



## ORDINARY MINUTES

**DATE:** Tuesday, 6 December 2016

**TIME:** 3:00pm

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

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

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:03pm The Presiding Member declared the meeting open.

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

### Members Present:

Cr K Clements	Shire President (Left the Chamber at 4:24pm, returned 4:35pm)
Cr B Bell	Councillor
Cr S Etherington	Councillor
Cr J Hamblin	Councillor
Cr L Handasyde	Councillor
Cr J Moir	Councillor
Cr M O'Dea	Councillor
Cr J Oldfield	Councillor (Left the Chamber at 3:30pm, returned 3:32pm )
Cr C Pavlovich	Councillor (Left the Chamber at 3:22pm, returned 3:27pm)

### In Attendance:

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

### Apologies:

Nil

### Members of the Public Present:

There were five members of the public present.

### Previously Approved Leave of Absence:

Nil

### Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

### **3 PUBLIC QUESTION TIME**

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

Nil

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

Nil

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

#### **4.1 LOT 72 BRAIDWOOD ROAD, MOUNT BARKER – OVERSIZE AND OVER HEIGHT OUTBUILDING**

Mrs Penny Pavlovich spoke in support of the Officer's Recommendation at Item 9.1.2.

### **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

#### Cr J Oldfield

Item: 9.1.6

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

Nature: Part owner of property

Extent: Not required

Cr C Pavlovich

Item: 9.1.2  
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61LGA)  
Nature: Part owner of property  
Extent: Not required

Cr Clements

Item: 10.1  
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61LGA)  
Nature: Member of Board of Mount Barker Cooperative Limited  
Extent: Not required

## 6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

## 7 CONFIRMATION OF MINUTES

Moved Cr S Etherington, seconded Cr J Oldfield:

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 8 November 2016 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (9/0)**

**NO. 220/16**

## 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

The Shire President announced the passing of former Councillor (1977 to 1995) Mr Walter Geoffrey (Geoff) DePledge. Geoff was a long term Justice of the Peace who officiated at many Councillor 'Swearing-In' Ceremonies. He was also a very active member of the Kendenup Community.

Cr Clements asked Councillors, Staff and Guest to stand to observe a minute silence.

Moved Cr J Moir, seconded Cr B Bell:

**That condolences be conveyed to the family of Mr Geoff DePledge.**

**CARRIED (9/0)**

**NO. 221/16**

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 DEVELOPMENT SERVICES REPORTS

#### 9.1.1 LOT 100 JELlicOE ROAD/CARBARUP ROAD, KENDENUP – HOUSE CONSTRUCTION INVOLVING TWO SEA CONTAINERS

<b>File Ref:</b>	<b>N39608</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>6 December 2016</b>
<b>Applicant:</b>	<b>Stefan Dumitri</b>

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#### **PURPOSE**

The purpose of this report is to consider a proposal for a house involving the use of sea containers at Lot 100 Jellicoe Road/Carbarup Road, Kendenup.

#### **BACKGROUND**

Council records show the registered owner of Lot 100 Jellicoe Road is S Dumitri.

The Council on 23 August 2016 received this Planning Consent (PC) application to construct a two bedroom house involving two sea container modules at Lot 100 Jellicoe Road. The application however, was incomplete.

On 26 October 2016 the Council received new information on the application for PC, the subject of this report.

#### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

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

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

Clause 5.2 of TPS3 provides the Council with the ability to vary development standards for development other than residential zoned development. That power may only be exercised by the Council if it is satisfied that:

- ‘(a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*



- (b) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- (c) *the spirit and purpose of the requirement or standard will not be departed thereby.'*

Building Code of Australia

### **FINANCIAL IMPLICATIONS**

The application fee of \$147.00 has been paid.

### **POLICY IMPLICATIONS**

Town Planning Scheme Policy No. 17.1 (TPS Policy No. 17.1) (Sea Containers) regulates the use of sea containers to ensure they do not detract from the visual amenity of the locality. TPS Policy No. 17.1 contains a range of planning criteria to provide for the use of sea containers throughout the Shire.

Policy criteria 5 reads as follows:

*'A sea container shall be deemed to be an outbuilding and is subject to Town Planning Scheme Policy 16 – Outbuildings.'*

Policy criteria 7 reads as follows:

*'Sea containers are not to be used for habitable purposes.'*

In this instance, the landowner wishes to construct his house involving two sea container modules. The construction of the house will be in accordance with the Building Code of Australia.

### **STRATEGIC IMPLICATIONS**

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

Strategy 2.2.2:

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

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

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

By supporting the officer recommendation the KPI will be met.

**OFFICER COMMENT**

Lot 100 is approximately 4.4ha in area and located in the Rural zone. The south property boundary fronts Jellicoe Road and the north-east property boundary fronts Carbarup Road. One existing crossover provides access from Lot 100 to Carbarup Road.

The proposed house is a single storey building with a family room, kitchen, dining room, two bedrooms, two bathrooms, laundry and a workshop area. The house is 250.52m<sup>2</sup> in area which includes the verandah that surrounds the house and the carport attached to the north elevation of the house. The south elevation of the house involves one of the sea container modules and includes the laundry, bathroom, kitchen and dining room areas and the second bedroom. The north elevation of the house involves the second sea container module which includes a workshop area.

The internal area of the house will be constructed on site and will be flanked by the two sea container modules which form the family room, ensuite bathroom and the main bedroom. The hip and valley roof design, verandah and carport additions give the structure the appearance of a regular house. In addition, all the external walls will be finished in weatherboard cladding.

The house location conforms to boundary setback requirements for the Rural zone.

The Council has in the past supported other applications for houses constructed using sea containers, an example being on the Denmark-Mount Barker Road. The proposed house at Lot 100 is not likely to adversely affect the amenity of the locality. The proposal is supported.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**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, Town Planning Scheme Policy No. 17.1 (Sea Containers) be varied and the house involving sea containers at Lot 100 Jellicoe Road, Kendenup be approved subject to the development being in accordance with the plans dated 26 October 2016.**

**CARRIED (8/1)**

**NO. 222/16**

**9.1.2 LOT 72 BRAIDWOOD ROAD MOUNT BARKER – OVERSIZE AND OVER HEIGHT OUTBUILDING**Cr C Pavlovich

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

Nature: Part owner of property

Extent: Not required

3:22pm Cr C Pavlovich withdrew from the meeting.

**File Ref:** N39533

**Attachments:** [Location Plan](#)  
[Site Plan](#)  
[Floor Plan](#)  
[Front and Rear Elevations](#)  
[Left and Right Elevations](#)  
[Summary of Submissions](#)

**Responsible Officer:** Peter Duncan  
Manager Development Services

**Author:** Vincent Jenkins  
Planning Officer

**Proposed Meeting Date:** 6 December 2016

**Applicant:** Penny Pavlovich

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**PURPOSE**

The purpose of this report is to consider a proposal for an oversize and over height outbuilding at Lot 72 Braidwood Road, Mount Barker.

**BACKGROUND**

Council records show the registered owners of Lot 72 Braidwood Road are C and P Pavlovich.

The Council in January 2015 granted Planning Consent (PC) for a two storey house and two water tanks at Lot 72 Braidwood Road. The building permit for the house and water tanks was also issued in January 2015. The proposed house and water tanks have not been constructed as yet, however landowners have carried out substantial earthworks at the house and water tank locations.

On 11 April 2016, the Council received this current PC application to construct a 313.5m<sup>2</sup> (9.5m x 33m) outbuilding with a wall height of 5.0m at Lot 72 Braidwood Road, the subject of this report. The application however was incomplete.

The Council's Acting Manager Development Services (A/MDS) on 26 April 2016 met with the owners to discuss matters surrounding the extent of the proposed outbuilding and the lack of information in support of the proposal. The matters discussed at the meeting included the proposed outbuilding size, height, colour

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scheme and finished floor level. Further matters discussed included justification for the proposed outbuilding, the need for an updated site plan showing vegetated screens and the adjusted outbuilding orientation suggested by one of the proponents. The discussions also included the need for an updated elevation plan to demonstrate the outbuildings impact on its location and to show the reduced outbuilding wall height of 4.5m.

In an email on 29 April 2016 the A/MDS confirmed the matters discussed at the meeting on 26 April 2016 with the owners.

On 24 June 2016 the Council received some of the supporting information that was requested. The proponent also submitted letters from two adjoining landowners in support of the application.

In a letter dated 29 June 2016, the Council advised the proponent that the site plan they submitted needed to be refined to address some outbuilding dimension and location inaccuracies. The proposed outbuilding shown on the site plan did not reflect the dimensions included in the outbuilding plans and the boundary setback measurements for the outbuilding location needed to be adjusted. The owners were reminded that they also needed submit a professionally drawn elevation plan for the outbuilding as requested in the email to them on 29 April 2016. The elevation plan was not included in the latest submission.

The Council on 11 July 2016 received an updated site plan correctly showing the outbuilding extent, location and reorientation. However, the updated elevation plan that was previously requested was not included in this submission. The Manager Development Services in a letter dated 25 July 2016 reminded the proponent of the need to submit an updated elevation plan for the outbuilding showing the adjusted 4.5m outbuilding wall height.

On 28 September 2016 the Council received the updated elevation plan for the proposed outbuilding after which the proposal was advertised for public comment to adjoining and nearby landowners.

The reason given by the proponent for the proposed outbuilding is for the storage of two classic cars, campervan, caravan, lawnmowers and motorcycles. The proponent also intends to carry out a hobby involving the race preparation and storage of two V8 speedway cars. It is also intended to store a speedway car transporter vehicle consisting of a prime mover and a 13m trailer at the site.

## **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 Residential

Clause 5.2 of TPS3 provides the Council with the ability to vary development standards for development other than residential development. That power may only be exercised by the Council if it is satisfied that:

- '(a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- (c) the spirit and purpose of the requirement or standard will not be departed thereby.'*

Environmental Protection (Noise) Regulations 1997, Part 2 — Allowable noise emissions

Division 1 — General provisions

Regulation 7 Prescribed standard for noise emissions reads:

- '(1) Noise emitted from any premises or public place when received at other premises -*
  - (a) must not cause, or significantly contribute to, a level of noise which exceeds the assigned level in respect of noise received at premises of that kind; and*
  - (b) must be free of —*
    - (i) tonality; and*
    - (ii) impulsiveness; and*
    - (iii) modulation,**when assessed under regulation 9.*
- (2) For the purposes of subregulation (1)(a), a noise emission is taken to significantly contribute to a level of noise if the noise emission as determined under subregulation (3) exceeds a value which is 5 dB below the assigned level at the point of reception.*
- (3) A level of a noise emission may be determined by —*
  - (a) measurement.....'*

Division 2 — Various premises and activities

Regulation 14 Equipment used on residential premises reads:

- '(1) In this regulation —*

***specified equipment*** *means any item of equipment which requires the constant presence of an operator for normal use.*
- (2) Regulation 7 does not apply to noise emitted from residential premises from the use of specified equipment on any day if —*
  - (a) the specified equipment is used in a reasonable manner; and*
  - (b) the specified equipment has not been used —*

(i) *in the case of equipment other than a musical instrument, for more than 2 hours since the beginning of the relevant day; or*

(ii) *.....*

*and*

(c) *the noise resulting from the use of that specified equipment on those premises, having regard to the duration of the noise emission, the frequency of similar noise emissions from those premises and the purpose for which the equipment is used, does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of premises receiving the noise; and*

(d) *the specified equipment is used —*

(i) *between 0700 hours and 1900 hours on Monday to Saturday inclusive; or*

(ii) *between 0900 hours and 1900 hours on a Sunday or public holiday.'*

## **EXTERNAL CONSULTATION**

The proposal was advertised for public comment to nine adjoining and nearby landowners for a 14 day period closing on 1 November 2016. One of these adjoining landowners raised objection to the proposal as they were concerned with adverse impacts on the view from their future house location to the Stirling Ranges. These landowners are also concerned with adverse impacts from noise due to speedway race car preparations and the bulk of the proposed outbuilding in the Rural Residential zone. These landowners are further concerned with the possible adverse impact on the sale of their property to prospective buyers as it is presently listed for sale.

