



ORDINARY MINUTES

DATE: Tuesday, 14 December 2010

TIME: 2:45pm

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

2:46pm The Presiding Member declared the meeting open.

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

Members Present:

Cr K Clements	Shire President
Cr M Skinner	Deputy Shire President
Cr B Bell	Councillor
Cr S Etherington	Councillor
Cr S Grylls	Councillor
Cr L Handasyde	Councillor
Cr J Moir	Councillor

In Attendance:

Mr Dominic Le Cerf	Manager Works and Services
Mrs Linda Sounness	Executive Secretary
Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mr Eric Howard	Environmental Health Officer

Apologies:

Cr Budrikis

Previously Approved Leave of Absence:

Cr G Messmer – 11 December to 23 December 2010 inclusive.

There were seven (7) members of the public present.

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

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

3.2.1 STEVE JENNINGS – WOODLANDS ROAD RESIDENT – QUESTIONS RELATING TO ITEM 11.1.4 PORONGURUP RURAL VILLAGE STRUCTURE PLAN

Mr Jennings asked have any projections been made in respect to total population projections. Mr Jennings had calculated that some 133 new dwellings plus existing dwellings at 2.3 persons per dwelling could mean a population of 500 people.

Response by Mr Peter Duncan - Manager Development Services

Mr Duncan advised that he had done a similar exercise which resulted in an ultimate potential population of in the order of 500 people. This will be over a period of many years with the first stages only involving some ten or 20 new lots being released.

Mr Jennings asked has any consideration been given to the provision of social facilities and infrastructure that the developer will provide.

Response by Mr Peter Duncan – Manager Development Services

Mr Duncan advised that the draft Structure Plan includes areas of public open space and reference to a possible future hall site, should this be required into the future. There is the ability under the Planning Legislation for a developer contribution scheme for various facilities and infrastructure.

This Structure Plan forms part of Amendment No 49 to Town Planning Scheme (TPS) No 3 which has been with the Western Australian Planning Commission (WAPC) for two years. Once the Structure Plan has finished the advertising it will be forwarded to the WAPC to become part of Amendment No 49. Then Amendment No 49 will need to be finished so it could be another two years before the detailed work happens.

Mr Jennings asked at earlier public forums community consultation was a major issue for future stages. What is proposed?

Response by Mr Peter Duncan, Development Services Manager

Mr Duncan advised that the draft Structure Plan does include a section on consultation. The report to the Council does recommend the Consultants conduct a public information session at the Porongurup during the 42 day advertising period.

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1.1 MR MARK JENDRZEJCZAK AND MR ANTHONY DEUTSCHMANN REPRESENTING WA DEPARTMENT OF PLANNING – ITEM 11.1.1 LOCAL PLANNING STRATEGY

In December 2009 the draft Local Planning Strategy (LPS) (as Town Planning Scheme Policy No 18) was considered by the Western Australian Planning Commission (WAPC) which required changes for it to be considered as a LPS.

Ten modifications were required. These were broad in nature but they required substantial changes to the Strategy.

Officers and David Saunders (Executive Director in Perth) worked with Shire Officers to do the modifications as required by the WAPC including format and content where it was inconsistent with Commission Policy.

Minor variations still exist but these are acceptable to officers who will recommend the majority of the variations be agreed to by the WAPC.

This report to WAPC is likely to be brief and only advise on the minor variations and any other outstanding matters.

Councillors asked questions of Mr Jendrzejczak

Cr Clements asked – ‘A Local Planning Strategy is supposed to plan well into the future for 10 to 20 years. Almost all of our future growth initiatives have been deleted. How are we to plan for long term growth when we only use 13 year old strategies for Mount Barker and Porongurup?’

Mr Jendrzejczak responded asking for specific examples and summarising that, using Cats Creek as an example, the designation was acceptable as residential rezoning and the problems associated with servicing blocks are separate issues.

Cr Bell asked – ‘The WAPC ‘Local Planning Manual says ‘*each local government is able to adopt the planning policies, provisions and approach that best suits its local needs and circumstances.*’ Why have you made us delete these things?’

In response, Mr Jendrzejczak asked for clarification and confirmed that 220 pages had been reduced to 80, and the document was shorter but better.

Cr Handasyde asked – ‘The rural component of the original Local Planning Strategy contained a detailed section on each of the rural planning units and discussed things such as land use and land use conflict. All it says now is

subdivision must meet WAPC Policy. Why cannot we discuss land use and conflict?’

Mr Jendrzeczak responded in agreement regarding land use and land use conflict and that the main body of the document says this. He also advised that there is scope to add onto the document in the future.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr Ken Clements disclosed a Proximity (Section 5.60(B) LGA) Interest – Own property in the Shire – in Item 11.1.1.

Cr Michael Skinner disclosed a Proximity (Section 5.60(B) LGA) Interest – Owner of property within the Shire of Plantagenet – in Item 11.1.1.

Cr Michael Skinner disclosed a Proximity (Section 5.60(B) LGA) Interest – Owner of adjacent property – in Item 11.1.6.

Cr Sue Etherington disclosed a Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – Partner owns property in the Plantagenet Shire – in Item 11.1.1.

Cr Brett Bell disclosed a Proximity (Section 5.60(B) LGA) Interest – Owner of property in the Shire of Plantagenet – in Item 11.1.1.

Cr Simon Grylls disclosed a Proximity (Section 5.60(B) LGA) Interest – Owner of property in the Shire of Plantagenet – in Item 11.1.1.

Cr Jeff Moir disclosed a Proximity (Section 5.60(B) LGA) Interest – Owner of property within the Shire of Plantagenet – in Item 11.1.1.

Cr Len Handasyde disclosed a Proximity (Section 5.60(B) LGA) Interest – Owner of property within the Shire of Plantagenet – in Item 11.1.1.

Mr Rob Stewart disclosed an Interest (Section 5.70 LGA) – Reside at affected residence at 141 Martin Street Mount Barker – in Item 11.1.2.

Mr John Fathers disclosed an Interest (Section 5.70 LGA) – Living in affected staff house – in Item 11.1.2.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

7 CONFIRMATION OF MINUTES

Moved Cr B Bell, seconded Cr J Moir:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 30 November 2010 as circulated, be taken as read and adopted as a correct record.

CARRIED (7/0)

NO. 305/10

8 COMMITTEE MINUTES

Nil

9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 1 December 2010 - Mr O'Neill, President Lions Club, Mr Stewart and I met to decide Australia Day Awards - Citizen of the Year and Under 25 Citizen of the Year.
- 7 December 2010 - Presented the Annual Report for 2009/10.
- 9 December 2010 – Mr Stewart and I attended a Testimonial Dinner for the Hon Wilson Tuckey.
- 11 December 2010 – Mr Stewart, myself and our partners attended the Opening of the Albany Entertainment Centre.
- 13 December 2010 - Met with Mr Duncan to discuss planning issues.
- 14 December 2010 – Mr Stewart and I attended the Rotary Senior's Luncheon.

10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr M Skinner

- 6 December 2010 – Attended the Public meeting at Woogenellup Hall.
- 7 December 2010 – Attended the Annual Meeting of Electors.
- 14 December 2010 – Attended the Great Southern Region Cattle Saleyards Advisory Committee meeting.

Cr B Bell

- 6 December 2010 – Attended the Public meeting at Woogenellup Hall.
- 7 December 2010 – Attended the Annual Meeting of Electors.

- 14 December 2010 – Attended the Great Southern Region Cattle Saleyards Advisory Committee meeting.

Cr L Handasyde

- 7 December 2010 – Attended the Annual Meeting of Electors.
- 14 December 2010 – Attended the Great Southern Region Cattle Saleyards Advisory Committee meeting.

11 REPORTS OF COMMITTEES AND OFFICERS

11.1 DEVELOPMENT SERVICES REPORTS

11.1.1 DRAFT LOCAL PLANNING STRATEGY - REVISIONS TO SUIT THE WESTERN AUSTRALIAN PLANNING COMMISSION

A Proximity (Section 5.60(B) LGA) Interest was disclosed by Cr Clements.
Nature and extent of interest - Own property in the Shire.

A Proximity (Section 5.60(B) LGA) Interest was disclosed by Cr Skinner.
Nature and extent of interest - Owner of property within the Shire of Plantagenet.

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr Etherington.
Nature and extent of interest - Partner owns property in the Plantagenet Shire.

A Proximity (Section 5.60(B) LGA) Interest was disclosed by Cr Bell.
Nature and extent of interest – Owner of property in the Shire of Plantagenet.

A Proximity (Section 5.60(B) LGA) Interest was disclosed by Cr Grylls.
Nature and extent of interest – Owner of property in the Shire of Plantagenet.

A Proximity (Section 5.60(B) LGA) Interest was declared by Cr Moir.
Nature and extent of interest – Owner of property within the Shire of Plantagenet.

A Proximity (Section 5.60(B) LGA) Interest was declared by Cr Handasyde.
Nature and extent of interest – Owner of property within the Shire of Plantagenet.

Authority to participate pursuant to Section 5.69(3)(a) and (b) of the Local Government Act 1995

Approval has been received from the Department of Local Government (formerly the Department of Local Government and Regional Development) via a letter dated 22 November 2010 giving permission for Councillors Sue Etherington, Ken Clements, Simon Grylls, Michael Skinner, Jeff Moir, Brett Bell and Len Handasyde to participate in matters relating to a draft Local Planning Strategy for the Council meeting of 14 December 2010.

Mr R Stewart read aloud the letter, a copy of which is attached to these minutes.

File No: N16695
Attachments: [WAPC Letter of 17 December 2009](#)
Draft Local Planning Strategy – December 2010
(separate attachment)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 14 December 2010

PURPOSE

The purpose of this report is to consider a cut down draft Local Planning Strategy (LPS) to suit the requirements of the Western Australian Planning Commission (WAPC) and the Department of Planning (DoP).

BACKGROUND

The Council when it first considered the Draft LPS at its meeting held on 10 June 2008 resolved at Resolution 98/08 as follows:

'That the Council adopt the Draft Plantagenet Local Planning Strategy and refer it to the Western Australian Planning Commission for its approval to advertise for public comment for a period of sixty (60) days.'

The draft LPS was delivered to the Department for Planning and Infrastructure (DPI) now the DoP Albany office on 11 June 2008 for it to report to the WAPC.

The draft LPS has been prepared to satisfy Regulation 12A of the Town Planning Regulations made under the Planning and Development Act 2005. It was prepared using the suggested format for such a document prepared by the WAPC as part of its Planning Schemes Manual which satisfies the guidelines for the Model Scheme Text. That Manual has since been replaced by a new 'Local Planning Manual' in 2010.

The draft LPS preparation process involved community consultation with a series of public workshops involving stakeholders and interested community members in October and November 2005. Six workshops were held in Mount Barker, the Porongurup Hall, the Narrikup Hall, the Kendenup Country Club and at the Rocky Gully CWA rooms.

In an attempt to determine future proposals from various government agencies with infrastructure or facilities within the Shire, the Council wrote in August 2007 to 19 agencies seeking advice on future directions. Responses were received from several of these agencies.

Through the preparation phase of the draft LPS a series of workshops was held with Councillors to discuss various aspects of the draft components of the document. Those workshops are listed as follows:

1. 13 November 2007 – Introduction, State, Regional and Local Context, Profile and Issues, Strategic Plan, Risk, Monitoring and Reviews.
2. 27 November 2007 – Narrikup and Porongurup.
3. 11 December 2007 – Kendenup and Rocky Gully.
4. 12 February 2008 – Mount Barker, Urban Settlement, Industrial Strategies, Climate Change.
5. 27 May 2008 – Rural District.

Officers from the Albany office of the DoP attended all of the workshops with the exception of that held on 11 December 2007. The DoP officers were provided with all of the papers for the various components in advance of each workshop but feedback was never provided.

As in 11 months the DoP had not reported on the draft LPS to the WAPC, the Council adopted the draft LPS as a draft Town Planning Scheme (TPS) Policy and then embarked on a public advertising program to enable the public to have a say on the document. The LPS was updated to address many of the changes that had occurred in the past 11 months.

The Council when it considered draft TPS Policy No. 18 (Draft Local Planning Strategy) at its meeting held on 12 May 2009 it resolved at Resolution No. 120/09:

'That:

- 1. Draft Town Planning Scheme Policy No. 18 – Draft Local Planning Strategy be advertised in accordance with clause 7.6.2(a) of Town Planning Scheme No. 3 for a period of 60 days.*
- 2. At the conclusion of the advertising period a further report be prepared for consideration of the Council no later than its meeting to be held on 8 September 2009.'*

As Councillors were aware, the draft LPS differed in some instances from WAPC policy however these differences were not considered to be major and reflected local circumstances. As part of the advertising process information was included with the document that briefly explained the process to date and also the differences from the WAPC policy.

The DoP (Albany) was provided with a copy of the updated draft LPS in the form of TPS Policy No. 18 together with a list of all of the changes/updates to the document.

On 7 July 2009 the Statutory Planning Committee of the WAPC considered a report prepared by the DoP (Albany) on the superseded June 2008 version and not the May 2009 edition of the draft LPS. The (then) Shire President and the Manager Development Services (MDS) attended at the beginning of that meeting and made a presentation to the Committee. Each member was provided with a copy of the draft TPS Policy No. 18. The DoP report and attachments were not made available to the Shire President and the MDS at the meeting.

The draft TPS Policy was advertised for a period of 60 days to enable the public to provide comment. At the end of the advertising a total of 22 submissions had been received.

The Council considered the submissions at its meeting held on 13 October 2009 where at Resolution 276/09 it was resolved:

'That in respect to the draft Town Planning Scheme Policy No. 18 (Local Planning Strategy):

- 1. The submissions received be noted and the final draft Town Planning Scheme Policy No. 18 (Local Planning Strategy) be adopted subject to the modifications contained in the Schedule of Modifications being carried out.*

2. *The draft Town Planning Scheme Policy No. 18, the Summary of Submissions and the Schedule of Modifications be referred to the Western Australian Planning Commission for its approval.*
3. *Once approved by the Western Australian Planning Commission the draft Town Planning Scheme Policy No. 18 be modified accordingly and then advertised publicly as being finalised.'*

The WAPC met on 15 December 2009 and its decision was conveyed in a letter dated 17 December 2009 and a copy is attached.

The Council considered the WAPC decision and at its meeting held on 9 February 2010 resolved:

'That in respect to the Shire of Plantagenet Draft Local Planning Strategy:

1. *The Western Australian Planning Commission (WAPC) be advised the Council will carry out the WAPC required modifications and when resubmitted, an advertising period of 21 days will be requested.*
2. *The modified Draft Local Planning Strategy be placed before the Council for consideration no later than 9 November 2010.'*

Since that time staff have met with officers of the DoP and have altered the draft LPS to be in a form that the DoP is happy with. In essence the long term strategic growth initiatives have been removed from the document. A copy of the revised draft LPS dated December 2010 is provided to each Councillor as a separate attachment with this agenda.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Town Planning Regulations – Regulation 12A allows a Council to prepare a Local Planning Strategy and requires such a Strategy to be forwarded to the WAPC. A Local Planning Strategy is to:

- (a) set out the long-term planning directions for the local government;*
- (b) apply State and regional planning policies; and*
- (c) provide the rationale for the zones and other provisions of the Scheme.'*

Regulation 12B requires that when the WAPC is satisfied with the strategy, it is to be advertised for public comment for a minimum period of 21 days. Following the advertising the Council is to review the Strategy in the light of any submissions received, adopt the strategy with any modifications it thinks fit and submit a copy of the Strategy to the WAPC for its endorsement.

EXTERNAL CONSULTATION

A series of public workshops on the draft LPS was held in October and November 2005. A series of five workshops was held with Councillors in late 2007 and early 2008 to discuss the components of the LPS.

