



ORDINARY MINUTES

DATE: Tuesday, 19 August 2014

TIME: 3:00pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

Resolution numbers: 174/14 to 191/14

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This agenda has yet to be dealt with by the Council. The Recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

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MEMBERSHIP – Quorum (5)

Membership:

Cr K Clements Shire President
Cr B Bell
Cr A Budrikis
Cr S Etherington JP
Cr L Handasyde Deputy Shire President
Cr G Messmer
Cr J Moir
Cr J Oldfield
Cr C Pavlovich

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

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

Members Present:

Cr K Clements	Shire President
Cr B Bell	Councillor (Left Chambers at 3:22pm, returned 3:24pm)
Cr A Budrikis	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor (Left Chambers at 3:42pm, returned 3:43pm)
Cr C Pavlovich	Councillor (Left Chambers 3:11pm, returned 3:12pm) (Left Chambers at 3:18pm, returned 3:24pm) (Left Chambers at 3:42pm returned 3:43pm)

In Attendance:

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

Previously Approved Leave of Absence:

Cr J Moir – 19 August 2014

Cr J Oldfield – 19 August 2014

There were no 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 and staff present in the Council Chambers.

Mr Stewart then read aloud the following disclaimer:

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3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr B Bell

Item: 9.3.1
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA), Proximity (Section 5.60(B) LGA)
Nature: Financial
Extent: Not required

Cr G Messmer

Item: 9.5.1
Type: Closely Associated Person (Section 5.62 LGA)
Nature: Wife on the Board of PVH
Extent: Not required

Cr C Pavlovich

Item: 9.1.2
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61LGA)
Nature: Shareholder in Property
Extent: Not required

Item: 9.1.3
Type: Closely Associated Person (Section 5.62 LGA)
Nature: Parents own property in amendment
Extent: Not required

Item: 9.1.4
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA), Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct).
Nature: Property in amendment
Extent: Not required

Item: 9.2.3
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct).
Nature: President of Speedway
Extent: Not required

Item: 9.3.1
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA), Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct).
Nature: President of Speedway and potential supplier.
Extent: Not required

Item: 9.5.1
Type: Proximity (Section 5.60(B) LGA)
Nature: Parents own property over road.
Extent: Not required.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

7 CONFIRMATION OF MINUTES

Moved Cr G Messmer, seconded Cr B Bell:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 22 July 2014 as circulated, be taken as read and adopted as a correct record.

CARRIED (7/0)

NO. 174/14

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 RESERVE 1790 MCDONALD AVENUE, MOUNT BARKER - LEAN-TO STRUCTURE AT FROST PARK

File No:	N31438
Attachments:	Location Plan Site Plan Outbuilding Plan
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	19 August 2014

PURPOSE

The purpose of this report is to consider a request from the Mount Barker Turf Club for approval to construct a new lean-to structure at Frost Park on Reserve 1790 McDonald Avenue, Mount Barker.

BACKGROUND

The Mount Barker Turf Club requested permission to construct a new lean-to structure on the west side of the women's jockey change rooms of the Sheep Pavilion. This lean-to structure will provide protection from the weather at the entrance to these change rooms.

STATUTORY ENVIRONMENT

Local Government (Miscellaneous Provisions) Act 1960 – A building permit is required to be issued by the Principal Building Surveyor under delegated authority.

FINANCIAL IMPLICATIONS

A building permit fee will be required to be paid. The Turf Club will carry out the construction at no cost to the Council.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.5 (Council buildings and facilities that meet community needs) the following Strategy:

Strategy 2.5.1 - *'Ensure Council buildings, facilities and public amenities are provided and maintained to an appropriate standard.'*

OFFICER COMMENT

The new structure is a steel lean-to connected to the women's jockey change rooms of the Sheep Pavilion and is 6.0m long, 4.0m wide and 2.5m high. The lean-to will be finished in zincalume gutters, flashings and roof cladding with the northern, southern and western sides being open.

As the building is erected on a Council reserve, the structure is the property of the Council however, the Turf Club will be responsible for the ongoing maintenance of the structure. No objection is seen to the erection of the new lean-to structure

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That the proposed lean-to structure on Reserve 1790 McDonald Avenue, Mount Barker be approved subject to:

- 1. The development being in accordance with the plans dated 4 August 2014.**
- 2. The Mount Barker Turf Club acknowledging the lean-to structure will become the property of the Council.**
- 3. The Mount Barker Turf Club retaining all maintenance responsibilities for the lean-to structure.**
- 4. The Mount Barker Turf Club being responsible for any insurance excess in the event that an insurance claim, relating solely to the lean-to structure, is necessary.**
- 5. The Mount Barker Turf Club acknowledging the Council may at its discretion require the lean-to structure to be removed and disposed of at no cost to the Council to the satisfaction of the Manager Works and Services.**

CARRIED (7/0)

NO. 175/14

**9.1.2 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 63 - LOT 3957
MCDONALD AVENUE, MOUNT BARKER - SUBMISSIONS RECEIVED**Cr C Pavlovich

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

Nature: Shareholder in Property

Extent: Not required

3:11pm Cr C Pavlovich withdrew from the meeting.

File No: N31124
Attachments: [Summary of Submissions](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 19 August 2014
Applicant: Logan Management

PURPOSE

The purpose of this report is to consider submissions received on a proposed Amendment to Town Planning Scheme No. 3 to rezone portion of Lot 3957 McDonald Avenue/Taylor Road, Mount Barker from Special Industrial to Industrial.

BACKGROUND

Council records show the owners of Lot 3957 are Mr P Wallinger and Penris Pty Ltd.

This subject land was previously used as holding paddocks for stock awaiting slaughter at the abattoir on the adjoining Lot 2 McDonald Avenue on the corner of Taylor Road. The abattoir closed in 2000.

The Scheme Amendment proposes to rezone the southern portion of Lot 3957.

A separate copy of the Amendment document was included for each Councillor with the agenda papers for the 10 December 2013 meeting.

The Council when it considered this proposed Amendment No. 63 at its meeting held on 10 December 2013 resolved:

'That:

- 1. Amendment No. 63 to Town Planning Scheme No. 3 be initiated subject to the modifications in the attached Schedule of Modifications being carried out to the satisfaction of the Manager Development Services.*

2. *Once appropriately modified documents are received the Amendment be referred to the Environmental Protection Authority in accordance with legislative requirements.*
3. *Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.*
4. *After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 22 July 2014.'*

The proponents subsequently modified the documents as requested and the documents were received on 8 May 2014.

The Amendment was forwarded to the Environmental Protection Authority (EPA) and that agency authorised the Amendment to proceed to advertising in a letter received on 29 May 2014.

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 recommendations 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 affected landowners and government agencies, newspaper notices and a notice on site and on the Council's notice board.

At the close of the advertising period eight submissions had been received (Summary of Submissions attached).

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

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

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

Strategy 2.2.6 - *'Support the conservation and maintenance of heritage buildings, heritage items and places of interest.'*

Local Planning Strategy (LPS) 2013 – The LPS was endorsed by the Western Australian Planning Commission in August 2013 and includes the following in Appendix 1 relative to this land:

'6.9 The existing Special Industrial area on the north east corner of MacDonald(sic) Avenue and Taylor Road is not considered appropriate for this zoning and it is proposed the area be zoned Rural Residential to allow for an equestrian based development due to its proximity to the recreation facilities at Frost Park.'

and

'8.1.4 These areas are the land to the north east of McDonald Avenue and Taylor Road and the land to the north east of Sounness Street and Porongurup Road. As part of any rezoning proposal for these areas, detailed land capability and drainage studies will be required. The area north east of McDonald Avenue is ideally suited for equestrian themed Rural Residential as it is within the Townsite and adjoins the Frost Park recreation complex that includes the horse racing facility. ...'

Planning Vision (PV) (Town Planning Scheme Policy No. 18.1) – Appendix 1 of the PV includes:

'8.1.5 Two areas are proposed for Rural Residential use with an equestrian theme. These areas are the land to the north east of MacDonald(sic) Avenue and Taylor Road and the land to the north east of Sounness Street and Porongurup Road. As part of any rezoning proposal for these areas, detailed land capability and drainage studies will be required. The issue of possible site contamination on the former abattoir site at McDonald Avenue will need to be carefully examined. The preference for both of these areas is for an equestrian based zone and should include appropriate facilities for equestrian activities. ... It is noted the McDonald Avenue site may in the short term be considered for rezoning from Special Industrial to Industrial to provide more land for conventional industrial lots. If this progresses then the equestrian themed Rural Residential will not proceed on this land.'

OFFICER COMMENT

The Amendment proposal is generally in accordance with the Council's PV.

The document however failed to address the important issue of possible site contamination which is a requirement of the PV. There was reference to test pits being excavated and monitored but the EPA will require evidence of that testing and the results. In the conclusion there was a statement that no residual environmental

risk is evident but again the EPA would require the evidence provided by an appropriately qualified environmental person.

The Amendment document did not include existing and proposed zoning maps which it would have to do to satisfy the Town Planning Regulations.

There were other typographical corrections needed and a Schedule of Modifications was attached to the 10 December 2013 report to the Council. The necessary modifications were carried out and referral to the EPA occurred in May 2014. The EPA did not require any further assessment and as such the Amendment progressed to public advertising which closed on 22 July 2014. A total of eight submissions were received.

The submissions received do not raise any issues that would require alteration of the Amendment document.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr L Handasyde:

That:

- 1. The submissions lodged on Amendment No. 63 to Town Planning Scheme No. 3 be noted.**
- 2. Amendment No. 63 to Town Planning Scheme No. 3 be adopted without modification 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. 63 once approved by the Honourable Minister.**

CARRIED (6/0)

NO. 176/14

9.1.3 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 64 – REZONING VARIOUS LOTS IN MOUNT BARKER FROM SERVICE INDUSTRIAL AND RESIDENTIAL TO COMMERCIAL AND RESIDENTIAL (R17.5) - SUBMISSIONS RECEIVEDCr C Pavlovich

Type: Closely Associated Person (Section 5.62 LGA)
Nature: Parents own property in amendment
Extent: Not required

File No: N31125
Attachments: [Summary of Submissions](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 19 August 2014

PURPOSE

The purpose of this report is to consider submissions received on a proposed Amendment to Town Planning Scheme No. 3 to rezone various lots in Mount Barker from Service Industrial and Residential to Commercial and Residential (R17.5). This form of Amendment enacts recommendations contained within the Council's Local Planning Strategy (LPS) and the Planning Vision.

BACKGROUND

There are several lots presently zoned Service Industrial that are to be rezoned to Commercial as proposed in the LPS and Planning Vision. There are three lots which are to be rezoned to Residential (R17.5).

The Council prepared its LPS as a draft in 2008. That LPS was finalised in 2013 with its adoption by the Council in July 2013 and endorsement by the Western Australian Planning Commission (WAPC) in August 2013. The proposals contained within this Amendment to rezone Service Industrial lots have been contained in the LPS from its initial adoption as a draft in 2008 through to its final endorsement in 2013.

The Council when it initially considered this draft Amendment No. 64 at its meeting held on 4 February 2014 resolved:

'That the question be adjourned to enable consultation with affected landowners notifying them of the intention of the proposed amendment and a further report being presented to the Council no later than its meeting to be held on 29 April 2014.'

Letters were subsequently sent to all landowners. The letters included extracts from the LPS and a copy of the draft Amendment No. 64 document and requested comments by 28 March 2014.

A workshop on this proposed Amendment was held with Councillors on 25 March 2014.