## **FINANCIAL IMPLICATIONS**

The application fee of \$147.00 has been paid.

## **POLICY IMPLICATIONS**

Town Planning Scheme Policy No. 16.2 (Outbuildings) limits outbuildings to a maximum wall height of 4.2m and a maximum cumulative floor area of 200m<sup>2</sup> for Rural Residential zones. The floor area of this proposed outbuilding is 313.5m<sup>2</sup> with a wall height of 4.5m. The Council must have regard to a Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

## **STRATEGIC IMPLICATIONS**

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

Strategy 2.2.2:

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

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

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

By supporting the officer recommendation the KPI will be met.

### **OFFICER COMMENT**

Lot 72 is 2.0ha in area and located in the Rural Residential zone. PC was granted and building permit issued for a two storey house and two water tanks in January 2015. Current development at the site involves substantial earthworks carried out at the proposed house, water tank and outbuilding locations.

The proposal involves one outbuilding of 313.5m<sup>2</sup> (9.5m x 33.0m) with a wall height of 4.5m. The proposed outbuilding will be constructed in windspray Colorbond® external walls and basalt Colorbond® roof to match the proposed house colour scheme.

The earthworks involve cut/fill and backfill excavation works of approximately 3,300m<sup>2</sup> (55m x 60m). The outbuilding location is within the existing earthworks area. The finished floor level for the proposed outbuilding will not be higher than the finished floor level for the top storey of the proposed house. The house when constructed will partly conceal the east elevation of the outbuilding. The backfill material at the excavation site will screen most of the west elevation of the outbuilding. The outbuilding location will further be screened by remnant vegetation at the site, new vegetation along the north property boundary and vegetation at the outbuilding north and south elevations.

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

The application submitted complies with the provisions for this Rural Residential zone set in TPS3.

No difficulties are seen with the maximum cumulative floor area of the outbuilding being 313.5m<sup>2</sup> and the wall height of the outbuilding being 4.5m given the size of the lot being 2ha.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr J Moir:

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 at Lot 72 Braidwood Road, Mount Barker be approved which will mean a maximum floor area for the outbuilding being 313.5m<sup>2</sup> and a wall height of 4.5m which is in excess of the 200m<sup>2</sup> and 4.2m wall height stated in Town Planning Scheme Policy 16.2 (Outbuildings), subject to:

1. The development being in accordance with plans dated 11 April 2016, 11 July 2016 and 29 September 2016.
2. The outbuilding being Windspray (external walls) and Basalt (roof) Colorbond® in colour to the satisfaction of the Manager Development Services.
3. The applicant is to comply with the Environmental Protection (Noise) Regulations 1997 in respect to any activities involving speedway vehicles.

**CARRIED (7/1)**

**NO. 223/16**

3:27pm Cr C Pavlovich returned to the meeting.



**9.1.3 POLICY REVIEW - SCHEME AMENDMENT REQUESTS**

<b>File Ref:</b>	<b>N39563</b>
<b>Attachments:</b>	<a href="#">TP-SDC-6 - Scheme Amendment Requests</a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>6 December 2016</b>

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**PURPOSE**

The purpose of this report is to review Council Policy No. TP/SDC/6 – ‘Scheme Amendment Requests’.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 9 December 2014.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

Planning and Development Act 2005

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

**FINANCIAL IMPLICATIONS**

The present fee amount set in the Council’s Annual Budget for a Scheme Amendment Request (SAR) is \$780.00.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Strategy 2.2.2:

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

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

**OFFICER COMMENT**

The policy has been found to work well in terms of setting appropriate standards for this form of request for the support of the Council for a preliminary rezoning concept.

The last SAR submitted was in 2013 for Lot 51 Porongurup Road which resulted in the presentation of Amendment No. 61 to TPS3 which was referred to the Department of Planning (DOP) on 4 February 2015. The DOP is still to report to the Western Australian Planning Commission (WAPC) and the Minister for Planning.

The policy requires two minor modifications to delete reference to 'Town Planning Regulations' and insert the current 'Planning and Development (Local Planning Schemes) Regulations 2015' at point 7.

There is no relevant delegation in respect to this matter and none is considered appropriate.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr S Etherington:

That amended Council Policy TP/SDC/6 – Scheme Amendment Requests, as follows:

**OBJECTIVE**

To allow proponents to gain an indication of support or otherwise from the Council prior to preparing formal and detailed Town Planning Scheme Amendment documents.

**POLICY**

This process is used to determine if there are any specific issues that will need addressing in the formal Amendment documentation and whether the Council will entertain such a proposal.

**1. Initial Enquiry**

Once a written enquiry is received, a letter will be forwarded to the enquirer advising whether or not the proponent should prepare a Scheme Amendment Request report and what the request should contain/address.

**2. Scheme Amendment Request (SAR)**

The SAR document is to be a maximum of six A4 pages and address specifically strategic issues and not detailed site analysis. The following are to be addressed in the SAR:

- a) existing and proposed zonings;
- b) impacts of structure plans and strategic documents on site and proposed zonings;

- c) the proposed method of integration of development on the site with adjoining lots;
- d) any precedent set by the proposed zoning;
- e) services available to the lot(s);
- f) any special outcomes proposed to be introduced through the rezoning process; and
- g) four copies plus a digital version are to be supplied to the Council.

A fee is payable prior to the SAR being assessed. Such a fee will be set in the Schedule of Fees and Charges in the Council's Annual Budget.

### **3. Referral of SAR to DOP, DPAW and DOW**

Once received, the SAR will be referred to the Department of Planning (DOP), the Department of Parks and Wildlife (DPAW) and the Department of Water (DOW) for comments. The Departments will provide their responses on the SAR within 28 days.

### **4. SAR Submitted to the Council**

The SAR is to be submitted with an officer's report and recommendation to the Council for consideration. Potential outcomes are:

- a) The Council decides to seek community feedback on the SAR if the application warrants it.
- b) The Council agrees to the SAR to allow further detailed documentation of the proposal and a subsequent assessment process to initiate the Scheme Amendment. (Note: detailed documentation may identify unresolved issues not known on initial SAR and as such the Amendment may not be initiated.)
- c) The Council considers the proposal to be unacceptable and advises the proponent that it would be unlikely to support a request to initiate a Scheme Amendment.
- d) The Council may acknowledge there is potential for the land to be rezoned but advise the applicant that the proposal is premature until the Council has agreed to a suitable structure plan or planning strategy for the locality to co-ordinate and integrate development in accordance with adopted strategic documents.

Note: Applicants who proceed after being advised as above do so at their own risk and cost.

### **5. Community Feedback**

A decision on the Council under 4a) above to seek community feedback on the SAR shall be in the form of a letter to adjoining landowners, and relevant agencies, a sign on site, plus an advertisement in the local press, asking for feedback on the SAR. The feedback period shall be 42 days.

Submissions received during this process shall be summarised and forwarded to the Council for further consideration.

**6. Response to Applicant if SAR agreed to by the Council**

A decision to allow the applicant to proceed with further documentation under 4b) above will be transmitted in a letter from the Council and will detail such matters as:

- a) policy issues to be addressed in the amending report;
- b) environmental issues;
- c) servicing issues (e.g.: full testing of groundwater tables prior to document lodgement) and the provision of a fire management plan;
- d) design requirements on subsequent development;
- e) developer commitments required by the Council from Scheme Amendment process;
- f) mechanisms for cost sharing on common cost items such as public open space, drainage, roads, footpaths, etc; and
- g) any other matters considered relevant to the Council.

**7. Scheme Amending Documents**

The required number of draft Scheme Amending documents (including a digital version) will be submitted with the appropriate fees and a formal request to initiate a Scheme Amendment. The format of the documents must meet the standards set in the Planning and Development (Local Planning Schemes) Regulations 2015.

The Council staff shall review the draft Scheme amending documents and make recommendations on potential changes/modifications. Staff shall prepare a report to the Council on the Scheme Amendment.

The Council may decide to initiate, decline to initiate, or require modifications prior to initiating the Amendment.

The procedures for Scheme Amendments as laid down in the Planning and Development (Local Planning Schemes) Regulations 2015 will be followed.'

be endorsed.

CARRIED (9/0)

NO. 224/16

**9.1.4 POLICY REVIEW - STATE ADMINISTRATIVE TRIBUNAL - COUNCILLOR REPRESENTATION**

<b>File Ref:</b>	<b>N39565</b>
<b>Responsible Officer:</b>	<b>Peter Duncan Manager Development Services</b>
<b>Author:</b>	<b>Peter Duncan Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>6 December 2016</b>

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**PURPOSE**

The purpose of this report is to review Council Policy No. TP/SDC/7 'State Administrative Tribunal – Councillor Representation'.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 9 December 2014.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

Planning and Development Act 2005

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.5 (Appropriate development which is diverse in nature and protect local heritage) the following Strategy:

Strategy 2.2.2:

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

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

**OFFICER COMMENT**

The policy specifies which Councillors can attend a State Administrative Tribunal (SAT) hearing. There are instances when the SAT may request a Councillor attend

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a hearing on a particular matter when a decision of the Council is the subject of a review.

Council Delegation LG035 at part 15 permits the Chief Executive Officer (CEO) to provide responses to the SAT and that has been on-delegated by the CEO to the Manager Development Services. No alteration to the Delegation is needed in respect to this policy as it involves Councillor representation at hearings.

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

### **VOTING REQUIREMENTS**

Simple Majority

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

Moved Cr C Pavlovich, seconded Cr J Moir:

That Council Policy No. TP/SDC/7 – State Administrative Tribunal – Councillor Representation, as follows:

#### **‘OBJECTIVE**

To provide guidance as to which Councillors may attend a State Administrative Tribunal (SAT) hearing when invited to do so.

#### **POLICY**

- 1. When the SAT invites or requests the Council to nominate a Councillor to attend a mediation hearing, compulsory conference or final hearing in respect to an application for a review lodged against a Council decision, then that Council representative shall be the Shire President or the Deputy Shire President.**
- 2. In the event that both the Shire President and the Deputy Shire President are not available, the Shire President be authorised to appoint a Councillor as the Council representative.**
- 3. As mediation hearings and compulsory conferences of the SAT are confidential and private, any consideration of a matter in respect to these must remain confidential and be considered behind closed doors by the Council where the SAT has asked the Council for further consideration of the matter at hand.’**

be endorsed.

**CARRIED (9/0)**

**NO. 225/16**

**9.1.5 RIGHT-OF-WAY CLOSURE LOT 166 - REAR OF LOT 51 MUIR STREET  
MOUNT BARKER - SUBMISSIONS RECEIVED**

**File Ref:** N39668

**Attachments:** [Location Plan](#)  
[Diagram 90234](#)  
[Summary of Submissions](#)

**Responsible Officer:** Peter Duncan  
Manager Development Services

**Author:** Vincent Jenkins  
Planning Officer

**Proposed Meeting Date:** 6 December 2016

**Applicant:** Tony Smith

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**PURPOSE**

This report considers submissions received in relation to the advertising for the permanent closure of a Right-of-Way (ROW) known as Lot 166 to the rear of Lot 51 Muir Street, Mount Barker and its amalgamation into Lot 51 Muir Street, Mount Barker.

The purpose of this report is to recommend that the Minister for Lands makes the necessary order to close the ROW permanently.

**BACKGROUND**

In 1995/1996 when a two lot subdivision of the original Lot 160 Muir Street, Mount Barker was being considered by the Council and the Western Australian Planning Commission (WAPC), the Chief Executive Officer, in a letter to the surveyors, requested a 7.5m to 9.5m ROW be provided. This was intended to allow for the provision of a service road to facilitate the subdivision of lots east of Gorman Street and terminating near the Catholic Church.

The owner of the adjoining Lot 51 (the original subdivider) in 2006 requested the ROW be returned to him free of charge. This landowner was of the opinion that because the ROW was not fenced for almost eleven years the ROW was 'null and void'. He was also of the opinion that the decision to create the ROW was not advertised and that 'may also be illegal'.

There was no requirement for the ROW to be fenced at the time it was created as a fencing condition was not imposed by the WAPC at the time of subdivision in July 1995.

There was also no requirement to advertise the creation of a ROW at the time of subdivision.

