



# ORDINARY MINUTES

**DATE:** Tuesday, 27 July 2010

**TIME:** 2:45pm

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

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

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## **1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

2:45pm The Presiding Member declared the meeting open.

### Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

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

### Members Present:

|                  |                        |
|------------------|------------------------|
| Cr K Clements    | Shire President        |
| Cr M Skinner     | Deputy Shire President |
| Cr B Bell        | Councillor             |
| Cr S Etherington | Councillor             |
| Cr S Grylls      | Councillor             |
| Cr G Messmer     | Councillor             |

In Attendance:

|                    |                                |
|--------------------|--------------------------------|
| Mr Rob Stewart     | Chief Executive Officer        |
| Mr John Fathers    | Deputy Chief Executive Officer |
| Mr Dominic Le Cerf | Manager Works and Services     |
| Ms Nicole Selesnew | Manager Community Services     |
| Mr Peter Duncan    | Manager Development Services   |
| Mr Vincent Jenkins | Planning Officer               |
| Mrs Kaye Skinner   | Executive Secretary (Acting)   |

Apologies

Cr J Moir  
Cr A Budrikis

Previously Approved Leave of Absence:

Cr Len Handasyde – 9 July to 6 August 2010 (inclusive)  
Cr Gert Messmer – 28 September 2010

There were seven (7) member(s) of the public in attendance.  
There were nil (0) member(s) of the media in attendance.

### **3 PUBLIC QUESTION TIME**

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

Nil

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

##### **3.2.1 LOWOOD ROAD – NAME CHANGE TO HAMBLEY STREET**

Asked By: Mr Peter McManus – Land Owner in Hambley Street Mount Barker  
The majority of residents would have preferred to be still living on Lowood Road.

No contact was made with residents prior to the work at the intersection taking place outlining that the changes would result in a change of street name and giving us a chance to request an alternative layout that would allow street names to stay as they were.

No direct contact with residents regarding possible street names.

Initial contact was to tell us there was a proposal to rename our section of Lowood Road to Hambley Street, the attached map didn't show a change of name to the Eastern end of Mondorup Street or detail any reasons as to the necessity of a name change. I am now aware of the reasons requiring a name change with the current intersection design, which is personally one of the strangest 'improvements' I've ever seen.

The majority of residents, people residing in the street and therefore affected, responded against the proposed change.

The Council's then apparent interpretation of the word resident to include owners of vacant land (who obviously reside elsewhere) who would be generally unaffected by any changes, into their calculations to allow a claim to the Geographic Names Committee that the majority of residents didn't respond and therefore obviously didn't care.

The way the change has been handled has left us feeling excluded from the process and feeling that the Council has only made a token effort towards consulting the main stakeholders affected by this change, us the residents. The practice of placing information in the Plantagenet News should be in addition to making direct contact with residents in situations such as this.

What's wanted?

I would love to see the layout changed to allow all street names to remain as they are, obviously I won't hold my breath on that one.

Council should look at the processes and practices it currently employs in situations such as this and adopt a more inclusive process with residents instead of the current distant and therefore exclusive processes that appear to be current practice.

**Response By: Mr Dominic Le Cerf, Manager Works and Services**

The proposed changes were advertised and letters were written to all landowners. The name change was required as Lowood Road realignment had changed significantly.

**Response By: Mr Rob Stewart – Chief Executive Officer**

Mr Stewart advised that he would make enquiries with the Geographic Names Committee in relation to the procedures that the Council makes and advise Mr McManus of the outcome.

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

### **4.1.1 SCHEME AMENDMENT REQUEST (SAR) – LOT 4853 PORONGURUP ROAD – MRS DELMA BAESJOU – AYTON BAESJOU**

This proposal seeks to rationalise the zoning of Lot 4853 to bring it into line with the Council's strategies, and to better reflect the existing and proposed land use.

Lot 4853 has three different zones.

The existing boundaries don't line up with the Subdivision Guide Plan, they don't make sense on the ground and don't align with the precincts shown in the Porongurup Strategy or the Local Planning Strategy.