The Council when it considered this proposed Amendment No. 64 at its meeting held on 29 April 2014 resolved:

'That:

- 1. Amendment No. 64 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 19 August 2014.'*

The Amendment was forwarded to the Environmental Protection Authority (EPA) and that agency authorised the Amendment to proceed to advertising in a letter received on 22 May 2014.

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 recommendations to the WAPC and the Minister within 28 days.

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

- Existing land uses can continue to be carried out in accordance with the Non-Conforming Use provisions of Part 4 of the Scheme which reads:

'PART 4 - NON-CONFORMING USES

4.1 NON-CONFORMING USE RIGHTS

No provision of the Scheme shall prevent:

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme; or*
- (b) the carrying out of any development thereon for which, immediately prior to that time, a Permit or Permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.*

4.2 EXTENSION OF NON-CONFORMING USE

A person shall not alter or extend a Non-Conforming Use or erect alter or extend a building used in conjunction with a Non-Conforming Use without first having applied for and having obtained the planning consent of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

4.3 CHANGE OF NON-CONFORMING USE

Notwithstanding anything contained in the Zoning Table the Council may grant its planning consent to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the existing use and is, in the opinion of the Council, closer to the intended uses of the zone or reserve.

4.4 DISCONTINUANCE OF NON-CONFORMING USE

4.4.1 When a non-conforming use of any land or building has been discontinued for a period of six months or more, such land or building shall not thereafter be used other than in conformity with the provisions of the Scheme.

4.4.2 The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

4.5 DESTRUCTION OF BUILDINGS

If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 75% or more of its value the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the building shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.'

EXTERNAL CONSULTATION

The Amendment was formally advertised for 42 days with letters to all affected landowners and various government agencies, newspaper notices, a notice on the Council's notice board and some strategically located signs.

At the close of the advertising period seven submissions had been received (Summary of Submissions attached).

FINANCIAL IMPLICATIONS

The mapping for the Amendment has been prepared by the Department of Planning at a cost of \$121.50. Minor adjustments to the mapping by the Department of Planning cost \$81.00.

The Amendment document has been prepared in-house. The formal advertising cost was met by the Town Planning Advertising budget.

POLICY IMPLICATIONS

This Amendment is generally in accordance with the Council's Planning Vision (TPS Policy No. 18.1).

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.1: (Long Term Planning and development guided by the Planning Vision) the following strategy:

Strategy 2.1.1 - *Review, update and implement the Planning Vision*;

and at Outcome 2.2: (Appropriate development which is diverse in nature and protects local heritage) the following strategy:

Strategy 2.2.1 - *Provide supportive planning and development guidance and liaison on major land development.*

OFFICER COMMENT

Councillors were provided with a full copy of the Amendment with the 4 February 2014 agenda. Another copy of this adjusted Amendment was provided with the 29 April 2014 agenda papers.

In respect to the proposals within the Amendment, the Council's LPS at Appendix 1 states:

'4.1 *There is a large area of Service Industrial zoned land on Lowood Road between Mondurup Street and Montem Street and this has led to the establishment of some land uses that are not considered appropriate to this important entry to the town centre. This area should be rezoned to Commercial and once zoned the existing service industrial uses could remain subject to the normal non-conforming use Scheme requirements. There are two other areas of Service Industrial zoned land, one at the north west junction of Muir Street and Lowood Road and the other on the north east corner of Marion Street and Mount Barker Road and these areas should also be zoned Commercial. With these additional Commercial zoned areas, Mount Barker will have adequate Commercial land to allow for growth into the future.'*

and

'6.3 *An area of Service Industrial zoning on Marion Street between Eaton Avenue and Mount Barker Road is proposed to be zoned Residential as the Service Industrial zoning is not appropriate in this area which is largely housing.'*

With the introduction of the Commercial zone to replace the Service Industrial zone, there are several land uses which will no longer be permissible. These uses are: Automotive Panel Beating Spraypainting, Automotive Repairs, Automotive Wrecking, Builders Storage Yard, Dog Kennel, Fuel Depot, Marine Collectors Yard, Motor Repair Station. Having said that, there are some of those uses which are already established in the subject area. In accordance with the Non-Conforming Use provisions Part 4 of TPS3, those established uses can continue. Any proposal to alter or extend a non-conforming use must receive the approval of the Council.

With the introduction of the Commercial zoning, there are other uses which will become permissible and these include: Bed and Breakfast, Consulting Rooms, Craft Shop and Gallery, Education Establishment, Eating House, Fast Food Take Away, Hospital, Hotel, Motel, Grouped Dwelling, Restaurant and Tourist Accommodation.

There is a range of other uses that are permissible under both the Commercial and Service Industrial zones. Examples of these are: Office, Open Air Display, Place of Public Worship, Single House, Service Station, Shop, Showrooms, Tavern, Transport Depot, Veterinary Consulting Rooms and Warehouse.

With the land being rezoned from Service Industrial to Commercial it was considered there was potentially too much Commercial for the Amendment. The proposal put forward at the 29 April 2014 meeting did not include the land west of Lowood Road between Montem Street and Mondurup Street. In the short to medium term that land will remain zoned Service Industrial until such time as a further Amendment to the Scheme is put forward.

This Amendment differs marginally from the LPS in that it proposes to include two lots (16 and 17) Lowood Road adjacent to the corner of Hambley Street as Commercial. The remainder of this eastern leg of Lowood Road is to be Commercial and retaining these two lots isolated as Residential was considered inappropriate.

There are three lots fronting Eaton Avenue, Marion Street and Mount Barker Road (Lots 37, 23 and 37) which are to be zoned Residential (R17.5) in this Amendment. Lot 37 Mount Barker Road and Lot 23 Marion Street have houses on them. Lot 37 on the corner of Eaton Avenue and Marion Street is being used for storage of truck trailers as part of a former transport depot use of that land. On 1 November 1995 a condition of the Council approval to establish a transport depot at Lot 7653 Albany Highway read:

'6) that the zoning of the current Transport Depot site at Marion Street, Mount Barker be changed – in due course – to residential at the applicants expense.'

That condition of approval was never acted on. This Amendment will zone that lot Residential (R17.5). Recently a grouped dwelling development has been completed on Lot 36 Eaton Avenue to the north and a Plantagenet Village Homes residential development is under construction on Lot 98 Marion Street to the south and as such a Residential zoning of Lot 37 is considered more appropriate than Service Industrial.

The change in zoning proposed by this Amendment will enact proposals set out in the Council's 2013 LPS. These proposals are also shown in the Council's TPS Policy No. 18.1 (Planning Vision).

Existing land uses that may not be permissible in either the Commercial zone or Residential zone can continue to operate under the Non-Conforming Use provisions of the Scheme. Over time, some of these sites may be redeveloped with conforming land uses considered to be more appropriate to the centre of Mount Barker.

The necessary public advertising closed on 16 July 2014. A total of seven submissions was received.

The submissions received do not raise any issues that would required alteration of the Amendment.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That:

- 1. The submissions lodged on Amendment No. 64 to Town Planning Scheme No. 3 be noted.**
- 2. Amendment No. 64 to Town Planning Scheme No. 3 be adopted without modification 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. 64 once approved by the Honourable Minister.**

CARRIED (6/0)

NO. 177/14

9.1.4 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 65 – OMNIBUS AMENDMENT - SUBMISSIONS RECEIVEDCr C Pavlovich

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA), Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct).

Nature: Property in amendment

Extent: Not required

File No: N31126

Attachments: [Summary of Submissions](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 19 August 2014

PURPOSE

The purpose of this report is to consider submissions received on a proposed omnibus Amendment to Town Planning Scheme No. 3 to alter various parts of the Scheme Text to correct typographical errors and modify Schedules 1, 4 and 5 together with amending the Scheme Maps to correct anomalies.

BACKGROUND

The last omnibus Amendment to Town Planning Scheme No. 3 was Amendment No. 54 which was prepared in 2011. That Amendment was finalised on 15 June 2012.

When this matter was to be considered by the Council on 4 March 2014 a quorum could not be achieved.

The Council when it considered this proposed Amendment No. 65 at its meeting held on 1 April 2014 resolved:

'That:

- 1. Amendment No. 65 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements subject to the numeral '10' in part 1.11 of the Amendment being deleted and replaced with the numeral '5'.*
 - 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 19 August 2014.'*
-

The Amendment was altered as required by point 1. of that resolution and then forwarded to the Environmental Protection Authority (EPA) and that agency authorised the Amendment to proceed to advertising in a letter received on 29 May 2014.

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 recommendations 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 affected landowners and various government agencies, newspaper notices, a notice on the Council's Notice board and signs on site.

The Department of Parks and Wildlife was consulted in respect to the Castle Rock Road component and no objection was raised prior to the April 2014 meeting of the Council.

The owners of Lot 645 Marion Street, Mount Barker were also consulted and they were supportive of the change to the Residential zone.

FINANCIAL IMPLICATIONS

The mapping for the Amendment has been prepared by the Department of Planning at a cost of \$162.00.

The Amendment document has been prepared in-house. The advertising cost will be met by the Town Planning Advertising budget.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 2.2.2 - *'Ensure quality, consistent and responsive development and building assessment approval processes and enforcement.'*

OFFICER COMMENT

Councillors were provided with a full copy of the Amendment with the Agenda papers for the ordinary meeting of the Council held on 4 March 2014. Due to the lack of a quorum at that meeting the matter was then re-presented to the Council on 1 April 2014.

The Amendment document had been altered slightly in respect to the Special Control Area (SCA) proposals and a revised Amendment document was provided for each Councillor with the 1 April 2014 agenda papers.

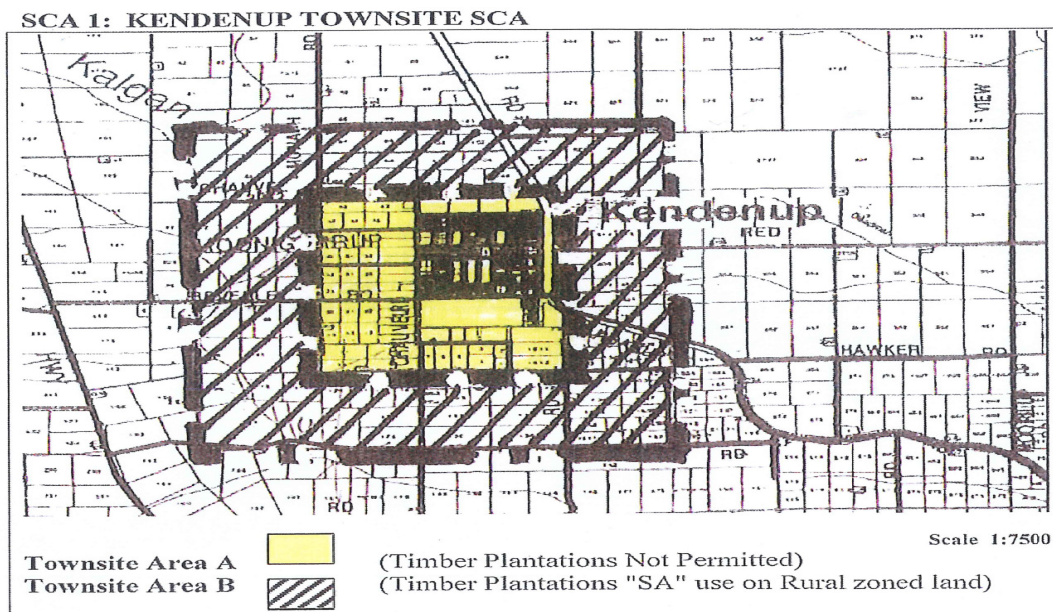
The alterations to the earlier document allow the uses of abattoirs, feedlots, poultry farms and industry – noxious to be treated as ‘SA’ uses in the outer Townsite Area B and the Porongurup SCA. A ‘SA’ use is one which must be advertised before the Council makes a decision. The Amendment previously proposed to prohibit these kinds of uses but the ‘SA’ classification is considered to be more appropriate. The Amendment alters 12 parts of the Scheme Text as follows:

- 1.1 This is altering the clause number from 3.10 to read 3.11 as an earlier Amendment created another 3.10 whilst the Enterprise Zone Amendment was being processed.
- 1.2 This is introducing a new use class for Feedlot and this relates to 1.10 which introduces an interpretation. The use is permissible subject to advertising and Council approval in the Special Industrial and Rural zones.
- 1.3 This is correcting the duplication of clause numbers (see 1.1 above).
- 1.4 – 1.5 The intention of this is to bring the land uses of Abattoirs, Feedlots, Poultry Farms and Industry – Noxious under the umbrella of the Special Control Area (SCA) provisions. It will prohibit those new uses within the Townsite areas A for Kendenup, Rocky Gully, Narrikup and Mount Barker.