The draft LPS, once adopted as a draft by the Council and approved as a draft by the WAPC, was to be advertised for public comment for a period of 60 days. With the lack of consideration by the DoP, the Council embarked upon the course of action for a TPS Policy.

The draft TPS Policy 18 (Local Planning Strategy) was advertised for 60 days and the Council considered the submissions on 13 October 2009.

If the WAPC decides it supports this revised draft LPS of December 2010 then the Council will be required to advertise the document for public comment.

FINANCIAL IMPLICATIONS

The cost of advertising will be met from the Town Planning advertising budget.

The draft policy document has been prepared in-house. The mapping for the draft LPS has been updated by the DoP in Perth at no cost to the Council.

Further work required on the LPS will be prepared in-house.

POLICY IMPLICATIONS

The Council adopted its Planning Vision (TPS Policy No. 18) on 9 March 2010 and that document will remain as the Council's long term strategic planning document. The revised draft LPS of December 2010 only plans for growth for a very short period of five years.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Results Area 4 indicates that the Council will:

'Develop and Review Town Planning Policies.'

The Strategic Plan 2003 Key Results Area 4 also indicates that the Council will:

'Facilitate the development of a Local Planning Strategy for the Shire that embraces the aims and focus of the Strategic Plan.'

'Review the existing draft Rural and Townsite Planning Strategies.'

'Ensure the outcomes of the Customer Needs Survey and relevant community workshops are incorporated into the Local Planning Strategy.'

OFFICER COMMENT

In the current economic climate, a LPS should be the vehicle for providing the stimulus for potential for growth and pre-planning to ensure there is the ability for the economy to grow and foster future development in a planned and coordinated manner. It also provides the vehicle for Amendments to TPS3 to follow in a planned and coordinated manner in accordance with the Council's and obviously the community's wishes.

A LPS is a critical document in the long term planning of the whole Shire and should look at all aspects to guide growth and development well into the future.

The purpose and role of a LPS is to review current planning strategies, to set long term planning directions for the Council, apply regional and state planning policies and strategies and to provide a rationale for various town planning scheme provisions and zones. The time frame for the LPS was intended to be for the next 10 to 20 years and beyond. This revised draft LPS of December 2010 has had the long term strategic land use initiatives removed and as such will only allow for growth for five years.

The Director General of the DoP in January 2010 agreed the Council could adopt its own long term planning vision for the Shire area. This was on the understanding that some parts of that vision had not received the approval of the WAPC and this should be noted where relevant in the planning vision. That Planning Vision (Town Planning Scheme Policy No. 18) was adopted by the Council on 9 March 2010.

The revised draft LPS dated December 2010 had been prepared to suit the requirements of the DoP. It does not reflect the focus and purpose of the WAPC 'Local Planning Manual' which includes the following statements:

'...the local planning strategy providing the overarching framework. The strategy will enable schemes to more clearly express the strategic vision, policies and proposals of the local government. It will also provide a means to apply state and regional policies at the local level.'

'...the local planning strategy and achieving the local government's aims and objectives with respect to the development of its local area.'

'...each local government is able to adopt the planning policies, provisions and approach that best suit its local needs and circumstances.'

'Each local government should develop a strategy that best suits its area and local circumstances.'

'The strategy sets out the local government's objectives for future planning and development and includes a broad framework by which to pursue those objectives. The strategy will need to address the social, environmental, resource management and economic factors that affect, and are in turn affected by, land use and development.'

The future growth areas in this revised draft LPS have been restricted to areas identified in two, 13 year old 1997 strategies. The planning for the rural areas at Appendix 1 does not address land use or potential land use conflicts as it only makes comment about subdivision of rural land being in accordance with WAPC policy.

In the discussions with the DoP, the matter of one lot (5102) to the north of Narrikup being identified as potential rural residential was of concern to the DoP. This concern related to its potential as priority agriculture and traffic conflict caused by the southern bypass. In a recent meeting with DoP officers and an officer from the Department of Agriculture and Food (DAF) it was revealed the DAF has been, and

is, reviewing the priority agricultural land shown in the Lower Great Southern Strategy (LGSS) in 2007. That review indicates there may be more priority agricultural areas west of Albany Highway near Narrikup indicating the LGSS mapping of 2007 may be incorrect. The DAF reviewed the detailed land capability report as part of Amendment No. 52 which proposes to rezone lot 5102 Newman Road and concluded (based on the detailed advice) the Department could not support lot 5102 being taken out of its Rural zoning. It is likely the DoP will recommend to the WAPC that lot 5102 be deleted as a future rural residential lot hence leaving no land for the growth of Narrikup into the future other than the LandCorp residential land.

Main Roads WA (MRWA) advised the DoP it had traffic conflict concerns with lot 5102 at Narrikup also. This lot is to the north of the bypass. The concern is that the 37 lots would cause conflict with this 200 vehicle per day road. A meeting was held with the DoP and MRWA to discuss this and to explain how a 200 vehicle per day traffic volume is a very low volume and that the bypass is not a MRWA road. The outcome of that meeting was the MRWA have no problems with this land going to rural residential.

These delays of the LPS with the DoP from June 2008 now mean that agricultural factors/advice are changing and the whole rural component may need to be reviewed in 2012. A new point 6.1.4 has been added to the LPS discussing the changing position of the state agencies over the past three years.

The public provided extensive input to the earlier drafts of the LPS and at a series of workshops. The public may feel this revised draft LPS does not achieve the aims and objectives with respect to development in this Council area in relation to local circumstances.

At this point in the process the Council has no option than to adopt the revised draft LPS and refer it to the WAPC for approval to advertise. The public comment on this document will be important to gauge the level of support. Rather than a 21 day advertising period which forms part of the Council's resolution on 9 February 2010, a 42 day advertising period is more appropriate for the public to consider the ramifications of this revised LPS.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

That:

1. The revised Shire of Plantagenet Draft Local Planning Strategy – December 2010, be referred to the Western Australian Planning Commission for approval to advertise for a period of 42 days.
2. At the conclusion of the advertising period a further report be prepared for consideration of the Council no later than its meeting to be held on 16 August 2011.

CARRIED (7/0)

NO. 306/10

11.1.2 LOT 337 MARTIN STREET CORNER OATLANDS ROAD, MOUNT BARKER - BUSINESS PLAN

An Interest (Section 5.70 LGA) was disclosed by Mr Rob Stewart. Nature and extent of interest – Reside at affected residence at 141 Martin Street Mount Barker.

An Interest (Section 5.70 LGA) was disclosed by Mr John Fathers. Nature and extent of interest – Living in affected staff house.

File No: N16649
Attachments: [Business Plan](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 14 December 2010

PURPOSE

The purpose of this report is to submit a Business Plan for the subdivision and sale of Council owned land at Lot 337 Martin Street corner Oatlands Road, Mount Barker.

BACKGROUND

Lot 337 Martin Street is Council owned land and was recoded from Residential R2.5 to R5 and R20 in August 2007. A subdivision application for this land was approved by the Western Australian Planning Commission (WAPC) subject to various conditions on 6 December 2007.

A workshop with Councillors was held on 9 November 2010 when a draft business plan containing several options was discussed.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Residential (R5 and R20)

Local Government Act 1995

S.3.58 Disposing of Property – (5)(b) – this section does not apply to a disposition of property which is addressed under section 3.59 (business plan)

S.3.59 Commercial enterprises by Local Governments – before a Council enters into a land transaction with a value greater than \$1,000,000.00 it must prepare a business plan providing an overall assessment of the proposed transaction including details of:

- '(a) its expected effect on the provision of facilities and services by the local government;*
- (b) its expected effect on other persons providing facilities and services in the district;*
- (c) its expected financial effect on the local government;*
- (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56;*
- (e) the ability for the local government to manage the undertaking or the performance of the transaction; and*
- (f) any other matter prescribed for the purposes of this subsection.'*

Statewide public notice must be given, inviting public submissions on the business plan, over a period of not less than six weeks. After the close of the public submission period, the Council must consider any submissions and it may decide to proceed with the transaction or a transaction which is not significantly different to that proposed. An absolute majority is required for this decision after the submission period.

No contract can be entered into until this process has been completed.

EXTERNAL CONSULTATION

The Business Plan must be advertised for a period of six weeks statewide and this will include the West Australian and the Albany Advertiser.

FINANCIAL IMPLICATIONS

Discussed in Business Plan attached.

POLICY IMPLICATIONS

There are no policy implications for this report.

LEGAL IMPLICATIONS

Section 3.59 of the Local Government Act 1995 must be adhered to.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003 – Key Result Area 4 (Development Services) – Aims include:

'Support sustainable and managed growth within existing urban settlements in the Shire and encourage the development of a variety of housing opportunities.'

- New initiatives include:

- Ensure a mix of housing types taking account of changing demographics and environmental conditions;*
- Provide for a range of lot sizes, residential opportunities and adaptable housing;'*

OFFICER COMMENT

Prior to the Council considering the actual subdivision and sale of this Residential zoned land in Martin Street, the Local Government Act 1995 requires the preparation

and advertisement of a Business Plan. Such a Business Plan has been prepared and is attached and is considered appropriate for statewide advertising.

VOTING REQUIREMENTS

Simple Majority

It is noted an Absolute Majority is required at the conclusion of the public advertising period.

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr L Handasyde:

That pursuant to Section 3.59 of the Local Government Act 1995, the Council approves the advertising of the Business Plan dated December 2010 in respect to the proposal to subdivide Lot 337 Martin Street corner Oatlands Road, Mount Barker.

CARRIED (7/0)

NO. 307/10

**11.1.3 LOT 9002 ST WERBURGHS ROAD, MOUNT BARKER - 10 LOT
SUBDIVISION**

File No:	N16893
Attachments:	Location Plan Plan of Subdivision Deposited Plan 65534
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	14 December 2010
Applicant:	Harley Global

PURPOSE

The purpose of this report is to consider a proposal for a 10 lot subdivision of Lot 9002 St Werburghs Road, Mount Barker and respond to the Western Australian Planning Commission (WAPC).

BACKGROUND

Shire records indicate the current owners are P and P Stevens.

This land was zoned to Rural Smallholding through Amendment No. 37 to Shire of Plantagenet Town Planning Scheme No. 3 which was gazetted on 1 August 2006.

This application relates to an existing approval by the WAPC for 13 lots on former Lot 3764 St Werburghs Road. Subdivision approval (WACP 132326) was granted on 23 May 2007 and will expire on 23 May 2011. Three lots (lots 75, 77 and 78) approved under WAPC 132326 have been created and deposited plan endorsed by the WAPC during the current approval period.

As the earlier approval is due to expire on 23 May 2011 this proposal now being considered involves a fresh subdivision application to allow the remaining 10 lots to be created.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Council Delegation LG035 – as the subdivision involves more than five lots the matter needs to be determined by the Council.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The remaining 10 lots will be created from Lot 9002 on Deposited Plan 65534 (copy attached) and are the same as proposed under the earlier WAPC approval.

Most approval conditions have been satisfied as part of the current approval. The Council will however require the owners to ensure that all prospective purchasers of the proposed lots are advised of the Town Planning provisions for Rural Smallholding Zone. In addition the owners of the land are to ensure that all prospective purchasers of the proposed lots are advised of the approved Fire Management Plan for the land.

The new lots are only being created one by one once a sale contract has been entered into. The owners now need to apply for a fresh approval to allow the release of the lots in a staged manner. It is appropriate to impose all of the previous imposed conditions.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That the proposed 10 lot subdivision on Lot 9002 St Werburghs Road, Mount Barker be supported subject to:

- 1. The ROW being shown as a road with a 10m wide reserve and 6.0m wide seal, the alignment of the road being in the vicinity of the northern boundaries of proposed Lots 78 and 79.**
- 2. The subdivision being redesigned to relocate building envelopes on Lots 80, 81, 82 and 83 to be clear of the 100m hazard separation zone.**
- 3. The building envelope on Lot 77 being adjusted to include the existing house.**
- 4. All buildings and effluent disposal systems having the necessary clearance from lot boundaries.**
- 5. The land being filled and/or drained at the subdivider's cost and any easements and/or reserve necessary for the implementation thereof, being granted free of cost.**
- 6. All lots created by this application being provided with frontage to a sealed subdivisional road designed, constructed and drained at the subdivider's cost to the specifications and satisfaction of the Shire of Plantagenet.**
- 7. Cul-de-sac heads within the subdivision being designed and constructed to a specification and to the satisfaction of the Shire of Plantagenet.**

8. The Battleaxe access leg being paved to a minimum width of 3m (within a total battleaxe leg of 4m width) and are to be truncated where they meet the road reserve. The battleaxe leg being designed and constructed in accordance with the Council's standard battleaxe leg specifications.
9. A Stormwater Drainage and Nutrient Retention Management Plan is required to be submitted to and approved by the Manager Works and Services and the plan must incorporate Water Sensitive Urban Design principles within the subdivision.
10. Construction not commencing until the Manager Works and Services has approved detailed engineering plans and specifications of the works, including earthworks, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, both during and after construction.
11. The subdivider providing strategic firebreaks and other features as shown on the Fire Management Plan forming part of Amendment 37 to the satisfaction of the Manager Works and Services and Fire and Emergency Services Authority (FESA). The strategic firebreaks are to be designed to avoid erosion impacts and loss of vegetation and are to be constructed to a standard suitable for year round emergency access by heavy-duty fire appliances and two-wheel-drive vehicles. Where gates cross strategic firebreaks, a common key system shall be installed, in liaison with Council staff and emergency signs may need to be installed.
12. The subdivider providing a 50,000L water tank and a standpipe in accordance with the Fire Management Plan associated with Amendment No. 37 and to the satisfaction of FESA. Water tank and hardstand and associated facilities are to be included within a widened out road reserve.
13. The subdivider making arrangements satisfactory to the Manager Development Services to ensure that prospective purchasers and successors in title are aware of those special provisions of the Council's Town Planning Scheme which relate to the use and management of the land and this includes the Fire Management Plan.
14. The subdivider making arrangements satisfactory to the Manager Development Services to ensure that prospective purchasers and successors in title are aware of the following in writing that:
 - i) Sewerage is not available;
 - ii) An approved on-site effluent disposal system to the satisfaction of the Council and the Health Department of WA will be required to service any new development on each lot;
 - iii) Reticulated water is not available therefore a 92,000L water tank must be provided for each dwelling;
 - iv) All buildings are to be designed in accordance with Australian Standard 3959 (Construction of Building in Bush Fire Prone Areas);
 - v) All domestic water supply tanks are to be fitted with appropriate fixtures to enable water to be used for fire fighting purposes to the satisfaction of FESA; and

- vi) Buildings are to be located 100m away from extreme fire hazard vegetation as shown on the Fire Management Plan.
15. The subdivider providing street trees in accordance with the Mount Barker Townscape Plan Review – Suggested Plant Species List to the satisfaction of the Manager Development Services.

CARRIED (7/0)

NO. 308/10

**11.1.4 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 49 -
PORONGURUP RURAL VILLAGE - STRUCTURE PLAN**

File No: N16711

Attachments: [WAPC letter of 28 January 2010](#)
[Memorandum to Councillors of 23 February 2010](#)
[Precinct Plan](#)
[Rural Village Structure Plan](#)
[Karribank Enclave Plan](#)
[Mayfield Enclave Plan](#)
Copy of Structure Plan (separate attachment)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 14 December 2010

PURPOSE

The purpose of this report is to consider a proposed Structure Plan relating to proposed Amendment No. 49 to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3). This Amendment when finalised will rezone Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Porongurup Road from the Rural zone to a Rural Village zone, to include a new Rural Village zone in the Scheme Text and to include a new Schedule 15 entitled Rural Village zone.

BACKGROUND

Shire records indicate the owners of the subject land as being:

Lot 1 Boxhill Road – W & S Bird
Lot 5 Porongurup Road – W & S Bird
Lot 11 Porongurup Road – Jilsan Pty Ltd
Lot 1664 Boxhill Road – W & S Bird

The Porongurups Rural Strategy of 1997 refers to the Bolganup Precinct C having objectives of consolidating existing residential and tourist development and the creation of an attractive centre and focal point for the community. That Strategy recommended rezoning for rural residential, special residential and residential following the implementation of an overall structure plan for the precinct.