The Council at its meeting held on 13 February 2007 considered the following officer's recommendation:

*'That the closure procedure pursuant to the Land Administration Act and the Department for Planning and Infrastructure Policy on Right-of-Way Closure be*

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*commenced for the Right-of-Way (Lot 166) at the rear of Lot 51 Muir Street, Mount Barker subject to all costs being met by the applicant and this includes payment to the Council of \$500.00 to cover the cost of advertising the proposal.'*

However, the Council resolved at Resolution No. 58/07:

*'That the closure procedure pursuant to the Land Administration Act and the Department for Planning and Infrastructure Policy on Right-Of-Way Closure not be commenced for the Right-of-Way (Lot 166) at the rear of Lot 51 Muir Street Mount Barker.'*

The reason for change to the officer's recommendation was that Councillors agreed that it was best to leave the ROW to enable street extensions in case of future development.

On 19 September 2016 the owner of Lot 51 submitted another request for the return of the ROW. This owner intends to construct his retirement home at Lot 51 in the near future.

The Council at its meeting held on 11 October 2016 resolved at Resolution No. 186/16:

*'That:*

- 1. Pursuant to Section 58 of the Land Administration Act 1997, local public notice be given of the proposal to initiate the procedure to permanently close the Right-of-Way known as Lot 166 to the rear of Lot 51 Muir Street, Mount Barker.*
- 2. A further report to be prepared for the Council's consideration at the conclusion of advertising on or before the ordinary meeting of the Council to be held on 6 December 2016.*
- 3. All Council costs are to be met by the applicant which includes payment of \$500.00 to the Council to cover the cost of advertising the proposal.'*

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005 - Section 152 allows the WAPC to approve a subdivision plan subject to the condition that a portion of the land be vested in the Crown for ROW purposes.

Land Administration Act 1997 – Section 58 relates to the permanent closure of roads.

Transfer of Land Act 1983 – under Section 167A ROW are not subject to private access rights in favour of adjoining landowners.

## **EXTERNAL CONSULTATION**

The proposal was advertised for public comment for the minimum 42 day period ending on 2 December 2016. Advertising included letters to three adjoining landowners and notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board.



Further advertising included a letters to the Department of Planning, Telstra, Western Power and the Water Corporation.

At the time of writing this report four submissions had been received and no adverse comments were received from the one neighbour and three referral agencies. Any further submissions received up to the closing date of 2 December 2016 will be brought to the Council's attention.

### **FINANCIAL IMPLICATIONS**

The applicant will be required to pay the various fees required by the Department of Planning (DOP) for the ROW closure procedure. These fees are paid to DOP directly. If the closure is successful, the applicant will also need to purchase the land from the Crown.

A bond of \$500.00 for advertising costs has been paid by the applicant.

### **POLICY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

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

Strategy 2.4.1:

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

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:

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

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

### **OFFICER COMMENT**

All responses received from public utilities raised no objection to this proposal. One submission from an adjoining landowner raised no objection to the proposal.

Given the nature of the responses received for this proposal, it is recommended that the Council resolve to request the Minister for Lands to permanently close the ROW known as Lot 166 to the rear of Lot 51 Muir Street, Mount Barker.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That:**

- 1. The Minister for Lands be requested to permanently close the Right-of-Way known as Lot 166 to the rear of Lot 51 Muir Street, Mount Barker, as shown on Diagram 90234 pursuant to Section 58 of the Land Administration Act 1997.**
- 2. The Department of Lands be requested to amalgamate the closed Right-of-Way into adjoining Lot 51 Muir Street Mount Barker.**

**CARRIED (9/0)**

**NO. 226/16**

**9.1.6 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 68 - FORMER CHEESE FACTORY AT LOT 462 MITCHELL STREET, MOUNT BARKER - SUBMISSIONS RECEIVED**Cr J Oldfield

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

Nature: Part owner of property

Extent: Not required

3:30pm Cr J Oldfield withdrew from the meeting.

**File Ref:** N39577

**Attachments:** [Location Plan](#)  
[Summary of Submissions](#)  
[Schedule of Modifications](#)

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

**Author:** Peter Duncan  
Manager Development Services

**Proposed Meeting Date:** 6 December 2016

**Applicant:** Ayton Baesjou Planning

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**PURPOSE**

The purpose of this report is to consider submissions received on a proposed Amendment to Town Planning Scheme No. 3 to include Lot 462 Mitchell Street in the Additional Use Schedule 2 to allow a range of tourist related uses.

**BACKGROUND**

Lot 462 Mitchell Street is occupied by a vacant factory and outbuildings, a workshop to the rear of the factory and a single house to the north east. The factory was originally used as a cheese factory and more recently the site was used by a rural business servicing the tree plantation industry. The workshop to the rear is occupied by a steel fabricator carrying out welding.

The building commonly known as the old cheese factory is not contained in Schedule 11 (Places of Heritage Value) in Town Planning Scheme No. 3 or in the Municipal Heritage Inventory.

The proponents proposing the tourist related activities on this site have submitted an offer to purchase the site subject to this proposed Amendment progressing.

Essentially this Amendment will still leave the land zoned Industrial but by including the site in Schedule 2 (Additional Uses), it will allow a range of additional uses listed to be carried out on site.

The Council when it considered this Amendment at its meeting held on 16 August 2016 resolved:

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*'That:*

1. *In the opinion of the Council this proposed Amendment No. 68 to Town Planning Scheme No. 3 is a 'standard' Amendment as it involves the Additional Use Classification for a property earmarked for change in the Council's Local Planning Strategy and its Planning Vision (Town Planning Scheme Policy No. 18.1).*
2. *Amendment No. 68 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.*
3. *Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.*
4. *After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 11 October 2016.'*

The Amendment was referred to the Environmental Protection Authority (EPA) on 23 August 2016 and that agency authorised the Amendment to proceed to advertising on 9 September 2016.

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015 – Division 3 has set procedures for amending a Town Planning Scheme including, once initiated by the Council, referral to the EPA for 28 days. Once cleared by the EPA a 42 day advertising period applies. The Council must consider any submissions lodged within 60 days of the close of formal advertising and refer its recommendations to the Western Australian Planning Commission (WAPC) and the Minister within 21 days.

## **EXTERNAL CONSULTATION**

The Amendment was advertised for 42 days with letters to affected landowners and various government agencies, newspaper notices, a notice on the Council's Notice board, a sign on site and a notice on the Council's website. At the close of the advertising period on 1 November 2016, seven submissions had been received (Summary of Submissions attached).

## **FINANCIAL IMPLICATIONS**

The Council fee of \$4,840.00 (inc GST) has been paid.

## **POLICY IMPLICATIONS**

Town Planning Scheme Policy 18.1 (Planning Vision) and the Local Planning Strategy – this subject Lot 462 Mitchell Street is shown as being rezoned from Industrial to Residential. This proposed Amendment will retain the Industrial zoning but lead to a use being established which is more in keeping with the long term residential concept.

## **STRATEGIC IMPLICATIONS**

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

*Strategy 2.2.1 - 'Provide supportive planning and development guidance and liaison on major land developments; and*

*Strategy 2.2.5 – 'Encourage industry, business and residential development that is consistent with the individual character of towns'*

## **OFFICER COMMENT**

Councillors were provided with a full copy of the Amendment with the Agenda papers for the 16 August 2016 meeting.

The Amendment will include Lot 462 Mitchell Street within Schedule 2 (Additional Uses) and a range of tourist related uses will then be able to be established within the existing factory building and on the undeveloped parts of the site. The uses proposed include activities such as a café, art and craft studio/gallery/workshop, cottage industry, markets, retail, plant nursery and a petting zoo.

The Amendment also contains a list of development standards/conditions that will need to be addressed as part of any subsequent planning consent application.

During the advertising period officers have reviewed the details of the Amendment and felt changes were appropriate to clarify the content and make changes to wording/terminology to be more consistent with the Town Planning Scheme and Model Scheme Text terminology. It was also felt appropriate to list industrial type uses which should not be allowed on this site considering the surrounding Residential zone. These changes are listed in the Schedule of Modifications attached.

The submissions received are listed in the Summary of Submissions and no changes are required to the Amendment in these instances.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION**

That:

1. That submissions lodged on Amendment No. 68 to Town Planning Scheme No. 3 be noted.
2. Amendment No. 68 to Town Planning Scheme No. 3 be adopted with the modifications listed in the Schedule of Modifications and be forwarded to the Western Australian Planning Commission for the final approval of the Minister for Planning.
3. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to Amendment No. 68 once approved by the Honourable Minister.

**ALTERNATIVE RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That:

1. That submissions lodged on Amendment No. 68 to Town Planning Scheme No. 3 be noted.
2. The Schedule of Modifications be amended to delete point 4 and renumber points 5 and 6 to be 4 and 5 respectively.
3. Amendment No. 68 to Town Planning Scheme No. 3 be adopted with the modifications listed in the Schedule of Modifications and be forwarded to the Western Australian Planning Commission for the final approval of the Minister for Planning.
4. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to Amendment No. 68 once approved by the Honourable Minister.

**CARRIED (9/0)**

**NO. 227/16**

**Reason for Change**

The Council felt the prohibition of the uses listed at point 4 of the Schedule of Modifications was too restrictive.

3:32pm Cr J Oldfield returned to the meeting.

## 9.2 WORKS AND SERVICES REPORTS

### 9.2.1 WASTE SERVICE – PROVISION OF KERBSIDE WASTE AND RECYCLING SERVICES

<b>File Ref:</b>	<b>N39732</b>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>Dominic Le Cerf Manager Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>6 December 2016</b>

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#### PURPOSE

The purpose of this report is to provide an analysis of various options for the delivery of waste collection services for the Shire of Plantagenet. A further purpose is to recommend that the Council investigate waste collection opportunities with the City of Albany's existing contractor, Cleanaway Waste Management Ltd.

#### BACKGROUND

The four Shires of the Southern Link Voluntary Regional Organisation of Councils (VROC) committed to a regional, aggregated approach to the purchase of waste management services with a view to achieving economies and efficiencies of service. To implement such an approach, a Request for Quotation (RfQ) was developed through the WALGA e-quotes service for the provision of waste collection services and transfer station and landfill management services on behalf of the four VROC member Councils.

However, when considering tenders received under the joint RfQ, the Council, at its meeting held on 8 December 2015, resolved:

*'That the question be adjourned to allow the Chief Executive Officer to undertake further investigation and that the matter be re-considered by the Council at its meeting to be held on 2 February 2016.'*

At the time, staff were in discussions with Warren Blackwood Waste (WBW) to extend the kerbside waste collections contract to 30 June 2016. After this expiry date, the Shire used the services of WBW on a month to month basis due to their listing on the WALGA Preferred Suppliers Panel.

Further, at the Council meeting held on 16 August 2016 it was resolved:

*'That:*

1. *No quotations received for the provision of Kerbside Waste/Recycling Collection Service and Transfer Station/Landfill Management Services, be accepted;*
  2. *The CEO to undertake investigations for:*
    - a) *Waste sharing opportunities with the Shire of Denmark and the City of Albany;*
    - b) *Cost benefit analysis for the Council to purchase its own rubbish truck for kerbside collections in Plantagenet and potentially the Shire of Denmark, and*
-

- c) *That a report be presented to the Council on or before its meeting to be held on 8 November 2016'.*

Talis Consultants (Talis) was engaged to undertake a Feasibility Assessment including both financial and technical aspects of the refuse collection options available to the Shire including:

- Outsourcing refuse collections;
- The purchase of a waste collection truck to provide in-house refuse collection service; and
- Provision of refuse collection services to the Shire of Denmark.

Councillors were informed by memorandum on 8 November 2016 that the expected report had been delayed due to time constraints on the part of the consultant.

### **STATUTORY ENVIRONMENT**

Local Government Act 1995 Section 3.57

F/F/M/7 – Purchasing and Tender Guide

Local Government (Functions and General) Regulations 1996 Regulation 11(2)(b)

The regulation states that tenders do not have to be publicly invited if the supply of goods or services is to be obtained through the Council Purchasing Service of WALGA.