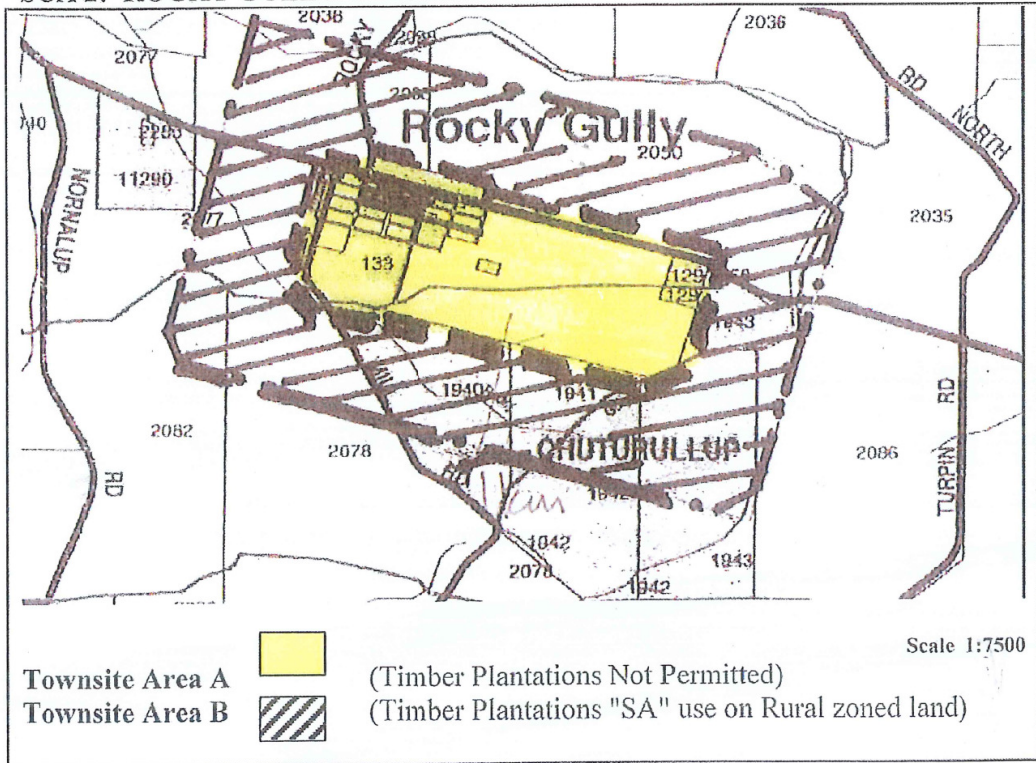
The interpretation of Industry - Noxious refers to offensive trades under the Health Act 1911 and these uses include piggeries.

The SCA provisions were introduced into the Scheme in 2006 to control the location of timber plantations.

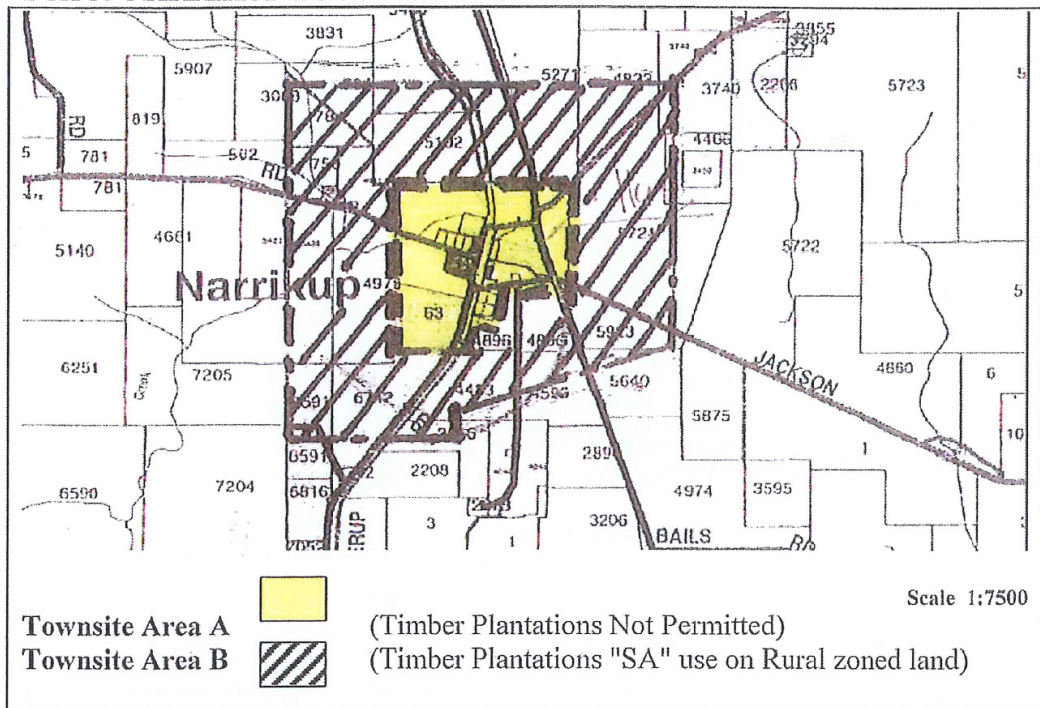
It is appropriate to not allow these kinds of uses (now to be listed) in townsites. It is proposed these uses be treated as ‘SA’ uses in the areas around the Townsites referred to as Area B and the Porongurup SCA. The ‘SA’ category means the proposal will need to be advertised for comment before the Council makes a determination. The SCA maps from Schedule 14 of TPS3 are shown below:



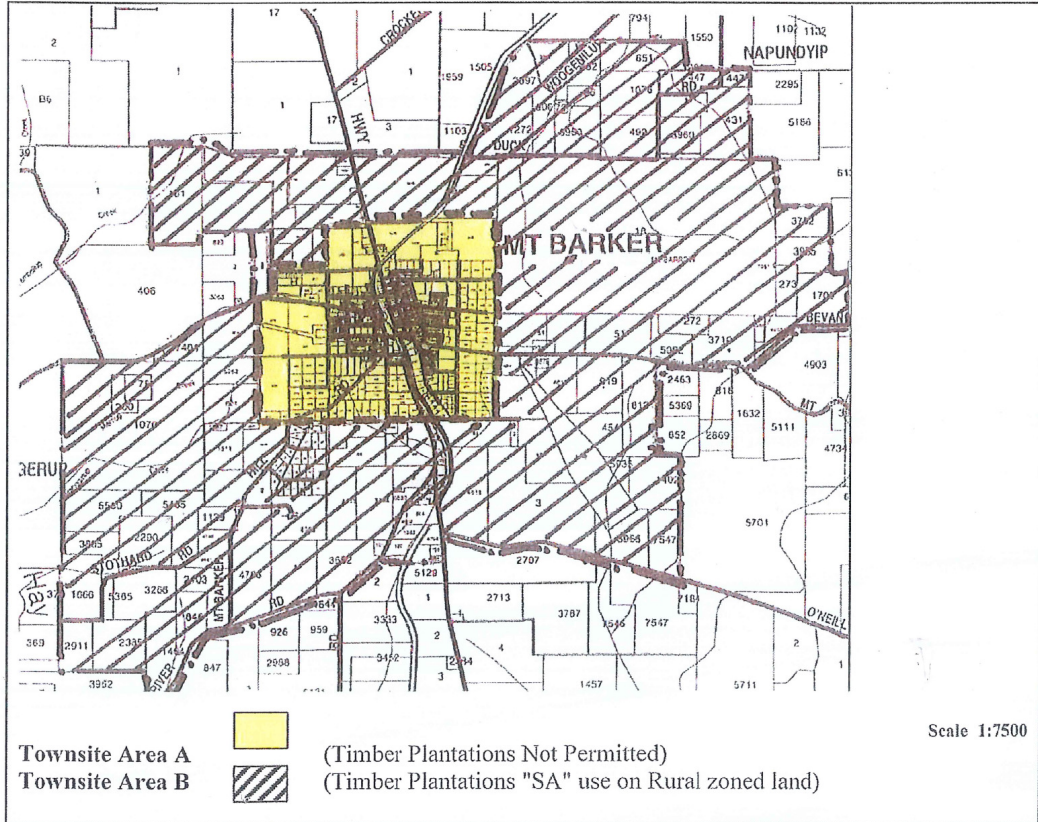
SCA 2: ROCKY GULLY TOWNSITE SCA



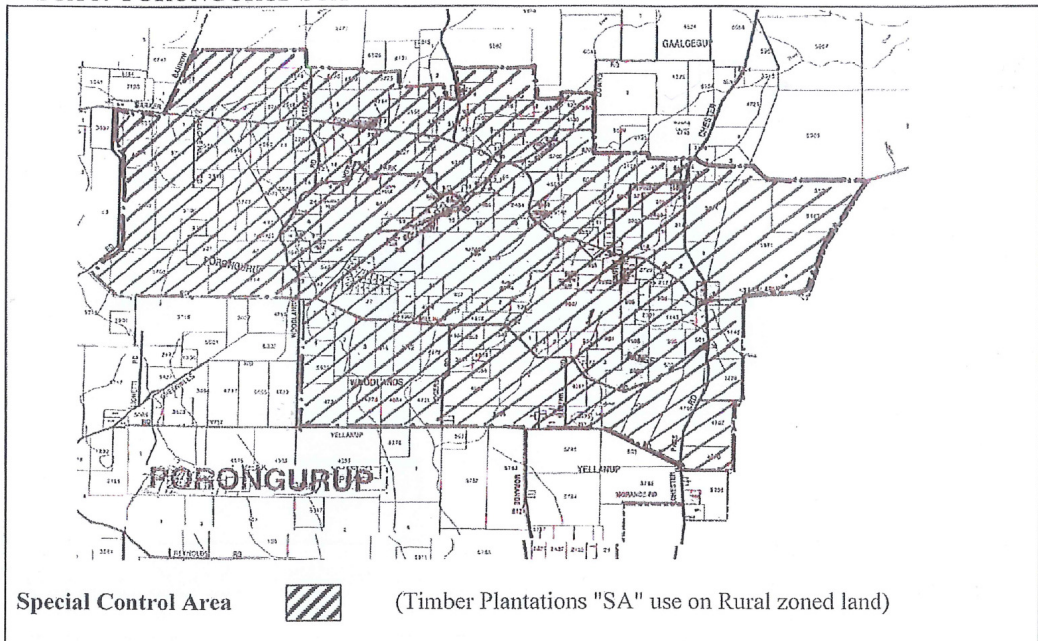
SCA 3: NARRIKUP TOWNSITE SCA



SCA4: MOUNT BARKER SCA



SCA 5: PORONGURUP SCA



1.6 This alteration to clause 3.9.3(a) prohibits the uses of Abattoir, Feedlot, Poultry Farm and Industry – Noxious (piggeries) within the SCA Townsite Area A. The alteration to 3.9.3 (b) classifies the uses as ‘SA’ in the Townsite Area B and the Porongurup SCA.