A Scheme Amendment Request (SAR) was submitted in December 2006 and in accordance with the Council Policy TP/SDC/6 copies were forwarded to the Department for Planning and Infrastructure (DPI), Department of Water (DOW) and Department of Environment and Conservation (DEC) for comment.

On 13 February 2007 a report was considered by the Council and Resolution 57/07 was as follows:

‘THAT:

- (1) *The Scheme Amendment Request for Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road be advertised to seek public feedback for a period of sixty days.*
- (2) *After advertising a further report be prepared for the Council no later than its meeting to be held on 12 June 2007.'*

Following the advertising period the SAR, the submissions received were considered by the Council on 24 July 2007 where at Resolution No. 267/07 it was resolved:

'That the submissions received on the Scheme Amendment Request for Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road be noted and the proponents be advised the Council will be prepared to consider formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 subject to various matters raised in the submissions, including: policy issues, environmental, servicing, fire management plan, design requirements on subsequent development, size and number of properties to be developed, density of development and sustainable forms of development etc. being addressed.'

On 27 November 2007 Harley Survey Group submitted Scheme Amendment documentation which included a fire management plan and an investigation into effluent disposal. As the documentation contained some errors and incomplete details the documents were returned for corrections on 19 December 2007. Corrected documentation including a Stormwater Concept Plan was received on 29 February 2008 and the Council at its meeting held on 11 March 2008 resolved at Resolution No. 43/08:

'That:

Amendment No. 49 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.

Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of forty-two (42) days to enable comment to be made.

After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 8 July 2008.'

Councillors were provided with a full copy of the Amendment document with the 11 March 2008 agenda papers.

The Environmental Protection Authority (EPA) authorised the Amendment to proceed to advertising on 28 May 2008 and provided advice that native vegetation, drainage management and waterways needed to be addressed. The appendices in the Amendment do address these matters.

The necessary 42 days advertising period closed on 25 July 2008 and a total of 64 submissions was received. A community initiated workshop was held at the Porongurup Hall on 3 June 2008 to discuss various issues in the Porongurup locality one of which was the village concept. On 30 June 2008 the Council held a Public

Information Session at the Porongurup Hall to explain details of the actual Amendment, to answer specific questions and to clarify details.

The Council considered the 64 public submissions at its meeting held on 26 August 2008 and resolved at Resolution No. 159/08:

'That:

1. *The submissions lodged on Amendment No. 49 to Town Planning Scheme No. 3 be noted.*
2. *Amendment No. 49 to Town Planning Scheme No. 3 be adopted with the modifications listed in the attached Schedule of Modifications and be forwarded to the Western Australian Planning Commission for the final approval of the Honourable Minister for Planning and Infrastructure subject to the Schedule of Modifications being altered at modification 1 – proposed clause 3.9.5a) to insert a new point ii) as follows:*
 - 'ii) A public consultation program to assist in the development of the concept of the village structure planning'*

and to renumber parts ii) iii) and iv) accordingly.

 - *proposed clause 3.9.5c) to insert after the words 'subsequent Scheme Amendment' in line 6, the following 'to zone the land appropriately'.*
3. *Authority be granted to the Shire President and the Chief Executive Officer to execute the documentation and affix the Common Seal of the Council to Amendment No. 49 once approved by the Honourable Minister.'*

The Council's August 2008 decision was then referred to the Department of Planning (DoP) for it to report to the Western Australian Planning Commission (WAPC) in a letter dated 2 September 2008.

The WAPC responded in a letter dated 28 January 2010 (copy attached) requiring the preparation of a Structure Plan before the Amendment could proceed. Also attached is a Memorandum to Councillors dated 23 February 2010.

The consultants (Harley Global) have now submitted the required Structure Plan (separate copy provided for each Councillor).

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Town Planning Regulations 1967 – these have 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 42 days of the close of formal advertising and refer its recommendation to the WAPC and the Minister within 28 days.

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

EXTERNAL CONSULTATION

The SAR was advertised for comment for 60 days prior to it being considered by the Council in July 2007. The Amendment was advertised for 42 days and a total of 64 submissions was received.

The proposed form of modifications to the Amendment were discussed with DoP officers in August 2008 and there appeared to be general support for the proposals.

It is now proposed to advertise this Structure Plan for 42 days to enable the public to comment.

FINANCIAL IMPLICATIONS

The Structure Plan fee of \$4,840.00 has been paid.

POLICY IMPLICATIONS

This land is within Precinct C of the Porongurups Rural Strategy of 1997 and the village concept and associated Structure Plan conforms with the requirements of that Rural Strategy. A portion of lot 5 to the north and portion of lot 1664 to the north east are located outside of Precinct C and within precinct E where vegetation protection is encouraged and lot breakdown should not be supported. Modifications suggested would protect the vegetation on lot 5. It is also in conformity with the Council's Planning Vision adopted by the Council on 9 March 2010 as Town Planning Scheme Policy No. 18.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan, under Key Result Area 4 – Development Services, aims to:

'Support sustainable and managed growth within existing urban settlements in the Shire and encourage the development of a variety of housing opportunities.'

OFFICER COMMENT

The consultants prepared a comprehensive Scheme Amendment No. 49 that if finalised will lead to the creation over time of the Porongurup Village as originally proposed in the Porongurups Rural Strategy of 1997 and the current Planning Vision.

In essence the Amendment proposes to rezone Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Porongurup Road from Rural to a new Rural Village Zone, create new Structure Plan Area requirements and alter the Scheme Text accordingly.

The Rural Village Zone provisions were supported by the need to prepare a detailed Structure Plan in accordance with a new Schedule 15 of the Scheme. There was also to be the ability to require the preparation of Detailed Area Plans for specific areas.

From the submissions received in 2008 it was considered there was the need to modify the Amendment to simplify it in order that it is in a more acceptable form for the local community and for the long term benefit for all.

There was general acceptance that there is to be a village but the main issue is that of the size of the village in respect to the number of lots. The size of the lots is another area of concern where some submissions said they should be smaller and some said they should be larger.

It was also clear from the submissions there may have been some uncertainty as to what the actual Amendment will do. In a very abridged summary the Amendment was to:

- i) Create a Rural Village Zone;
- ii) Create a Structure Plan Area mechanism;
- iii) Insert new definitions into the Scheme;
- iv) Introduce a new Schedule 15 for the Rural Village Zones which details requirements of Structure Plans;
- v) Colours the subject land a brown colour for the Rural Village Zone on the Scheme Maps; and
- vi) Introduces a blue border around the subject land as Structure Plan Area 1 on the Scheme Maps.

If the Amendment was finalised the Structure Plan Area mechanism at ii) above would need to be embarked upon. This would be the detailed planning to determine the form of the development. That detailed Structure Plan would need the approval of the WAPC and public advertising before it is finalised by the Council and WAPC.

The Amendment as proposed in 2008 was considered too complex and required modifications to simplify the process. There was the need to set a mechanism for detailed Structure Plan areas which can apply to areas such as Precinct C.

In 2008 the Council proposed modifications involved changes to the Indicative Structure Plan to:

- i) Pull back the extent of the suggested Residential (R5) area to be within a 500m radius of the village centre site;
- ii) Extend the plan south to include all of Precinct C and show the existing shop as a commercial site and the remainder of the land south and east as being for possible long term future development if and when the owners wish to submit detailed Structure Plan proposals;
- iii) Show the vegetated building exclusion areas as one large rural residential lot for each of the two areas with a building envelope area in adjacent cleared land;
- iv) Show the Precinct C boundary; and
- v) Show the Residential area outside the 500m radius as Rural Residential.

It was considered with these modifications the Amendment would be in a more appropriate format that will then enable the detailed Structure Plan process to commence. If and when the detailed Structure Plan was completed and endorsed by the Council and the WAPC, then rezonings to Residential and Rural Residential and so on can be commenced.

As stated above the modifications proposed were discussed with the officers of the DoP in Albany in August 2008 and they were not considered to be 'substantial' and

as such should not require readvertising. By the time the WAPC response was received in February 2010 this position had changed. The position in its letter dated 28 January 2010 was that the Structure Plan was required to be prepared and that Amendment No. 49 had been deferred by the Minister for Planning as this would be 'more time-effective'.

The consultants were then requested to commence the Structure Plan preparation to ensure it addressed the list of matters in the WAPC letter of 28 January 2010. A comprehensive Structure Plan document was received on 10 November 2010 (a separate copy is provided for each Councillor).

The Structure Plan addresses many of the matters required by the Council in 2008 in terms of the extent of the conventional residential area, servicing, the inclusion of all of Precinct C, one large Rural Residential lot in the heavily vegetated northern area. The Structure Plan shows how the overall form of the development will be quite low key and village like and this should meet the expectations of members of the community.

The proposal from here is that the Structure Plan be advertised for public comment. The Council will then consider the submissions received and refer to the Structure Plan and the Council's recommendations to the WAPC for its approval of the Structure Plan.

The main components of the Structure Plan Report are:

- i) Section 5 – Precinct Plan (copy attached);
- ii) Section 6 – Rural Village Structure Plan (copy attached);
- iii) Section 7 – Karribank Enclave Plan (copy attached);
- iv) Section 7 – Mayfield Enclave Plan (copy attached); and
- v) Section 8 – Design Guidelines.

The Precinct Plan (Section 5) addresses all of Precinct 1 and portion of Precinct 2 in the Council's Planning Vision and shows the new development will be restricted to land north of Porongurup Road.

The Structure Plan (Section 6) shows where the new development will occur and provides guidance as to the form of that development. There will be larger Rural Residential lots to the north, large Residential lots (5,000m² – 1ha), Residential lots (2,000m² – 5,000m²) and two enclaves that will consist of freehold and strata Residential developments. The Structure Plan also shows the protection of the creekline through the site and a 1ha site for future community facilities such as a new Porongurup Hall. The existing shop and tea rooms will remain as the village centre.

Section 8 refers to Design Guidelines which are detailed in Appendix D of the document. These guidelines provide:

- i) passive solar architecture;
- ii) energy efficiency;
- iii) water conservation;
- iv) liveability;
- v) safety and surveillance; and

vi) visual attractiveness and variety of design.

In respect to servicing, water supplies to the overall Structure Plan area will be provided on site as Water Corporation reticulated water is not available. Reticulated sewer is also not available therefore on site disposal through aerobic treatment units (ATU) will be used for individual lots and strata communal lots. Effluent disposal is to be linked to greywater treatment and reuse with the intention of reducing water consumption.

Appendix E is an Environmental Management Strategy (EMS) for the Structure Plan area. It is noted that EMS refers to the Fire Management Plan (FMP) forming part of the Amendment No. 49 documents. It states that FMP will need to be updated in the Amendment document to reflect the changes to the Structure Plan since initiation of the Amendment in March 2008. Now that reticulated scheme water is not to be provided, the reference to fire hydrants will need to be replaced with the provision of a 50,000 litre fire fighting water tank and a hardstand area and appropriate fittings being provided on all rainwater tanks. It will also need to be updated to refer to Planning for Bushfire Protection Edition 2 and it will need to be modified to reflect those requirements. The EMS also addresses effluent disposal, water and wastewater management, foreshore management and visual impact.

The Structure Plan is considered to be in a form suitable for public advertising for a period of 42 days to enable the public to provide input. It will be worthwhile to also require the consultants to organise a public information session during the 42 days advertising where the public can be provided with a briefing on the content of the Structure Plan so they can make informed submissions.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr M Skinner:

That:

- 1. The Porongurup Rural Village Structure Plan be advertised for a period of 42 days to enable public comment to be made.**
- 2. The consultants (Harley Global) are to organise a public information session during the 42 day period.**
- 3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 22 March 2011.**

CARRIED (7/0)

NO. 309/10

**11.1.5 TOWN PLANNING SCHEME NO. 3 – AMENDMENT NO. 56 – RESERVE
31528 OATLANDS ROAD/HASSELL STREET, MOUNT BARKER –
PUBLIC PURPOSE TO RESIDENTIAL – SUBMISSIONS RECEIVED**

File No: N16647

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: 14 December 2010

Applicant: Whelans on behalf of LandCorp

PURPOSE

The purpose of this report is to consider submissions received on a proposed Amendment to Town Planning Scheme No. 3 (TPS3) to rezone the former Mount Barker Primary School site at Reserve 31528 (lots 115, 117, 118 and 596) Oatlands Road/Hassell Street, Mount Barker from Public Purpose – Primary School to Residential (R17.5).

BACKGROUND

Council records show the land is a Crown Reserve vested in the Department of Education.

The former Primary School is now unoccupied as all educational activities are now carried out at the Mount Barker Community College. The Department of Education through LandCorp is seeking to redevelop the land for residential use. This Amendment will provide the opportunity to subdivide and develop the site for residential.

A separate copy of the full Amendment was provided to each Councillor with the agenda for the meeting held on 7 September 2010. At that September 2010 meeting the Council resolved:

‘That:

- 1. Amendment No. 56 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.*
- 2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.*
- 3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 14 December 2010.’*

The Amendment was referred to the Environmental Protection Authority (EPA) on 8 September 2010 and the EPA authorised the Amendment to proceed to advertising in a letter received on 30 September 2010. The necessary 42 day advertising period closed on 24 November 2010 and a total of nine submissions was received (see Summary of Submissions).

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Town Planning Regulations 1967 (the Regulations) – these have 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. Once advertised the Council must consider any submissions lodged within 42 days of the close of formal advertising and refer its recommendation to the Western Australian Planning Commission (WAPC) and the Minister within 28 days.

EXTERNAL CONSULTATION

The Amendment was advertised for 42 days with letters to adjoining/nearby landowners and government agencies, newspaper notices, a notice on the Council's notice board and a sign on site.

FINANCIAL IMPLICATIONS

The necessary fee of \$4,840.00 has been paid.

POLICY IMPLICATIONS

The proposal to rezone this land to Residential with a R17.5 residential density code is in accordance with the Council's Town Planning Scheme Policy No. 18 (Planning Vision).

STRATEGIC IMPLICATIONS

Key Area 4 of the Council's Strategic Plan refers to the Town Planning Scheme as being a blueprint for future development and is the mechanism by which many of the community's aims and initiatives can be implemented.

OFFICER COMMENT

This proposed Amendment reflects the Council's future wishes for this area to be rezoned from Public Purpose – Primary School to Residential (R17.5) as set down in Town Planning Scheme Policy No. 18 (Planning Vision). The R17.5 density coding will allow for lots with an average size of 571m² and a minimum area of 500m².

The Amendment document includes an Outline Development Plan which shows possible road locations, a public open space area and a possible drainage basin. There is potential for in the order of 38 fully serviced lots which will be connected to reticulated sewer, water and underground power. Detailed lot design will be developed at the subdivision stage once the Amendment has been finalised.

The Amendment requires a typographical correction on the final resolution page to ensure the correct wording required by the Regulations is used. See Schedule of Modifications attached.

The nine public submissions received as detailed in the Summary of Submissions have not raised any issues that warrant modification to the Amendment as advertised.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Moir:

That:

- 1. The submissions lodged on Amendment No. 56 to Town Planning Scheme No. 3 be noted.**
- 2. Amendment No. 56 to Town Planning Scheme No. 3 be adopted with the modification as detailed 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. 56 once approved by the Honourable Minister.**

CARRIED (7/0)

NO. 310/10

11.1.6 TOWN PLANNING SCHEME POLICY NO. 19 - KENDENUP RURAL SURROUNDS

A Proximity (Section 5.60(B) LGA) Interest was disclosed by Cr Skinner.
Nature and extent of interest – Owner of adjacent property.

3:24pm Cr M Skinner withdrew from the meeting.