### **EXTERNAL CONSULTATION**

External consultation has occurred with:

- WALGA;
- Shire of Denmark;
- City of Albany;
- Talis Consultants; and
- Cleanaway Waste Management Ltd.

### **FINANCIAL IMPLICATIONS**

Talis undertook a comprehensive financial review of the Shire's waste collection services to assist with the modelling of the future waste collection needs of the Shire.

There are many assumptions that underpin the financial analysis. There are also a number of cost considerations that have not been taken into account as part of this assessment including refuse disposal costs, cost of a back-up waste collection vehicle and costs of exceeding the 5,000 tonnes per annum waste acceptance threshold at O'Neill Road with resulting DER compliance requirements.

### **POLICY IMPLICATIONS**

Council Policy F/FM/7 – Purchasing and Tender Guide relates to this item and gives clear indications of the requirements on how levels of expenditure are to be spent.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.9 (Integrated waste management) the following Strategies:



Strategy 2.9.1:

*'Undertake rubbish collection services in Mount Barker, Kendenup and Narrikup townsites.'*

Strategy 2.9.2:

*'Manage existing waste disposal sites and transfer stations in accordance with legislative requirements.'*

Strategy 2.9.4:

*'Investigate regional waste management co-operation opportunities.'*

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

## **OFFICER COMMENT**

The refuse collection options detailed below have been considered as part of this Feasibility Assessment.

### Option 1 – Outsourced refuse collections

The first option considered as part of the Feasibility Assessment is for the Shire to continue to outsource its refuse collection services. This could be undertaken as a Shire only contract or as part of a joint tender for collection services.

#### Option 1A - Shire only contract

This sub-option entails the Shire continuing to contract out its refuse collection services to a private waste service provider. As the current contract with Cleanaway (formerly contracted to Warren Blackwood) has expired but is continuing on a rolling basis, the Shire would need to consider re-tendering the contract for provision of these services.

#### Option 1B - Joint contract

The second sub-option, 1B, would involve the Shire going out to tender on a joint or regional waste collection contract, in partnership with other local governments within the region. There have been discussions about utilising the City of Albany's current contract with Cleanaway and these associated rates, including an uplift, to cover the additional mileage to travel to the townsites within the Shire.

In the financial evaluation, Options 1A and 1B ranked fourth and fifth, both resulting in an estimated 25% increase on collections costs when directly compared with the cheapest option (Option 3A).

#### Option 2 - In-house refuse collection service (Shire only)

The second option under consideration was for the Shire to undertake its own refuse collection services in-house through the purchase of a waste collection vehicle. This would be likely to require additional services and administration support to be established within the Shire, such as customer service. As part of this option, the financial implications of purchasing a second hand waste collection vehicle, along with the operational costs, have been included.

There would be a number of risks for the Council associated with implementing this option, including:

- Liability for all vehicle capital and operational costs. The operational life of waste collection vehicles can vary greatly depending on driver handling;

- Responsibility for resourcing staff for driving the vehicle; and
- The Shire would need to investigate either the purchase of a second back-up vehicle or to enter into a contract with a third party. This would be required to ensure that essential waste collections could still be undertaken in the event of a breakdown of the waste collection vehicle. When the Shire operated the service a number of years ago, there was no backup vehicle and any vehicle breakdowns led to service delays.

### Option 3 - In-house refuse collection service (Shire and Shire of Denmark)

The third option is for the Shire to purchase a second hand waste collection vehicle and to undertake in-house refuse collection services and to extend these services to also include Shire of Denmark residents and businesses. This scenario has been split into two sub-options.

#### Option 3A - Disposal at O'Neill Road

This sub-option would involve the Shire purchasing a waste collection vehicle and undertaking in-house refuse collections within both the Shire and collecting the Shire of Denmark's refuse under contract. All refuse collected from both local governments would be disposed of at O'Neill Road. Due to the increased volumes of waste that would be collected from the Shire of Denmark, this option would require the Shire to submit a licence amendment to the Department of Environment Regulation (DER) to increase its waste acceptance limit on its current licence from the current threshold of 5,000 tonnes per annum.

If the Shire was to provide collection services to Denmark and dispose of waste at O'Neill Road, this would represent a new revenue stream to the Shire to help offset the costs.

As with Option 2, there would be a number of risks or disadvantages for the Shire associated with implementing this option, including:

- All of the risks identified under Option 2;
- Agreement of a refuse collection rate that is acceptable to the Shire of Denmark and entering into a waste collection contract. This option includes an assumption about a bin lift rate to be agreed with the Shire of Denmark;
- Additional and potentially significant costs associated with exceeding the 5,000 tonnes per annum threshold for waste acceptance including, as a minimum, a licence amendment and worst-case for the DER to require compliance with Best Practice Environmental Management (BPEM) Guidelines;
- Increased operational costs such as maintenance, repairs and fuel associated with increased hours of operation in servicing Shire of Denmark; and
- Operational days and hours at O'Neill Road would potentially need to increase to accommodate waste acceptance and daily cover of waste from the Shire of Denmark.

#### Option 3B - Disposal at O'Neill Road and Hanrahan Road

Sub-option 3B would involve the Shire purchasing a waste collection vehicle and undertaking in-house refuse collections within the Shire and collecting the Shire of Denmark's refuse under contract. This option assumes that the Shire's residential and commercial refuse is disposed of at O'Neill Road with the Shire of Denmark's refuse disposed of at the City of Albany's Hanrahan Road landfill.

As with Option 2, there would be a number of risks or disadvantages for the Shire associated with implementing this option, including:

- All of the risks identified under Option 2; and
- Increased operational costs such as maintenance, repairs and fuel associated with increased hours of operation in servicing Shire of Denmark.

#### *Analysis of Options*

The evaluation from Talis indicated that the most cost effective option for the Council would be to undertake waste collection services in-house with the purchase of a waste collection truck. The overall difference in cost between the 'cheapest' (Option 3A) and 'most expensive' option (Option 1B) was \$31,845.00 per year over 10 years.

There are also a number of cost considerations that have not been taken into account as part of this assessment including refuse disposal costs, cost of a back-up waste collection vehicle and potentially the most significant, costs of exceeding the 5,000 tonnes per annum waste acceptance threshold at O'Neill Road with resulting DER compliance requirements. The Technical Evaluation highlighted a number of risks in the Shire adopting an in-house collection approach to waste management.

In-house waste collection services would result in the introduction of a number of risks to the Shire that would otherwise fall to the contractor. These risks include liability for the vehicle loan (capital costs), replacement cost of the vehicle, staff resourcing and back-up waste collection vehicles costs. If any of these risks were to come into fruition, the costs savings of undertaking refuse collections in-house would be likely to diminish.

Talis and the report author are therefore of the view that the purchase of a waste collection truck and running the collection services in-house would not result in sufficient cost savings to the Shire that would be significant enough to offset the potential costs and risks associated. Therefore, it is recommended that the Shire further investigates the outsourcing option with the City of Albany for Cleanaway Waste Management Ltd to provide both kerbside recycling and household waste collection services.

#### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That:**

- 1. The Feasibility Assessment Report for refuse collection options from Talis Consultants be noted;**
- 2. The Chief Executive Officer be authorised to negotiate with the City of Albany for Cleanaway Waste Management Ltd to provide both kerbside recycling and household waste collection services to townsites within the Shire of Plantagenet; and**
- 3. A further report will be presented to the Council at the finalisation of negotiations.**

**CARRIED (9/0)**

**NO. 228/16**

**9.2.2 POLICY REVIEW - RURAL ROAD VERGE VEGETATION MANAGEMENT**

<b>File Ref:</b>	<b>N31401</b>
<b>Attachments:</b>	<a href="#">I-RR-2 Rural Road Verge Vegetation Management Policy</a>
<b>Responsible Officer:</b>	<b>Dominic Le Cerf Manager Works and Services</b>
<b>Author:</b>	<b>Alexandra Tucker Environmental Officer/Administration</b>
<b>Proposed Meeting Date:</b>	<b>6 December 2016</b>

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**PURPOSE**

The purpose of this report is to review Council Policy (I/RR/2) Rural Road Verge Vegetation Management.

**BACKGROUND**

This policy was originally adopted by the Council at its meeting held on 19 August 2014.

**STATUTORY ENVIRONMENT**

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

Local Government Act 1995

Bush Fires Act 1954

Shire of Plantagenet Local Government Property Local Law 2008

**EXTERNAL CONSULTATION**

This policy was originally developed in consultation with project officers and members of the Wilson Inlet Catchment Committee and Oyster Harbour Catchment Committee.

**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.

It is worth noting there is no Council Delegation applicable to this policy. The policy provides guidelines for the management of native vegetation within rural road verges when work is undertaken by the Shire for maintenance and construction purposes and for a landowner who applies to undertake work in a road reserve. These guidelines are determined by the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

## **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.7 (Protection of natural environment) the following strategies:

Strategy 2.7.1 - *'Provide effective environmental management and maintenance of the Council's land and reserves'*;

Strategy 2.7.3 - *'Reduce the incursion of weeds on Council controlled roads and reserves'*; and

Strategy 2.7.4 - *'Promote and support community based environmental initiatives and protections'*.

## **OFFICER COMMENT**

It is considered that the current policy is adequate and works well. Minor amendments to the policy have been made for flow of the document and ease of interpretation. In particular, information about Policy I/RR/5 Rural Road Reserve Vegetation Management – Trees Across Fences and Boundaries has been included under section 10.4.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr S Etherington:

That amended Council Policy No. I/RR/2 Rural Road Verge Vegetation Management Policy as follows:

### **'OBJECTIVE**

To provide guidelines for the effective management of native vegetation contained within rural road verges under the care, control and management of the Council.

### **POLICY**

#### **1.0 Purpose of Policy**

The purpose of this policy is to allow for the construction and maintenance of rural roads while acknowledging the importance of the protection and conservation of native vegetation where possible.

Although conservation of roadside vegetation is an objective of this policy, road safety and road asset protection is the principal consideration.

#### **2.0 Relevant Legislation**

The Environmental Protection Act 1986 and Environmental Protection (Clearing of Native Vegetation) Regulations 2004 govern the activities that will impact on native vegetation. This legislation is relevant to the Shire, setting limitations for road infrastructure works, and landowners who wish to undertake work in road reserves.

#### **3.0 Designated Maintenance Corridor**

The Environmental Protection Legislation, in particular Regulation 5, Item 22 (Clearing for maintenance in existing transport corridors) of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 provides that local government can carry out activities to maintain and protect the integrity of road infrastructure within the designated 'maintenance corridor' as shown in Diagram 1.



Diagram 1 Designated Maintenance Corridor

#### 4.0 Road Construction Operations

All works shall be planned to ensure that there is no damage to any vegetation outside the limits of clearing specified. Where necessary, the Shire will make application for the appropriate clearing permits from the Department of Environment Regulation (DER) prior to undertaking any road construction. If required as conditions of the permit, special considerations for declared or threatened flora and/or fauna will be made during works.

Rural road widening is to be carried out according to the requirements of the Council and in accordance with Council Policy I/R/9 – Rural Roads – Widening. Works will take into consideration the preservation of roadside vegetation wherever possible by clearing only one side of the road.

All works shall be planned to ensure that there is no damage to any vegetation outside the limits of clearing specified.

#### 5.0 Road Maintenance Operations

The Shire's road maintenance program includes grading, slashing, herbicide application, pruning, drain cleaning, drainage improvements, bitumen resealing, bitumen shoulder grading and gravel re-sheeting. Road maintenance activities will be contained within the 'maintenance corridor', which comprises the running surface, shoulder, table drain and batter to the top of the back slope.

When major weed control works are to be undertaken, including areas outside the 'maintenance corridor', consultation may occur with the Department of Parks and Wildlife, Department of Environment Regulation and local catchment management groups.

As part of the Shire's annual road program, unsealed shoulders subject to significant traffic will require periodic grading and gravel re-sheeting.

During this process all grasses and vegetation will be removed and disposed of offsite prior to operation.

Some maintenance grading requires occasional clearing of vegetation to accommodate the machine and ensure road safety, however, where possible, this will be minimised.

Drains are usually mechanically cleared and maintained using a grader, and/or slashed if covered with grass. Drains inaccessible to mechanical equipment may require maintenance with hand tools or approved herbicides. In the cases where these practices will not provide for an acceptable level of drainage the use of excavation equipment may be used.

