confirm the warning lights, which are facing towards oncoming traffic, are working.

### STATUTORY ENVIRONMENT

Road Traffic Code 2000, Regulation 275 – 'Unattended stock on roads'

And Regulation 276 - 'Restrictions on driving of stock'

### EXTERNAL CONSULTATION

Consultation has occurred with MRWA, Mr Greg Woodward, owner of the property at 409 Settlement Road and other local Shires.

### FINANCIAL IMPLICATIONS

The Shire, when requested, has spent in the vicinity of \$3,500.00 over the past five years on maintenance of the stock crossing lights. This amount is almost certainly greater, however, due to age and destruction of Shire records an exact amount is impossible to ascertain.

Costs recorded relating to stock crossing lights at Settlement Road:

Installation (50% of cost to install – RRG funded)	12,000.00
Aug 2012 – install batteries	1,185.60
Sept 2012 – replace remote	961.15
March 2017 – replace channel receivers and transmitter	1,092.22
	-----
	15,238.97
	=====

A quote obtained from a local electrical contractor to upgrade the current green strobe light situated on the back of the stock crossing lights to an amber light will cost in the vicinity of \$610.00 (ex GST).

When obtaining the quote, the electrical contractor advised it was only replacing like for like. If the amber lights requested are to be larger, there is no guarantee the current solar panel battery configuration would be able to cope. Therefore, Mr Woodward's request to have larger amber flashing lights similar to those on the back of a work ute may cost more than has been originally quoted as larger batteries may be required.

Battery replacement was quoted at \$1,127.50. Batteries are expected to last five to ten years dependent on the type of use.

### POLICY IMPLICATIONS

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

Further information about signage can be obtained from the MRWA website – Stock Crossings, Part C, Technical Guidelines.

## STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2016-2027 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'.*

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

## OFFICER COMMENT

The stock crossing signs (see Attachment One – photos) comply with MRWA specifications. In addition to the flashing amber lights there are two sets of stock crossing advisory signs (black on yellow), one set before the flashing lights and the other set positioned just before the actual stock crossing. One of the first sets of advisory signs is missing and will need to be replaced by the Shire as part of routine sign maintenance.

In addition to these lights and advisory signs, Mr Woodward advises he uses a flashing light in the middle of the road to warn motorists of the stock crossing.

There are no other similar flashing light facilities operated or maintained within the Shire of Plantagenet.

Other regional Shires have been consulted about stock crossings and signs and the Shire of Harvey confirmed a similar set of signs have been installed by the landowner and are maintained by the user of the stock crossing. The Shire of Harvey does not maintain or have anything to do with the signs.

Mr Woodward uses the stock crossing twice a day for approximately three months of the year to bring his cows in for morning and afternoon milking. He has a herd of approximately 250 cows which are milked at 5.45am and 3.45pm. The cows are kept on the north side of the road for the night, milked in the morning, taken across the road to the south side for day grazing and then returned to the north side for the afternoon milking.

Fletchers Abattoir operates one shift a day commencing at 6.00am and finishing at 3.30pm. These shift times would suggest traffic to and from the site is heavier during the afternoon milking shift.

Mr Woodward has stated that he considers the flashing lights to be Shire property and should be maintained and repaired by the Council.

At Regulation 276 of the Road Traffic Code 2000, 'Restrictions on driving of stock' it states that:

*'A person shall not drive stock along or across a road unless the person -'*

*(a) takes all reasonable precautions to warn approaching traffic of the presence of the stock.'*

The regulation quoted above clearly puts the legislative onus on the person driving the stock to provide adequate warnings to oncoming traffic.

It is therefore recommended that the Council resolve to only maintain the stock crossing lights on Settlement Road. Any capital upgrades requested by Mr Woodward to these lights would then be at his expense. If Mr Woodward pays for a capital upgrade and the Council agrees to the capital upgrade, then the Shire will

maintain the upgrade. If Mr Woodward ceases to use the stock crossing the infrastructure will be removed by the Shire at its expense.

It is also recommended that the Council give notice to Mr Woodward that the infrastructure will be maintained by the Shire for a further five years to 30 June 2023. If after this time the flashing lights become unserviceable, require maintenance or replacing it will be at Mr Woodward's expense. Alternatively the flashing lights will be removed at the Council's expense.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

That the following conditions will apply to the stock crossing lights infrastructure located at SLK 4.37 Settlement Road, Narrikup:

1. The Council will continue to maintain the infrastructure for five years to 30 June 2023 or until it becomes unserviceable, whichever comes first.
2. At 30 June 2023 the Council will remove the infrastructure at its own expense or Mr Woodward (or any other user) can take over the responsibility and maintenance of the stock crossing lights.
3. Any capital upgrade requests received from Mr Woodward be paid for by Mr Woodward and provided Council approval is received, the upgrade will be maintained by the Shire of Plantagenet until 30 June 2023.
4. A letter be sent to Mr Woodward advising him of the Council decision.

### **ALTERNATIVE RECOMMENDATION**

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

**That with regard to the stock crossing lights infrastructure located at SLK 4.37 Settlement Road, Narrikup the CEO be authorised to dispose of the subject infrastructure to Mr Greg Woodward subject to:**

1. **The CEO being satisfied that such a sale is in the best interests of the Shire of Plantagenet;**
2. **Main Roads WA having no objections to the proposed sale;**
3. **The provisions of Section 3.58 of the Local Government Act being met;**
4. **No further maintenance responsibility relating to the infrastructure being borne by the Shire of Plantagenet; and**
5. **The provisions of the Technical Guidelines - Stock Crossings issued by the Department of Main Roads (WA) and as amended from time to time being adhered to.**

**AMENDMENT**

Moved Cr K Clements, seconded Cr B Lang:

That the words 'within six months,' be inserted after the word 'Woodward'.