File No: N16683
Attachments: [Draft Town Planning Scheme Policy No. 19](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 14 December 2010

PURPOSE

The purpose of this report is to consider Draft Town Planning Scheme (TPS) Policy No. 19 – Kendenup Rural Surrounds, to enable it to be advertised for public comment.

BACKGROUND

This policy will apply to the Kendenup Rural surrounds as shown on the plan attached to the policy. The plan has been adapted from the Planning Vision (TPS Policy No. 18) and shows the Council's future planning concepts including proposed Rural Smallholding Zoning and Rural Residential Zoning.

The reason for the creation of the policy is that the Department of Planning (DoP) and the Western Australian Planning Commission (WAPC) advised the Council that:

'Blanket rezoning not supported:

- a) *Ignores existing rural uses being carried out on the land and would fetter these ongoing uses (rezoning removes some rural use permissibilities);*
- b) *Area identified contains land parcels identified by Department of Agriculture and Food Western Australia (DAFWA) as containing priority agriculture land;*
- c) *Land area identified is approximately 17,000ha, this would be irreversibly removed from agricultural production;*
- d) *Intention to maintain existing number of lots is acknowledged, however the only basis for this is existing lot pattern. Does not respond to actual constraints such as land capability etc. and does not appear to have a grounding in any other land use planning principles. Given that lot sizes vary greatly across the identified area challenges to this intention (in the form of subdivision proposals) are highly likely and unwanted intensification of lots will be difficult to resist based on this rationale alone; and*
- e) *Proposed boundary to zoning may also be challenged similar to manner described in (d) above, particularly between townsite and proposed rural residential area in the south east that is designated to remain rural.'*

This reasoning of the WAPC ignores the facts that:

- i) the subject wide array of nearly 2,000 lots have been in existence since the 1920's;
- ii) housing and intensive activities exist. There are presently some 179 houses in the village and some 300 houses in the rural surrounds giving a total of 470 houses;
- iii) few broadacre activities exist and the issue of priority agricultural land in this area is not a relevant consideration as the land has been subdivided into smaller lots since the 1920's;
- iv) regardless of land capability, existing lots can be sold as is;
- v) retaining the broad Rural Zone will mean very little control is available for land use and resubdivision leading to land use conflict; and
- vi) the proposed zonings would have set in place a range of controls over land use and subdivision.

The settlement pattern of Kendenup consists of 595 lots and reserves in the townsite which is the centre of the district. The pattern surrounding the townsite contains a range of relatively small rural lots from west of Albany Highway to the east of the Great Southern railway line. This surrounding area includes in the order of 1,300 lots. The total number of lots including the townsite is some 1,900. Lot sizes in the surrounding rural district range from 30-50ha to the east, 18-40ha to the north, 8-30ha to the west and 10-25ha to the south.

Kendenup presents a number of problems and opportunities, as the townsite is a historic subdivision created in the early 1920's. The venture subsequently failed in 1923. During the last 10 to 20 years, many individual titles have been released sometimes creating conflict between buyers and service providers as many of the lots had no access to basic services such as constructed roads, power and water. As some ownerships involve multiple titles, owners can sell individual titles with no reference to planning agencies or servicing authorities. Unsuspecting buyers then find services such as roads and power may not exist.

The issue of this draft Town Planning Scheme Policy was discussed with Councillors at a workshop held on 9 November 2010.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.6 'Power to Make Policies'

EXTERNAL CONSULTATION

In accordance with TPS3 Clause 7.6.2, the Council is required to advertise a draft policy once a week for two consecutive weeks within a newspaper circulating within the area. The advertisement is required to contain details of where the draft policy may be inspected and in what form submissions can be made during a period of not less than 21 days.

FINANCIAL IMPLICATIONS

The cost of advertising will be met from the Town Planning Advertising Budget.

POLICY IMPLICATIONS

This is a new Town Planning Scheme Policy.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Results Area 4 indicates that the Council will *'Develop and Review Town Planning Policies'*.

OFFICER COMMENT

Draft Town Planning Scheme Policy No. 19 has been prepared to provide guidance and direction when considering proposals for subdivision and development in the rural areas around the Kendenup townsite.

As stated earlier, normally these kinds of issues are addressed through the rezoning of the land which can then introduce land use, land use conflict, development and subdivision controls, however the DoP and WAPC have not supported the rezoning option. The reasons provided ignore six critical facts listed in the background.

The draft policy suggests land use and subdivisional controls for the future Rural Residential and Rural Smallholdings areas and then sets standards for matters such as:

- i) Foreshore Management and Tree Planting;
- ii) Effluent Disposal;
- iii) Bushfire Management;
- iv) Road Upgrading/Drainage;
- v) Water Supply;
- vi) Existing Rural Activities; and
- vii) Building Setbacks.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

That:

1. **Draft Town Planning Scheme Policy No. 19 – Kendenup Rural Surrounds, be advertised in accordance with Clause 7.6.2(a) of Town Planning Scheme No. 3 for a period of 21 days.**
2. **At the conclusion of the advertising period a further report be prepared for consideration of the Council no later than its meeting to be held 1 March 2011.**

CARRIED (6/0)

NO. 311/10

3:25pm Cr M Skinner returned to the meeting.

**11.1.7 LOT 15 AND 16 BEVERLEY ROAD, KENDENUP -CAMPING FACILITIES
AT THE KENDENUP AGRICULTURAL GROUNDS**

File No: N16937
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 14 December 2010

PURPOSE

The purpose of this report is to consider the future use of informal camping at the Kendenup Agricultural Grounds on Lots 15 and 16 Beverley Road, Kendenup.

BACKGROUND

Informal camping facilities at the Kendenup Agricultural Grounds, Lot 15 and 16 Beverley Road, Kendenup have been in existence for in excess of 40 years. During that time, the operation of the facility has been undertaken by the Kendenup Community Grounds Committee (KCGC) (formerly known as the Kendenup Agricultural Grounds Committee).

The facility has been made available to transient campers and travellers, local clubs, sporting and recreational groups. Camping is limited to a maximum stay of three nights only.

Camping facilities provided at the Kendenup Camping Ground consist of eight powered sites located on Lot 16 and basic toilet and shower facilities located on the adjoining Lot 15. The toilet facilities include separate male and female toilets and showers supplied with hot and cold scheme water. Sewage and wastewater from the toilet and shower block is discharged into a septic tank and leach drain disposal system of unknown size or capacity.

The KCGC has charged camping fees which apparently have been used by the KCGC to upgrade part of the main power supply to the site and to undertake general facility maintenance. In addition, the Shire of Plantagenet has maintained the ongoing repair and cleaning of the toilet and shower facilities which are also available to the general public utilising the agricultural grounds.

Lots 15 and 16 Beverly Road combine to form the Kendenup Agricultural Grounds which are owned freehold by the Shire of Plantagenet, being transferred from the Kendenup Agricultural Society Incorporated in 1981. The Kendenup Recreational Grounds comprises the following facilities:

Lot 16:

- i) tennis court, club room and toilet block (eastern side of lot); and
- ii) camping area (western side of lot).

Lot 15:

- i) agricultural hall;
- ii) a pre-school building (family meeting place);
- iii) toilets and shower facility; and
- iv) sports oval covering both Lots 15 and 16.

The KCGC also manages the day to day use, hire, cleaning and maintenance of the Agricultural Grounds buildings and sporting facilities.

There has been no formal arrangement between the KCGC and the Council regarding this land or its use. A draft lease has been prepared and forwarded to the KCGC for its consideration. Those matters covered in the lease include lessee responsibility for payment of rent, services consumed, rates and taxes, operational maintenance and public liability insurance. Further consultation with that Committee will not occur until early 2011.

A recent complaint received by the Shire concerning the health and hygiene of the camping ground ablution facility and water supply caused the Environmental Health Officer to re-assess the suitability of the facility's operation in compliance with Caravan Parks and Camping Grounds Act 1995 (the Act) and Regulations 1997 (the Regulations). The officer also considered the potential for the ongoing exposure to public liability claims from aggrieved or injured campers using the facility in its current form in the future.

A closer examination of the legislation identified a number of areas where the facility did not comply with operational procedures and facility equipment requirements of the Regulations.

Those areas of non-compliance include:

1. The facility shall be operated and managed to ensure that a manager or responsible person either:
 - i) resides in or near the facility;
 - ii) is responsible for the supervision of the facility;
 - iii) is accessible at all times in case of an emergency; and
 - iv) A register of occupiers is maintained in the prescribed manner.
2. Ablution facilities are provided with hot and cold running water to each hand wash basin capable of delivering hot water to a minimum temperature of 45°C.
3. Installation of at least one general purpose outlet (power point) for each sex located in the ablution block.
4. Supply and installation of an approved portable fire extinguisher.
5. Caravan sites to be provided with sufficient sullage waste dump points for connection to or receipt of caravan kitchen sullage wastewaters.
6. Upgrade the existing on-site sewage and wastewater treatment and disposal system (septic tank and leach drain) to accommodate projected increased wastewater volumes from increased camping activities.
7. The provision of adequate laundry facilities

The KCGC was advised of the above items and that the facility would need to be closed indefinitely until those matters were rectified. Following several meetings with Shire Officers, the KCGC responded by stating that they did not want to operate the facility as a Nature Based or Transit Park but remain as a stop over for events that have been pre-booked and approved by the KCGC. The KCGC has committed to

work with the Shire to up-grade the facility to a Transit Park standard in the near future.

With regard to operation of the camping facility, the Council has a number of options available. These include:

1. Keep the camping facility closed until the facility has been upgraded to a Transit Park standard in accordance with the Regulations;
2. Re-open the camping facility for use by selected pre-booked customers as requested by the KCGC under the current operational standards and conditions and await facility upgrades in the near future in accordance with the Regulations; or
3. Approve the continued use of the facility (for maximum periods of three nights) as requested by the KCGC for selected pre-booked customers only under current operational standards and conditions, not require the facility upgrade and do not receive transient travellers.

The facility remains closed until the matter concerning the Shire's request to upgrade the facility is considered and determined by the Council and also until such a time as a formal lease agreement is entered into.

STATUTORY ENVIRONMENT

Caravan Parks and Camping Grounds Act 1995

Caravan Parks and Camping Grounds Regulations 1997

EXTERNAL CONSULTATION

Consultation has occurred with representatives of the KCGC.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Caravan Parks and Camping Ground facilities are assessed, approved, categorised (type of facility) and licensed to operate in accordance with the provisions of the Caravan Parks and Camping Grounds Act 1995 and Regulations 1997. Caravan parks and camping ground facilities may be categorised into any of the following types:

- Caravan Park and/or Camping Ground (unlimited stay);
- Park Home Park (permanent occupation)
- Nature Based Park (max. three month stay); or
- Transit Park (max. three night stay).

Each facility type has specific operational and structural requirements relative to the standard of accommodation, length of stay and service provision. Whilst all facilities need to supply similar structural and operational control (care, control and management of the facility), Transit and Nature Based Parks (short stay sites) allow for minor reductions, but not exemptions to the number of some facility services they provide.

The intent of the legislation is to ensure that all camping facilities are provided with sufficient and suitable amenities and operated under the care, control, management and supervision of a responsible person.

The KCGC has previously proposed to continue providing management and supervision of the facility through a number of alternative Committee members living within the Kendenup Townsite. This arrangement however, may not necessarily meet the objectives of the legislation requiring facility management and supervision in the event of an emergency. The Shire is not aware of any past complaints concerning the management or accessibility of facility supervisors.

Many past campers have commented that they enjoy the quiet and secluded location provided at the KCG and do not mind the basic facilities provided. However, one accident, injury or health scare may change that opinion and the Council's exposure to possible litigation and liability. Other caravan park owners may feel they are not being dealt with fairly if such a facility is allowed to continue.

Limited alternative camping facilities exist throughout regional Western Australia, usually adjacent to the coast or within National Parks. These areas may provide a public toilet, but do not charge a camping fee and restrict camping to three days stay only. These areas are patrolled and controlled by DEC and Shire Rangers.

A camping facility providing powered sites, toilet and shower facilities should comply with the provisions and requirements of the Act and Regulations. The Shire is required to administer and enforce the provisions of the legislation and accordingly would be responsible for any action or activity occurring in any camping facility or upon any land under its care and control.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That the Kendenup Agricultural Grounds at Lot 15 and 16 Beverley Road, Kendenup is no longer to be used for camping except with permission of the Environmental Health Officer and in accordance with the Caravan Parks and Camping Grounds Regulations 1997.

CARRIED (7/0)

NO. 312/10

11.1.8 STALL HOLDERS PERMIT – APPLICATION TO TRADE IN A PUBLIC PLACE – ALBANY HIGHWAY, MOUNT BARKER

File No: N16938
Attachments: [Site Plan](#)
[Location Plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 14 December 2010
Applicant: C R and S L Lynch

PURPOSE

The purpose of this report is to consider an application for a stall holders permit to conduct trading activities at the Albany Highway road side parking bay, opposite the Mount Barker Caravan Park.

BACKGROUND

The applicants seek the Council's approval to sell in season fruit produced at their Forrest Hill property from a stall located at the parking bay on the eastern side of Albany Highway between the hours of 9:00am and 4:00pm, Friday to Monday and public holidays from November to May each year.

The applicants have received written permission from Main Roads Western Australia to operate from this parking bay, subject to the activity not impeding the safe movement of traffic within the parking bay.

STATUTORY ENVIRONMENT

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008 (Local Law) – Part 6 – Division 2 – Subdivision 2 – Permits

Health Act 1911

Food Act 2008

Food Regulations 2009

Australia New Zealand Food Standards Code

FINANCIAL IMPLICATIONS

The applicants have paid the application fee of \$110.00 and the ongoing activity will be subject to the payment of an annual permit renewal fee of \$55.00 in accordance with the Shire of Plantagenet fees and charges as adopted.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Plan - Key Result Area 4 aims to encourage and guide local development, retain local business and encourage new businesses that will create long-term sustainable local employment.

OFFICER COMMENT

The applicants have selected the Albany Highway road side parking bay area opposite the caravan park for trading activities because they believe the 60km/h speed limit will provide the safest location for travelling customers to access their stall.

The applicants intend to sell a range of in season fruit and therefore seek approval to operate a stall during the fruit growing season. The applicants have provided proof of public liability insurance to the value of \$10,000,000.00 including the proposed trading activity at the Albany Highway location.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

That:

- 1. In accordance with Part 7 of the Shire of Plantagenet - Activities in Thoroughfares and Public Places and Trading Local Law 2008, a permit be issued to CR & SL Lynch of 188 Harvey Road, Forest Hill to conduct a stall at the Albany Highway road side parking bay, opposite on the Mount Barker Caravan Park subject to:**
 - i) The facility being operated and maintained in accordance with the provisions of:**
 - a. Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008 - Part 6, Division 2;**
 - b. Health Act 1911;**
 - c. Food Act 2008;**
 - d. Food Regulations 2009; and**
 - e. Australia New Zealand Food Standards Code;**
 - ii) The stall being located and operated in a manner not likely to impede the safe and reasonable movement of traffic within the parking bay;**
 - iii) The stall being operated between the hours of 9:00am and 4:00pm Friday to Monday and Public Holidays from November to May;**
 - iv) The permit is valid for a period of 12 months or part thereof, effective from 14 December 2010 until 30 June 2011;**
 - v) The permit holder shall apply in writing prior to expiry of the permit, for renewal for a further 12 month period;**

- vi) The permit holder maintaining public liability insurance for the proposed trading area; and
 - vii) A statement of indemnity from the permit holder indemnifying the Council in respect to any injury to persons or damage to property which may occur in connection with the use of the thoroughfare or public place by the permit holder.
2. Main Roads WA be advised of the Council's decision.