#### **6.0 Removal of Dangerous Vegetation**

Occasionally it is necessary to remove a dangerous tree/vegetation that pose/s an imminent threat to public safety, such as impeding sight along the roadway or a tree that has been subject to storm damage and is threatening to fall over a fence line or a roadway. Following inspection by a Shire Officer, tree removal will be in accordance with Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

#### **7.0 Services and Utilities**

Alignment of services is to be encouraged to minimise impact on roadside vegetation where possible. Under the Utility Providers Code of Practice for Western Australia, utility providers are to liaise with the Shire of Plantagenet regarding the positioning of services and the reinstatement and rehabilitation of disturbed areas. Alignment of services is to be encouraged to minimise impact on roadside vegetation where possible. However, if removal of vegetation is required, it is the responsibility of the service providers to obtain a valid clearing permit from Department of Environment Regulation.

All materials are to be removed from the road verge, by the utility providers, on the completion of works. All trenches, if relevant, are to be backfilled, adequately compacted and trimmed to ensure they are safe. All works are to be in accordance with Council Policy I/R/12 – Notice of Entry for Public Services and Utilities.

#### **8.0 Flora Roads**

Gazetted Flora Roads within the Shire of Plantagenet currently include Millinup Road, Woogenellup North Road, Mira Flores Avenue and Reynolds Road. These roads shall be managed to minimise any disturbance to the roadside flora, consistent with the provision of a safe and efficient roadway.

#### **9.0 Unauthorised Clearing and/or Activities Within Rural Road Reserves**

Clearing of a rural road verge or unmade road reserve without the relevant permits is prohibited. Penalties may also apply in accordance with the Environmental Protection legislation.

No works shall be undertaken in rural road reserves without written approval from the Shire of Plantagenet. This includes planting

(including native species), drainage work, fencing, spraying, burning off, clearing vegetation or seed collection.

## **10.0 Landowner Maintenance of Rural Road Verges**

### **10.1 Application Process and Approvals**

Landowners may apply, in writing, to the Shire of Plantagenet to maintain the rural road verge immediately adjacent to their property boundary. An application fee may be applicable.

Maintenance activities may include vegetation protection or weed removal but do not include any additions or developments such as drainage works or construction of any type. Planting within road verges may be considered, however, approval will only be given to native / local species that enhance the biodiversity of the road verge area.

Landowners need to be aware when applying for approval that their application may be refused if the Shire is required to carry out maintenance activities to maintain the integrity of the road infrastructure.

Landowners must also comply with the Environmental Protection legislation (refer 2.0 – Relevant Legislation) if planning to undertake any work in a rural road verge.

If approved, the area of verge to be maintained by the landowner will be marked with blue 'hockey stick' style markers and the verge address added to the 'Do Not Spray' register.

### **10.2 Maintenance Area**

If approved, landowners may only work on the areas of road verge which fall outside the 'maintenance corridor'. This is the portion of the verge from the top of the back slope to the property boundary/fence line. The Council will take all care not to damage any portion of the rural road reserve from the back slope to the fence line, however, the Council does not accept any responsibility for any loss or damage to vegetation or areas of the road reserve that may occur due to road maintenance or construction activities.

### **10.3 Annual Spraying Program**

The Shire's annual spraying program is conducted within town sites and on particular rural road verges to reduce the amount of flammable material. Residents requesting that the rural road verge adjacent to their property not be sprayed as part of this program must apply to the Shire of Plantagenet, in writing, for the verge to be placed on the 'Do Not Spray' register.

If approved, the area of verge not to be sprayed as a part of the annual spray program will be marked with blue 'hockey stick' style markers and the verge will be placed on the Shire's 'Do Not Spray' register.



**10.4 Fence Line Clearing or Removal of Trees Over Fence Lines/Boundaries**

Clearing may be approved along, but no more than 1.5 metres from, a fence line to provide access to construct or maintain a boundary fence under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

Landowners wishing to remove vegetation from road verges to allow them to construct or maintain an existing boundary fence should apply in writing to the Shire of Plantagenet for approval.

Policy I/RR/5 – Rural Road Reserve Vegetation Management – Trees Across Fences and Boundaries provides guidelines for property owners that have been affected by a tree or branch from rural road reserves, falling into their property.

**10.5 Seed Collection from Road Verges**

Landowners wishing to collect seed from native vegetation in road verges should refer to Shire Policy NRM-C-2 – Native Flora Collection. A permit for seed collection may also be required from the Department of Parks and Wildlife. It is the responsibility of the landowner to check they have the relevant approvals in place.

**11.0 Fire Hazard**

The Shire of Plantagenet conducts an annual spraying program both within town sites and rural road verges to reduce the amount of flammable material.

As the budget for spraying is limited, landowners are encouraged to apply to the Shire under Policy I/R/15 – Road Verge Burning. This policy provides guidelines for landowners wishing to further reduce the fire risk on rural road verges adjacent to their property.'

be endorsed.

CARRIED (9/0)

NO. 229/16

### 9.2.3 PROPOSED ROAD RESERVE CLOSURE AND AMALGAMATION – LOT 500 ALBANY HIGHWAY, NARRIKUP

<b>File Ref:</b>	<b>N39631</b>
<b>Attachments:</b>	<a href="#">Location and Site Maps</a>
<b>Responsible Officer:</b>	<b>Dominic Le Cerf Manager Works and Services</b>
<b>Author:</b>	<b>Amy Chadbourne Senior Administration/Project Officer Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>6 December 2016</b>

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#### **PURPOSE**

The purpose of this report is to consider a request for the permanent closure of a portion of an unused road reserve and its amalgamation into the adjoining freehold lot.

#### **BACKGROUND**

The landowners of Lot 500 Albany Highway, Narrikup (I and S Chapman) have requested that the unnamed and unconstructed portion of road reserve that divides Lot 500 Albany Highway, Narrikup be permanently closed (see Map 2).

Lot 500 Albany Highway, Narrikup (Location 6253) was purchased by the current landowners in 1996. In May 2002, planning consent was approved by the Manager for Planning and Development to construct a second dwelling on the property. A number of conditions were applied to the approval. Point 4 stated:

*'The dwelling being setback 20 metres from the unconstructed road reserve through Location 6253.'*

Also stated in the Building Control Disclaimer was, *'Council disclaims all legal liability and responsibility for:*

*(i) actual compliance by the plans and specifications with the statutory provisions'.*

And at point 4 of the General Conditions of Building Licence:

*'Materials and builders equipment, including sheds are not to be stored or placed in any road reserve, but are to be confined to applicant's own property subject to this Building Licence'.*

Construction of the approved second dwelling was completed in 2003 over the road reserve.

#### **STATUTORY ENVIRONMENT**

Land Administration Act 1997, Section 58 – Closing roads

Land Administration Regulations 1998, Regulation 9 – Local government request to close road permanently (Act s.58(2)), requirements for

Land Administration Act 1997, Section 87 – Sale etc. of Crown land for amalgamation with adjoining land

**EXTERNAL CONSULTATION**

Consultation took place with the Department of Lands to obtain advice on the procedure for amalgamating Crown land with adjoining land.

**FINANCIAL IMPLICATIONS**

The landowner requesting the road reserve closure has paid the Permanent Road Closure Application fee of \$625.00.

Further costs which may be incurred in the road reserve closure and amalgamation process such as purchase price, stamp duty, survey costs, document preparation, registration fees and possible service relocation costs will be met by the applicant.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Strategy 2.4.1:

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

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

**OFFICER COMMENT**

The portion of road reserve which the applicant has requested to be closed runs through a portion of the house and surrounding gardens and divides Lot 500 into two sections.

Despite the applicant being notified of building conditions in the Planning Consent, the house was constructed over the road reserve.

To facilitate the closure of the requested portion of road reserve the Shire must advertise in a newspaper circulating in the district and consult with public utility service providers and other agencies to ensure there are no objections to the closure. Once these actions have been completed, a report to the Council will be prepared seeking authority to request the Minister for Lands to permanently close the portion of road reserve as shown in the attachment map.

If the road closure is approved by the Minister, the Department of Lands would seek a valuation from the Valuer Generals office at Landgate and the freehold owner would be required to meet the purchase price of the portion of road reserve, stamp duty, survey costs, document preparation and registration fees. Once closed the road reserve would then be amalgamated into the adjoining freehold land of Lot 500.

The closure of this portion of road reserve would not affect the Shire's current road network. There are a number of road reserves in this section of Narrikup (refer to Map 2) which have not been constructed. These unconstructed road reserves are generally uncleared and do not currently provide any access to adjoining properties.

Existing properties in the area have access from either Albany Highway, Chorkerup Road or Narrikup Road.

It is recommended that this request be approved and the portion of road reserve as requested by the landowner be closed and amalgamated into Lot 500 Albany Highway, Narrikup with the landowner covering all the costs of the process.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That:**

- 1. Pursuant to Section 58 of the Land Administration Act 1997, local public notice be given of the proposal to permanently close a portion of road reserve running through Lot 500, Albany Highway Narrikup as shown on Map 1.**
- 2. A further report be prepared for the Council's consideration at the conclusion of advertising on or before the ordinary meeting of the Council to be held 28 March 2017.**

**CARRIED (9/0)**

**NO. 230/16**

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**9.2.4 REGIONAL ROAD GROUP - APPOINTMENT OF SECOND REPRESENTATIVE**

<b>File Ref:</b>	<b>N39708</b>
<b>Responsible Officer:</b>	<b>Dominic Le Cerf Manager Works and Services</b>
<b>Author:</b>	<b>Linda Sounness Executive Secretary</b>
<b>Proposed Meeting Date:</b>	<b>6 December 2016</b>

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**PURPOSE**

The purpose of this report is to recommend changes to the Council's representation with the Regional Road Group Committee as a result of Cr Len Handasyde's appointment as Chair.

**BACKGROUND**

Regional Road Groups (RRGs) have been established to recommend local government road funding priorities to the Advisory Committee and to monitor the implementation of the local government program in their own regions. Each Regional Road Group will be chaired by a local government member. Main Roads will provide technical and administrative support. Regional Road Sub Groups have been established in some regions to assist the Regional Road Groups with management and consideration of local roads issues.

At its meeting held on 26 October 2015 the Council that:

- '1. Cr L Handasyde be appointed as the Council's representative on the Regional Road Group Committee.*
- 2. Cr C Pavlovich be appointed as Deputy to act on behalf of Cr L Handasyde when Cr Handasyde is unable to attend; and*
- 3. Cr K Clements be appointed as Reserve Deputy to act on behalf of Cr L Handasyde and Cr C Pavlovich when Cr L Handasyde and Cr C Pavlovich are both unable to attend.'*

At the most recent meeting of the Regional Road Group held on 7 November 2016 Cr Len Handasyde was appointed as the Chair of the Regional Road Group. The Policy and Procedure Manual for the Great Southern Regional Road Group provides for the following in this respect:

*'The Chairperson of the RRG is elected from the twelve (12) elected members by a majority vote in late October or early November. The Chairperson serves a two (2) year term. Annual election of members will be held in late October or early November.*

*The Council from which the Chairperson is elected shall appoint another representative from that Council to be the delegated member.*

*The Chairperson holds a casting vote only.'*

Until such time as Cr Handasyde is appointed as the Shire's second representative, Cr Pavlovich or Cr Clements as deputy and reserve deputy cannot officially

'deputise' while Cr Handasyde is in attendance at the meeting, therefore a change in representation is required for the Council.

### **STATUTORY ENVIRONMENT**

Section 5.11 (1) of the Local Government Act 1995 provides:

*'Where a person is appointed as a member of a committee under Section 5.10(4) or (5), the person's membership of the committee continues until –*

- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;*
- (b) the person resigns from membership of the committee;*
- (c) the committee is disbanded; or*
- (d) the next ordinary elections day.'*

Appointments to external bodies do not require an absolute majority decision.

### **FINANCIAL IMPLICATIONS**

Councillor representatives on committees are entitled to reimbursement for expenses incurred in attending meetings.