**CARRIED (8/0)**

**NO. 8/18**

**COUNCIL DECISION**

That with regard to the stock crossing lights infrastructure located at SLK 4.37 Settlement Road, Narrakup the CEO be authorised to dispose of the subject infrastructure to Mr Greg Woodward within six months, subject to:

1. The CEO being satisfied that such a sale is in the best interests of the Shire of Plantagenet;
2. Main Roads WA having no objections to the proposed sale;
3. The provisions of Section 3.58 of the Local Government Act being met;
4. No further maintenance responsibility relating to the infrastructure being borne by the Shire of Plantagenet; and
5. The provisions of the Technical Guidelines - Stock Crossings issued by the Department of Main Roads (WA) and as amended from time to time being adhered to.

**CARRIED (8/0)**

**NO. 9/18**

Reason for Change

Sale of the infrastructure to the adjacent landowner was considered a better result.

**9.2.2 HEAVY PLANT AMENDMENT TO EXISTING FLEET - BUDGET REVIEW**

<b>File Ref:</b>	<b>N44125</b>
<b>Responsible Officer:</b>	<b>David Lynch 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>30 January 2018</b>

**PURPOSE**

The purpose of this report is to recommend some amendments to the Heavy Plant Replacement Program for 2017/18.

**BACKGROUND**

On 5 December 2017, a Heavy Plant Review Committee Meeting was held. Committee members reviewed the Heavy Plant Replacement Program (HPRP) for 2017/18 and resolved:

*'That:*

- 1. The recommended amendments to the Shire's 2017/18 Heavy Plant Replacement Program be endorsed with the following requests made of the Manager Works and Services:*

<i>Plant Item</i>	<i>No</i>	<i>Price</i>	<i>Trade</i>	<i>Net</i>
<i>Isuzu Tipper</i>	<i>T1</i>	<i>73,400</i>	<i>15,000</i>	<i>58,400</i>
<i>Kanga 524 Digger</i>	<i>L14</i>	<i>41,155</i>	<i>5,600</i>	<i>35,555</i>
<i>DAF FATCF85 Tip Truck</i>	<i>T32</i>	<i>179,937</i>	<i>38,000</i>	<i>141,937</i>
<i>Mini Excavator (new) inc Plant Trailer</i>	<i>-</i>	<i>45,000</i>	<i>-</i>	<i>45,000</i>
<i>Cold Planer/Profiler (new)</i>	<i>-</i>	<i>43,712</i>	<i>-</i>	<i>43,712</i>
<i>Cat 287B Posi-Track Skid Steer</i>	<i>L15</i>	<i>96,000</i>	<i>18,000</i>	<i>78,000</i>
<b>TOTAL</b>		<b>479,204</b>	<b>76,600</b>	<b>402,604</b>

- 2. The performance of the CAT 928H Loader and the CAT 924 Front End Loader be assessed in twelve (12) months' time.*
- 3. More information be obtained on the following plant items:*
  - a) The Kanga 524 Digger and any parts/attachments included in its changeover;*
  - b) The trade-in price of the Isuzu Tipper (T1); and*
  - c) Options for a general purpose trailer to transport plant including the Mini Excavator, the Kanga 524 Digger and any other relevant plant.*

4. *A report is to be presented to the Council at the meeting of 30 January 2018.'*

A Heavy Plant Review Committee meeting was held on 30 January 2018 where committee members discussed further revisions to the HPRP and the addition of a general purpose trailer and a CAT 259D Skid Steer. It was resolved:

*'That it be a recommendation to the Council that the following amendments to the Shire's 2017/18 Heavy Plant Replacement Program be endorsed.*

<b>Plant Item</b>	<b>No</b>	<b>Price</b>	<b>Trade</b>	<b>Net</b>
<i>Isuzu Tipper</i>	<i>T1</i>	<i>73,400</i>	<i>15,000</i>	<i>58,400</i>
<i>Kanga 524 Digger - petrol model, no trailer included</i>	<i>L14</i>	<i>23,850</i>	<i>5,000</i>	<i>18,850</i>
<i>DAF FATCF85 Tip Truck</i>	<i>T32</i>	<i>162,037</i>	<i>38,000</i>	<i>124,037</i>
<i>Mini Excavator - CAT 301.7D with 3 buckets and no trailer</i>	<i>New</i>	<i>36,000</i>	<i>-</i>	<i>36,000</i>
<i>Cold Planer/Profiler - CAT 306B</i>	<i>New</i>	<i>27,642</i>	<i>-</i>	<i>27,642</i>
<i>Excavator/Kanga trailer</i>	<i>New</i>	<i>9,000</i>	<i>-</i>	<i>9,000</i>
<i>CAT 259D Skid Steer with HiFlow</i>	<i>New</i>	<i>105,000</i>	<i>-</i>	<i>105,000</i>
<b>TOTAL</b>		<b>436,929</b>	<b>58,000</b>	<b>378,929'</b>

### **STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

### **EXTERNAL CONSULTATION**

Consultation has taken place with heavy vehicle manufacturers.

### **FINANCIAL IMPLICATIONS**

Heavy plant purchases are funded from the Plant Replacement Reserve which is invested on an annual basis according to the long term plant purchase schedule.

### **POLICY IMPLICATIONS**

Council Policy I/PM/1 Plant – General applies.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 2.6 (Assets and infrastructure management over the long term to meet current and future needs) the following Strategy:

Strategy 2.6.1:

*'Implement maintenance, servicing and renewal of Council assets in a timely manner that maximises its life and performance, with a focus on infrastructure and core buildings.'*

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

The Shire of Plantagenet Corporate Business Plan 2016/2017–2020/2021 includes Action 2.6.1.3:

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

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

### **OFFICER COMMENT**

Following the Heavy Plant Committee Meeting on 5 December 2017, some anomalies were discovered in the types of heavy plant recommended for trade-in and purchase in the recently updated 2017/18 Heavy Plant Replacement Program (HPRP).