CARRIED (7/0)

NO. 313/10

11.2 WORKS AND SERVICES REPORTS**11.2.1 RECYCLING COLLECTION SERVICES**

File No: N16912
Responsible Officer: Dominic Le Cerf
 Manager Works and Services
Author: Sharon Lynch
 Senior Administration/Project Officer (Works
 and Services)
Proposed Meeting Date: 14 December 2010

PURPOSE

The purpose of this report is to provide information on the options for kerbside recycling.

BACKGROUND

The Council resolved, at its meeting held on 24 February 2009, that tenders be called for the provision of a combined kerbside recycling and refuse collection service for domestic, commercial and Shire bins on the Council's current refuse collection route, to commence in the 2009/2010 financial year for a period of three years.

The Council resolved, at its meeting held on 14 July 2009, that:

1. *No tender for the provision of Waste and Recycling Tender be accepted.*
2. *A tender for Waste Collection Services only be advertised.*
3. *The tendering process be conducted in-house.'*

The Council resolved, at its meeting held on 25 August 2009, that:

1. *The tender submitted by Great Southern Waste Disposal for the provision of waste collection services in the Shire of Plantagenet for a three year period, in accordance with the following pricing schedule, be accepted:*

<i>For immediate implementation:</i>	
<i>Residential Waste - Collection and Transport to Council facility</i>	
<i>Existing - per 240L weekly bin/lift (Mount Barker, Kendenup & Narrikup)</i>	<i>\$1.20</i>
<i>Commercial Waste - Collection and Transport to Council facility</i>	
<i>Kerbside - per 240L weekly bin/lift</i>	<i>\$1.20</i>
<i>Pardelup Prison leg - per 240L weekly bin/lift</i>	<i>\$1.20</i>
<i>Waste from Street Litter Bins and Reserves - Collection and Transport to Council facility</i>	
<i>Road Reserves, Reserves, Public Litter Bins - per 240L unit/pick-up</i>	<i>\$1.20</i>
<i>Waste Collections (e.g. Frost Park) for Special Events per 240L bin/pick-up</i>	<i>\$1.20</i>

<i>Implementation at the Council's discretion:</i>	
<i>Waste Service - Collection and Transport to Council facility</i>	
<i>Residential - per 240L weekly bin/lift (Rocky Gully)</i>	<i>\$1.20</i>
<i>Commercial - per 240L weekly bin/lift (Rocky Gully)</i>	<i>\$1.20</i>
<i>Miscellaneous Items</i>	
<i>Customer Service Centre (Additional \$ per month)</i>	<i>\$1.20</i>

2. *The Chief Executive Officer be authorised to negotiate a suitable start date for the contract.*

The current refuse collection service is a once a week pick up in the towns of Mount Barker, Kendenup and Narrikup. The Council currently picks up approximately 1,428 mobile garbage bins (MGBs) each week from residential and commercial properties and parks.

A workshop was held with Councillors on Tuesday 19 October 2010. Waste site upgrades and waste in general was discussed. Councillors requested a report be presented on the options for kerbside recycling.

STATUTORY ENVIRONMENT

Health Act 1911 (as amended)

Waste Avoidance and Resource Recovery Act 2007

Local Government Act 1995

Section 112 of the Health Act 1911 provides for the Council to undertake or contract for the efficient execution of the removal of household refuse within its district.

Local Government (Functions and General) Regulations, 1996 (as amended) Part 4 – Tenders for Providing Goods and Services. All contracts above \$100,000.00 (ex. GST) must be tendered for.

The tendering process for goods and services must be in accordance with sections 11, 18 and 19 of the Local Government (Functions and General) Regulations 1996. In particular, section 18 outlines a number of requirements relating to the choice of tender. A Council is to decide which of the tenders is most advantageous and may decline to accept any or all the tenders received.

FINANCIAL IMPLICATIONS

It is suggested that the Council initially purchase bins for all occupied residences on the current refuse collection route. Based on the quote received, an approximate initial sum of \$49,740.00 (exc GST) would be required for the purchase of 1,200 waste bins. The cost could be met over two years, with the first half (approximately \$25,000.00) being placed in a reserve account for this purpose.

POLICY IMPLICATIONS

The outcome of investigations into this matter may result in the Council moving towards additional service delivery in relation to collection of recyclable materials.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet's Strategic Plan, Key Result Area 2 Infrastructure provides the following as one of its aims:

'To protect the community's health by managing waste in a timely, effective, economic and environmentally safe manner.'

OFFICER COMMENT

Implementing a kerbside recycling service should offer the following benefits:

- Divert large quantities of recyclables from landfill;
- Extend the life of current and future refuse disposal sites and reduce the running costs of those facilities (90% to 100% compliance of residents in a recycling service is estimated to divert up to 65% of the waste from landfill);
- Enhance the Council's Zero Waste plans and the waste management plans required under the Waste Avoidance and Resource Recovery Act 2007; and
- Have a collection system in place to capitalise on any financial benefits should a container deposit scheme be introduced.

The cost of supplying recycling to the Council's existing waste collection route has been provided below. These quotes were obtained from the initial Waste and Recycling Tender, assuming 1,200 domestic bins:

Quote 1

- \$3.53 (exc GST) per pick up where the Shire supplies the bins (this is the price to pick up one 240L MGB). This calculates to \$91.78 per year per bin on a fortnightly pick-up, making a total annual cost of approximately \$110,136.00, plus GST.

Quote 2

- \$2.55 (exc GST) per pick up where the Shire supplies the bins (this is the price to pick up one 240L MGB). This calculates to \$66.30 per year per bin on a fortnightly pick-up, making a total annual cost of approximately \$79,560.00.

Quote 3

- \$2.65 (exc GST) per pick up where the Shire supplies the bins (this is the price to pick up one 240L MGB). This calculates to \$68.90 per year per bin on a fortnightly pick-up, making a total annual cost of approximately \$82,680.00.

Most local governments now have a two bin system and an increasing number of local governments have downsized their waste bins from 240L MGB to 120L MGB. It is considered appropriate that the Council further investigate and consult with the community on changes to the collection services, with one of the suggested changes being the introduction of a smaller general waste collection bin from the current 240L to a 120L MGB.

The existing 240L MGB bin could then be used as the co-mingled recycle bin. This type of service would provide the maximum opportunity to divert waste away from landfill.

A separate quote has been obtained for the supply of bins only, which is \$41.45 (excluding GST) per 120L MGB.

The options for supply of recyclable bins are further discussed below.

Deliberations on a recycling charge should recognise the benefits of taking the recycled items out of the normal waste stream, which will significantly prolong the life of the refuse sites.

Again, it is considered appropriate to undertake a tender process on the provision of recycling services. Once formal tenders have been received and evaluated, decisions can be made on a charging regime.

Funding and Service Options

The Shire currently picks up approximately 1,200 domestic rubbish bins. There are a number of different funding options for the implementation of a domestic recycling service, which are dependent on whether the Council wishes to enforce recycling on residents or whether it is to be an optional service.

1. Residents/Ratepayers to purchase their own bins. This is the current arrangement for the weekly domestic refuse service. This is a simple option for the Council, although the take-up of the recycling service would clearly be lower than the other options. In view of this, it is unlikely to be a cost effective option for contractors or acceptable in terms of the strategy to promote recycling.
2. The Council to purchase bins for all occupied residences on the current refuse collection route. Based on the quote received, an approximate initial sum of \$49,740.00 (exc GST) would be required for the purchase of 1,200 waste bins.
3. Contractor to provide recycling bins, paid for up front. Like option 2, this would require an approximate initial sum of \$49,740.00 (exc GST) for the purchase of 1,200 waste bins.

All of these options could be provided for in the tender documentation, with a view to choosing the most appropriate option of those tendered. Nevertheless, it is considered that the recycling service should be implemented on the same route as the current domestic refuse collection service and that it form part of that service (compulsory for all).

The funding of the implementation of the service and the ongoing costs could be met by an increase to the rubbish collection charge. The upfront cost of new bins would need to be funded.

Clearly an extensive advertising and awareness program would need to be implemented to ensure that residents are informed of the pending changes.

Great Southern Waste Disposal is contracted until August 2012 for the provision of waste collection services in the Shire of Plantagenet. The Council could call for tenders for the implementation of a domestic recycling service to commence in 2011/2012 however it is recommended that this be delayed until 2012/2013. This would allow for tenders to be called for the provision of a combined kerbside recycling and refuse collection service. This also allows the Council adequate time to

further investigate and consult with the community on changes to the collection service.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That a Council workshop be held on 18 January 2011 to discuss the introduction of recycling collection services.

CARRIED (7/0)

NO. 314/10

11.2.2 FROST PARK - MEMORANDUM OF UNDERSTANDING

File No: N16873

Attachments: [Map](#)
[Memorandum of Understanding](#)

Responsible Officer: Dominic Le Cerf
Manager Works and Services

Author: Sharon Lynch
Senior Administration/Project Officer (Works and Services)

Proposed Meeting Date: 14 December 2010

PURPOSE

The purpose of this report is to seek approval to enter into a Memorandum of Understanding (MOU) between the Frost Park User Group and the Shire of Plantagenet regarding the operation of the shared facilities at Frost Park, Mount Barker.

BACKGROUND

The Frost Park User Group is comprised of the following parties:

- Australian Stock Horse Society – Great Southern Branch;
- Plantagenet Riding for the Disabled WA Inc (RDA);
- Woogenellup Polocrosse Club;
- Mount Barker Campdraft Club;
- Mount Barker Turf Club Inc;
- West Plantagenet Pony Club;
- Mount Barker Bulls Football Club;
- Mount Barker Agricultural Society; and
- Plantagenet Company of Archers.

The shared facility at Frost Park is used by a number of different user groups. The Frost Park User Group and the Shire have been working collectively to develop an MOU that outlines each user group's responsibilities to ensure the smooth, efficient and effective operation of the facility.

The Frost Park Advisory Committee in the past advised the Council regarding all matters pertaining to the efficient and effective running of Frost Park. However this Committee was disbanded at a Special Meeting of the Council held on 10 May 2005. The increasing number of users coupled with increasing complexity of uses (and expanding facilities) has resulted in the need for a MOU.

All Councillors are aware that future development is proposed for Frost and Sounness Parks which will result in the relocation of some of these groups to Sounness Park. However until this occurs a MOU for the 'status quo' is required.

Reserve 1790 is vested with the Shire of Plantagenet for the purpose of recreation with power to lease.

STATUTORY ENVIRONMENT

Section 6.6 of the Local Government Act 1995 provides for the leasing or subleasing of land however this doesn't apply for MOU's.

EXTERNAL CONSULTATION

The Shire has met with the User Group twice: initially to seek support for the MOU and subsequently to discuss the detail contained within the MOU.

FINANCIAL IMPLICATIONS

The MOU clarifies the maintenance, cleaning and asset replacement roles for all user groups. Some of these arrangements have been flexible in the past with the Shire paying for repairs/maintenance which should have been funded by a user group and vice versa. These costs will now be clearly identified in the MOU.

The Council's 2010/2011 budget provides a total cost of \$220,000.00 for facilities maintenance and \$20,000.00 for building maintenance. Facilities and building maintenance for Frost Park are funded from these budgets. These budgets will remain adequate for 2010/2011 but may need to be reviewed in 2011/2012 to reflect the MOU.

POLICY IMPLICATIONS

Council Policy A/PA/1 – Hire of Council Controlled Property applies. This policy relates to functions continuing after 1:00pm needing special permission.

Council Policy A/PA/14 – Sporting and Community Organisations using Council and Vested Land – Rateability applies. This policy relates to sporting or community associations leasing property owned by or vested in the Council being treated equitably with regard to rating and other charges.

Council Policy CS/SC/2 - Skinner Pavilion applies. This policy relates to the use of Skinner Pavilion during the respective seasons of Mount Barker Turf Club, Mount Barker Agricultural Society and Mount Barker football Club without the need for ongoing bookings.

STRATEGIC IMPLICATIONS

Key Result Area 3 of the Council's Strategic Plan aims to 'deliver, or facilitate the delivery of, arrange of services which respond to, and reflect, the physical, social and cultural well being of the community.'

OFFICER COMMENT

The MOU acknowledges the primary roles of each organisation to ensure the smooth operation of the Frost Park facility. An increasing number of user groups coupled with facility developments at the site have accelerated the need for a formal agreement. Additional regular users to Frost Park would also need to become a signatory to the MOU. Hire of the facility to irregular users such as the Wesfarmers Ram Sale group and other such bodies, would be subject to the standard facility hire arrangements.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr M Skinner:

That:

1. The Memorandum of Understanding for the operation of the shared facility at Frost Park, Mount Barker between the Shire of Plantagenet and the Frost Park User Group dated 1 December 2010 be adopted;
2. The Chief Executive Officer be authorised to sign the Memorandum of Understanding between the Shire of Plantagenet and members of the Frost Park User Group.

CARRIED (7/0)

NO. 315/10

11.2.3 POLICY REVIEW - PRIVATE WORKS - EXTERNAL

File No: N15913
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Dominic Le Cerf
Manager Works and Services
Proposed Meeting Date: 14 December 2010

PURPOSE

The purpose of this report is to review Council Policy No. I/PW/1 – Private Works.

BACKGROUND

This policy was last reviewed by the Council on 12 May 2009.

Council Policy I/PW/1 – Private Works reads as follows:

OBJECTIVE:

To provide clear guidelines regarding the carrying out of private works.

POLICY:

That private works be carried out at:

- 1. The convenience of the Council at the discretion of the Chief Executive Officer and/or Manager Works and Services.*
- 2. Full cost recovery inclusive of overheads, plant depreciation and administration.*
- 3. Rates approved annually by the Council.'*

STATUTORY ENVIRONMENT

There are no statutory obligations other than the compliance with the National Competition Policy and major trading undertakings legislation (Local Government Act). Neither of which qualifies in this case due to the low volumes (and value) that the Council undertakes of private works.

FINANCIAL IMPLICATIONS

Council currently on average performs private works to businesses, farmers, or individuals within the Shire about once every two months. The works generally relate to installing signs and grading of driveways whilst in the vicinity.

Council also has occasional work for Main Roads WA (MRWA) which includes, but not limited to, slashing, tree pruning and weed control within the roads under the control of MRWA.

In the current budget the Council is expecting to receive income of \$413,650.00 with expenditure of \$350,000.00.

POLICY IMPLICATIONS

The review of this Policy has occurred outside the normal review framework due to concerns about equity for all staff for the use of Council plant and equipment and staff obtaining the appropriate approvals before private works occur.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan Key Results Area 1, New Initiative 1.4 provides the following:

'1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisations to be undertaken.'

To achieve this we will:

- *Revise all policies, procedures and delegations to ensure internal consistency and convergence; and*
- *Promote and provide access to policies, standards and legislation.'*

OFFICER COMMENT

There has been some confusion at an operational level about applying this policy. Consequently the policy has also been amended to incorporate clearer guidelines in relation to private works the Council may undertake for Government Departments, ratepayers, developers, individuals and organisations.

The review of this policy has identified that having separate policies for external and internal works would also lessen confusion. The adoption of a new policy for internal private works is also being proposed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr S Grylls:

That amended Council Policy No. I/PW/1 – Private Works – External as follows:

OBJECTIVE:

- **To outline the procedures for undertaking private works requests by residents, organisations and others (client).**
- **To ensure that any private work complies with the Western Australian Policy on Competition Neutrality. 'The objective of the Competitive Neutrality Policy is the elimination of resource allocation distortions arising out of the public ownership of entities engaged in significant business activities: Government business should not enjoy any net competitive advantage simply as a result of their public sector ownership.'**

- To ensure the Shire does not directly compete with local businesses or contractors.
- To ensure a mechanism is in place to supply a project estimate and receive payment for any private work.