### **POLICY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.4 (Safe and Reliable Transport Infrastructure) the following Strategy:

Strategy 2.4.1:

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

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

Strategy 2.6.2:

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

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

### **REGIONAL IMPLICATIONS**

This group undertakes a regional approach to government road funding priorities and also support networks for local road issues.

**OFFICER COMMENT**

As current Deputy on the Regional Road Group Committee, it is recommended that Cr Pavlovich be appointed as the Council's delegated member and Cr Clements appointed as the Deputy.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That:

1. The appointment of Cr L Handasyde as Chairperson of the Great Southern Regional Road Group be noted;
2. Cr C Pavlovich be appointed as the Council's delegated member on the Great Southern Regional Road Group; and
3. Cr K Clements be appointed as Deputy to act on behalf of Cr C Pavlovich when Cr Pavlovich is unable to attend.

**ALTERNATIVE RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr S Etherington:

That:

1. **The appointment of Cr L Handasyde as Chairperson of the Great Southern Regional Road Group be noted;**
2. **Cr C Pavlovich be appointed as the Council's delegated member on the Great Southern Regional Road Group; and**
3. **Cr J Oldfield be appointed as Deputy to act on behalf of Cr C Pavlovich when Cr Pavlovich is unable to attend.**

**CARRIED (9/0)**

**NO. 231/16**

Reason for Change

Cr Clements advised that he would be happy to continue to attend these meetings as an observer and therefore it would be appropriate for Cr Oldfield to be appointed as Deputy.

### 9.2.5 REINSTATEMENT OF ACCESS - LOT 66 LOWOOD ROAD MOUNT BARKER

<b>File Ref:</b>	<b>N39327</b>
<b>Attachments:</b>	<a href="#">Location Maps</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Dominic Le Cerf</b> <b>Manager Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>6 December 2016</b>
<b>Applicant:</b>	<b>Lynn Welsh, Edith Park Pty Ltd</b>

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#### **PURPOSE**

The purpose of this report is to consider an application from a landowner for the reinstatement of access from Lowood Road to Lot 66 Lowood Road, Mount Barker.

#### **BACKGROUND**

A request has been received from Mount Barker Legal Pty Ltd acting on behalf of Edith Park Pty Ltd, the owner of Lots 2 and 66 Lowood Road, Mount Barker to reinstate access to the rear of Lot 2 Lowood Road (refer to Map 2). This would be achieved by using Lot 66 Lowood Road as the access way, which also acts as an easement for carriageway for the adjacent property Lot 1 Lowood Road.

Lot 2 Lowood Road is currently occupied by Collier Tax and Accounting and Lot 1 by Mount Barker Country Chemist.

Lot 66 Lowood Road is currently used by pedestrians as access to the rear of the buildings along Lowood Road as two bollards near the footpath block any larger traffic from getting through.

Landmark, situated at Lot 340 Langton Road has indicated to the Manager Works and Services they wish to install a boundary fence around Lot 340. The installation of the fence would close off one of the vehicle accesses to the back of the buildings along Lowood Road (refer to Map 1)

The applicant has stated once access has been reinstated they will remove the bollards, bituminise the access and erect signage to indicate it is a private driveway.

It should be noted Lot 66 Lowood Road is approximately 2.5m wide.

#### **STATUTORY ENVIRONMENT**

Transfer of Land Act 1893

Land Administration Act 1997

#### **EXTERNAL CONSULTATION**

Consultation has occurred with Mount Barker Legal, Lyn Welsh from Edith Park Pty Ltd and Dorothy St Jack from Landmark Mount Barker.



**FINANCIAL IMPLICATIONS**

Works to reinstate access to Lot 66 Lowood Road will be funded under Capital Items and a budget request will be required for the 2017/18 financial year which will include a detailed design plan. Costs are still to be determined for the works required.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.4 (Safe and reliable 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**

Upgrades to the Mount Barker townsite took place in 2008. Lowood Road was narrowed, median islands installed, provision and marking for angle parking was made, paving was laid, trees planted and semi-mountable kerbing installed. Provision was not included for vehicle access from the Langton Road intersection to the corner of Short Street.

In the process of the upgrade, access to the rear of the buildings on Lowood Road from Langton Road to Short Street was allowed for from Lord Street and Langton Road adjacent to Landmark. Access currently takes place through private property.

As Lot 66 Lowood Road is a carriageway for both Lot 2 and the adjoining Lot 1 Lowood Road, the Council is required to provide access from Lowood Road. Therefore, the Shire will need to commission a design to allow for adequate vehicle turn in and turn out from Lot 66 onto Lowood Road and the relocation of a disabled and a standard parking bay. As part of this process, the semi-mountable kerb will need to be removed and replaced with a fully mountable kerb to allow vehicles to safely access the carriageway.

When constructing the access way, the owner of Lot 66 Lowood Road will need to take into account the installation of drainage to the satisfaction of the Manager Works and Services to ensure stormwater is disposed of correctly.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

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

That:

1. The request for the Council to reinstate vehicular access from Lowood Road to Lot 66 Lowood Road, Mount Barker be endorsed; and
2. A further report including detailed plans and costings to allow for vehicular access to Lot 66 Lowood Road Mount Barker be prepared for the Council's consideration on or before the ordinary meeting of the Council to be held 28 March 2017.
3. The upgrade and drainage of Lot 66 be to the satisfaction of the Manager Works and Services.

**MOTION TO ADJOURN THE QUESTION**

Moved Cr C Pavlovich, seconded Cr J Moir:

That the question be adjourned to allow the CEO to undertake further investigations to seek an alternative option and a further report be presented on or before the meeting of the Council to be held 28 March 2017.

**CARRIED (9/0)**

**NO. 232/16**

## **9.3 COMMUNITY SERVICES REPORTS**

### **9.3.1 BUSH FIRE CONTROL OFFICER POSITION**

<b>File Ref:</b>	<b>N39705</b>
<b>Responsible Officer:</b>	<b>Fiona Saurin Manager Community Services</b>
<b>Author:</b>	<b>Joanne Weekes Community Emergency Services Manager</b>
<b>Proposed Meeting Date:</b>	<b>6 December 2016</b>

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#### **PURPOSE**

The purpose of this report is to recommend the appointment of an additional Bush Fire Control Officer for the Shire of Plantagenet.

#### **BACKGROUND**

The Shire of Plantagenet appoints a number of positions on an annual basis in accordance with the Bush Fires Act 1954.

The Mount Barker Volunteer Fire and Rescue (VFRS) nominated two representatives of their brigade as Fire Control Officers for the Mount Barker gazetted town site. Due to work commitments these representatives are often unavailable. The Mount Barker VFRS therefore requests that Mr Jason Stasev be endorsed as an additional Fire Control Officer for the Mount Barker town site for the remainder of 2016/2017.

#### **STATUTORY ENVIRONMENT**

Bush Fires Act 1954 – Section 38 details the appointment and duties of Bush Fire Control Officers.

#### **EXTERNAL CONSULTATION**

The Mount Barker VFRS has made the recommendation detailed in this report. The Chief Bush Fire Control Officer has also been consulted and agrees with the recommendation.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **POLICY IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

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

Strategy 1.9.2:

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

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

#### **OFFICER COMMENT**

Mr Jason Stasev is qualified to be appointed as an additional Bush Fire Control Officer for the Mount Barker VFRS.

#### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That Mr Jason Stasev be appointed as a Bush Fire Control Officer for the Mount Barker Volunteer Fire and Rescue for the remainder of 2016/2017.**

**CARRIED (9/0)**

**NO. 233/16**

**9.3.2 REVOCATION OF POLICY – RS/ES/1 - DISASTER RELIEF**

<b>File Ref:</b>	<b>N39406</b>
<b>Responsible Officer:</b>	<b>Fiona Saurin Manager Community Services</b>
<b>Author:</b>	<b>Kirsten Perrin Community Development Officer</b>
<b>Proposed Meeting Date:</b>	<b>6 December 2016</b>

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**PURPOSE**

The purpose of this report is to recommend the revocation of Council Policy RS/ES/1 – Disaster Relief.

**BACKGROUND**

The policy was last reviewed by the Council at its meeting held on 3 March 2014.

**STATUTORY ENVIRONMENT**

The Emergency Management Act 2005 details the local government's role as an agency responsible for planning and preparing for emergencies and to manage recovery following an emergency.

**FINANCIAL IMPLICATIONS**

The policy provides financial assistance through a subsidy on Building Licence fees, up to \$750.00, for the replacement of buildings which have been destroyed during an emergency.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Strategy 1.9.2:

*'Support the community in emergency and fire management planning, preparedness, response and recovery.'*

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

**OFFICER COMMENT**

The Disaster Relief policy has not been implemented since it was first adopted in 2007.

Furthermore, the policy also provides for the Shire to absorb a cost that should be covered by individual property owner's insurance.

The Lord Mayor's Disaster Relief Fund is commonly used as the most appropriate method of providing support to people affected by a disaster.

It is the opinion of the author that the policy be revoked, as assistance by the Shire of Plantagenet following an incident can be made by a decision of the Council.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

That Council Policy RS/ES/1 – Disaster Relief, as follows:

#### **'OBJECTIVE**

The objective of this Policy is to provide assistance to victims of a local disaster which has occurred within the Shire of Plantagenet.

#### **POLICY**

To assist people that are genuine local disaster victims, Building Licence fees (to a maximum of \$750.00 for any one building) shall be donated by the Chief Executive Officer, subject to budgetary allocation, for the replacement of buildings on the same site and of a similar size and structure to buildings irreparably damaged or destroyed during the disaster.

This Policy will only be applicable when the Shire President has determined that the event is a local disaster.'

be revoked.

**CARRIED (9/0)**

**NO. 234/16**

**9.3.3 WAIVING OF ADMISSION FEES - SWIMMING POOL**

**File Ref:** N39723  
**Responsible Officer:** Fiona Pengel  
Manager Community Services  
**Author:** Mark Bird  
Manager Swimming Pool  
**Proposed Meeting Date:** 6 December 2016

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**PURPOSE**

The purpose of this report is to obtain approval for the one-off waiving of swimming pool admission fees for children under the age of ten years and their accompanying parents, to assist in the promotion of Watch Around Water Day on 23 December 2016.

**BACKGROUND**

Watch Around Water (WAW) is an education and public awareness raising program to address the growing concern regarding supervision of young children at public swimming pools. Over 95% of public swimming pools in Western Australia run the WAW program and it is regarded as one of the key factors of zero incidents of drowning death in Group One Aquatic Facilities since 2003. WAW Day is an annual event that facilities run in the lead up to school holidays to promote the importance of constant supervision of children around water.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 Section 6.12 (1) (b) permits a local government to waive or grant concessions in relation to any amount of money owed to a local government.

**EXTERNAL CONSULTATION**

The day is supported by the Royal Lifesaving Society of Western Australia (RLSSWA) who will assist in the promotion of the day and make available a number of WAW resource packs.

**FINANCIAL IMPLICATIONS**

It is anticipated that lost revenue will not exceed \$250.00 given no more than 50 eligible people are expected to attend.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) the following Strategy:

Strategy 1.5.6:

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*'Maintain a safe pool facility and enhance aquatic programs to encourage increased patronage'*

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

#### **OFFICER COMMENT**

The swimming pool is planning to run WAW day on Friday 23 December 2016. To attract as many patrons as possible and to fully promote the WAW message, it is planned to offer free admission to children under the age of ten years and their accompanying parents whilst the event is in progress.

It should be noted that children over the age of ten years can attend the pool without a parent.

#### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That admission fees for children under the age of ten years and their accompanying parents during the Watch Around Water Day event on 23 December 2016 be waived.**

**CARRIED (9/0)**

**NO. 235/16**



## 9.4 CORPORATE SERVICES REPORTS

### 9.4.1 ANNUAL REPORT - YEAR ENDING 30 JUNE 2016

<b>File Ref:</b>	<b>N39573</b>
<b>Attachment:</b>	<a href="#">Draft Annual Report – Year End 30 June 2016 (Separate Attachment)</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> Chief Executive Officer
<b>Author:</b>	<b>John Fathers</b> Deputy Chief Executive Officer
<b>Proposed Meeting Date:</b>	<b>6 December 2016</b>

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#### **PURPOSE**

The purpose of this report is to accept the Shire of Plantagenet's 2015/2016 Annual Report.