- 1.7 This part deletes reference to the State Planning Commission and inserts the current name of the WA Planning Commission. The State Planning Commission is no longer in existence.
- 1.8 This part is altering the interpretation of 'Commission' to refer to the WA Planning Commission (see 1.7 above).
- 1.9 Presently the Scheme does not have an interpretation of 'Feedlot' and it is appropriate to include one. The Western Australian Planning Commission Model Scheme Text and various Rural Policies do not include an interpretation of 'Feedlot'. The interpretation contained within this Amendment has been adapted from the Shire of Plantagenet Town Planning Scheme Policy No. 13 (Feedlots) which was adopted by the Council on 14 November 2006 in accordance with clause 7.6 of Town Planning Scheme No. 3.
- 1.10 Presently the Scheme does not have an interpretation of 'Outbuilding' and it is appropriate to include one. This part relates to part 1.13 below which refers to outbuildings as permitted uses in specific Rural Residential zones.
- 1.11 This part of the Amendment changes the Zone Development Table (Schedule 4) and reduces the landscaping percentage requirement from 20% to 5% in the Service Industrial and Industrial zones. It has been found the 20% figure is too high and places unnecessary constraints on developing an industrial lot.

Other Town Planning Schemes have been reviewed and the following are examples of the required landscaping:

Albany City draft Scheme	- 10%
Bunbury	- 5%
Claremont	- 10%
Collie	- 5%
Cranbrook	- first 5m of front setback
Dandaragan	- 10 – 15%
Denmark	- 10%
Jerramungup	- 10 – 15%
Katanning	- first 5m of front setback

The 5% figure was considered to be far more appropriate and is consistent with other Local Government areas.

- 1.12 This part is related to 1.10 above where it introduces outbuildings as a permitted use within specific Rural Residential zones. These zones consist of larger lots and an outbuilding is a normal requirement for the storage of vehicles and various equipment for the maintenance of these larger lots.

The specific Rural Residential zones are those numbered 1, 2, 3, 4, 5, 9, 10, 11 and 12. Existing Rural Residential zones numbered 6 and 8 already include this wording. Rural Residential zone number 7 was deleted by changes to the Scheme in Amendment No. 55.

With the inclusion of an outbuilding in the permitted use provision, it removes the potential requirement of having to consider each request for an outbuilding

as a use 'not specifically mentioned' which involves a decision by an absolute majority of the Council following a public advertising period.

2. Scheme Maps

2.1 The southern part of Lot 60 Albany Highway, Mount Barker (caravan park lot) has been encroached upon by the Museum on the adjoining lot 604 (Reserve 36685) to the south for a number of years. The land area involved is some 476m².

The WA Planning Commission approved a boundary realignment to resolve the encroachment in January 2014. An advice note in that decision recommended the subject land be removed from the Special Site zone and included in the Public Purpose Local Scheme Reserve. This Amendment now proposes that change.

2.2 and 2.3 These two parts involve the rationalisation of the entry driveway to the speedway and the rifle range. The speedway is located on Lot 504 (Reserve 16271) Porongurup Road, Mount Barker and the rifle range is located on Lot 501 (Reserve 16447) Porongurup Road, Mount Barker. Recently Lot 503 (Reserve 50527) Porongurup Road, Mount Barker was created as 'access' over the existing constructed driveway.

The Public Purpose Local Scheme Reserve is considered more appropriate for the access than Recreation Local Scheme Reserve.

2.4 Lots 519, 520, 521 and 522 (Reserve 26235) Muir Street corner Menston Street, Mount Barker are proposed to be rezoned from Residential (R12.5/20) zone to the Recreation Local Scheme Reserve. This subject land is Crown land vested in the Council for 'Park and Recreation (Children's Playground)'. The land is known as 'Viv Skinner Park'.

2.5 Lot 645 Marion Street, Mount Barker is to be rezoned from Public Purpose Local Scheme Reserve to the Residential (R12.5/17.5) zone. This land has been occupied by a single house for many years and the lot is owned in freehold by independent landowners.

It is appropriate to zone this land Residential to reflect its present use. The dual/split coding is required as the lot is not connected to reticulated sewer but rather is served by on site effluent disposal. The lower RCoding of R12.5 matches the residential area to the east. The upper R17.5 coding reflects the Council's Local Planning Strategy density for residential development in Mount Barker.

2.6 This part zones a closed portion of Castle Rock Road, Porongurup as Recreation Local Scheme Reserve. Presently the portion of the road is unzoned. The Department for Planning and Infrastructure in March 2008 did make comment, as part of the road closure process, that the closed road reserve will need to be rezoned.

2.7 This part rezones Lots 7905 and 7570 (Reserve 18987) Castle Rock Road and Porongurup Road, Porongurup from the Rural zone to

Recreation Local Scheme Reserve. Both lots 7905 and 7570 are Crown lots managed by the Department of Parks and Wildlife as part of the Porongurup National Park.

Lot 7570 Castle Rock Road, Porongurup includes the main carparking area for the Castle Rock Walk and extensive vegetation. Lot 7905 is heavily vegetated. The Department of Parks and Wildlife was consulted in respect to the Castle Rock Road component and no objection was raised.

The Amendment was advertised for public comment closing on 22 July 2014. A total of seven submissions were received.

The seven submissions received do not raise any issues that would require alteration of the Amendment document.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr G Messmer:

That:

- 1. The submissions lodged on Amendment No. 65 to Town Planning Scheme No. 3 be noted.**
- 2. Amendment No. 65 to Town Planning Scheme No. 3 be adopted without modification 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. 65 once approved by the Honourable Minister.**

CARRIED (6/0)

NO. 178/14

3:12pm Cr C Pavlovich returned to the meeting.

9.1.5 LOT 1022 HARDING ROAD, KENDENUP - APPLICATION FOR TEMPORARY ACCOMMODATION

Attachments:	Location Plan Site Plan
File No:	N31444
Responsible Officer:	Peter Duncan Manager of Development Services
Author:	Eric Howard Environmental Health Officer
Proposed Meeting Date:	19 August 2014
Owner:	G & K Dye

PURPOSE

The purpose of this report is to consider an application for temporary accommodation at Lot 1022 Harding Road, Kendenup.

BACKGROUND

Shire records show the owner of Lot 1022 Harding Road, Kendenup to be G & K Dye.

An application has been received from the owner of Lot 1022 Harding Road, Kendenup seeking approval to occupy a caravan located on the lot for a period of 12 months during the construction of a Class 1a dwelling.

The applicant has submitted preliminary building plans of the proposed outbuilding and Class 1a dwelling to be constructed on the lot. It is anticipated that the detailed application for both structures will be submitted for approval in the next two months.

STATUTORY ENVIRONMENT

Caravan Parks and Camping Ground Regulations 1997-Section (11)(2) states as follows:

- (2) *Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) *by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
 - (b) *by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
 - (c) *despite paragraph (b), by the local government of the district where the land is situated —*
 - (i) *if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
-

- (ii) *if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'*

FINANCIAL IMPLICATIONS

The \$110.75 application fee has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 3.6 (Sustainable population growth) the following strategy:

Strategy 3.6.1 – *'Attract new residents through promoting and marketing the benefits of living in the area'.*

OFFICER COMMENT

The applicant wishes to reside on site during the construction of a Class 1a dwelling to maintain site security and to expedite the building project. It is expected that the dwelling will be constructed to a habitable standard within 12 months and therefore temporary accommodation is sought for a 12 month period.

Ablution facilities are to be provided within a proposed outbuilding to be constructed. An on-site sewage and wastewater treatment and disposal system has been approved for installation and connection to the outbuilding ablution facilities when constructed and also to the proposed dwelling's wastewater services when completed.

The Council may revoke the temporary accommodation approval at any time during this approval period.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr A Budrikis:

That the application for temporary accommodation at Lot 1022 Harding Road, Kendenup be approved for a period of 12 months effective from 19 August 2014 subject to:

1. Inspection and certification by the Council's Environmental Health Officer that the temporary accommodation facility meets all relevant health and safety standards.
2. Satisfactory progress being achieved with the construction of the Class 1a dwelling.

ADVICE NOTE:

- i) The approval to occupy temporary accommodation may be revoked at any time within the 12 month approval period.

CARRIED (7/0)

NO. 179/14

9.1.6 LOT 103 FENTON HEIGHTS, KENDENUP - APPLICATION FOR TEMPORARY ACCOMMODATION

Attachments:	Location Plan Site Plan
File No:	N31455
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Eric Howard Environmental Health Officer
Proposed Meeting Date:	19 August 2014
Owner:	RL & CE Wakelin

PURPOSE

The purpose of this report is to consider an application for temporary accommodation at Lot 103 Fenton Heights, Kendenup.

BACKGROUND

Shire records show the owner of Lot 103 Fenton Heights, Kendenup to be RL & CE Wakelin.

An application has been received from the owner of Lot 103 Fenton Heights, Kendenup seeking approval to occupy a caravan located on the lot for a period of 12 months during the construction of a Class 1a dwelling.

The applicant has submitted preliminary building plans of the proposed outbuilding and Class 1a dwelling to be constructed on the lot. It is anticipated that the detailed application for both structures will be submitted for approval in the next month.

STATUTORY ENVIRONMENT

Caravan Parks and Camping Ground Regulations 1997-Section (11)(2) states as follows:

- (2) Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
 - (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
 - (c) despite paragraph (b), by the local government of the district where the land is situated —*
 - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
-

- (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'

FINANCIAL IMPLICATIONS

The \$118.00 application fee has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 3.6 (Sustainable population growth) the following strategy:

Strategy 3.6.1 – *'Attract new residents through promoting and marketing the benefits of living in the area'*.

OFFICER COMMENT

The applicant wishes to reside on site during the construction of a Class 1a dwelling to maintain site security and to expedite the building project. It is expected that the dwelling will be constructed to a habitable standard within 12 months and therefore temporary accommodation is sought for a 12 month period.

Ablution facilities are provided within the applicant's caravan. An on-site sewage and wastewater treatment and disposal system has been approved for installation and connection to the caravan's ablution facilities and also to the proposed dwelling's wastewater services when that construction is completed.

The Council may revoke the temporary accommodation approval at any time during this approval period.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr A Budrikis:

That the application for temporary accommodation at Lot 103 Fenton Heights, Kendenup be approved for a period of 12 months effective from 19 August 2014 subject to:

1. Inspection and certification by the Council's Environmental Health Officer that the temporary accommodation facility meets all relevant health and safety standards.
2. Satisfactory progress being achieved with the construction of the Class 1a dwelling.

ADVICE NOTE:

- i) The approval to occupy temporary accommodation may be revoked at any time within the 12 month approval period.

CARRIED (7/0)

NO. 180/14

9.2 WORKS AND SERVICES REPORTS

9.2.1 RURAL ROAD VERGE VEGETATION MANAGEMENT POLICY (I/RR/2) ADOPTION

File No:	N31401
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Amy Chadbourne Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	19 August 2014

PURPOSE

The purpose of this report is to recommend the adoption of a Rural Road Verge Vegetation Management Policy (I/RR/2).

BACKGROUND

Road reserves are an integral component of the Shire road network, providing space for the road surface, road shoulder and drainage network. Most roads are also conduits for some form of network utility such as electricity and telecommunications.