POLICY:

1. The Chief Executive Officer (or nominated officer) will determine whether work constitutes 'private works' or 'minor works'. Minor works encompasses works such as driveway grading, tree removal, drainage maintenance, etc and is charged on an hourly rate in accordance with the Council's schedule of fees and charges approved annually.
2. All private works jobs will be costed independently to the client.
3. All works will be costed in accordance with the Council's schedule of fees and charges.
4. A project estimate shall be provided to the client, in writing, outlining the costs, the timeframe, clearly stating that this is an 'Estimate Only', and shall include provision for recouping additional payment should the cost of the project exceed the estimate, or refund if applicable.
5. A timeframe shall be provided to the client as to when the works can be undertaken. No private works shall take precedent over the completion of the Council's annual works program.
6. All private works jobs will be performed, supervised and timesheets checked and the account issued independently to the client. Any variations will be authorised by the client in writing before they are performed.
7. Standard practice is that fees and charges are paid in advance of the service or work being undertaken, excluding Government agencies. When delaying commencement of work until the client has paid the necessary fee is impractical due to the necessary machinery being on or adjacent to the site where minor works are proposed, the Chief Executive Officer (or nominated officer) is authorised to proceed with minor works jobs prior to payment being received.
8. No plant or equipment will be hired on a 'dry hire' basis.'

be endorsed

CARRIED (7/0)

NO. 316/10

11.2.4 POLICY ADOPTION - PRIVATE WORKS - INTERNAL

File No: N16788
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Dominic Le Cerf
Manager Works and Services
Proposed Meeting Date: 14 December 2010

PURPOSE

The purpose of this report is to recommend the creation of a policy regarding Private Works for Council staff or Councillors.

BACKGROUND

Council staff believe that a new Policy is needed to recognise the differences between private works undertaken for internal and external stakeholders.

STATUTORY ENVIRONMENT

There are no statutory obligations other than the compliance with the National Competition Policy and major trading undertakings legislation (Local Government Act). Neither is applicable in this case due to the low volumes (and value) that the Council undertakes of private works.

FINANCIAL IMPLICATIONS

The Council currently on average performs private works to businesses, farmers or individuals within the Shire about once every two months. The works generally relate to installing signs and grading of driveways whilst in the vicinity.

POLICY IMPLICATIONS

The adoption of a new Private Works - Internal policy is proposed.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan Key Results Area 1, New Initiative 1.4 provides the following:

'1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisations to be undertaken.'

To achieve this we will:

- *Revise all policies, procedures and delegations to ensure internal consistency and convergence; and*
- *Promote and provide access to policies, standards and legislation.'*

OFFICER COMMENT

Existing Council policy does not adequately define guidelines for Councillor and employee use of Council plant and equipment and therefore has not been effective at an operational level. Guidelines have been created to ensure equity to all staff for

the use of Council plant and equipment and to ensure staff obtain the appropriate approvals before private works occur. The inclusion of these guidelines will ensure the policy is transparent to the wider community.

There has been some confusion at an operational level about the charging of private works, therefore a reference has been incorporated that all private works will be charged in accordance with the Council's schedule of fees and charges approved annually. No plant or equipment will be hired on a 'dry hire' basis.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That Council Policy No. I/PW/2 – Private Works - Internal, as follows:

'DIVISION	BUSINESS UNIT	RESPONSIBILITY AREA
Works and Services	Infrastructure	Private Works

OBJECTIVE:

- To give direction to Councillors and Shire employees in relation to accessing the Shire service of private works.
- To ensure there is a mechanism in place to adequately address and manage the issue of accountability where Councillors and Shire employees are engaging the Shire to perform works.
- To ensure the Council's adopted Code of Conduct is recognised as integral to the process of internal private works.

POLICY:

1. Any Councillor or employee wishing to engage the Shire to perform private works (including occasional 'wet hire' of plant or equipment), shall in the first instance forward a written request to their supervisor who will then refer the matter with the relevant employees responsible for preparing the quote. The Chief Executive Officer and Councillors would refer their request to the Shire President.
2. All private works jobs will be costed and quoted independently to the Councillor or employee.
3. All private works will be costed and quoted in accordance with the Council's schedule of fees and charges approved annually.
4. No work will be performed until and unless the quoted amount is paid and received by the Shire in advance of the works being commenced. Any variations will be authorised by the Councillor or employee in writing before they are performed.

5. After payment of the quoted amount (where it is acknowledged that if made on estimates of time, further payment or reimbursements will be made once all costs have been finalised), the Councillor or employee will take no further action in any way other than from the perspective of the client and this shall be made known whenever dealings are being undertaken. All private works jobs will be performed, supervised and timesheets checked and the account issued independently of the Councillor or employee.
6. Those Councillors or employees involved in the process coming into contact with the client will treat the Councillor or employee (who is the client) in the same manner as any other client in accordance with the Council's Customer Service Charter.
7. This policy also applies to clients who are closely associated persons (as defined in the Local Government Act 1995) to Councillors or employees.
8. No plant or equipment will be hired on a 'dry hire' basis.
9. No private works shall take precedence over the completion of the Council's annual works program.'

be adopted.

CARRIED (7/0)

NO. 317/10

11.2.5 POLICY REVIEW - STOCK ON LOCAL ROADS

File No: N16797
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Sharon Lynch
Senior Administration/Project Officer (Works
and Services)
Proposed Meeting Date: 14 December 2010

PURPOSE

The purpose of this report is to review Council Policy No. I/R/18 Stock on Local Roads.

BACKGROUND

This policy was last reviewed by the Council on 16 December 2008.

Council Policy I/R/18 – Stock on Local Roads reads as follows:

OBJECTIVE:

The purpose of this Policy is to provide reasonable precautions that should be taken when moving stock on local roads, and to outline the Council's requirements for provision of stock underpasses on local roads.

POLICY:**1. POLICY STATEMENT**

Main Roads will provide guidance on reasonable precautions that should be taken when driving stock across or along a state road and will also permit stock underpasses under state roads subject to the underpass meeting Main Roads requirements.

The Council will provide guidance on reasonable precautions that should be taken when driving stock across or along a local road and will also permit stock underpasses under local roads subject to the underpass meeting Main Roads requirements.

These guidelines do not address the issue of straying stock in unfenced pastoral areas.

2. APPLICATION & APPROVAL GUIDELINES**2.1. Definitions**

Unless otherwise indicated in the text of this Guideline:

AS means Australian Standards.

Local road means a road under the control of a Local Government.

Main Roads means the Main Roads of Western Australia.

RTC 2000 means The Road Traffic Code 2000.

State road means a road under the control of Main Roads

Traffic signs mean a sign as recognised in the Australian Standards or Main Roads Signs Index.

2.2. Background

The purpose of this Policy is to provide reasonable precautions that should be taken when moving stock on local roads, and to outline the Council's requirements for provision of stock underpasses on local roads.

The person in charge of moving stock across or along a road does not need formal permission from the Council except for the following statutory requirements:

- *For roads with declared Control of Access the consent of Main Roads is required; (Main Roads Act 1930, Section 28A (4)); and*
- *For roads within a town the permission of the Director General is required. (RTC 2000 Regulation 277).*

A person driving stock on roads shall:

- *not leave stock unattended (RTC 2000 Regulation 275); and*
- *provide reasonable warning and not cause unreasonable delay to approaching traffic (RTC 2000 Regulations 276)*

The RTC 2000 allows the person in charge of moving stock on a road to install temporary road warning signs (Regulations 297 & 276), and to display an orange flashing warning light on a vehicle (Regulation 289).

2.3 APPLICATION

2.3.1. Precautions for Taking Stock onto a Local Road

2.3.1.1 General

The RTC 2000 requires the person in charge of stock on a road to:

- *Take all reasonable precautions to warn approaching traffic of the presence of the stock; and*
- *Arrange the moving of the stock at such times, and in such numbers, and establishes such control of the stock on the road, as is likely to prevent it causing unreasonable delay to the passage of other traffic.*

2.3.1.2 Reasonable Warning

Reasonable precautions to warn approaching traffic with warning signs and devices is provided in the Technical Guideline (Section 3).

2.3.1.3 Unreasonable Delay

The following circumstances are considered to be cause for unreasonable delay:

- *The duration of road closure is greater than 5 minutes; and for multiple crossing movements, all queued vehicles are not cleared before the commencement of the next crossing movement;*
- *The stock movement is on a dual carriageway road;*
- *The crossing is closer than 1 km to a stock underpass servicing the same landowner; or*
- *The road's annual average daily traffic volume is greater than 500 vehicles per day.*

2.3.1.4 Costs

The person in charge of the stock is responsible of the supply, installation and removal of the road traffic signs and devices associated with the stock movement on a road.

2.3.1.5 Roads with High Traffic Volumes

Where a road's annual average daily traffic volume is greater than 500 vehicles per day, a stock underpass is the preferred method of moving stock across the road.

2.3.2. Stock Underpasses under Local Roads

2.3.2.1 General

A stockowner may install an underpass under a local road subject to compliance with the requirements of these guidelines. There are conditions on the design, construction, and maintenance.

2.3.2.2 Costs

There is no fee for the Council to process an application. The applicant shall be responsible for all costs associated with the design, construction and maintenance of the underpass structure.

2.3.2.3 Design and Construction

For sections of the underpass that are within and at the boundary of the road reserve, the design shall be approved by the Council and the construction shall be undertaken by the Council or Council approved consultants and / or contractors.

2.3.2.4 Maintenance

The applicant shall maintain the underpass. The maintenance of the underpass by the applicant includes removal of fouling and repair of any damage to the road infrastructure within the road reserve.

2.4. APPROVAL - STOCK UNDERPASSES

2.4.1. Applications

A person wishing to install a stock underpass must submit an application to the Council.

2.4.2. Approval

Approval of an application shall include a condition that a Stock Underpass Agreement be signed by both the applicant and the Council before commencement of any work in the road reserve and shall indicate the extent, if any, of the Council's contribution to funding the underpass.

3. TECHNICAL GUIDELINES

3.1. General

The removal or covering of stock crossing signs when not in use is mandatory. Signs that are displayed while not in use may bring all signing into disrepute and may result in motorists disregarding important warnings. Signs should be covered such that they are not visible in all light conditions.

3.2. STOCK CROSSINGS

3.2.1. Stock Crossings with Sight Distance Greater Than 300 Metres

Where a stock crossing is located such that approaching motorists can see the stock crossing point from more than 300m away, signing should be as per Figure 1.

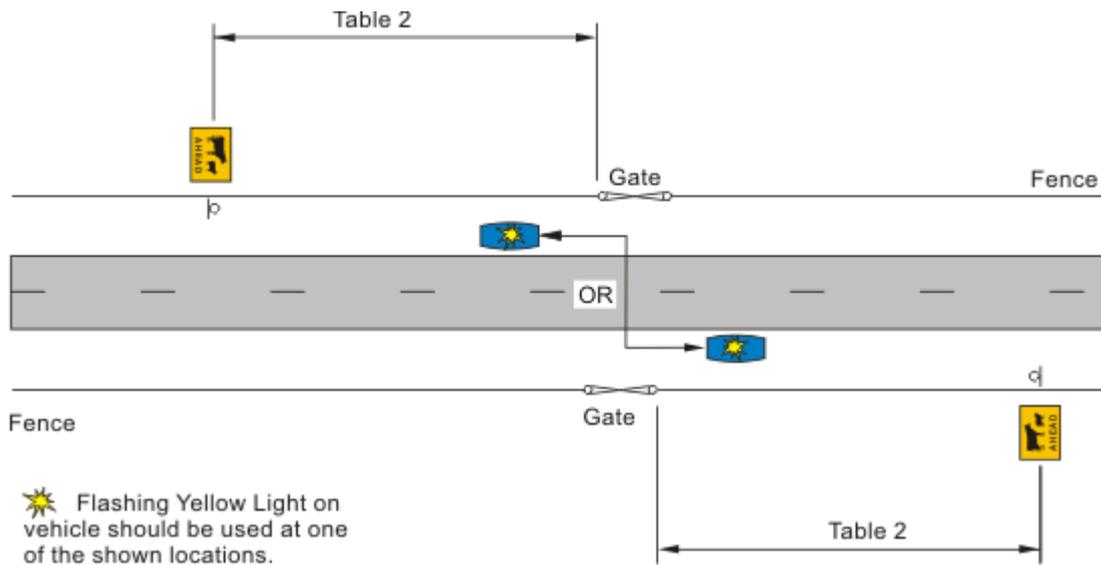


FIGURE 1 - Typical Stock Crossing Site – for bitumen roads.

NOTE: Gravel roads – there is no requirement for orange flashing lights

The crossing should desirably not be used when sun glare will interfere with drivers' view of the traffic signs or stock on the road.

Where stock movements are adjacent to or encompass an intersection, STOCK AHEAD and ON SIDE ROAD signs should be used on the side roads, to alert motorists entering the road that there is stock on the road. The location of the STOCK AHEAD sign should be based on a distance from the stock crossing as shown in Table 2.

POSTED SPEED LIMIT KM/HR	MINIMUM SPACING DISTANCE METRES
60	120
70	140
80	160
90	180
100	200
110 / STATE LIMIT	220

Table 2 – Placement of STOCK AHEAD Signs

3.2.2. Stock Crossings with Sight Distance Less Than 300 Metres

If the stock crossing site is positioned such that approaching motorists cannot see the stock crossing point from at least a minimum of 300m away during the day, then signage should be as shown in figure 2.

The REDUCE SPEED and the STOCK AHEAD signs should be visible at the same time to the approaching motorist.

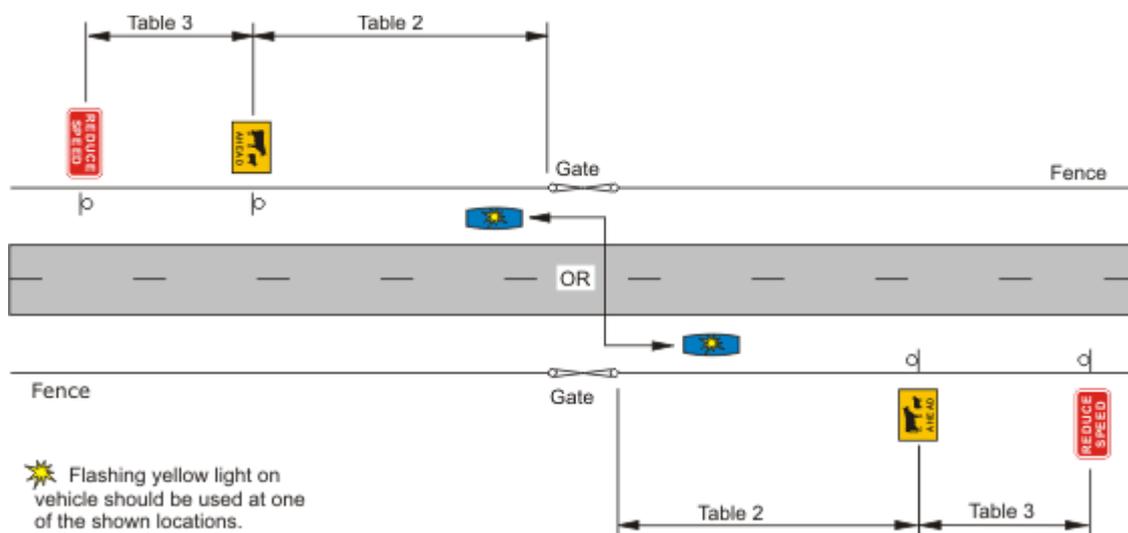


FIGURE 2 - Signing at stock crossings with sight distance less than 300m

POSTED SPEED LIMIT KM / HR	MINIMUM SPACING DISTANCE
60	30
70	35
80	40
90	45
100	50
110 / State Limit	55

TABLE 3 - Placement of REDUCE SPEED Signs

3.2.3. Use of Stock Crossings during Night-Time, Periods of Poor Visibility or Hazardous Locations

Daylight use of stock crossings is preferred. Where the stock crossing is proposed to be used during nighttime, periods of poor visibility or in a hazardous location, the following actions should be taken:

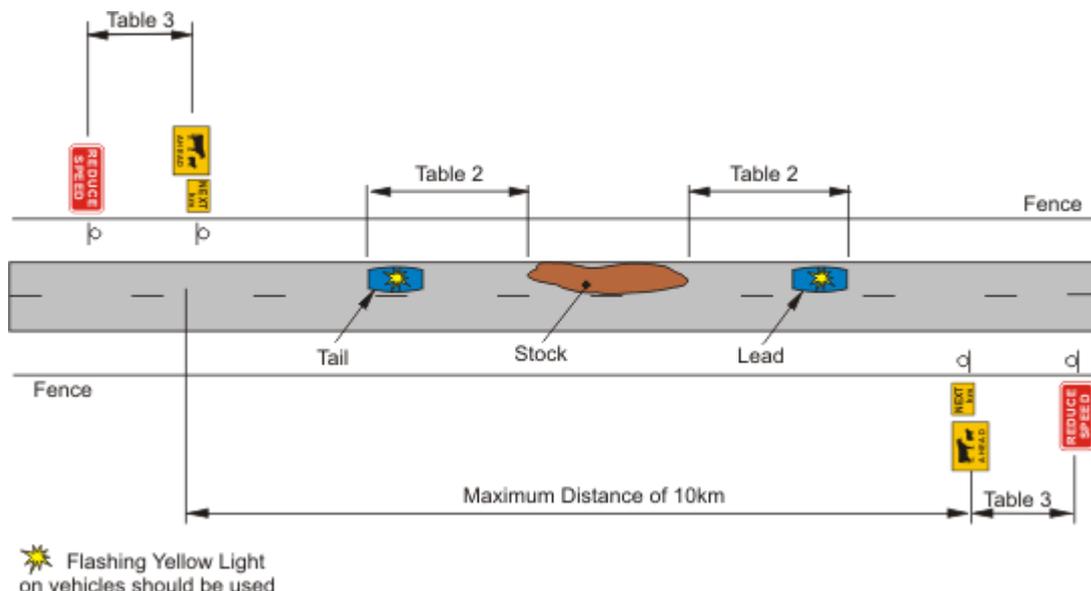
- Signing and flashing rotating orange light should be carried out in accordance with Figure 1 (See also Sections 3.4 and 3.5),
- Any person standing on or adjacent to the road for the purposes of controlling stock should wear clothing with reflective strips,
- Floodlighting shall be provided at the crossing point. The lighting should be sufficient to clearly illuminate stock on the road formation in the vicinity of the crossing point. If the road reserve is wider than 30m then floodlights should be placed on both sides of the road reserve, and
- The Council sign STOCK AHEAD PREPARE TO STOP (MR-WAW-6) should be considered for use. With reference to Figure 1, the STOCK AHEAD PREPARE TO STOP sign should be positioned in place of the STOCK AHEAD sign.

3.3. DROVING OF STOCK ALONG A ROAD

Where it is necessary to move stock more than 100m along a road reserve, signs should be erected along the road shoulder in accordance with Figure 3. In addition, a lead vehicle and / or a tail vehicle should be placed in front and/or at the rear of the stock to warn approaching motorists. The vehicles should be located at a distance from the stock as shown in Table 2.

NOTE: On gravel roads no orange flashing light is required.

FIGURE 3 - Signing for droving of stock



NOTE: Where stock can be moved along the road reserve without stock or vehicles traveling on the carriageway, it remains necessary to adhere to the signage shown in Figure 3.

3.4. SIGNS

The conditions of the following publications have been described in this guideline:

- Main Roads Signs Index and relevant guidelines;
- Occupational Safety and Health Regulations 1996 Act; and
- Relevant Australian Standards.

This guideline provides sufficient guidance for a person wanting to take stock onto a road to comply with the necessary standards. If required, further information can be obtained by contacting Main Roads.

Signs should be erected in accordance with these guidelines and Main Roads Standard

Drawings 9548 - 0106 and 8720 -0762. All signs shall be rigid. The class of retro reflective material used shall be Class 1.

Signing should be displayed prior to and during the stock movement. Signs and flashing orange warning lights should be positioned and erected so that:

- they are properly displayed and firmly secured so as to prevent them being blown over by the wind or passing traffic; and
- Signs may be placed on the roadside or road shoulder and should be at least 1m clear of the road lanes.

The signs and any flashing orange lights should be displayed or installed immediately prior to the stock being driven on to the road reserve and folded over or removed as soon as the stock are no longer in the road reserve, as per Section 3.1 .

Signs are a specified treatment in this guideline, and typical signs are listed in Table 4.

<p>'STOCK AHEAD' AS 1742.2 Designation T1-19B Sign Size: 1200 x 900mm (sealed roads) OR 900 x 600mm (unsealed roads)</p>	
<p>'REDUCE SPEED' AS 1742.2 Designation G9-9A Sign Size: 1500 x 750mm</p>	
<p>'NEXT ... KM' AS 1742.2 Designation W8-17-1B Sign Size: 750 x 450mm</p>	
<p>'ON SIDE ROAD' AS 1742.2 Designation W8-3B Sign Size: 750 x 500mm</p>	
<p>'STOCK AHEAD PREPARE TO STOP' (With Flashing Yellow) Main Roads Designation MR-WAW-6B (See Section 2.3) Sign Size: 1100 x 1600mm Sign Dimensions Sign Post Dimensions</p>	

TABLE 4 - List of typical signs for Stock Crossings and Droving of Stock

3.5. VEHICLE MOUNTED WARNING DEVICE

The flashing orange warning light shall comply with the equipment described in the Road Traffic (Vehicle Standards) Regulations 2002. Vehicle indicator lights do not constitute a flashing orange warning light.

3.6. STOCK UNDERPASSES

Stock underpasses generally consist of reinforced concrete box culverts of a size suitable to allow safe passage of the stock and the farmer. Sizes for these structures may, for example, be:

- 1200 x 1200 mm Sheep movements;
- 1500 x 1500 mm Sheep movements where the stock owner may access the underpass; or
- 1800 x 1800 mm Cattle movements and where the stock owner may utilise a vehicle in the underpass.

Fencing details for the underpass to prevent stock from entering the road is available from Main Roads.'

STATUTORY ENVIRONMENT

Road Traffic Code 2000
Road Traffic (Vehicle Standards) Regulations 2002
Main Roads Act 1930

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.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan Key Results Area 1, New Initiative 1.4 provides the following:

'1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisations to be undertaken.'

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence; and*
- Promote and provide access to policies, standards and legislation.'*

OFFICER COMMENT

It is considered that the current policy is adequate, except for minor numbering changes and a variation to the flashing rotating light colour from orange to yellow for consistency.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Moir:

That Council Policy No. I/R/18 Stock on Local Roads as follows:

OBJECTIVE:

The purpose of this Policy is to provide reasonable precautions that should be taken when moving stock on local roads, and to outline the Council's requirements for provision of stock underpasses on local roads.

POLICY:**1. POLICY STATEMENT**

Main Roads will provide guidance on reasonable precautions that should be taken when droving stock across or along a state road and will also permit

stock underpasses under state roads subject to the underpass meeting Main Roads requirements.

The Council will provide guidance on reasonable precautions that should be taken when driving stock across or along a local road and will also permit stock underpasses under local roads subject to the underpass meeting Main Roads requirements.

These guidelines do not address the issue of straying stock in unfenced pastoral areas.

2. APPLICATION & APPROVAL GUIDELINES

2.1. Definitions

Unless otherwise indicated in the text of this Guideline:

AS means Australian Standards.

Local road means a road under the control of a Local Government.

Main Roads means the Main Roads of Western Australia.

RTC 2000 means The Road Traffic Code 2000.

State road means a road under the control of Main Roads

Traffic signs mean a sign as recognised in the Australian Standards or Main Roads Signs Index.

2.2. Background

The purpose of this Policy is to provide reasonable precautions that should be taken when moving stock on local roads, and to outline the Council's requirements for provision of stock underpasses on local roads.

The person in charge of moving stock across or along a road does not need formal permission from the Council except for the following statutory requirements:

- For roads with declared Control of Access the consent of Main Roads is required; (Main Roads Act 1930, Section 28A (4)); and
- For roads within a town the permission of the Director General is required. (RTC 2000 Regulation 277).

A person driving stock on roads shall:

- not leave stock unattended (RTC 2000 Regulation 275); and
- provide reasonable warning and not cause unreasonable delay to approaching traffic (RTC 2000 Regulations 276)

The RTC 2000 allows the person in charge of moving stock on a road to install temporary road warning signs (Regulations 297 & 276), and to display an yellow flashing warning light on a vehicle (Regulation 289).

2.3 APPLICATION

2.3.1. Precautions for Taking Stock onto a Local Road

2.3.1.1 General

The RTC 2000 requires the person in charge of stock on a road to:

- Take all reasonable precautions to warn approaching traffic of the presence of the stock; and
- Arrange the moving of the stock at such times, and in such numbers, and establishes such control of the stock on the road, as is likely to prevent it causing unreasonable delay to the passage of other traffic.

2.3.1.2 Reasonable Warning

Reasonable precautions to warn approaching traffic with warning signs and devices is provided in the Technical Guideline (Section 3).

2.3.1.3 Unreasonable Delay

The following circumstances are considered to be cause for unreasonable delay:

- The duration of road closure is greater than 5 minutes; and for multiple crossing movements, all queued vehicles are not cleared before the commencement of the next crossing movement;
- The stock movement is on a dual carriageway road;
- The crossing is closer than 1 km to a stock underpass servicing the same landowner; or
- The road's annual average daily traffic volume is greater than 500 vehicles per day.

2.3.1.4 Costs

The person in charge of the stock is responsible of the supply, installation and removal of the road traffic signs and devices associated with the stock movement on a road.

2.3.1.5 Roads with High Traffic Volumes

Where a road's annual average daily traffic volume is greater than 500 vehicles per day, a stock underpass is the preferred method of moving stock across the road.

2.3.2. Stock Underpasses under Local Roads

2.3.2.1 General

A stockowner may install an underpass under a local road subject to compliance with the requirements of these guidelines. There are conditions on the design, construction, and maintenance.

2.3.2.2 Costs

There is no fee for the Council to process an application. The applicant shall be responsible for all costs associated with the design, construction and maintenance of the underpass structure.

2.3.2.3 Design and Construction

For sections of the underpass that are within and at the boundary of the road reserve, the design shall be approved by the Council and the construction shall be undertaken by the Council or Council approved consultants and / or contractors.

2.3.2.4 Maintenance

The applicant shall maintain the underpass. The maintenance of the underpass by the applicant includes removal of fouling and repair of any damage to the road infrastructure within the road reserve.

2.4. APPROVAL - STOCK UNDERPASSES

2.4.1. Applications

A person wishing to install a stock underpass must submit an application to the Council.

2.4.2. Approval

Approval of an application shall include a condition that a Stock Underpass Agreement be signed by both the applicant and the Council before commencement of any work in the road reserve and shall indicate the extent, if any, of the Council’s contribution to funding the underpass.

3. TECHNICAL GUIDELINES

3.1. General

The removal or covering of stock crossing signs when not in use is mandatory. Signs that are displayed while not in use may bring all signing into disrepute and may result in motorists disregarding important warnings. Signs should be covered such that they are not visible in all light conditions.

3.2. STOCK CROSSINGS

3.2.1. Stock Crossings with Sight Distance greater than 300m

Where a stock crossing is located such that approaching motorists can see the stock crossing point from more than 300m away, signing should be as per Figure 1.

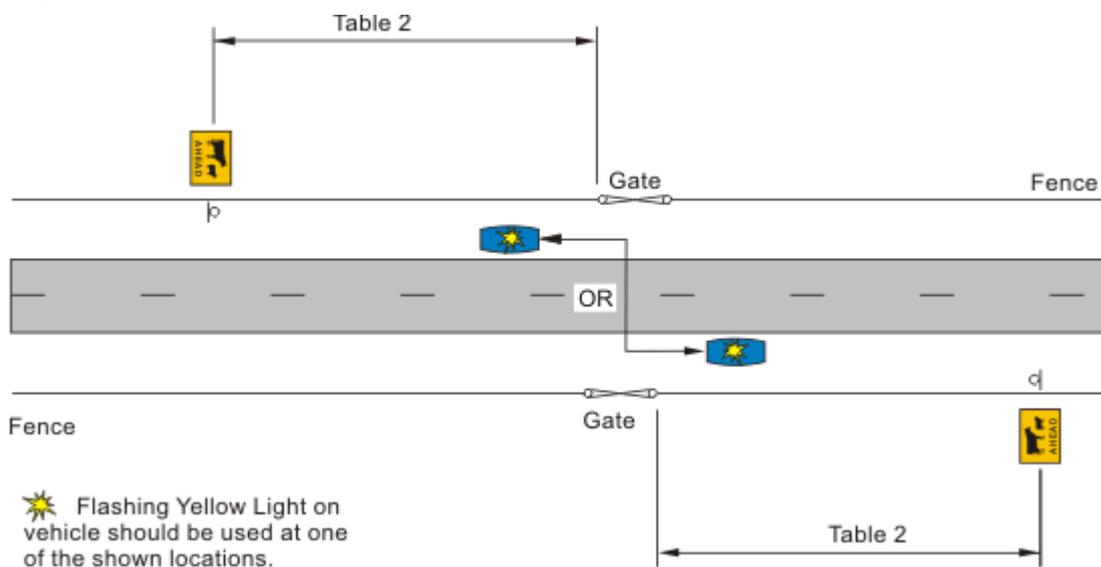


FIGURE 1 - Typical Stock Crossing Site – for bitumen roads.

NOTE: Gravel roads – there is no requirement for yellow flashing lights

The crossing should desirably not be used when sun glare will interfere with drivers' view of the traffic signs or stock on the road.

Where stock movements are adjacent to or encompass an intersection, STOCK AHEAD and ON SIDE ROAD signs should be used on the side roads, to

alert motorists entering the road that there is stock on the road. The location of the STOCK AHEAD sign should be based on a distance from the stock crossing as shown in Table 2.

POSTED SPEED LIMIT KM/H	MINIMUM SPACING DISTANCE METRES
60	120
70	140
80	160
90	180
100	200
110 / STATE LIMIT	220

Table 2 – Placement of STOCK AHEAD Signs

3.2.2. Stock Crossings with Sight Distance less than 300m

If the stock crossing site is positioned such that approaching motorists cannot see the stock crossing point from at least a minimum of 300m away during the day, then signage should be as shown in figure 2.

The REDUCE SPEED and the STOCK AHEAD signs should be visible at the same time to the approaching motorist.