#### **BACKGROUND**

The annual financial audit for 2015/2016 was conducted by representatives of the Council's auditors, Moore Stephens in October 2016.

At its meeting held on 8 November 2016, the Council resolved *'That subject to the timely receipt of the Shire's audit report, a General Meeting of Electors be held at 6.30pm on 6 December 2016 to receive the 2015/2016 Annual Report.'*

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

Section 5.54 (1) states *'subject to subsection (2) the Annual Report for a financial year is to be accepted by the local government no later than 31 December after that financial year.'* (Absolute Majority required).

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

#### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 4.2 (Effective engagement with the community and stakeholders) the following Strategy:

Strategy 4.2.1:

*'Have a well informed community.'*

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

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**OFFICER COMMENT**

The Annual Report notes that a number of key items of infrastructure and plant were progressed during 2015/2016, including:

- \$2.7 million capital road works program;
- Air conditioning of the Administration Building;
- Installation of photovoltaic cells on the Administration Building;
- Expansion of the CCTV network in Mount Barker;
- Kendenup Agricultural Grounds Redevelopment;
- Commencement of the roof over northern dirt pens at the Saleyards; and
- Purchase of a new 12M Caterpillar grader, Bomag roller and Caterpillar 444F2 backhoe.

Following on from the completion of Stages 2 and 3 of the redevelopment of Sounness Park, the Mount Barker Hockey Club held a carnival on 10-12 July 2015 which attracted 27 teams, involving approximately 300 players from regional WA. The Shire was also very pleased that Sounness Park was selected to host an AFL preseason game between the Fremantle Dockers and Adelaide Crows, which was held on 28 February 2016.

The Shire made good progress with the Kendenup Agricultural Grounds this year, having established a working group to develop plans for the refurbishment of the Agricultural Hall, ablutions block and the development of a nature based camping area.

In terms of the Shire's financial situation, rate revenue increased from \$6.03 million in 2014/2015 to \$6.22 million in 2015/2016. Outstanding borrowings reduced from \$3.04 million in 2014/2015 to \$2.99 million in 2015/2016.

The Council spent \$706,105.00 on land and buildings and \$178,987.00 on parks and ovals infrastructure. A total of \$2,727,027.00 was spent on roads and footpaths with \$857,805.00 on purchases of plant, furniture and equipment.

The level of reserve funds increased from \$1,541,227.00 in 2014/2015 to \$1,662,354.00 in 2015/2016. The level of unrestricted cash at year end fell from \$1,733,244.00 to minus \$25,971.00 (due mainly to storm damage payments of almost \$450,000.00 which had not been recouped and prepaid commonwealth financial assistance grants in the previous year).

The Council received grants and contributions for the development of assets of \$2.7 million in 2015/2016. Total grants and contributions received was \$4.58 million. Other activities carried out throughout the year have been reported on extensively within the Annual Report.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That the Annual Report for the year ended 30 June 2016 as attached, be accepted.**

**CARRIED (9/0)**

**NO. 236/16**

**Absolute Majority**

**9.4.2 AUDIT REPORT - YEAR ENDING 30 JUNE 2016**

<b>File Ref:</b>	<b>N39574</b>
<b>Attachment:</b>	<a href="#">2015/2016 End of Year Audit Report</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>6 December 2016</b>

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**PURPOSE**

The purpose of this report is to present the Annual Financial Audit and Management Report for the year ending 30 June 2016.

**BACKGROUND**

In October 2016, representatives of Moore Stephens attended the Shire office to conduct an end of year audit for 2015/2016. It should be noted that the audit is designed primarily to enable the auditors to form an opinion on the financial statements and therefore does not extend to all of the Council's systems and procedures.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

Section 7.12A (3) and (4) of the Act states the following:

- '(3) A local Government is to examine the report of the auditor prepared under section 7.9 (1), and any report prepared under section 7.9(3) forwarded to it, and is to -
- (a) determine if any matters raised by the report, or reports require action to be taken by the local government; and
  - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to -
- (a) prepare a report on any actions taken under subsection (3) in respect of an audit conducted in respect of a financial year; and
  - (b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.'

**EXTERNAL CONSULTATION**

Consultation has occurred with the Shire's auditors in regard to this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

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## STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following Strategy:

Strategy 4.6.1:

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

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

## OFFICER COMMENT

A copy of the Moore Stephens' Report is attached. The audit letter focuses on the Shire's current position with respect to the statutory financial ratios in Note 19. A comment in regard to the results is as follows:

The trend in regard to the ratios is shown in the table below:

Financial Ratios	2013	2014	2015	2016
Current Ratio	0.771	0.650	1.020	0.792
Asset Sustainability Ratio	0.928	1.178	0.487	0.491
Debt Service Cover Ratio	6.857	4.250	6.921	3.562
Operating Surplus Ratio	-0.210	-0.258	-0.319	-0.590
Own Source Revenue Coverage Ratio	0.646	0.677	0.579	0.547
Asset Consumption Ratio	0.122	0.188	0.620	0.466
Asset Renewal Funding Ratio	1.024	0.970	0.783	0.656

- **Current Ratio**

$$\frac{\text{Current assets minus restricted assets}}{\text{Current liabilities minus liabilities associated with restricted assets}}$$

This ratio gives an indication of short term liquidity, or the ability to meet financial obligations when they fall due. The standard is met if the ratio is greater than 1. The Shire's 2016 result of 0.792 is lower than the standard of 1.0, due mainly to storm damage payments of almost \$450,000.00 which had not been recouped. In comparing to the 2015 result, it should be noted that commonwealth financial assistance grants were prepaid in the previous year but not this year.

- **Asset Sustainability Ratio**

$$\frac{\text{capital renewal and replacement expenditure}}{\text{depreciation expense}}$$

This ratio indicates that to what degree the Shire is replacing or renewing existing assets at the same rate that its overall asset stock is wearing out. The standard is met if the ratio is greater than 1.1. The Shire's 2016 result of 0.491 continues the trend whereby a relatively high proportion (25% in 2015/2016) of capital expenditure was associated with new or upgrade projects, such as \$196,772.00 on the Administration Building, \$50,937.00 on CCTV and \$274,985.00 on parks and recreation ground improvements. The ratio also reflects the increased depreciation identified as a result of adjustments to asset fair values.

The ratio would not be considered within acceptable limits in the long term. This ratio needs to be considered in determining future asset management programs and more work needs to be done to verify infrastructure depreciation values.

- Debt Service Cover Ratio  $\frac{\text{annual operating surplus before interest and depreciation}}{\text{principal and interest}}$

This ratio indicates an ability to service debt out of general purpose funds available for operations. A ratio greater than 2 is desirable at a basic level and an advanced standard is met if the ratio is greater than 5. The Shire's 2016 result of 3.562 is acceptable, acknowledging however that the Shire's debt load, including self supporting loans, needs careful attention.

- Operating Surplus Ratio  $\frac{\text{operating revenue minus operating expense}}{\text{own source operating revenue}}$

This ratio indicates an ability to cover operational costs and have revenues available for capital funding or other purposes. A basic standard is met between 0 and 0.15. An advanced standard is met over 0.15. The Shire's 2016 result of (0.590) is well below ideal.

Accounting guidelines indicate that a sustained period of deficits will erode the local government's ability to maintain both its operational service level and asset base. This worsening situation is mainly due to increasing depreciation due to asset revaluations. To some degree, this ratio does not accurately represent the local government scenario, whereby a significant proportion of infrastructure renewal (expensed via depreciation) is met by capital grant income.

All local governments are going through the revaluation exercise and presumably, most will reflect this trend. Ideally, future long term plans should achieve a reversal of this trend. This will involve work on, in particular verifying the remaining useful life (RUL) of infrastructure and ensuring depreciation rates are reliable.

- Own Source Revenue Coverage Ratio  $\frac{\text{own source operating revenue}}{\text{operating expense}}$

This ratio indicates an ability to cover costs through own source revenue efforts. A basic standard is met between 0.4 and 0.6. An intermediate standard is met between 0.6 and 0.9. An advanced standard is met over 0.9. Given that asset valuations and the depreciation figure that is thereby created have impacted on this ratio, the Shire's 2016 result of 0.547 is acceptable.

- Asset Consumption Ratio  $\frac{\text{depreciated replacement cost of assets}}{\text{current replacement cost of depreciable assets}}$

This ratio measures the extent to which depreciable assets have been consumed by comparing their written down value to their replacement cost. The standard is met if the ratio is greater than 0.5. The standard is improving if the ratio is between 0.6 and 0.75. The Shire's 2016 result is 0.466.

The figures used to calculate this ratio now reflect updated valuation and depreciation values across all assets and can be considered a more reliable measure than past values. This result would indicate that care needs to be exercised as the Shire is in danger of slipping into the level where it will have difficulty maintaining the 'aged' condition of its assets. As indicated by the auditor, the Council needs to update asset condition and RUL assessments, to ensure inputs to this ratio are based on reliable and verifiable data.

- Asset Renewal Funding Ratio  $\frac{\text{NPV of planned capital renewals over 10 years}}{\text{NPV of required capital expenditure over 10 years}}$

This ratio measures an ability to fund projected asset renewal and replacements in the future. The standard is met if the ratio is between 0.75 and 0.95. The standard is improving if the ratio is between 0.95 and 1.05. The Shire's 2016 result is 0.656 lower than desirable. This ratio requires further work on the LTFP and Asset Management Plan to achieve a better level of confidence.

These final two ratios have only been audited to the extent that the values are accurately represented in the Shire's Asset Management Plan and LTFP. There has been no additional effort in auditing the veracity of those plans or the figures used to determine the ratios. Further work is required on those plans to ensure that, in the long term, the Shire has adequate information to ensure that its plans are robust and that assets are maintained in a responsible and sustainable manner.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That the Annual Financial Audit and Management Report for the year ending 30 June 2016 as issued by Mr David Tomasi of Moore Stephens be received.**

**CARRIED (9/0)**

**NO. 237/16**

**9.4.3 LIST OF ACCOUNTS – NOVEMBER 2016**

<b>File Ref:</b>	<b>N39486</b>
<b>Attachment:</b>	<b>List of Accounts - November 2016</b>
<b>Responsible Officer:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Emma Gardner Accounts Officer</b>
<b>Proposed Meeting Date:</b>	<b>6 December 2016</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 November 2016.

**STATUTORY ENVIRONMENT**

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

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

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 30 November be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$894,423.07;
2. Municipal Cheques 45756 - 45780 and 45782 - 45787 totalling \$215,262.28; and
3. Cancelled Cheque 45781.

**CARRIED (9/0)**

**NO. 238/16**

**9.4.4 ELECTIONS 2017 - LOCAL GOVERNMENT - METHOD OF VOTING**

**File Ref:** N39724  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 6 December 2016

---

**PURPOSE**

The purpose of this report is to recommend the appointment of the Western Australian Electoral Commission (WAEC) to be responsible for the conduct of the October 2017 Ordinary Local Government Elections and to endorse those elections to be conducted as postal ballots.

**BACKGROUND**

The Council has used the WAEC to conduct postal voting elections for every election held since May 1988.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

Section 4.61 (1) of the Act states:

*'The election can be conducted as a -*

*"postal election" which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or*

*"voting in person election" which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.'*

Section 4.61 (2) of the Act states:

*'The Local Government may decide (absolute majority required) to conduct the election as a postal election.'*

Section 4.20(4) of the Act states:

*'A Local Government may, having first obtained the written agreement of the Electoral Commissioner, declare (absolute majority required) the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.'*

**FINANCIAL IMPLICATIONS**

An amount of approximately \$23,000.00 would need to be allocated in the 2017/2018 budget for the conduct of the 2017 elections. Costs not included in this estimate include:

- Non-statutory advertising (i.e. additional advertisements in community newspapers and promotional advertising);
- Any legal expenses other than those that are determined to be borne by the WAEC in a Court of Disputed Returns; and
- Staff members within the polling place on election day and for the count.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

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

Strategy 4.1.7

*‘Continue to support local government elections being conducted by an external body.’*

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

**OFFICER COMMENT**

The Council has used the WAEC to conduct postal voting elections for every election held since May 1988. The conduct of the elections has been to a high standard. It is also preferable for the administration to be removed from the process.