This proposal will rectify the anomalies.

We are seeking the Council's support for the SAR, with a view to proceeding to the rezoning stage and are pleased to be at this point.

The SAR was lodged in March 2010 and we are very keen to move ahead with the project.

We support parts one and two of the Officer's recommendation on page six of the Agenda, but do not understand or accept Part three.

We consider that it is premature to nominate lot yield at this stage, and there is no basis for a maximum eight Rural Residential Lots, or exact location of future Tourist Accommodation.

SAR- Strategic – conceptual stage, and will be subject to detailed assessment.

Land Capability – Soil and site testing (especially in relation to effluent disposal).

Vegetation Assessment and Fire Hazard Assessments.

Essential information – design and detailed planning.

Identification of Building Envelopes.

Development exclusion and creeklines protection areas.

Road Layout.

Lot configuration.

Strategic Fire Breaks.

We are very mindful of fire safety whilst is a critical factor in the planning process and this needs to be a balance between vegetation protection, fire safety, sensitive and sustainable development.

A preliminary fire report and management plan was prepared by Bill Harris of Fire Plan in 2008.

Our consultancy will continue to work closely with Bill, and will ensure he is fully conversant with the requirements and guidelines contained in planning for Bush Fire Protection (May 2010).

The proposed rezoning is relatively minor, but very important update to the Scheme. This will enable Ironwood to continue to grow.

We ask that the Council support the SAR and allow us to proceed to rezoning.

We request that Part three of the recommendation on page six of the Agenda be amended to delete subsections i) and ii) and any reference to a maximum of eight rural residential lots.

Part 3 to read – this support is subject to completion of a Fire Hazard Assessment and Appendix 4 Compliance Checklist, as set out in the 2010 Planning for Bush Fire Protection Guidelines.



#### **4.1.2 FOREST HILL DENBARKER HALL COMMITTEE - MRS SHARON LOUISE LYNCH**

Forest Hill is a significant location in regards to the South Coastal and the Plantagenet Shire history.

Much can be said about the early arrivals at the King sound in Albany and those who were 'just passing' on through to the rest of the new Australia. There were also those who were drawn by either disaster or new sense of direction and adventure and fortunes to be sought.

Shortly thereafter Sir Richard Spencer and his family taking up land in the hay district in the 1830s, a Mr Andrew Muir, upon recommendation had decided to move further west of the area already rented from the Spencer family (Langton) to an area which the local Aboriginal tribes called Cooricup, which in 1851 became known by the settlers as Forest Hill.

A timeline of some major happenings includes:

- Forest Hill Hall Committee started 1911;
- Forest Hill Agricultural Hall being opened in 1911 by the then Hon MLC MJ Cullen;
- School opens 1912 and continues for 31 more years!;
- 1927 Pardelup Prison farm opened with 1 Supt and 4 prisoners ;
- 1928 the tennis club formed and remained for some 50 years;
- 1953 Forest Hill west ward bushfire brigade was started – one of the first?;
- 1960 saw Denbarker tenanted and by 1961 a bushfire brigade had also been created;
- 1966 the first vines planted at Mr and Mrs CM Pearse property : 'Springvale' later to be known as Forest Hill Wines with earlier versions of Forest Hill Conti ; and
- 1975 Plantagenet Wines Tony Smith saw his vintage crushed

We are also home to one of the largest commercial Strawberry growers in the state along with other commercial size producers of such quality fruits and Cherries, Apricots, Peaches, Nectarines, Plums, and other stone fruits as well as Stud sheep producers, fine wool, prime lamb, beef, dairy, grain crops, olive oils, award winning wines and the list is pretty much endless!

I guess what most would call a rather proactive and innovative community. As the Shire Council will have seen on our original application we have committed to undertaking a large redevelopment project which at this stage is approved to stage one for the roof and walls along with some insulation. The other stages are drafted at this point with much more further community input before decisions are made.