Initial pricing to trade-in the current petrol Kanga 524 Digger for a diesel model was assessed and it was determined the trade-in should be like for like. The current Kanga is petrol and is considered to be fit for purpose. A new petrol model with a self-levelling bucket, soft touch controls, trenching valve, enclosed hydraulic wheel motors with the option of a tooth edge bucket has been quoted at \$23,850.00 with a trade-in of \$5,000.00. The intention is to retain any attachments.

The initial quote included a purpose built trailer, however, as discussed below a general purpose trailer would be more suitable for use with other items of plant of similar size.

Options for a general purpose trailer to transport the Kanga, Mini Excavator or similar equipment have been researched. The original quote for the diesel Kanga 524 included a purpose built trailer for \$7,845.00 capable of towing 2 tonnes with LED lights, ram attachment mounts and hydraulic brakes. An aluminium trailer provided with the Mini Excavator was quoted at \$9,000.00 and would be capable of towing up to 2.5 tonnes payload.

The quote obtained for a general purpose trailer which would be able to transport the Kanga and the Mini Excavator (not together) and any other similar plant item was provided at \$9,000.00 with a tare of 3.5 tonnes gross. The manufacturer has advised that the trailer could be produced to coincide with the arrival of the Mini Excavator.

Confirmation was received that the suggested Cold Planer was not suitable for use with a CAT 259D Skid Steer. The recommended model, the CAT 306B which is smaller than the original Cold Planer with a narrower working width of 600mm (compared to 1200mm) is still capable of cutting 170mm deep and is considered to be suitable for the Shire’s planned profiling and repair works.

A new inclusion in the HPRP is the CAT 259D Skid Steer with HiFlow. This piece of equipment is capable of running the Cold Planer and could also be used for general maintenance and road repair work.

The CAT 287B Posi-Track which is located and works at O’Neill Road should be retained. With an estimated trade-in of \$18,000.00 and a no trade discount, the Manager Works and Services (MWS) believes it is worth keeping for the few hours a week work it completes and that it be repaired when required. The machine has no

noticeable defects apart from some smoke at start-up and under load. Therefore, this item of plant has been removed from the HPRP.

The table below shows the recommended amendments noting that small changes to these prices may occur at the time of ordering.

**Amended Heavy Plant Replacement Program for 2017/18 (ex GST and on road costs (ORC))**

<b>Plant Item</b>	<b>No</b>	<b>Price</b>	<b>Trade</b>	<b>Net</b>
Isuzu Tipper (town maintenance truck)	T1	73,400	15,000	58,400
Kanga 524 Digger - petrol model, trailer not included	L14	23,850	5,000	18,850
DAF FATCF85 Tip Truck	T32	162,037	38,000	124,037
Mini Excavator - CAT 301.7D with 3 buckets and no trailer	<i>New</i>	36,000	-	36,000
Cold Planer/Profiler - CAT 306B	<i>New</i>	27,642	-	27,642
Excavator/Kanga trailer	<i>New</i>	9,000	-	9,000
CAT 259D Skid Steer with HiFlow	<i>New</i>	105,000	-	105,000
<b>TOTAL</b>		<b>436,929</b>	<b>58,000</b>	<b>378,929</b>

**VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr S Etherington, seconded Cr J Moir:

That the following amendments to the Shire's 2017/18 Heavy Plant Replacement Program be endorsed.

<b>Plant Item</b>	<b>No</b>	<b>Price</b>	<b>Trade</b>	<b>Net</b>
<b>Isuzu Tipper</b>	<b>T1</b>	<b>73,400</b>	<b>15,000</b>	<b>58,400</b>
<b>Kanga 524 Digger - petrol model, no trailer included</b>	<b>L14</b>	<b>23,850</b>	<b>5,000</b>	<b>18,850</b>
<b>DAF FATCF85 Tip Truck</b>	<b>T32</b>	<b>162,037</b>	<b>38,000</b>	<b>124,037</b>
<b>Mini Excavator - CAT 301.7D with 3 buckets and no trailer</b>	<b>New</b>	<b>36,000</b>	<b>-</b>	<b>36,000</b>
<b>Cold Planer/Profiler - CAT 306B</b>	<b>New</b>	<b>27,642</b>	<b>-</b>	<b>27,642</b>
<b>Excavator/Kanga trailer</b>	<b>New</b>	<b>9,000</b>	<b>-</b>	<b>9,000</b>
<b>CAT 259D Skid Steer with HiFlow</b>	<b>New</b>	<b>105,000</b>	<b>-</b>	<b>105,000</b>
<b>TOTAL</b>		<b>436,929</b>	<b>58,000</b>	<b>378,929</b>

**CARRIED (8/0)**

**NO. 10/18**

### 9.2.3 POLICY REVIEW - STANDPIPE LOCATION AND REGULATION OF WATER SUPPLY TO USERS

<b>File Ref:</b>	<b>N44121</b>
<b>Attachments:</b>	<a href="#">I/OA/1 Standpipe Location and Regulation of Water Supply to Users</a>
<b>Responsible Officer:</b>	<b>David Lynch 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>30 January 2018</b>

#### PURPOSE

The purpose of this report is to review Council Policy I/OA/1 – Standpipe Location and Regulation of Water Supply to Users.

#### BACKGROUND

This policy was last reviewed by the Council at its meeting held on 13 October 2015.

The Council owns and manages standpipes at the following locations:

- Kendenup;
- Narrikup;
- Marmion Street; and
- Warburton Road (non-potable).

#### STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.1 'Imposition of fees and charges'

#### FINANCIAL IMPLICATIONS

Pricing of water taken from standpipes in the Shire of Plantagenet is set annually and is included in the Council's annual fees and charges. The fees for the last three financial years are as follows:

<b>Financial year</b>	<b>Price per kilolitre</b>
2015/16	\$2.60
2016/17	\$3.10
2017/18	\$3.30

A standpipe card costs \$18.00 to purchase. A card is necessary to access water and for billing purposes.