It is therefore recommended that October 2017 elections be held as a postal ballot, to be conducted by the WAEC.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That:**

- 1. In accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner of Western Australia be responsible for the conduct of the Shire of Plantagenet 2017 ordinary elections together with any other elections or polls which may also be required.**
- 2. In accordance with Section 4.61(2) of the Local Government Act 1995, the method of conducting the election will be as a postal election.**

**CARRIED (9/0)**

**NO. 239/16**

**Absolute Majority**

### 9.4.5 POLICY ADOPTION - PUBLIC ELECTRONIC NOTICE BOARD MESSAGES

<b>File Ref:</b>	<b>N39612</b>
<b>Responsible Officer:</b>	<b>John Fathers Acting Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers Acting Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>6 December 2016</b>

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#### **PURPOSE**

The purpose of this report is to adopt a new policy (OP/CS/1) relating to the messages which can be displayed on the Shire's new public electronic notice board. Further, a delegation (LG038) is sought to the Chief Executive Officer to determine requests for messages which are not classified within the policy.

#### **BACKGROUND**

The Council allocated funds in the 2015/2016 and 2016/2017 budget for the installation of a public electronic notice board. The notice board will be erected in December 2016 at the front of the Shire Office.

#### **STATUTORY ENVIRONMENT**

Section 5.42 of the Local Government Act 1995 provides for a Local Government to delegate to the CEO the exercise of any of its powers or the discharge of its duties. An absolute majority decision is required.

Section 5.45 of the Act provides that a delegation has effect for the period of time specified in the delegation or, where no period has been specified, indefinitely. Nevertheless, at least once every financial year, delegations are to be reviewed by the delegator. Any delegation granted by the Council to the CEO must be reviewed once every financial year.

A person to whom a power or duty is delegated under the Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **POLICY IMPLICATIONS**

This report seeks to adopt a new policy.

#### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 4.3 (Innovative and accessible customer services and information system) the following Strategy:

Strategy 4.3.4:

*'Increase use of new technology to engage with the public and keep them informed'*

---

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

### **OFFICER COMMENT**

A councillor workshop was held on Tuesday 8 March 2016 to consider proposals for a public electronic notice board. During that workshop it was agreed that the signage be geared towards local events and advice as opposed to visitor and tourism signage.

It is considered appropriate to formalise within a Council policy the types of messages which should be permitted on the sign. Further, upon installation of the sign, it is envisaged that the Shire will receive requests from external organisations for approval to advertise events and functions. A draft policy has been prepared which will guide the administration in dealing with such requests.

The various messages that were discussed at the councillor workshop were:

- Shire events and meetings;
- Shire originated community advice;
- Local government electoral notifications;
- Facility opening and closing times;
- Shire service delivery notifications;
- Community based festivals and events which have Shire involvement or support;
- Emergency warnings; and
- Time and temperature.

Other suggestions since the workshop are:

- Notifications and reminders about Shire surveys.
- High impact roadworks and road closures;
- Citizenship Ceremonies;
- Notifications about citizen of the year nominations.

It is recommended that the policy be confined to this list initially. The list aims to reflect Shire based activities in the main, but also includes community based events. There might be a need to refine this category depending on the number of events that could fall under this category.

It is also recommended that a delegation be made to the Chief Executive Officer to determine requests for messages which are not currently contemplated within the policy.

### **VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr L Handasyde:

That:

1. **New Council Policy OP/CS/1 'Public Electronic Notice Board – Messages'**

**OBJECTIVE**

The objective of this Policy is to provide clear guidelines for the messages which can be displayed on the Shire's public electronic notice board.

**POLICY**

The Council will allow messages to be displayed on the Shire's public electronic notice board, which relate to:

- a) Shire events, meetings and ceremonies;
- b) Shire originated community advice;
- c) Local government electoral notifications;
- d) Facility opening and closing times;
- e) Shire service delivery notifications;
- f) Community based festivals and events which have Shire involvement or support;
- g) Emergency warnings;
- h) Time and temperature;
- i) Notifications and reminders about Shire surveys and nominations for awards; and
- j) High impact roadworks and road closures.'

be adopted.

2. **New delegation LG038, as follows:**

'The Chief Executive Officer be authorised to permit messages to be displayed on the Shire's public electronic notice board which are not classified within Council Policy OP/CS/1.'

**CARRIED (9/0)**

**NO. 240/16**

**Absolute Majority**

**9.4.6 POLICY REVIEW REGISTRATION PLATE PL1 AND PL2 ISSUE**

**File Ref:** N39575  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Donna McDonald  
Senior Administration/Human Resources  
Officer  
**Proposed Meeting Date:** 6 December 2016

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**PURPOSE**

The purpose of this report is to review Council Policy No. A/PA/11 – Vehicle Registration Plates PL 1 and PL 2 Issue.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 9 December 2014.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

The review of this policy is presented to the Council as part of the ongoing Council Policy review cycle. No delegation currently exists in regard to this policy and it is considered there is no need for one.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

It is considered that the current policy is sufficient and should be endorsed without alteration.

**VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

That Council Policy No. A/PA/11 – Vehicle Registration Plates PL 1 and PL 2 Issue, as follows:

**'OBJECTIVE:**

To determine the allocation of Vehicle Registration Plates PL 1 and PL 2.

**POLICY:**

That the Council will:

1. Issue to the Shire President of the day whilst that person occupies the office of Shire President Vehicle Registration Plate PL 1; and
2. Issue to the Chief Executive Officer of the day whilst that person occupies the office of Chief Executive Officer Vehicle Registration Plate PL 2.'

be endorsed.

**CARRIED (9/0)**

**NO. 241/16**

**9.5 EXECUTIVE SERVICES REPORTS**

Nil

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## 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 10.1 PARKING – RETAIL PRECINCT

#### Cr Clements

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

Nature: Member of Board of Mount Barker Cooperative Limited

Extent: Not required

4:24pm Cr K Clements withdrew from the meeting.

Deputy Shire President Cr Handasyde assumed the Chair.

Cr C Pavlovich gave previous notice of his intention to move the following motion pursuant to Clause 3.7 of Standing Orders:

That:

1. The Council and staff review the current and future vehicle parking in the Mount Barker retail precinct and draft a planning document for Council consideration on the understanding that:
  - a) Retail and commercial activity may grow at a rate of 10% annually;
  - b) Parking lots and pedestrian assess may need to created and or reserved for future demand, and
2. The draft planning document be presented on or before the 5 December 2017 meeting of the Council.

In relation to Motion 182/16, September Council Meeting (Notices of Motion), I provide the following:

1. Submitted to the CEO as a Notice of Motion.
2.
  - (a) Direction to the CEO and the Administration regarding the Council's current and future parking within the retail precinct.
  - (b) A number of developments over the past 10 years have changed the dynamics of parking requirements.
  - (c) Cost Centre: Town Planning - Salaries
  - (d) Administrative overheads at this stage;
  - (e) A draft planning document to be available by December 2017.
  - (f) Many aspects of the Strategic Community Plan and Corporate Plan apply, specifically Strategy 2.4.3. 'Provide appropriate on-road and off-street car parking, as well as parking control activities' and Action 2.4.3.1. 'Review the provision of on and off street parking.'

## COUNCILLOR COMMENT

### Scope

Over the last 10+years there has been a number of developments in the main hub that have changed the dynamics of vehicle parking. The Council's agreement and subsequent sealing of the vacant block next to the post office has been well received and utilised and a great example of what can be achieved. This motion is proposed to initiate a review our strategic options for parking in our retail hub for the next 10-20 years.

### Rationale

The Co-op development has increased parking on their land to the point of full capacity most days. If the Co-op business continues to grow, then pressure will flow to nearby options which may already be close to their comfortable capacity. Can parking, for example be formalised (lease and marked accordingly) on the area adjacent to the old Rainbird Garage and opposite the Muir Street Bottle shop?

The Bakery end of town is a parking nightmare already with vehicles spread out daily from Healy's yard to opposite Mt Barker electrics including intersections and footpaths. A potential 'black spot' for conflict with vehicles and pedestrians. Maybe a lease and marked parking lot can be negotiated on the vacant land opposite the Bakery?

Langton Road. Should the vacant shops be utilised in the future then the limited number of Langton Rd street parking may pose an immediate problem. Maybe some vacant Catholic Church land can be leased and reserved for a future parking lot?

### Cost

Nil. I do not envisage the immediate need for external consultants to be engaged, however if the Council supports this motion then a workshop may give some direction or future vision.

## OFFICER COMMENT

There are a number of elements that may contribute to future demand for parking in the Mount Barker CBD. The starting point for a such a review typically includes a review of the retail establishments and the total lettable floor space compared to available car parking spaces and may include surveys of the occupancy of existing carparks. As alluded to by the proponent, this matter should be the subject of a workshop (suggested in January 2017) to determine the scope of the review and discuss the resource implications. It is likely that such a review would involve the need to engage consultants and hence would require funding, either within a budget review of 2017/2018 budget allocation.

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

**That:**

1. The Council and staff review the current and future vehicle parking in the Mount Barker retail precinct and draft a planning document for Council consideration on the understanding that:
  - a) Retail and commercial activity may grow at a rate of 10% annually;
  - b) Parking lots and pedestrian assess may need to created and or reserved for future demand, and
2. The draft planning document be presented on or before the 5 December 2017 meeting of the Council.

**CARRIED (9/0)**

**NO. 242/16**

4:35pm Cr K Clements returned to the meeting and resumed the Chair.

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

Nil

**12 CONFIDENTIAL****12.1 WORKS AND SERVICES REPORTS****12.1.1 WALGA EQUOTE - SUPPLY AND DELIVERY OF HOT MIX**

**File Ref:** N39787  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Amy Chadbourne  
Senior Administration/Project Officer Works  
and Services  
**Proposed Meeting Date:** 6 December 2016

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**PURPOSE**

The purpose of this report is to consider submissions received for the WALGA EQuotes request – Supply and Delivery of Hot Mix.

**MOTION TO PROCEED BEHIND CLOSED DOORS**

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

**4:36pm** That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

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

**CARRIED (9/0)**

**NO. 243/16**

**MOTION TO PROCEED IN PUBLIC**

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

**4:37pm** That the meeting proceed in public.

**CARRIED (9/0)**

**NO. 244/16**

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That the quotation submitted by Malatesta Road Paving and Hot Mix for the supply and delivery of 12,860m<sup>2</sup> of hot mix at a cost of \$275,139.70 (inc GST) for the Council's 2016/17 footpath and roadworks program, be accepted.**

**CARRIED (9/0)**

**NO. 245/16**

**12.1.2 TENDER CO2-1617 SUPPLY/TRADE AND DELIVERY OR OUTRIGHT SALE (DISPOSAL) OR SUPPLY ONLY OF A PRIME MOVER**

**File Ref:** N36769  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Amy Chadbourne  
Senior Administration/Project Officer Works  
and Services  
**Proposed Meeting Date:** 6 December 2016

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**PURPOSE**

The purpose of this report is to consider tender submissions received for the supply/trade and delivery or outright sale (disposal) or supply only of a prime mover.

**MOTION TO PROCEED BEHIND CLOSED DOORS**

Moved Cr L Handasyde, seconded Cr B Bell:

4:37pm That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

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

CARRIED (9/0)

NO. 246/16

**MOTION TO PROCEED IN PUBLIC**

Moved Cr B Bell, seconded Cr L Handasyde:

4:38pm That the meeting proceed in public.

CARRIED (9/0)

NO. 247/16



**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr C Pavlovich, seconded Cr L Handasyde:

That:

1. The tender submitted by Bunbury Trucks for the supply of a new Hino FS2848 at a cost of \$188,870.00 (inc GST); and
2. The trade-in on the 2007 Hino prime mover at a price of \$44,600.00 (inc GST);

At a net changeover of \$144,270.00 (inc GST) be accepted.

CARRIED (9/0)

NO. 248/16

**13 CLOSURE OF MEETING**

4:39pm The Presiding Member declared the meeting closed.

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