In addition to providing a transport service, rural road reserves are an environmental asset. They are often covered with native vegetation providing an attractive, natural space and a habitat for animals.

The balance of developing and maintaining road infrastructure along with maintaining the natural environment has been problematic at times. Property owners have also sought to protect and/or enhance the vegetation in the road reserve adjacent to their property, seeking guidance regarding how they can manage this.

The adoption of a policy which defines the road construction and maintenance boundary, outlines the Shire's rural road verge management strategies and provides guidelines for people wishing to develop the road reserve is considered appropriate.

STATUTORY ENVIRONMENT

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

Local Government Act 1995

Bush Fires Act 1954

Shire of Plantagenet Local Government Property Local Law 2008

EXTERNAL CONSULTATION

Following a presentation at the Council Workshop held on 24 June 2014, a forum was held on 1 July 2014 with representatives from the Oyster Harbour Catchment Group and Wilson Inlet Catchment Committee to seek feedback on a draft policy. Both groups were in support of the policy and asked that the following be considered:

- More clarity that the Environmental Protection legislation underpins any development in the road reserve, including development by members of the public; and
- A clearer link to other relevant Shire policies including seed collection from native vegetation in road reserves.

These recommendations have been incorporated into the draft policy.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This report will recommend the adoption of a new policy.

STRATEGIC IMPLICATIONS

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

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

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

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

OFFICER COMMENT

The intention of this policy is to recognise that the construction and maintenance of the road network is the Shire’s principal consideration and that all road works will occur in accordance with the Environmental Protection legislation. The policy clearly defines the ‘maintenance corridor’ - the space in which road maintenance and construction activities will occur.

The policy also recognises the importance of protecting and conserving native vegetation, the area in the road reserve in which native vegetation will be protected and provides guidance for people wishing to enhance the road reserve area.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That new Rural Road Verge Vegetation Management Policy (I/RR/2) as follows:

‘OBJECTIVE

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

POLICY

1.0 Purpose of Policy

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

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

2.0 Relevant Legislation

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

3.0 Designated Maintenance Corridor

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



Diagram 1 Designated Maintenance Corridor

4.0 Road Construction Operations

Where necessary, the Shire will make application for the appropriate clearing permits from the Department of Environment Regulation (DER) prior to undertaking any road construction. Conditions of the permit will be complied with including special considerations for declared rare flora and/or fauna if any has been identified as present in the maintenance corridor.

Rural road widening is to be carried out according to the requirements of the Council but will take into consideration the preservation of roadside vegetation wherever possible by clearing only one side of the road.

All works shall be planned to ensure that there is no damage to any vegetation outside the limits of clearing specified. No growing vegetation shall be destroyed or damaged by the works other than those specified and those indicated.

Any tree remaining within the road reserve but outside the limits of clearing which upon assessment is considered unsafe and likely to fall upon the roadway may be cleared and disposed of.

5.0 Road Maintenance Operations

The Shire's road maintenance program includes grading, slashing, herbicide application, pruning, drain cleaning, drainage improvements, bitumen resealing, bitumen shoulder grading and gravel re-sheeting. Road maintenance activities will be contained within the Maintenance Corridor, which comprises the running surface, shoulder, table drain and batter to the tip of the back slope (as per Diagram 1).

When major weed control works are to be undertaken, including areas outside the Maintenance Corridor, consultation may occur with the Department of Parks and Wildlife, DER and local catchment management groups.

As part of the Shire's annual road program, unsealed shoulders subject to significant traffic will require periodic grading and gravel re-sheeting. During this process all grasses and vegetation will be removed and disposed of prior to operation.

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

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

Requests received from members of the public relating to exclusion of a road reserve/section of road reserve adjacent to their property from the spraying program, should be forwarded in writing to the Chief Executive Officer for consideration.

6.0 Removal of Dangerous Vegetation

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

7.0 Services and Utilities

Alignment of services is to be encouraged to minimise impact on roadside vegetation where possible. Under the Utility Providers Code of Practice for Western Australia, utility providers are to liaise with the Shire of Plantagenet regarding the positioning of services and the reinstatement and rehabilitation of disturbed areas.

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

8.0 Flora Roads

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

9.0 Unauthorised Clearing and/or Activities Within Rural Road Reserves

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

No works shall be undertaken in rural road reserves without written approval from the Shire of Plantagenet. This includes planting (including native species), drainage work, fencing, spraying, burning off, clearing vegetation or seed collection.

10.0 Landowner Maintenance of Rural Road Verges

10.1 Legislation and Approvals

Landowners may apply, in writing, to the Shire of Plantagenet to maintain the rural road verge immediately adjacent to their

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

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

10.2 Maintenance Area

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

10.3 Application Process

An application fee may be applicable for landowners wishing to maintain their rural road reserve areas. If approval is given to a landowner to maintain their rural road verge, the subject area will be marked with blue 'hockey stick' style markers and a register kept of relevant rural road verges which are to be left untouched. The landowner needs to be aware when applying for approval that their application may be refused if the Shire is required to carry out maintenance activities to maintain the integrity of the road infrastructure.

10.4 Spraying

The Shire's annual spraying program is conducted within townsites and on particular rural road verges to reduce the amount of flammable material. Residents requesting no spraying of the rural road verge adjacent to their property need to apply to the Shire to be placed on the 'Do Not Spray' register.

10.5 Fenceline Clearing or Removal of Trees Over Fencelines/Boundaries

Landowners wishing to remove vegetation from road verges that has impacted on their property or boundary fenceline, or seeking permission to clear an area of the road verge for a boundary fenceline, should apply in writing to the Shire for permission to do so.

10.6 Seed Collection from Road Verges

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

11.0 Fire Hazard

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

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

be adopted.

CARRIED (7/0)

NO. 181/14

9.2.2 POLICY REVIEW - GATE PERMITS – ROAD RESERVES

File No:	N30987
Attachments:	RS-G-1 - Gate Permits – Road Reserves
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Amy Chadbourne Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	19 August 2014

PURPOSE

The purpose of this report is to review Council Policy RS/G/1 – Gate Permits.

BACKGROUND

Council Policy RS/G/1 was last reviewed by the Council at its meeting held on 14 August 2012.

STATUTORY ENVIRONMENT

Local Government Act 1995

Schedule 9.1 Clause 5 Sections 1 and 2 refer to ‘Gates across public thoroughfares’.

Local Government (Uniform Local Provisions) Regulations 1996

Regulation 9 refers to ‘Permission to have gate across public thoroughfare’

Regulation 10 refers to ‘Gates across thoroughfare not to be left open’

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

FINANCIAL IMPLICATIONS

The policy provides that all maintenance and associated expenses relating to a gate shall be the responsibility of the applicant.

POLICY IMPLICATIONS

This policy was reviewed by the Council (as part of the ongoing Council policy review cycle) in August 2012.

STRATEGIC IMPLICATIONS

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

Strategy 2.4.1: *‘Maintain and further develop roads and pathways at appropriate standards.’*

OFFICER COMMENT

This report is part of the annual review of Shire of Plantagenet Policies.

As identified in the last review of the Gate Policy at the Council Meeting on 14 August 2012, a procedure has been developed where Works and Services Administration advise the Rates Officer of a successful gate permit. This enables prospective purchasers of a property to be advised of any existing permit.

It is the opinion of the Manager Works and Services that landowners may not be aware of their responsibilities to make an application for a gate permit.

The Gate Policy is relevant however will require an allocation of resources to implement satisfactorily. At present implementation is reactionary. It is recommended that the words 'Road Reserves' be incorporated into the policy where appropriate.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Pavlovich, seconded Cr L Handasyde:

That amended Council policy RS/G/1 - Gate Permit - Road Reserves as follows:

OBJECTIVE:

To provide clear guidelines to the Council, its staff and residents of the Shire of Plantagenet regarding gates on road reserves within the Shire.

POLICY:

- 1. The erection of a gate across a road reserve requires Council approval.**
- 2. That the erection of gates across road reserves will be considered on unconstructed roads and in alignment with property boundaries only.**
- 3. On applying for a gate permit, written consent from affected landowners shall be provided by the applicant.**
- 4. Renewal of each gate permit shall be required every five years and be subject to a common expiry date, the first such expiry date being 31 October 2017 with any fees being applied on a pro-rata basis.**
- 5. The Council Register required pursuant to Local Government (Uniform Local Provisions) Regulations 1996 shall be maintained in accordance with those regulations.**
- 6. Gates, the subject of this policy, shall not be locked at any time.**
- 7. All maintenance and associated expenses relating to a gate shall be the responsibility of the applicant.**
- 8. Any clearing of the road reserve beyond the gate by any party other than the Council or Government Agencies is prohibited.**

9. In accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, clearing of no more than 1.5m outside of boundary fences is permitted.
10. The Shire of Plantagenet reserves the right to carry out random inspections of gates and to revoke permits if conditions are not met.
11. All gates, the subject of expired or revoked permits, shall be removed by the applicant.
12. Current permits shall be noted on the Shire of Plantagenet's electronic rates database, referenced to the assessment number of the applicant.
13. Gate permits may be revoked by the Council at any time.'

be endorsed.

CARRIED (7/0)

NO. 182/14

9.2.3 ROAD NAMING – RESERVE 50527 PORONGURUP ROADCr C Pavlovich

Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct).

Nature: President of Speedway

Extent: Not required

3:18pm Cr C Pavlovich withdrew from the meeting.

File No: N31403

Attachments: [Location of Access Reserve 50527](#)

Responsible Officer: Dominic Le Cerf
Manager Works and Services

Author: Amy Chadbourne
Senior Administration/Project Officer Works and Services

Proposed Meeting Date: 19 August 2014

PURPOSE

The purpose of this report is to consider a request from the Mount Barker Speedway Club Inc to name the access Reserve 50527 on DP 64894 Porongurup Road which services the Speedway, the Mount Barker Rifle Range and the Mount Barker Pistol Club 'Speedway Lane'.

BACKGROUND

The Council at its meeting held on 10 February 2009, agreed:

'That the adjustment of boundaries between reserves 16271 and 16447 Mount Barker Porongurup Road and the creation of a new reserve for access purposes with a management order in favour of the Council be supported subject to:

- 1. The reserve adjustments being in accordance with the plan accompanying the Department for Planning and Infrastructure letter of 11 December 2008.*
- 2. Any fencing adjustments being made where necessary to reflect the survey and this being at no cost to the Council.'*

The Council at this meeting agreed to adjust the boundaries between reserves 16271 and 16447 Porongurup Road and a new reserve (R50527) was created for access to the Speedway, the Rifle Range and the Pistol Club. The Council was assigned the management order for the access reserve to enable ease of access. The access in question is highlighted on the attached map.

A letter was received on 31 March 2014 from the Mount Barker Speedway Club requesting the access into the speedway complex be named 'Speedway Lane'.

Letters were sent by the Shire to the Mount Barker Rifle and Pistol Clubs respectively asking for their opinion on this request. Both clubs had no objection to the access being named Speedway Lane.

STATUTORY ENVIRONMENT

Land Administration Act 1997 Section 46 Clause 2 – ‘Care, Control and Management of Reserves’

Land Administration Act 1997 Section 56 Clause 1 and 2 – ‘Dedication of Land as Road’

Land Administration Act 1997 Section 26A – ‘New subdivisions, names of roads and areas in’

EXTERNAL CONSULTATION

Consultation has taken place with the Department of Lands, Mount Barker Rifle Club and Mount Barker Pistol Club.

FINANCIAL IMPLICATIONS

All costs associated with the dedication of the land as road will be the responsibility of the Shire. It is estimated that advertising and signage will cost approximately \$500.00.