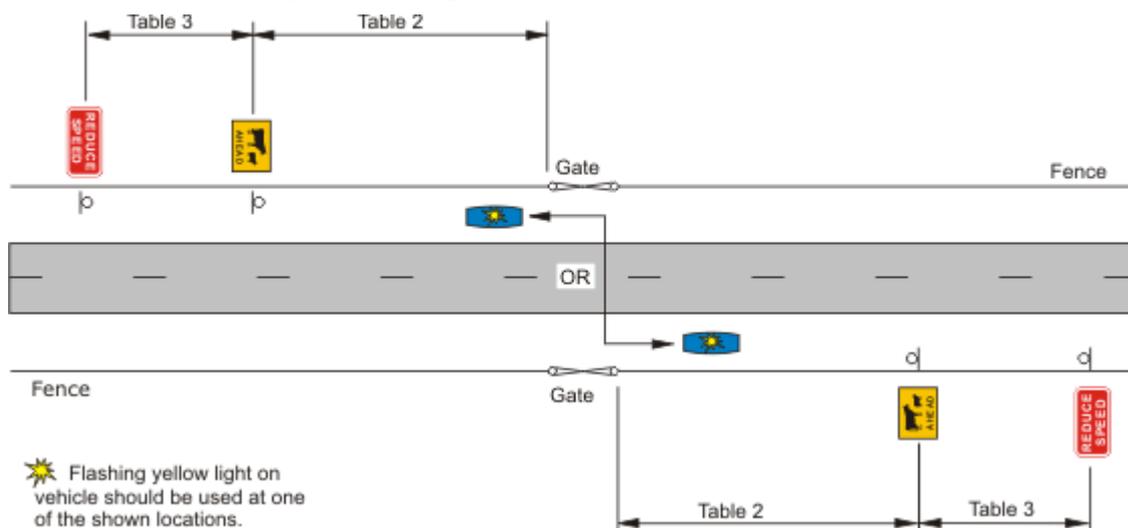


FIGURE 2 - Signing at stock crossings with sight distance less than 300m

POSTED SPEED LIMIT KM / H	MINIMUM SPACING DISTANCE
60	30
70	35
80	40
90	45
100	50
110 / State Limit	55

TABLE 3 - Placement of REDUCE SPEED Signs

3.2.3. Use of Stock Crossings during Night-Time, Periods of Poor Visibility or Hazardous Locations

Daylight use of stock crossings is preferred. Where the stock crossing is proposed to be used during nighttime, periods of poor visibility or in a hazardous location, the following actions should be taken:

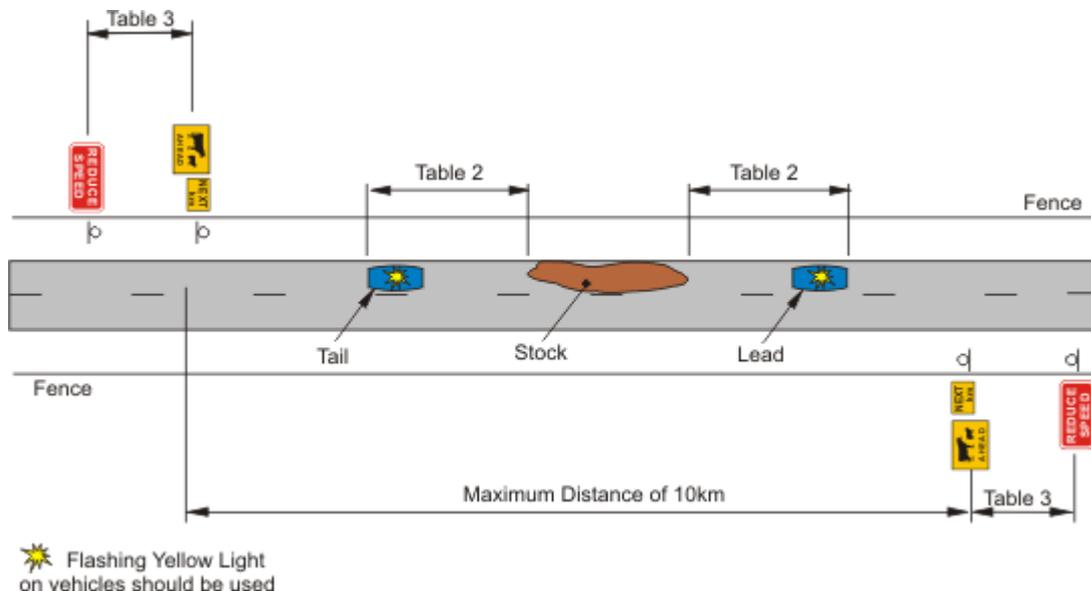
- Signing and flashing rotating yellow light should be carried out in accordance with Figure 2 (See also Sections 3.4 and 3.5);
- Any person standing on or adjacent to the road for the purposes of controlling stock should wear clothing with reflective strips;
- Floodlighting shall be provided at the crossing point. The lighting should be sufficient to clearly illuminate stock on the road formation in the vicinity of the crossing point. If the road reserve is wider than 30m then floodlights should be placed on both sides of the road reserve; and
- The Council sign STOCK AHEAD PREPARE TO STOP (MR-WAW-6) should be considered for use. With reference to Figure 1, the STOCK AHEAD PREPARE TO STOP sign should be positioned in place of the STOCK AHEAD sign.

3.3. DROVING OF STOCK ALONG A ROAD

Where it is necessary to move stock more than 100m along a road reserve, signs should be erected along the road shoulder in accordance with Figure 3. In addition, a lead vehicle and / or a tail vehicle should be placed in front and/or at the rear of the stock to warn approaching motorists. The vehicles should be located at a distance from the stock as shown in Table 2.

NOTE: On gravel roads no yellow flashing light is required.

FIGURE 3 - Signing for droving of stock



NOTE: Where stock can be moved along the road reserve without stock or vehicles traveling on the carriageway, it remains necessary to adhere to the signing shown in Figure 3.

3.4. SIGNS

The conditions of the following publications have been described in this guideline:

- Main Roads Signs Index and relevant guidelines;
- Occupational Safety and Health Regulations 1996 Act; and

- **Relevant Australian Standards.**

This guideline provides sufficient guidance for a person wanting to take stock onto a road to comply with the necessary standards. If required, further information can be obtained by contacting Main Roads.

Signs should be erected in accordance with these guidelines and Main Roads Standard

Drawings 9548 - 0106 and 8720 -0762. All signs shall be rigid. The class of retro reflective material used shall be Class 1.

Signing should be displayed prior to and during the stock movement. Signs and flashing yellow warning lights should be positioned and erected so that:

- they are properly displayed and firmly secured so as to prevent them being blown over by the wind or passing traffic; and
- Signs may be placed on the roadside or road shoulder and should be at least 1m clear of the road lanes.

The signs and any flashing yellow lights should be displayed or installed immediately prior to the stock being driven on to the road reserve and folded over or removed as soon as the stock are no longer in the road reserve, as per Section 3.1 .

Signs are a specified treatment in this guideline, and typical signs are listed in Table 4.

<p>‘STOCK AHEAD’ AS 1742.2 Designation T1-19B Sign Size: 1200 x 900mm (sealed roads) OR 900 x 600mm (unsealed roads)</p>	
<p>‘REDUCE SPEED’ AS 1742.2 Designation G9-9A Sign Size: 1500 x 750mm</p>	
<p>‘NEXT ... KM’ AS 1742.2 Designation W8-17-1B Sign Size: 750 x 450mm</p>	
<p>‘ON SIDE ROAD’ AS 1742.2 Designation W8-3B Sign Size: 750 x 500mm</p>	
<p>‘STOCK AHEAD PREPARE TO STOP (With Flashing Yellow) Main Roads Designation MR-WAW-6B (See Section 2.3) Sign Size: 1100 x 1600mm Sign Dimensions</p>	

Sign Post Dimensions	
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TABLE 4 - List of typical signs for Stock Crossings and Droving of Stock

3.5. VEHICLE MOUNTED WARNING DEVICE

The flashing yellow warning light shall comply with the equipment described in the Road Traffic (Vehicle Standards) Regulations 2002. Vehicle indicator lights do not constitute a flashing yellow warning light.

3.6. STOCK UNDERPASSES

Stock underpasses generally consist of reinforced concrete box culverts of a size suitable to allow safe passage of the stock and the farmer. Sizes for these structures may, for example, be:

- 1200 x 1200mm Sheep movements;
- 1500 x 1500mm Sheep movements where the stock owner may access the underpass; or
- 1800 x 1800mm Cattle movements and where the stock owner may utilise a vehicle in the underpass.

Fencing details for the underpass to prevent stock from entering the road is available from Main Roads.'

be endorsed.

CARRIED (7/0)

NO. 318/10

11.3 CORPORATE SERVICES REPORTS

11.3.1 FINANCIAL STATEMENTS - NOVEMBER 2010

File No:	N16557
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	14 December 2010

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending November 2010.

STATUTORY ENVIRONMENT

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

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

The Statement is to be accompanied by:

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

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr L Handasyde:

That the Financial Statements for the period ending November 2010 be received.

CARRIED (7/0)

NO. 319/10

11.3.2 LIST OF ACCOUNTS - NOVEMBER 2010

File No: FM/65/3
Attachment: [List of Accounts -November 2010](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 14 December 2010

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of November 2010.

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 (10 May 2009). 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 S Etherington, seconded Cr S Grylls:

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 November 2010 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$477,740.81;
2. Municipal Cheques 41527 – 41603 totalling \$88,908.47; and
3. Cancelled Cheque No. 41526.

be received.

CARRIED (7/0)

NO. 320/10

11.4 EXECUTIVE SERVICES REPORTS

11.4.1 LOCAL GOVERNMENT ACT 1995 - PROPOSED AMENDMENTS

File No: N16821
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 14 December 2010

PURPOSE

The purpose of this report is to consider recommendations from the Councillor workshop held on 14 December 2010 regarding proposed amendments to the Local Government Act 1995 and the formulation of a response to the proposals to the WA Local Government Association (WALGA).

BACKGROUND

By Infopage dated 26 November 2010 WALGA advised that the Minister for Local Government has provided the opportunity for the Local Government sector to give input to proposed amendments to the Local Government Act prior to those amendments being drafted.

WALGA is seeking feedback from all Councils by 7 January 2011.

STATUTORY ENVIRONMENT

WALGA is constituted as a Body Corporate with perpetual succession and a Common Seal pursuant to Section 9.58 of the Local Government Act 1995.

Subsection 6 provides that WALGA may make representations and submissions to the Minister on any matter or thing relating to or affecting its members.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no financial implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result Area 5 (Strategic Planning) provides that the Council will provide leadership.

OFFICER COMMENT

The issues that WALGA is seeking feedback on are:

1. Reducing the number of elected members to between six and nine;

2. Salaries and Allowances Tribunal to set the fees for elected members and salaries for CEO's;
3. New mechanism for the temporary suspension of Council;
4. Require elected members to resign when elected to State or Commonwealth Parliament;
5. Restricting the types of Local Government investments to low risk products such as those with the WA Treasury Corporation, major banks and Government Bonds;
6. Align criminal conviction criteria for elected members with that of WA Members of Parliament; and
7. To limit employee termination payments to one year's salary.

Reducing the number of elected members to between six and nine

WALGA opposes this proposal.

At the Great Southern Zone of WALGA meeting held in Albany on 26 November 2010, WALGA President Troy Pickard indicated that he had some concerns with this proposal due to the possibility that smaller numbers of Councillors may increase the number of Councillors backed by a major political party. He said that he would like to keep major political parties out of Local Government if possible.

From a purely local point of view, the Shire of Plantagenet decreased the number of elected representatives from 11 to nine in 2001 and this has worked well. Councillors have, from time to time discussed informally the possibility of reducing this number even further.

WALGA also notes that for larger Councils, a reduction to the maximum number of nine may require Councillors to be effectively full time. Given the increasing responsibilities of Councillors, a matter that has been discussed by Councillors at the Shire of Plantagenet, this may be acceptable provided that sufficient compensation was offered.

From the point of view of the Shire of Plantagenet no objections to this proposal need to be made.

However, in thinking about the whole of the State, and in particular the metropolitan area, would party politics intrude with a reduced number of Councillors? Would full time Councillors necessarily be a bad thing?

Recommendation:

That with regard to the proposal to reduce the number of elected members to between six and nine, the Shire of Plantagenet raises no objection but notes the possibility that for larger Councils, this may impose a greater workload on elected representatives, with the result that those affected may need to become 'full time' with concomitant compensation.

Salaries and Allowances Tribunal to set the fees for elected members and salaries for CEO's

WALGA does not object to the proposal set out regarding the Salaries and Allowances Tribunal setting fees for elected members.

The Salaries and Allowances Tribunal already make recommendations regarding the salaries of Chief Executive Officers, such recommendations needing to be 'taken into consideration'.

As the Tribunal sits outside direct Government influence and takes into account a range of factors it would be reasonable to agree with this proposal especially if elected member numbers were reduced (see proposal 1).

Recommendation:

That with regard to the proposal for 'the Salaries and Allowances Tribunal to set the fees for elected members and salaries for CEO's', the Shire of Plantagenet raises no objection to the proposal, noting that the Tribunal already uses objective data for its determination relating to current legislation.

New mechanism for the temporary suspension of Council

The Council has acknowledged in the past that the Minister is often faced with no other choice but to sack a Council or hope that things get better.

WALGA agrees that a mechanism which would allow the Minister to short circuit issues through the temporary suspension and potential for later reinstatement of a Council would be welcome.

However, concerns must be raised regarding the opportunity for a Minister to use such powers capriciously, especially under pressure from a community.

In hindsight, such powers may have been used to temporarily suspend the City of Albany, which, at present, appears to be digging itself out of the hole it had previously found itself in.

It is also reasonable to remember that Councillors are elected democratically and suspension or dismissal is the ultimate threat to democracy, effectively disenfranchising a whole electorate.

Recommendation:

That with regard to the proposal for 'new mechanism for the temporary suspension of Council', the Shire of Plantagenet gives cautious support, noting any use of this power should be restricted to such events that meet certain measurable criteria as events which would warrant such action.

Elected members to resign when elected to State or Commonwealth Parliament

At present a Local Government elected member could be an elected member of the WA Parliament as well.

WALGA acknowledges that it would be an appropriate separation of powers if a Councillor on election to either the State or Federal Parliament was immediately no longer to be a Local Government Councillor.

Recommendation:

That with regard to the proposal for 'Elected members to resign when elected to State or Commonwealth Parliament', the Shire of Plantagenet raises no objection to this proposal.

Low Risk Investment Products

The Shire of Plantagenet already has a policy with regard to the investment of funds. In fact the Council directs where such investment can occur. This is a very conservative policy and, given the public funds that have been lost to risky investments, a very prudent and justified policy.

WALGA takes the point of view that Councils should be able to make their own investment decisions. In a rising market and with proper probity such a position can be quite lucrative.

However, the investment market is not a risk free environment and generally it is accepted that with higher rates of return (in comparison with other products in the market) there will be a higher risk (of loss). Even our investments with the Bendigo (Community) Bank are slightly more risky than other institutions due to their credit rating.

No Council should ever lose sight of the fact that the funds that they are investing are being invested on behalf of others and should never be put at a higher risk than is necessary to record a reasonable return.

Recommendation:

That with regard to the proposal for 'low risk investment products', the Shire of Plantagenet recommends that investment strategies are legitimately the province of individual Councils.

Criminal conviction Criteria

This one would need to be a '*conscience*' vote for members.

The object of the penal system in Western Australia is not only to punish but also to rehabilitate. Once a person has completed his sentence there should be no barrier to that person leading a rich and full life.

Alternatively, the position of Councillor is one of high trust and the question could be asked as to whether a person who has been imprisoned can meet this standard.

Recommendation:

That with regard to the proposal for 'criminal conviction criteria' the Shire of Plantagenet believes that the penal system in Western Australia is not only to punish but also to rehabilitate.

Limit Employee Termination Payment

WALGA does not have a policy regarding this matter.

Local Government Managers Australia (LGMA) has asked the Minister to amend the legislation to make the upper limit two years salary rather than one year. The anomaly being talked about by WALGA only arises if the Council has adopted a specific policy regarding two years which, in the case of Plantagenet, has not occurred.

The comparison with the State Public Service is not always true. Many public servants are placed on a re-deployment scheme whereby they remain paid until a

suitable job comes up. Many senior public servants are paid well in excess of one year as has been reported in the media many times as their contracts allow for it.

Under the present regime of structural reform and possible amalgamation it would be difficult to recommend a smaller payout in the event of redundancy when a larger payout may be available.

Recommendation:

That given the present status of Local Government reform, the possibility of amalgamation and the spectre of job loss that pervades the industry, the Shire of Plantagenet recommends that the present two year upper limit remain.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr S Grylls:

That the attached submission relating to proposed amendments to the Local Government Act 1995 be authorised to be forwarded to the WA Local Government Association.

CARRIED (7/0)

NO. 321/10

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

14 CONFIDENTIAL

15 CLOSURE OF MEETING

3:54pm The Presiding Member declared the meeting closed.

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