The Council's average cost recovery rate from the Council owned and managed standpipes for the last three financial years from 2014/15 to 2016/17 is 93%.

The Warburton Road standpipe provides non-potable water and is used by local Bush Fire Brigades, the Council's Parks and Gardens staff and the Council's Works and Services staff for use in road works. These costs are now being applied to these cost centres.

It should be noted the Warburton Road standpipe water recording system had intermittent problems in the latter part of 2017 and wasn't fully operational again until the system upgrade in October 2017.

### **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 2016-2027 provides at Outcome 2.10 (Efficient use and management of water resources) the following Strategy:

Strategy 2.10.1:

*'Support development of sustainable potable water infrastructure'.*

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

Strategy 4.6.7

*'Ensure the Shire's property administration and records systems are managed effectively and efficiently'.*

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

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

Action 2.10.2.2

*'Provide water standpipes in Mount Barker, Kendenup and Narrikup to support local residents and emergency services requirements'.*

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

### **OFFICER COMMENT**

The water recording equipment was upgraded in October 2017. As a result of this, administration staff can now check water use from the Shire office and have the ability to put an instant stop to an account if users have fallen behind with payment. The new system also allows staff to check the standpipe and the water usage meter is operational. Previously, staff have had to go out on site or rely on reports from users. The equipment upgrade was funded from the Standpipe Reserve Account.

The current policy is considered to be adequate and should be retained with minor formatting changes as noted.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr J Oldfield, seconded Cr B Bell:

That amended Council Policy I/OA/1 Standpipe Location and Regulation of Water Supply to Users:

**‘OBJECTIVE**

To provide clear guidelines regarding the facilitation, monitoring and management of water standpipes in order to:

1. Introduce a fair and equitable system for measuring and charging standpipe water use, thereby encouraging better water management practices in the Shire of Plantagenet.
2. Provide guidance and service to customers who wish to use water from Shire standpipes.
3. Monitor and review water consumption patterns and assist in the planning of water supply infrastructure.
4. Achieve full cost recovery including:
  - a) The actual cost of water used for Council purposes and fire fighting and other volunteer brigade activities; and
  - b) With the implementation of a 10% loading on standpipe charges, future costs of maintenance and upgrades, such funds being placed in a Standpipe Reserve Account.
5. Eliminate water theft.

**POLICY****1. Scope**

This policy applies to water standpipes provided by the Shire of Plantagenet for public use in the following locations:

- a) Kendenup – corner of Jutland Road and Carbarup Road;
- b) Narrikup – corner of Hannan Way and Beech Road;
- c) Mount Barker – Marmion Street; and
- d) Mount Barker – Warburton Road.

**2. Legislation**

Local Government Act 1995, Section 6.1 ‘Imposition of fees and charges’

**3. Application of Policy**

- 3.1 Standpipe controllers are installed on all standpipes, which ensures water can only be taken by approved customers using a swipe card.
  - 3.2 Pricing per kilolitre is to be set annually and included in the Council’s fees and charges. Pricing shall be fixed for the full financial year and is to be reviewed annually.
  - 3.3 Fire/Emergency Services have access to standpipes free of charge for the provision of emergency services only.
-

- 3.4 Standpipe stations are to be left in a tidy condition after use.
- 3.5 The Council encourages all unit failures and leaking outlets to be reported to the Shire of Plantagenet as soon as possible.
- 3.6 The Council reserves the right to deny access to the standpipes if a user is found to have caused damage to, or tampered with a standpipe.
- 3.7 Accounts for electronic standpipe cards are to be paid within 30 days. The Council reserves the right to cancel a card if the account is not paid.'

be adopted.

**CARRIED (8/0)**

**NO.11/18**

**9.2.4 POLICY REVIEW - VEHICLE USAGE**

<b>File Ref:</b>	<b>N42867</b>
<b>Attachments:</b>	<a href="#">I-PM-3 - Vehicle Usage Policy</a>
<b>Responsible Officer:</b>	<b>David Lynch</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>30 January 2018</b>

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**PURPOSE**

The purpose of this report is to review Council Policy I/PM/3 - Vehicle Usage.

**BACKGROUND**

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

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2016-2027 provides at Outcome 4.5 (Skilled, committed and professional staff in a supportive environment) the following:

Strategy 4.5.4

*'Maintain and develop human resource management policies, procedures and systems for current and future workforce needs.'*

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

Strategy 2.6.1

*'Implement maintenance, servicing and renewal of Council assets in a timely manner that maximises its life and performance, with a focus on infrastructure and core buildings'*

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

The Shire of Plantagenet Corporate Business Plan 2015/2016 – 2019/2020 includes Action 2.6.1.2:

*‘Ensure the Council has an efficient and cost effective light fleet management program.’*

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

### **OFFICER COMMENT**

A number of changes are recommended to the policy to ensure that it remains clear and relevant.

Sections of the existing policy which provided definitions relating to differing types of vehicle use has been removed. Restrictions on the type of use of vehicles (ie the level of private use) for designated drivers of Shire vehicles varies on a case by case basis, and is specified as part of the individual’s employment contract or agreement. It is not considered necessary to include such definitions in this policy, given that it is not possible to account for every type of variation that may exist. Similarly, references to private and commuter use of vehicles throughout the policy have been removed. The revised policy utilises a clearer process by referring to designated and authorised drivers, and outlining the conditions that apply to each category.

An additional point has been included to specify that towing is not permitted during private usage without the prior approval of the Chief Executive Officer.

Some other minor changes have also been made to ensure formatting consistency and to improve the clarity and flow of the document.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That amended Council Policy I/PM/3 – Vehicle Usage as follows:**

#### **‘OBJECTIVE**

**To provide clear guidelines regarding the use of Shire of Plantagenet fleet vehicles.**

#### **POLICY**

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

**This policy applies to all drivers of Shire of Plantagenet fleet vehicles.**

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

**Road Traffic Code 2000**

##### **3. Definitions**

**Designated driver Any employee of the Shire of Plantagenet who has been assigned the vehicle as part of their employment.**

**Authorised driver** Any employee or Councillor, other than the designated driver, who is required to drive the vehicle as part of their duties and responsibilities;

or

The designated driver's spouse or partner, if specified in the employee's employment agreement.

or

Any other person provided a designated driver is physically present in the vehicle.