Shire Policy No I/RR/1 – Future Street and Reserve Names states at point 5 that, ‘No road shall be named until it is constructed’. The existing access has never been properly constructed and therefore would be classified as a ‘C’ class road in accordance with the Council’s road hierarchy. This will incur future maintenance costs.

POLICY IMPLICATIONS

Council Policy No I/R/7 Roads-Unconstructed Roads at Point 1 states:

‘Where a request that the Council undertakes construction and/or maintenance of unconstructed roads in existing road reserves then the request is to be drawn to the Council’s attention and listed for budgetary consideration in future road construction or maintenance programs.’

Councillors should note the possible construction of the access into a road is not part of the Shire’s current Five Year Road Program.

Council Policy No I/RR/1 Future Street and Reserve Names

It is worth noting that the request from the Mount Barker Speedway to name the access ‘Speedway Lane’, is not on the Council’s list of approved names for future roads.

ASSET MANAGEMENT IMPLICATIONS

The decision to change the title of the reserve from access to road reserve would formalise the new road as part of the Shire's road network assets.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Community Strategic Plan 2013-23 provides at Outcome 2.4 (Safe and reliable transport infrastructure) the following strategy:

Strategy 2.4.1: *'Maintain and further develop roads and pathways at appropriate standards.'*

OFFICER COMMENT

The request from the Mount Barker Speedway Club to name the access servicing the three sporting groups is a reasonable one.

No objections were received from the Mount Barker Rifle and Pistol Clubs respectively to the request to name the access 'Speedway Lane'.

As mentioned previously, for a road to be named it must first be constructed according to Shire Policy No I/RR/1 – Future Street and Reserve Names. A request for a road to be constructed which is not part of the Shire's Five Year Road Program is required to be approved at a Council Meeting and then placed in the following financial year's budget.

Once the reserve is reclassified as a dedicated road reserve and has received budget approval for construction and has been constructed, the Shire can advertise the name 'Speedway Lane' for public comment and if no objections are received request approval for the road name from the Geographic Names Committee. This process will take some time.

The letter of request from the Mount Barker Speedway Club Inc suggests visitors to the Speedway have difficulty in locating the complex due to the lack of a road name. The Speedway Committee place signs around town advertising the date of the next speedway and on the day signs are placed pointing the way from Albany Highway. Councillors should note the Speedway Committee can apply for a blue tourist directional sign to be positioned at the intersection of Albany Highway and Oatlands Road according to Shire Policy I-R-19 - Directional, Service and Tourism Signage.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That

1. The management order over Reserve 50527 on DP 64894 as shown on the attached map, to the Department of Lands under Section 46(2) of the Land Administration Act 1997 be surrendered;
2. The Department of Lands be requested to dedicate Reserve 50527 on DP 64894 as shown on the attached map, as a road under Section 56(1)(a) of the Land Administration Act 1997;
3. The Minister for Lands and the Department of Lands be indemnified against any costs, including any claims for compensation and costs that may be reasonably incurred by the Minister in considering and granting the request to dedicate the land as a road;
4. The proposal to name the road situated on Reserve 50527 on DP 64894 as shown on the attached map 'Speedway Lane' be advertised for public comment; and
5. Subject to no objections being received during the advertising period the road name be forwarded to the Geographic Names Committee for endorsement.

CARRIED (5/1)

NO. 183/14

9.3 COMMUNITY SERVICES REPORTS

9.3.1 COMMUNITY SPORT AND RECREATION FACILITIES FUND - GRANT PRIORITISATION - MOUNT BARKER SPEEDWAY

Cr B Bell

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA), Proximity (Section 5.60(B) LGA)
Nature: Financial
Extent: Not required

Cr C Pavlovich

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA), Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct).
Nature: President of Speedway and potential supplier.
Extent: Not required

3:22pm Cr B Bell withdrew from the meeting.

File No: N31384
Attachments: [CSRFF Application Speedway](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Fiona Saurin
Manager Community Services
Proposed Meeting Date: 19 August 2014

PURPOSE

The purpose of this report is to seek support for the submission of an application to the Department of Sport and Recreation's 2014 / 2015 Community Sport and Recreation Facilities Fund (CSRFF) – Small Grants Round.

BACKGROUND

The CSRFF grant scheme is managed by the Department of Sport and Recreation (DSR) and provides grant funding for facility and infrastructure provision / upgrades to sport and recreation clubs and local government. CSRFF is provided in two rounds: a Small Grants Round (for projects with a total budget not exceeding \$150,000.00) and the Annual/Forward Planning Grants Round (for projects of \$150,000.00 and above). The grant scheme is advertised annually by DSR.

The CSRFF grant scheme generally funds projects on a basis of one third of the total project cost. Applications are required to be submitted to the local government for endorsement and a ranking prior to a review by the regional DSR office then final consideration by the DSR's State Office.

The CSRFF Small Grants Round applications have closed with one application received for consideration, that being from Mount Barker Speedway Club (MBSC).

The MBSC has applied for funding to upgrade water management infrastructure through additional water tanks. Security car park lighting and track improvements are also proposed.

STATUTORY ENVIRONMENT

There are no statutory environment implications for this report

EXTERNAL CONSULTATION

Consultation has occurred with the Mount Barker Speedway Club and representatives of the Department of Sport and Recreation – Great Southern Region.

FINANCIAL IMPLICATIONS

The total cost of the project is \$149,899.00 and revenue sources identified are:

- \$20,100.00 contribution from Shire of Plantagenet for earthworks to remove soil from infield area and relocate to tip, also provision of 14 second hand lighting poles with an estimated value of \$430.00 each,
- \$7,500.00 cash contribution from 2013/14 and 2014/15 Shire Financial Assistance Grants.
- \$41,679.00 contribution from local businesses and club members,
- \$11,434.00 from club reserves;
- \$7,200.00 in kind contribution from club members, and
- \$50,000.00 is being requested from the DSR.

There will be no additional ongoing commitment from the Council beyond existing lease arrangements.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 1.5.1 – ‘Maintain and improve sporting and recreation facilities in the District based on catchment needs.’

OFFICER COMMENT

Mount Barker Speedway Club (MBSC) has 123 members and provides a family friendly environment for competitors and spectators, attracting participants and spectators to eight to ten local meets during the summer season.

The MBSC has nominated to hold the 2015 Super Sedan State Title competition in April which is estimated to attract in the region of 2,000 spectators.

The Club advises that water is critical for track preparation and dust suppression, thus providing improved visibility for spectators and safety of competitors. The

project, the subject of this application, will provide increased water storage capacity to allow for sufficient water on site to cover for a whole meeting without the need to cart water from outside sources, delaying meeting programs.

The Speedway Club also intends to use the funds for the resurfacing of the track. The application also seeks funds to level the infield area which will create improvements to visibility for spectators and officials. Further, improved access for emergency and official vehicles will be created.

Security lighting to improve egress from events is also included in the application.

The MBSC is providing substantial resources to this project contributing funds and member's time and labour.

The Local Government assessment of the project requires council to apply a rating to each project submitted. The ratings are as follows:

- A Well planned and needed by municipality
- B Well planned and needed by applicant
- C Needed by municipality, more planning required
- D Needed by applicant, more planning required
- E Idea has merit, more planning work required
- F Not recommended

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That:

- 1. The proposal by the Mount Barker Speedway Club(Inc) for the upgrading of water storage facilities, security lighting, track and infield surfaces at Location 504 Reserve 16271 (Mount Barker Speedway Porongurup Road Mount Barker) be endorsed; and**
- 2. The application be supported with a rating of 'B' and submitted to the 2014/2015 Small Grants Round of the Community Sport and Recreation Facilities Fund for a total project cost of \$149,899.00 (GST exclusive).**

CARRIED (5/0)

NO. 184/14

3:24pm Cr B Bell and Cr C Pavlovich returned to the meeting.

9.3.2 PORONGURUP STANDPIPE - WATER SUPPLY SERVICE AGREEMENT

File No: N31255
Attachments: [Agreement Water Supply Service](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Fiona Saurin
Manager Community Services
Proposed Meeting Date: 19 August 2014

PURPOSE

The purpose of this report is to recommend that the affixing of the Common Seal of the Council to a water supply service agreement for the standpipe located adjacent to Lot 14 Porongurup Road.

BACKGROUND

The water supply to the standpipe adjacent to Lot 14 Porongurup Road has, in the past, been operated by Department of Parks and Wildlife (DPaW). However, the Department closed off the water service in 2013 citing water usage charges in excess of \$7,000 in one billing period and the existence of hydrants at the Porongurup village and DPaW ranger's residence.

Following the DPaW decision to close the standpipe, the Porongurup Bush Fire Brigade installed a locked fire unit fitting to stop use of the water service for purposes other than fire fighting.

STATUTORY ENVIRONMENT

Local Government Act 1995

- Section 2.5 (2) and (3) provides that a Local Government is a body corporate with perpetual succession and a common seal and a Local Government has the legal capacity of a natural person.
- Section 9.49A applies to the use of the common seal.

EXTERNAL CONSULTATION

Consultation has occurred with representatives from the DPaW and Water Corporation.

FINANCIAL IMPLICATIONS

The water supply is gravity fed from the Bolganup dam and the cost per kilolitre is \$1.90 and is reimbursable through Local Government Grant Scheme (LGGS) funding from ESL levies.

POLICY IMPLICATIONS

There are no policy implications for this report.

LEGAL IMPLICATIONS

A water service agreement is required to assure the water supply for fire fighting purposes.

STRATEGIC IMPLICATIONS

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

Strategy 1.9.2: - *'Support the community in emergency and fire management planning, preparedness, response and recovery'*

OFFICER COMMENT

The standpipe on the Porongurup Road has been used for many years by the Porongurup Bush Fire Brigade and the cost of the water service to the standpipe has been paid for by DPaW.

In recent years, there have been incidences where community members have used the standpipe for stock water and this has resulted in excessive water usage bills, bringing scrutiny by DPaW on their commitment to bear the cost for this water service.

DPaW notes that it has a fire hydrant at the ranger's residence, and that there is a fire hydrant in the village close to the Porongurup shop that can be used by the bush fire brigade.

However, the water source adjacent to Lot 14 Porongurup Road is in a safer and more accessible location than the hydrants in the village and DPaW Rangers residence. To stop unauthorised usage of the standpipe, the Porongurup Bush Fire Brigade disconnected the standard standpipe and have replaced it with a locked fire fighting fitting that is accessible only to brigade members.

The common seal is required to enable the Shire to enter into a water service agreement with Water Corporation at this location.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the attached Water Service Agreement between the Shire of Plantagenet and Water Corporation, for the water supply to the standpipe adjacent to Lot 14 Porongurup Road.

CARRIED (7/0)

NO. 185/14

9.4 CORPORATE SERVICES REPORTS

9.4.1 FINANCIAL STATEMENTS – JULY 2014

File No:	N31382
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	19 August 2014

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 31 July 2014.

STATUTORY ENVIRONMENT

Financial Management Regulations 1996 Regulation 34 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 G Messmer:

That the Financial Statements for the month ending 31 July 2014 be received.

CARRIED (7/0)

NO. 186/14

9.4.2 LIST OF ACCOUNTS - JULY 2014

File No: N31454
Attachment: [July 2014](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 19 August 2014

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of July 2014.

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 (27 May 2014). 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 B Bell, seconded Cr L Handasyde:

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 July 2014 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$912,423.47;
- b. Municipal Cheques 44692 – 44701, 44703 – 44719, 44721 – 44727, 44729 – 44736, 44738 - 44744 and 44750 – 44756 totalling \$208,924.66; and
- c. Cancelled cheques 44702, 44720, 44728, 44737 and 44745 – 44749.