Since the original application, we have seen Plantagenet Financial Services grant us a pledge of \$3,000.00 towards the redevelopment works, subject to further funding being received, and also recently sent out a letter of request to

the community residents about what financial input they are now able to make towards this project, to follow up on the large volume of letters of support received throughout the early stage process later last year. To date via letters returned we have five replies and already \$1,250.00 raised.

What I am here today for is to seek the Shire Council's validation of the possible allocation of the \$30,000.00 worth of funding via the round three of the Regional and Local Community Infrastructure Program for 2010/2011, on behalf of the Forest Hill Denbarker Community Hall Committee Inc as identified as one of the community not for profit organisations projects worthy of being a potential recipient.

We fully believe that we are the best community choice for the Council, there is not only historical value to be considered, there is and has always been enormous community value: fellow community members and for the land in the area by investment in landcare (WICC to date on ground works totalling some \$829,355.77 in the Forest Hill Denbarker communities)

The community has been here since 1851 and has developed and grown with all the challenges that life has given it along the way. There have been those that couldn't manage the struggle, those that have had to move on to other regions and through the years those hurdles have enabled the community to retain and attract those that are willing to become part of the community and enjoy the rewards from participation.

The Forest Hill Denbarker Community has not been required to place demands on the Shire to provide us with specific facilities for community use or for playgrounds or for other equipment. We live in a rural environment, we chose to live here and we have supported ourselves in every way we have been possibly able to since 1911.

We therefore ask that the Shire Council endorse the Forest Hill Denbarker Community Hall Committee Inc project of stage one by way of voting all in favour to apply for the \$30,000.00 worth of funding via the round three of the Regional and Local Community Infrastructure Program for 2010/2011, on behalf of the Forest Hill Denbarker Community Hall Committee Inc.

Thank you for your time, I appreciate the opportunity to speak with you all today.

## **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

Cr G Messmer disclosed a Proximity Interest (Section 5.60 (B)LGA) – Owns property bordering Langton Road – Item 11.2.2.

Cr M Skinner disclosed a Proximity Interest (Section 5.60 (B) LGA) – Owns property on Langton Road – Item 11.2.2.

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

Section 5.25 Local Government Act 1995

Nil

## **7 CONFIRMATION OF MINUTES**

**Moved Cr G Messmer, seconded Cr S Etherington:**

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 6 July 2010 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (6/0)**

**NO. 173/10**

## **8 COMMITTEE MINUTES**

**Moved Cr S Etherington, seconded Cr G Messmer:**

**That the Minutes of:**

[RoadWise Steering Committee Meeting – Minutes - July 1 2010](#)

[Recreation Advisory Committee Meeting - Minutes - 15 July 2010](#)

**be received.**

**CARRIED (6/0)**

**NO. 174/10**

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

- 7 July 2010 - Along with Mr Stewart attended a meeting with representatives from the Bendigo Bank and the Mount Barker Cooperative to discuss the possibility of a group Community Chest to cover the big ticket donations, rather than each organisation being approached separately.
- 8 July 2010- Had a visit from members of the Shire of Katanning to look over the administration and Council chambers.
- 15 July 2010 – Along with Mr Stewart and President from the Shire of Katanning met with Hon Terry Redman MLA to discuss the saleyards situation. No news yet.
- 20 July 2010 – Along with Ms Selesnew attended the board meeting of the Mount Barker Community Resource Centre. They appear to be on

track and look likely to have an annual income of around \$250,000.00 per annum to cover expenses and ongoing maintenance.

- 22 July 2010 – Ms Selesnew, Mr Stewart and I visited the Kendenup School to talk with the students.

## **10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION**

### Cr Bell

- Met with representatives from the Shire of Katanning Saleyards group.
- Saleyards Committee Meeting – 27 July 2010.

### Cr Grylls

- Saleyards Committee Meeting – 27 July 2010.