#### **4. Application of Policy**

**4.1. All drivers of Council owned vehicles must comply with the following general conditions:**

- a) Drivers must hold a current Western Australian driver's licence appropriate for the vehicle;
- b) The motor vehicle shall be operated responsibly and legally, observing all road rules and traffic regulations;
- c) The driver is financially responsible for any fines and/or infringements received during the operation of the motor vehicle;
- d) Smoking is strictly prohibited within Council motor vehicles at all times;
- e) Vehicles must be parked in a safe and secure place and be properly secured when unoccupied;
- f) Vehicles must be examined prior to use for any damage, operation of lights and indicators, tyre pressure etc;
- g) Any motor vehicle accident or damage to the vehicle must be reported immediately (or as soon as practicable) to the Chief Executive Officer or Manager Works and Services;
- h) No confidential material or valuables are to be left in vehicles. Any personal items left in Council vehicles are solely the responsibility of the owner of the personal items; and
- i) Any designated driver or authorised driver shall immediately advise the Chief Executive Officer if his/her driver's licence is suspended or cancelled.

**4.2 Designated drivers shall comply with the following additional conditions in respect to the motor vehicle in his/her care:**

- a) All Council owned vehicles shall be available for use by Council employees and Councillors when required for Council purposes;



- b) Advise the Council's Works and Services section when scheduled servicing of the motor vehicle is due or repairs are required;
- c) Ensure that the motor vehicle has a sufficient amount of fuel/lubricant, water and correct tyre pressure in between scheduled servicing;
- d) Where the motor vehicle has been equipped with a first aid kit or fire extinguisher, it is the responsibility of the designated driver to ensure that those items are adequately stocked or charged at all times or replacement stock is ordered through the Council's Works and Services section when used/expired;
- e) Vehicles must be kept in a clean and tidy condition; and
- f) No towing is permitted during private use without prior approval from the Chief Executive Officer.'

be adopted.

**CARRIED (8/0)**

**NO. 12/18**

**9.3 COMMUNITY SERVICES REPORTS**

Nil

## 9.4 CORPORATE SERVICES REPORTS

### 9.4.1 FINANCIAL STATEMENTS – DECEMBER 2017

<b>File Ref:</b>	<b>N44130</b>
<b>Attachment:</b>	<a href="#">Financial Statements</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Alison Kendrick</b> <b>Senior Administration Officer - Finance</b>
<b>Proposed Meeting Date:</b>	<b>30 January 2018</b>

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#### **PURPOSE**

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

#### **STATUTORY ENVIRONMENT**

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

- a) annual budget estimates;
- b) budget estimates to the end of the month;
- c) actual amount of expenditure and revenue;
- d) material variances between comparable amounts in b) and c) above; and
- e) the net current assets at the end of the month to which the statement relates (ie: surplus/(deficit) position).

The Statement is to be accompanied by:

- a) explanation of the composition of net current assets, less committed assets and restricted assets;
- b) explanation of the material variances; and
- c) such other information considered relevant by the local government.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **POLICY IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

#### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr B Bell:**

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

**CARRIED (8/0)**

**NO. 13/18**

**9.4.2 LIST OF ACCOUNTS – DECEMBER 2017**

<b>File Ref:</b>	<b>N44116</b>
<b>Attachment:</b>	<a href="#">December 2017</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Vanessa Hillman</b> <b>Accounts Officer</b>
<b>Proposed Meeting Date:</b>	<b>30 January 2018</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 2017.

**STATUTORY ENVIRONMENT**

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

The Chief Executive Officer has delegated authority to authorise payments (20 June 2017). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr J Moir:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 31 December 2017 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$1,008,462.15; and
2. Municipal Cheques 46109 to 46134 totalling \$120,862.07.

**CARRIED (8/0)**

**NO. 14/18**

**9.4.3 POLICY REVIEW – A/PA/16 – NOTIFICATION TO ABSENTEE  
LANDOWNERS – ELECTORAL ROLL**

<b>File Ref:</b>	<b>N44162</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>30 January 2018</b>

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**PURPOSE**

The purpose of this report is to review policy A/PA/16 - Notification to Absentee Landowners - Electoral Roll.

**BACKGROUND**

This policy was last reviewed on 2 February 2016.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

There are no direct statutory implications for this report. However, it is relevant to note that Section 4.33 of the Local Government Act 1995 provides for claims of enrolment eligibility to expire six months after the holding of the second ordinary election of the local government after they are accepted.

**FINANCIAL IMPLICATIONS**

The mail out and printing costs are approximately \$1,000.00 in each ordinary election year.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

From the experience in the 2009 election, some absentee land owners (probably most) were unaware of the requirement to make application to be on the owner/occupier roll.

Past practice was to leave it up to individuals to take the initiative and submit an eligibility claim. The policy now provides for forms to be automatically sent to landowners who reside outside the Shire to ensure each eligible person is given the opportunity of being included on the roll and participating in local elections.

It should be noted that sending out these forms is no guarantee that elector participation will increase. However, it does provide some notification to absentee

landowners who do wish to vote that that they must go through this process in order to do so.

As a result of the mail out, 37, 18 and 29 people registered on the owner occupier roll for the 2013, 2015 and 2017 elections respectively.

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

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

Moved Cr B Bell, seconded Cr B Lang:

That Council Policy A/PA/16 - Notification to Absentee Landowners - Electoral Roll, as follows:

#### **‘OBJECTIVE:**

To provide timely advice to absentee landowners of the process required to make application to be on Owner/Occupier Roll.