CARRIED (7/0)

NO. 187/14

9.4.3 RISK MANAGEMENT POLICY (C/RM/1) - ADOPTION

File No:	N31251
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	19 August 2014

PURPOSE

The purpose of this report is to adopt a Risk Management Policy – C/RM/1.

BACKGROUND

In February 2013, a new regulation (Section 17) of the Local Government (Audit) Regulations was promulgated. This regulation requires a review of the appropriateness and effectiveness of systems and procedures in relation to risk management, internal control and legislative compliance at least once every two calendar years and to report to the Audit Committee the results of that review. This report deals with risk management.

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 1996. Regulation 17 states as follows:

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
- (a) risk management; and*
 - (b) internal control; and*
 - (c) legislative compliance.*
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) The CEO is to report to the audit committee the results of that review.'*

FINANCIAL IMPLICATIONS

There are no direct financial implications for this report.

POLICY IMPLICATIONS

This report will recommend the adoption of a new policy.

STRATEGIC IMPLICATIONS

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

Strategy 4.6.2 – *Develop and maintain Risk Management policies and procedures.'*

OFFICER COMMENT

Australian Standard AS/NZS ISO 31000:2009 defines risk as 'the effect of uncertainty on objectives.' A primary objective of risk management is to identify and to manage (take preventive steps) to handle these uncertainties and thereby reduce potential harm to the Shire.

The proposed policy will be a part of a framework which will enable more effective management of risks. The policy is largely based on a model provided by the Department of Local Government and Communities.

Local governments are being required to formalise their risk management processes, including the identification and treatment of risks and the establishment of a risk register. A risk tolerance table will also be developed which will reflect the Shire's tolerance for various risks.

The scope of risks to consider when planning work, projects and events may fall within the following categories:

- Assets.
- Community Health, Safety and Wellbeing.
- Corporate Governance.
- Financial Management.
- Human Resources.
- Knowledge Management.
- Legal Compliance.
- Business Continuity.
- Damage to Reputation.

Managing risk is not the responsibility of just one person within the organisation. Managers responsible for particular areas have the most influence over implementing controls to manage risk, but responsibility also lies with employees who operate within the area.

The policy will require risk assessments to be carried out under particular circumstances using the framework of the Australian Standard for Risk - AS / NZS/ISO 31000:2009. The risk management process involves the following steps:

1. Establish the Context. – Determine whether there is a need to assess an identified risk that could impact on the organisation, its goals, objectives, strategies and activities, against the Shire's Criteria and Risk Tolerance Level.
2. Identify a Risk – A set of questions has been developed to assist the risk identification process.
3. Analyse the Risk – A set of questions has been developed to assist the risk analysis process.
4. Evaluate the Risk – Decide if the risk needs to be treated / controlled, reassessed or accepted against the Shire's Criteria and Risk Tolerance Level.
5. Treat / Control the Risk – Determine the options for treating the risk. The treatment should leave a residual risk that is acceptable to the Shire's Criteria and Risk Tolerance Level. A trade-off may be required between the cost and benefit of treating of the risk.

6. Monitor and Review – Once a risk has been identified, it is to be reviewed to see if the treatments / controls are still effective and are still meeting the Shire's Criteria and Risk Tolerance Level (goals, objectives, strategies and activities may change).

While adoption of a policy is appropriate, the details are of an operational nature and should be determined by the Chief Executive Officer. Significant or extreme risks will be reported to the Audit and Risk Management Committee and reviewed to determine appropriate treatments or whether to continue with the activity or service from which the risk arises.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That Risk Management Policy C/RM/1, as follows:

'OBJECTIVE

To commit to organisation-wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.

POLICY:

1. **Definition of Risk:**
 - 1.1 **AS/NZS ISO 31000:2009 defines risk as 'the effect of uncertainty on objectives.'**
 - 1.2 **A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative, or a deviation from the expected. An objective may be financial, related to health and safety, or defined in other terms.**
2. **Definition of Risk Management:**
 - 2.1 **The application of coordinated activities to direct and control an organisation with regard to risk.**
3. **Principles – Framework - Process**
 - 3.1 **The Shire considers risk management to be an essential management function in its operations. The responsibility for managing specific risks lies with the person who has the responsibility for the function, service or activity that gives rise to that risk.**
 - 3.2 **The Council is committed to the principles, framework and process of managing risk as outlined in AS/NZS ISO 31000:2009.**
 - 3.3 **The Shire will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring and review of risks. It will be applied to decision**

making through all levels of the organisation in relation to planning or executing any function, service or activity.

3.4 In particular it will be applied to:

- a) Strategic planning;
- b) Expenditure of large amounts of money;
- c) New strategies and procedures;
- d) Management of projects, tenders and proposals;
- e) Introducing significant change; and
- f) The management of sensitive issues.

3.5 The objectives of risk management are:

- a) The achievement of organisational goals and objectives;
- b) The ongoing health and safety of all employees at the workplace;
- c) Ensuring public safety within the Council's jurisdiction is not compromised;
- d) Limited loss or damage to property and other assets;
- e) Limited interruption to business continuity;
- f) Positive public perception of Council and the Shire; and
- g) Application of equal opportunity principles in the workforce and the community.

4. Responsibilities

- 4.1 The CEO, managers and supervisors have the responsibility and accountability for ensuring that all staff manage the risks within their own work areas. Risks should be anticipated and reasonable protective measures taken.
- 4.2 All managers will encourage openness and honesty in the reporting and escalation of risks;
- 4.3 All staff will be encouraged to alert management to the risks that exist within their area, without fear of recrimination.
- 4.4 All staff will, after appropriate training, adopt the principles of risk management and comply with all policies, procedures and practices relating to risk management.
- 4.5 All staff and employees will, as required, conduct risk assessments during the performance of their daily duties.
- 4.6 The level of sophistication of the risk assessment will be commensurate with the scope of the task and the associated level of risk identified.
- 4.7 Failure by staff to observe reasonable directions from supervisors regarding the management of risks and/or failure of staff to take reasonable care in identifying and treating risks in the workplace may result in disciplinary action.
- 4.8 The Council is committed to the concept and resourcing of risk management.

5. Monitor and Review

5.1 The Shire will implement a robust reporting and recording system that will be regularly monitored to ensure closeout of risks and identification of ongoing issues and trends.

5.2 Significant or extreme risks will be reported to the Audit and Risk Management Committee and reviewed to determine appropriate treatments or whether to continue with the activity or service from which the risk arises.'

be adopted.

CARRIED (7/0)

NO. 188/14

9.4.4 CORPORATE BUSINESS PLAN – ANNUAL REVIEW

File No:	N31385
Attachments:	<u>Draft Corporate Business Plan 2014/15-2018/19</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	19 August 2014

PURPOSE

The purpose of this report is to review the Corporate Business Plan for the Shire of Plantagenet.

BACKGROUND

At its meeting held on 25 June 2013, the Council resolved to adopt a Corporate Business Plan for the Shire of Plantagenet for the period 2013/14 – 2017/18. It is a requirement to review the Corporate Business Plan every year.

STATUTORY ENVIRONMENT

Local Government Act 1995 and Local Government (Administration) Regulations 1996

Section 19DA of the Regulations states (in part) that:

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) A corporate business plan for a district is to —*
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning;*
- (4) A local government is to review the current corporate business plan for its district every year.*
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*

- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

...

** Absolute Majority required.'*

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013–2023 provides at Outcome 4.4 (Effective integrated planning and reporting processes) the following Strategy:

'Strategy 4.4.1 – Develop, implement and maintain a Strategic Community Plan and Corporate Business Plan.'

OFFICER COMMENT

This is the Council's principal statement that sets strategic direction and identifies priority areas informed by the Strategic Community Plan, external factors and internal capability analysis. The intent of this plan is to identify Council priorities over a shorter time frame to drive integrated planning within the local government. It also integrates community aspirations into the Shire's operations and service delivery.

The Integrated Planning and Reporting Framework recognises that, due to the integrated approach to its development, the Corporate Business Plan may be presented in a single document or as a number of separate documents. In this regard, this 'master document' includes a synopsis of the other plans, however the formal Corporate Business Plan incorporates the following sub-plans:

- Asset Management Plan (Stage 1);
- Long Term Financial Plan 2013/14 – 2022/2023; and
- Workforce Plan 2013/14 – 2017/2018.

The Corporate Business Plan has been reviewed in line with adjustments to long term priorities identified in the 2014/2015 budget process. The plan has been modified by the deletion of 2013/2014 items and addition of 2018/2019 items. There have been no modifications to the plan at a strategy or action level, nor have there been any changes to any of the above mentioned sub-plans.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Pavlovich, seconded Cr B Bell:

That the Shire of Plantagenet Corporate Business Plan 2014/2015 to 2018/2019, as attached, be adopted.

CARRIED (7/0)

NO. 189/14

Absolute Majority

9.4.5 POLICY REVIEW - CODE OF CONDUCT

File No: N31320
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 19 August 2014

PURPOSE

The purpose of this report is to review Council Policy OP/HRP/3 – Code of Conduct.

BACKGROUND

The policy was last reviewed at the Council meeting held on 24 July 2012.

STATUTORY ENVIRONMENT

The requirements to establish and maintain a Code of Conduct are dealt with in Section 5.103 of the Local Government Act 1995 and Sections 34B and 34C of the Local Government (Administration) Regulations 1996.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.1.3 - 'Ensure the Council's decision making process is effective and transparent'.

OFFICER COMMENT

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr A Budrikis:

That Council Policy OP/HRP/3 – Code of Conduct, as follows:

‘PREAMBLE

The Model Code of Conduct provides Council Members, Committee Members and staff in Local Government with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments.

The Model Code is complementary to the principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in:

- a) better decision-making by local governments;
- b) greater community participation in the decisions and affairs of local governments;
- c) greater accountability of local governments to their communities; and
- d) more efficient and effective local government.

The Code provides a guide and a basis of expectations for Council Members, Committee Members and staff. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

STATUTORY ENVIRONMENT

The Model Code of Conduct observes statutory requirements of the Local Government Act 1995 (S 5.103 – Codes of Conduct) and Local Government (Administration) Regulations 1996 (Regs 34B and 34C).

RULES OF CONDUCT

Council Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007.

1. ROLES**1.1 Role of Council Member**

The primary role of a Council Member is to represent the community, and the effective translation of the community’s needs and aspirations into a direction and future for the Local Government will be the focus of the Council Member’s public life.

The Role of Council Members as set out in S 2.10 of the Local Government Act 1995 follows:

‘A Councillor —

- a) *Represents the interests of electors, ratepayers and residents of the district;*
- b) *provides leadership and guidance to the community in the district;*
- c) *facilitates communication between the community and the council;*
- d) *participates in the local government's decision-making processes at council and committee meetings; and*
- e) *performs such other functions as are given to a Councillor by this Act or any other written law.'*

A Council Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, Council Members activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the Local Government's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Council Members and on Local Governments.