#### **POLICY:**

That an ‘Enrolment Eligibility Claim Form’ together with advice as to the process required for an absentee owners to be entered on the Owner/Occupier Roll:

1. Be sent to all landowners who reside outside the Shire of Plantagenet in June of each year in which an ordinary election is to be held.
2. Be issued to all new absentee landowners as part of the ‘New Resident Pack’ process.’

be endorsed.

### **AMENDMENT**

Moved Cr L Handasyde, seconded Cr K Clements:

That Part 1. of the Policy be deleted.

Equality (4/4)

In the event that votes are equally divided, the Presiding Member, pursuant to Section 5.21(3) of the Local Government Act (1995), is to cast a second vote.

The Presiding Member cast his second vote in the negative.

LOST (4/5)

The Motion was then put

CARRIED (7/1)

NO. 15/18



**Cr L Handasyde requested that his vote against the motion be recorded**

#### 9.4.4 POLICY REVIEW - OP/HRP/1 - RECOGNITION OF COUNCILLORS AND STAFF

<b>File Ref:</b>	<b>N44163</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>30 January 2018</b>

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#### PURPOSE

The purpose of this report is to review policy OP/HRP/1 – Recognition of Councillors and Staff.

#### BACKGROUND

This policy was last reviewed by the Council at its meeting held on 2 February 2016.

#### STATUTORY ENVIRONMENT

Local Government Act 1995

It is a requirement under Section 5.50 (1) of the Local Government Act 1995 (the Act) that:

- ‘(1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out –*
- (a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and*
  - (b) the manner of assessment of the additional amount,*
- and cause local public notice to be given in relation to the policy.’*

Local Government (Administration) Regulations

Section 19A(1) of the Local Government (Administration) Regulations states that:

- ‘(1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total -*
- (a) the value of the person’s final annual remuneration, if the person -*
    - (i) accepts voluntary severance by resigning as an employee; and*
    - (ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39;*
- or*
- (b) in all other cases, \$5,000.’*

#### FINANCIAL IMPLICATIONS

There are minimal financial implications for this report in the way of certificates, plaques and gifts.

## **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 2016-2027 provides at Outcome 4.5 (Skilled, committed and professional staff in a supportive environment) the following Strategy:

Strategy 4.5.4:

*'Maintain and develop human resource management policies, procedures and systems for current and future workforce needs.'*

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

## **OFFICER COMMENT**

In 2016, the policy was amended to reflect the intention that gifts of appreciation should be presented to staff when they resign as well as retire. It was also considered appropriate to reduce the value of the gifts, as the gesture is considered the most important element of this token of appreciation.

It is considered that this policy is sufficient and should be endorsed. It should be noted that casual staff are entitled to receive the benefits outlined in this policy.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION**

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

**That Council Policy No. OP/HRP/1 – Recognition of Councillors and Staff as follows:**

### **'OBJECTIVE:**

**To provide guidelines for the approval and procedures for the recognition of service provided to the community by Councillors and staff.**

### **POLICY:**

**The Council will make the following payments/presentations to sitting and or retiring Councillors and permanent or part time staff for continuous periods of service:**

- 1. Councillors – Upon Retirement**
  - 1.1 Up to and including four years of office:**

**A Certificate of Appreciation.**
  - 1.2 Greater than four years and up to and including eight years of office:**

**A Certificate of Service and gift up to the value of \$200.00.**

**1.3 Greater than eight years and up to and including 12 years of office:**

**A Certificate of Service and gift to the value of \$300.00.**

**1.4 Greater than 12 years of office:**

**A Certificate of Service and gift to a maximum value of \$400.00.**

**In the event that a sitting or retiring Councillor has performed an extensive range of functions on behalf of the municipality which are beyond that normally associated with a Councillor's day to day duties, the Council may, at its discretion:**

- a) grant the title of 'Honorary Freeman of the Municipality'; or**
- b) nominate the Councillor for any awards (where applicable) associated with the:**
  - (i) Queen's Birthday Honours;**
  - (ii) Australia Day Honours; and/or**
  - (iii) Local Government Association Honours.**

**2. Staff – Upon Resignation**

**2.1 Greater than seven years but less than 10 years of service:**

**A Certificate of Appreciation and a gift up to the value of \$100.00.**

**2.2 Greater than 10 years of service:**

**A Certificate of Service and a gift to the value of \$200.00 are to be presented at a Council meeting.**

**2.3 The Chief Executive Officer is authorised to arrange a suitable function if deemed necessary.**

**3. Councillors and Staff – During Office/Service**

**3.1 Councillors and staff will be presented with the following as recognition of their services to the Shire of Plantagenet while still in office or employed with the Shire of Plantagenet.**

**(i) During their 10th year of office/service:**

**Certificate of Recognition;**

**(ii) During their 20th year of office/service:**

**A Plaque of Recognition; and**

**(iii) During their 30th year of office/service:**

**A Gift of Recognition valued between \$50.00 and \$150.00.**

**The Chief Executive Officer is authorised to arrange a suitable function to present these tokens of appreciation.**

**3.2 Notwithstanding Clause 3.1 above, the Council may, at its discretion and by resolution, at any time, present a member of the Council or staff with a gift greater than that contained in the policy, to a maximum value of \$500.00, if the Council is of the opinion that such action is warranted having regard to that**

**Councillor's or staff member's service to the community and/or the Council.**

**This Policy has been made in accordance with Section 5.50 of the Local Government Act 1995.'**

**be endorsed.**

**MOTION TO ADJOURN THE QUESTION**

**Moved Cr J Moir, seconded Cr K Clements:**

**That the question be adjourned to enable further research to be undertaken, with a further report to be presented at the Ordinary Meeting of the Council to be held on 27 February 2018**

**CARRIED (8/0)**

**NO. 16/18**

## 9.5 EXECUTIVE SERVICES REPORTS

### 9.5.1 COMMUNITY GARDEN LEASE – DETERMINATION - LOT 119 ALBANY HIGHWAY

<b>File Ref:</b>	<b>N44166</b>
<b>Attachments:</b>	<a href="#">Community Garden Site Photos</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Donna Fawcett</b> <b>Senior Administration/Human Resources Officer</b>
<b>Proposed Meeting Date:</b>	<b>30 January 2018</b>

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#### **PURPOSE**

The purpose of this report is to seek the Council's approval to determine the lease agreement with the Wilson Inlet Catchment Committee Incorporated (WICC) for the use of part of Lot 119 Albany Highway, Mount Barker, for the purpose of a community garden.

#### **BACKGROUND**

The Mount Barker Community Garden Committee (MBCGC) was established in 2012.

As the MBCGC was not an incorporated body, the Mount Barker Community Resource Centre (CRC) agreed to auspice the Committee, with their sponsor, the Baptist Union of Western Australia Incorporated, to enter into a lease agreement with the Shire, granting use of part of Lot 119 Albany Highway for the construction of a community garden.

At its meeting held on 16 October 2012 the Council resolved:

*'That:*

- 1. The proposal to use part of Lot 119 Albany Highway, Mount Barker, for a community garden be endorsed;*
- 2. The Chief Executive Officer be authorised to negotiate a lease agreement for Council endorsement with the Baptist Union Of Western Australia for part of Lot 119 Albany highway, Mount Barker, for the purpose of a community garden; and*
- 3. If the Mount Barker Community Garden project fails, the garden be removed and the property be returned to its original condition at no cost to the Council.'*

Due to the high lease administration fees required by the Baptist Union of Western Australia, the MBCGC subsequently approached WICC who agreed to enter into a lease agreement on their behalf.

At its meeting held on 30 April 2013 the Council resolved:

*'That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the lease between the Shire of Plantagenet and Wilson Inlet Catchment Committee Incorporated (as attached) for the purpose of a community garden, the lease terms including:*

1. *A lease period of five years with an option to extend for a further five years;*
2. *Rent to be \$1.00 per annum;*
3. *The lessee will be responsible for the cost of connection to all required Services and for all Services consumed or used by the lessee on the Premises;*
4. *Spraying of herbicides and pesticides will be carried out only when necessary and only when the wind will carry any spray drift away from the Mount Barker Swimming Pool; and*
5. *On termination of the lease the premises will be delivered up to the Shire of Plantagenet in its original condition at no cost to the Council.'*

#### **STATUTORY ENVIRONMENT**

Section 3.58 of the Local Government Act 1995 applies to the disposition of property.

#### **FINANCIAL IMPLICATIONS**

The lease is subject to a peppercorn rent. The MGCGC will be responsible for the cost of removal of any infrastructure and returning the site to its original condition.

#### **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.

#### **OFFICER COMMENT**

The current lease agreement is due to expire on 28 February 2018 with an option to renew for a further five years.

The community garden was established in late 2013. The garden was initially well tended and additional infrastructure was established in 2016, being a gazebo and garden shed.

In recent months the site and infrastructure has not been maintained, with garden beds unattended, overgrown and falling into disrepair. The grass surrounding the garden beds has been allowed to grow to an extent that it now poses a fire hazard. It does not appear that anyone has tended the garden for a considerable amount of time.

Clause 3.4 of the lease agreement states:

- (1) *At all times during the Term the Lessee shall maintain the Premises and all Fittings in good and tenable condition, fair wear and tear excepted.*
- (2) *The Lessee is responsible for all maintenance to the Premises.'*

Further, Clause 3.5 states:

*'The Lessee must not permit any rubbish or garbage to accumulate on the Premises unless confined in suitable containers which are located so as not to be visible to members of the public.'*

As community interest in the project appears to have declined to a point that the site has become an eyesore, it is recommended that the lease agreement be determined and the MBCGC be instructed to return the site to its original condition.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That authority be granted to the Chief Executive Officer to determine the lease agreement between the Shire of Plantagenet and the Wilson Inlet Catchment Committee Incorporated for part of Lot 119 Albany Highway, Mount Barker.**

**CARRIED (8/0)**

**NO. 17/18**



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## 9.5.2 PLANTAGENET HISTORICAL SOCIETY - REQUEST FOR DONATION

### Cr K Clements

Type: Proximity (Section 5.60 (B) LGA)  
Closely Associated Person (Section 5.62 LGA)  
Nature: Member of the Plantagenet Historical Society  
Wife is the Treasurer of the Plantagenet Historical Society  
Extent: Not required

4:03pm Cr K Clements withdrew from the meeting.

**File Ref:** N44190  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 30 January 2018

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### PURPOSE

The purpose of this report is to recommend a donation (either cash, in kind or both) for the Plantagenet Historical Society for that organisation's 150<sup>th</sup> Celebrations of the First Police Station in Mount Barker.

### BACKGROUND

The Council's representative on the Plantagenet Historical Society, Councillor O'Dea is seeking the Council's consideration for a donation toward the Plantagenet Historical Society's 150<sup>th</sup> Celebration of the First Police Station in Mount Barker.

Celebrations, which are planned for 3 March 2018 involve the Police Pipe Band from Perth, a bush poet, children's activities, people in period costume and food stalls.

The Historical Society acknowledges that its costs to stage this event have been underestimated due to issues such as insurance, traffic management, signage, advertising and ensuring that the kitchen meets current food hygiene standards.

### STATUTORY ENVIRONMENT

Local Government Act Section 6.8 provides that:

*'Expenditure from municipal fund not included in annual budget*

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
  - (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
  - (b) *is authorised in advance by resolution\*; or*
  - (c) *is authorised in advance by the mayor or president in an emergency.*

*\* Absolute majority required.*

(1a) *In subsection (1) —*

**additional purpose** means a purpose for which no expenditure estimate is included in the local government's annual budget.

(2) *Where expenditure has been incurred by a local government —*

(a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*

(b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.'*

## **EXTERNAL CONSULTATION**

Both the Council's representative on the Plantagenet Historical Society and the former Council representative (Cr Ken Clements) have discussed this issue with the Chief Executive Officer.