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

1.2 Role of Staff

The role of staff is determined by the functions of the CEO as set out in S 5.41 of the Local Government Act 1995:

'The CEO's functions are to:

- a) *advise the council in relation to the functions of a local government under this Act and other written laws;*
- b) *ensure that advice and information is available to the council so that informed decisions can be made;*
- c) *cause council decisions to be implemented;*
- d) *manage the day to day operations of the local government;*
- e) *liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;*
- f) *speak on behalf of the local government if the mayor or president agrees;*
- g) *be responsible for the employment, management supervision, direction and dismissal of other employees (subject to S 5.37(2) in relation to senior employees);*
- h) *ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- i) *perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.'*

1.3 Role of Council

The Role of the Council is in accordance with S 2.7 of the Local Government Act 1995:

- '1) The council —*
- a) governs the local government's affairs; and*
 - b) is responsible for the performance of the local government's functions.*
- 2) Without limiting subsection (1), the council is to —*
- a) oversee the allocation of the local government's finances and resources; and*
 - b) determine the local government's policies.'*

1.4 Relationships between Council Members and Staff

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Council Members and staff have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position, Council Members need to observe their statutory obligations which include, but are not limited to, the following:

- accept that their role is a leadership, not a management or administrative one;
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility

2. CONFLICT AND DISCLOSURE OF INTEREST

2.1 Conflict of Interest

- a) Council Members, Committee Members and staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- b) Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- c) Council Members, Committee Members and staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government area or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).

- d) Council Members, Committee Members and staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- e) Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.

2.2 Financial Interest

Council Members, Committee Members and staff will adopt the principles of disclosure of financial interest as contained within the Local Government Act.

2.3 Disclosure of Interest

Definition:

In this clause, and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996 -

'interest' means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

- a) A person who is an employee and who has an interest in any matter to be discussed at a council or committee meeting attended by the person is required to disclose the nature of the interest -
 - (i) in a written notice given to the CEO before the meeting; or
 - (ii) at the meeting immediately before the matter is discussed.
- b) A person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the person is required to disclose the nature of any interest the person has in the matter -
 - (i) in a written notice given to the CEO before the meeting; or
 - (ii) at the time the advice is given.
- c) A requirement described under items (a) and (b) exclude an interest referred to in S 5.60 of the Local Government Act 1995.
- d) A person is excused from a requirement made under items (a) or (b) to disclose the nature of an interest if -
 - (i) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
 - (ii) the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the

interest as soon as possible after becoming aware of the discussion of a matter of that kind.

- (e) If a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items (a) or (b), then
- (i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (ii) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.
- (f) If -
- (i) to comply with a requirement made under item (a), the nature of a person's interest in a matter is disclosed at a meeting; or
 - (ii) a disclosure is made as described in item (d)(ii) at a meeting; or
 - (iii) to comply with a requirement made under item (e)(ii), a notice disclosing
- the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.

3. PERSONAL BENEFIT

3.1 Use of Confidential Information

Council Members, Committee Members and staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm or detriment to any person or organisation.

3.2 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

3.3 Improper or Undue Influence

Council Members and staff will not take advantage of their position to improperly influence other Council Members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

3.4 Gifts

Definitions :

In this clause, and in accordance with Regulation 34B of the Local Government (Administration) Regulations 1996 -

'activity involving a local government discretion' means an activity -

- a) *that cannot be undertaken without an authorisation from the local government; or*
- b) *by way of a commercial dealing with the local government;*

'gift' has the meaning given to that term in S 5.82(4) except that it does not include -

- a) *a gift from a relative as defined in S 5.74(1); or*
- b) *a gift that must be disclosed under Regulation 30B of the Local Government (Elections) Regulations 1997; or*
- c) *a gift from a statutory authority, government instrumentality or non-profit association for professional training;*

'notifiable gift', in relation to a person who is an employee, means -

- a) *a gift worth between \$50 and \$300; or*
- b) *a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;*

'prohibited gift', in relation to a person who is an employee, means -

- a) *a gift worth \$300 or more; or*
- b) *a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.*

- a) A person who is an employee is to refrain from accepting a prohibited gift from a person who -
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- b) A person who is an employee and who accepts a notifiable gift from a person who -
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion, notify the CEO, in accordance with item (c) and within 10 days of accepting the gift, of the acceptance.
- c) The notification of the acceptance of a notifiable gift must be in writing and include -
 - (i) the name of the person who gave the gift; and
 - (ii) the date on which the gift was accepted; and
 - (iii) a description, and the estimated value, of the gift; and
 - (iv) the nature of the relationship between the person who is an employee and the person who gave the gift; and
 - (v) if the gift is a notifiable gift under paragraph (b) of the definition of 'notifiable gift' (whether or not it is also a notifiable gift under paragraph (a) of that definition) –
 - (1) a description; and
 - (2) the estimated value; and
 - (3) the date of acceptance,

of each other gift accepted within the 6 month period.

- d) The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under item (c).
- e) This clause does not apply to gifts received from a relative (as defined in S 5.74(1) of the Local Government Act) or an electoral gift (to which other disclosure provisions apply).
- f) This clause does not prevent the acceptance of a gift on behalf of the local government in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the CEO, entered into the Register of Notifiable Gifts and used or retained exclusively for the benefit of the local government.

4. CONDUCT OF COUNCIL MEMBERS, COMMITTEE MEMBERS AND STAFF

4.1 Personal Behaviour

- a) Council Members, Committee Members and staff will:
 - (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
 - (ii) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
 - (iii) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
 - (iv) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
 - (v) always act in accordance with their obligation of fidelity to the Local Government.
- b) Council Members will represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

4.2 Honesty and Integrity

Council Members, Committee Members and staff will:

- a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- b) bring to the notice of the Mayor/President any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer.
- c) be frank and honest in their official dealing with each other.

4.3 Performance of Duties

- a) **While on duty, staff will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.**
- b) **Council Members and Committee Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Council Members and Committee Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.**

4.4 Compliance with Lawful Orders

- a) **Council Members, Committee Members and staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution can not be achieved, with the Chief Executive Officer.**
- b) **Council Members, Committee Members and staff will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.**

4.5 Administrative and Management Practices

Council Members, Committee Members and staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

4.6 Corporate Obligations

a) Standard of Dress

Council Members, Committee Members and staff are expected to comply with neat and responsible dress standards at all times. Accordingly :

- (i) **Council Members and Committee Members will dress in a manner appropriate to their position, in particular when attending meetings or representing the Local Government in an official capacity.**
- (ii) **Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual staff.**

b) Communication and Public Relations

- (i) **All aspects of communication by staff (including verbal, written or personal), involving Local Government's activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.**
- (ii) **As a representative of the community, Council Members need to be not only responsive to community views, but to adequately**

communicate the attitudes and decisions of the Council. In doing so Council Members should acknowledge that:

- as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
- information of a confidential nature ought not be communicated until it is no longer treated as confidential;
- information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
- information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

(iii) Committee Members accept and acknowledge it is their responsibility to observe any direction the Local Government may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

4.7 Appointments to Committees

As part of their representative role Council Members are often asked to represent the Council on external organisations. It is important that Council Members :

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.'

5. DEALING WITH COUNCIL PROPERTY

5.1 Use of Local Government Resources

Council Members and staff will:

- a) be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- b) use the Local Government resources entrusted to them effectively and economically in the course of their duties; and
- c) not use the Local Government's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

5.2 Travelling and Sustenance Expenses

Council Members, Committee Members and staff will only claim or accept travelling and sustenance expenses arising out of travel-related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and the provisions of the Local Government Act.

5.3 Access to Information

- a) **Staff will ensure that Council Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities.**
- b) **Council Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.'**

be endorsed.

CARRIED (7/0)

NO. 190/14

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 COLLET BARKER COURT - CLUBHOUSE AND COMMUNAL FACILITIES - DEPARTMENT OF REGIONAL DEVELOPMENT - REGIONAL COMMUNITY SERVICES FUND

Cr G Messmer

Type: Closely Associated Person (Section 5.62 LGA)
Nature: Wife on the Board of PVH
Extent: Not required

Cr C Pavlovich

Type: Proximity (Section 5.60(B) LGA)
Nature: Parents own property over road.
Extent: Not required.

3:42pm Cr G Messmer and C Pavlovich withdrew from the meeting.

File No: N31295
Attachment: [Financial Assistance Agreement](#)
[Memorandum of Understanding](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Linda Sounness
Executive Secretary
Proposed Meeting Date: 19 August 2014

Interest: The author of this report is a member of the Board of Plantagenet Village Homes Inc.

PURPOSE

The purpose of this report is to recommend the affixing of the Common Seal of the Council to a Financial Assistance Agreement between the State of Western Australia (Department of Regional Development) and the Shire of Plantagenet for the Regional Community Services Fund allocation grant towards the construction of the Collet Barker Court Clubhouse and communal facilities, which is being undertaken by Plantagenet Village Homes (Inc).

Further, this report will recommend that the Council and Plantagenet Village Homes (PVH) enter into a Memorandum of Understanding relating to the intention of PVH to construct the dwellings on the site, representing a milestone of the Funding Agreement.

BACKGROUND

As a part of the State Government's Royalties for Regions, Plantagenet Village Homes was successful in an application for funds through the Regional Community Services Fund of \$530,820.00. As a condition of the funding, the Shire of Plantagenet has been requested to be the auspicing body for the project. Therefore

the Shire is required to enter into the Financial Assistance Agreement (FAA) with the Department of Regional Development.

This Agreement imparts certain responsibilities on the Shire as it is termed the 'recipient' rather than PVH.

A copy of the Agreement, as negotiated with the Department of Regional Development is attached.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 2.5 provides that a Local Government is a body corporate and has the legal capacity of a natural person.

EXTERNAL CONSULTATION

Consultation has taken place with a representatives from the Department of Regional Development and Plantagenet Village Homes.

FINANCIAL IMPLICATIONS

There are no direct financial implications for the Shire however the management of the funds and liaison with Plantagenet Village Homes' project management team will require some staff allocation of time. The grant itself is for \$530,820.00.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at outcome 1.6 (Quality of life for the aged) the following Strategy:

Strategy 1.6.1 – *'Advocate the provision and promotion of services and facilities that meet the needs of the aged'*;

Further, Strategy 1.6.2 – *'Support quality home care for the aged'*;

and

Strategy 1.6.3 – *'Support the provision of active ageing activities for seniors.'*

OFFICER COMMENT

A Financial Assistance Agreement is required in order to access the Regional Community Services Funds for Plantagenet Village Homes' Collet Barker Court – Stage Two. Plantagenet Village Homes has completed Stage One of the project and will continue to engage the services of Howard and Heaver Architects for design and working drawings and project management for this Stage Two (clubhouse and communal areas).

Although the funds, the subject of this Financial Assistance Agreement, relate to the construction of the Clubhouse and communal areas, the Agreement acknowledges the total overall project of 21 units. Identified within the project description are the

triggers for the construction of the next stage of units. As an example, Stage Three will be commenced upon the sale of the fourth unit from Stage One.

The Department of Regional Development has tied the release of the funding for the Clubhouse to this trigger for Stage Three. Plantagenet Village Homes believes that the Department's decision to hold off releasing funds until the fourth unit is sold is fair and reasonable. The 'staging' and 'triggers' provides a realistic approach to the development of future units meeting demand and recouping up front expenditure.

A Memorandum of Understanding will be required between the Shire of Plantagenet and Plantagenet Village Homes Inc to recognise the commitment and role of both parties.

The appointed liaison officer between Plantagenet Village Homes and the Shire of Plantagenet, Linda Sounness, will report to the Chief Executive Officer the progress of the project and reporting requirements.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr S Etherington:

That:

- 1. Authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the 'Financial Assistance Agreement' document with the Western Australian Department of Regional Development for Regional Community Services Funds of \$530,820.00 for the construction of the Collet Barker Court – Clubhouse and Communal Facilities.**
- 2. The Chief Executive Officer be authorised to sign the Memorandum of Understanding between the Shire of Plantagenet and Plantagenet Village Homes Inc acknowledging each party's role and commitment to the Financial Assistance Agreement referred to in part one.**

CARRIED (5/0)

NO. 191/14

3:43pm Cr C Pavlovich and G Messmer returned to the meeting.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

3:43pm The Presiding Member declared the meeting closed.

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