The matter has also been raised with the Shire President.

## **FINANCIAL IMPLICATIONS**

The Council in its annual Financial Assistance Grants deliberations and adopted budget allocated \$24,660.00 to the Plantagenet Historical Society made up of a \$14,660.00 grant for operations and \$10,000.00 for a new security alarm system.

Further, as no other expenditure has been allocated in the current budget, Section 6.8 of the Act applies and any further allocation is required to be authorised in advance by the Council by absolute majority.

## **POLICY IMPLICATIONS**

Council Policy CF/DG/2 – Financial Assistance (Operating) to Incorporated Organisations and Clubs applies.

As the amount being sought is in excess of \$200.00, Part 1 of that policy cannot apply.

The policy further provides that applications that fall outside of any delegation by the Chief Executive Officer will only be considered by the Council as part of its annual budget process. However, it is considered that parts 5 a), b), c), f), g) and h) are all met.

## **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2017–2026 provides at Outcome 1.3 (A cohesive and supportive community) the following Strategy:

Strategy 1.3.1:

*'Encourage and support community groups and initiatives to help people to work together for the benefit of our community'*

Further at Strategy 1.3.2:

*'Promote and support the initiatives and achievements of our volunteers'*

Further at Strategy 1.3.4:

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

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

The Shire of Plantagenet Corporate Business Plan 2016/2017–2020/2021 includes at Goal 1 Community Pride and Wellbeing, Outcome 1.3 (A cohesive and supportive community) the following strategy is 1.3.1 (Promote and support community and cultural events) with the following action:

Action 1.3.1.1:

*'Encourage and support community groups to host public events'*

Accordingly, the recommendation at the conclusion of this report aligns with the Corporate Business Plan.

### **OFFICER COMMENT**

From a mid-year budget point of view, it is difficult to find cash funding to satisfy the request of the Plantagenet Historical Society. However, opportunities are available for the Council to provide 'in-kind' services for the event, including traffic management, provision of rubbish services and signage.

It is therefore recommended that no cash contribution be made for the 150<sup>th</sup> Celebrations of the First Police Station in Mount Barker, but that suitable 'in kind' donations be made which would be allocated to normal operating expenses.

### **VOTING REQUIREMENTS**

Simple Majority (As no re-allocation of funds would be necessary.)

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

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

**That the Plantagenet Historical Society be advised that although the Council is unable to contribute further funding in the current financial year, the Council is nevertheless pleased to offer 'in kind' services such as traffic management, rubbish removal and signage to assist with the planned celebration of the 150<sup>th</sup> anniversary of the First Police Station in Mount Barker.**

**CARRIED (7/0)**

**NO. 18/18**

4:04pm Cr K Clements returned to the meeting.

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

### **10.1 OLD MOUNT BARKER PRIMARY SCHOOL SITE**

This Notice of Motion was adjourned at the Ordinary Council Meeting held 5 December 2017.

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

**That:**

- 1. No further action be taken in reference to the purchase of the old Mount Barker Primary School site at this stage.**
- 2. A workshop be held in January 2018 to discuss future direction on the subject in Part 1 above.**
- 3. No further expenditure be incurred with investigations into the purchase of the site in Part 1 above.**

#### **AMENDMENT**

**Moved Cr K Clements, seconded Cr L Handasyde:**

**That Parts 2. and 3. of the Motion be deleted and the Motion re-cast.**

**CARRIED (8/0)**

**NO. 19/18**

#### **COUNCIL DECISION**

**That no further action be taken in reference to the purchase of the old Mount Barker Primary School site at this stage.**

**CARRIED (8/0)**

**NO. 20/18**

### **10.2 NORTHERN ROUNDABOUT – LAYOUT DESIGN**

This Notice of Motion was adjourned at the Ordinary Council Meeting held 5 December 2017.

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

**That:**

- 1. A workshop be held in January 2018 to determine the criteria and budget limit for a re-design of the roundabout on Albany Highway and Muir Highway.**
  - 2. Following the workshop in Part 1, interested individuals or groups be invited to submit concept design ideas.**
  - 3. The final design be approved by Main Roads WA.**
-

4. An allocation to complete the project be included in the 2018/2019 draft budget.

**AMENDMENT**

Moved Cr K Clements, seconded Cr B Lang:

That:

1. Parts 2, 3 and 4 of the Motion be deleted; and
2. In Part 1 of the Motion the word 'January' be deleted and replaced with 'March' and the Motion be re-cast.

**CARRIED (8/0)**

**NO. 21/18**

**COUNCIL DECISION**

That a workshop be held in March 2018 to determine the criteria and budget limit for a re-design of the roundabout on Albany Highway and Muir Highway.

**CARRIED (8/0)**

**NO.22/18**

**10.3 COMMUNITY GARDEN**

This Notice of Motion was adjourned at the Ordinary Council Meeting held 5 December 2017.

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

**That:**

- 1. Notice be given to the Wilson Inlet Catchment Committee, lessee of the Community Garden site, that in the Council's opinion the Community Garden site has not been maintained in accordance with the lease requirements specified in Clause 3.4(1), and that the occupier has 14 days to remedy the same and to continue to maintain it.**
- 2. If the site is not remedied, the CEO be authorised to terminate the lease in Part 1 above pursuant to Clause 5.2 of the lease and in this instance any structures on the site shall be removed in accordance with lease Clause 3.16.**
- 3. The Wilson Inlet Catchment Committee be requested not to seek a renewal of the lease in March 2018.**

**MOTION TO PROCEED TO THE NEXT BUSINESS**

**Moved Cr K Clements, seconded Cr L Handasyde:**

**That the meeting proceed to the next business.**

**CARRIED (8/0)**

**NO. 23/18**

**11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING****12 CONFIDENTIAL****13 CLOSURE OF MEETING**

4:13pm The Presiding Member declared the meeting closed.

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