## 11 REPORTS OF COMMITTEES AND OFFICERS

### 11.1 DEVELOPMENT SERVICES REPORTS

#### 11.1.1 LOT 4853 PORONGURUP ROAD, PORONGURUP - SCHEME AMENDMENT REQUEST - SUBMISSIONS RECEIVED

|                               |  |
|-------------------------------|--|
| <b>File No:</b>               | <b>N15312</b>  |
| <b>Attachments:</b>           | <a href="#">Locality Plan</a><br><a href="#">Concept Land Use Plan</a><br><a href="#">Possible Rural Residential Lot Layout and Tourist Accommodation Adjustment</a><br><a href="#">Summary of Submissions</a> |
| <b>Responsible Officer:</b>   | <b>Peter Duncan</b><br><b>Manager Development Services</b>   |
| <b>Author:</b>                | <b>Vincent Jenkins</b><br><b>Planning Officer</b>  |
| <b>Proposed Meeting Date:</b> | <b>27 July 2010</b>  |
| <b>Applicant:</b>             | <b>Ayton Baesjou Planning</b>  |

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#### PURPOSE

The purpose of this report is to consider submissions received on a proposed Scheme Amendment Request (SAR) to rezone Lot 4853 Porongurup Road, Porongurup, from Rural, Rural Residential and Special Site R18 to Rural, Rural Residential and Special Site.

#### BACKGROUND

Shire records show the owners of the subject land are EL and ME Harma.

The SAR was initially submitted on 3 March 2010. In accordance with Council Policy No. TP/SDC/6, copies were forwarded to the Department of Planning (DoP), Department of Water (DoW) and Department of Environment and Conservation (DEC) for comment by 9 April 2010. These agencies provided comments on the SAR at that stage.

The Council at its meeting held on 4 May 2010 considered a report on the SAR and resolved at Resolution 80/10:

*‘THAT:*

- (1) The Scheme Amendment Request for Lot 4853 Porongurup Road, Porongurup be advertised to seek public feedback for a period of 42 days.*
- (2) At the conclusion of advertising a further report be prepared for the consideration of the Council at a meeting to be held no later than 27 July 2010.’*

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Town Planning Regulations 1967 – set the procedure for Amending a Town Planning Scheme.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – subject land is zoned Rural, Rural Residential and Special Site R18.

**EXTERNAL CONSULTATION**

In accordance with Council Policy No. TP/SDC/6, the SAR has been advertised with the 42 day period closing on 30 June 2010. Advertising included letters to adjoining property owners and various agencies, notices were placed in the Albany Advertiser, Plantagenet News, the Council's noticeboard, and a sign placed on site. At the close of the advertising period six submissions were received and these are contained in the attached summary of submissions.

**FINANCIAL IMPLICATIONS**

The SAR application fee of \$550.00 has been paid.

**POLICY IMPLICATIONS**

Council Policy No. TP/SDC/6 – Scheme Amendment Requests applies.

Clause 4 of Council Policy No. TP/SDC/6 states:

'SAR submitted to Council

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

- b) The Council agrees to the SAR to allow further detailed documentation of the proposal and a subsequent assessment process to initiate the Scheme Amendment (Note: detailed documentation may identify unresolved issues not known on initial SAR and as such the Amendment may not be initiated.)*
  - c) The Council considers the proposal to be unacceptable and advises the proponent that it would be unlikely to support a request to initiate a Scheme Amendment.*
  - d) The Council may acknowledge there is potential for the land to be rezoned but advise the applicant that the proposal is premature until the Council has agreed to and the Western Australian Planning Commission has endorsed, a suitable structure plan or planning strategy for the locality to co-ordinate and integrate development in accordance with adopted strategic documents.*
- Note: Applicants who proceed after being advised as above do so at their own risk and cost.'*

Clause 6 of Council Policy No. TP/SDC/6 states:

*'Response to Applicant if SAR Agreed to by the Council*

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

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

TPS Policy No. 18 (Planning Vision). Lot 4853 is located both within Planning Precincts 3 and 4. Planning Precinct 3 aims to provide for rural residential and rural small holding development. Planning Precinct 4 aims to retain remnant vegetation, extend existing viticulture, and support small scale tourist accommodation and other appropriate agricultural uses.

## **STRATEGIC IMPLICATIONS**

Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 Development Services advocates:

*'Encourage and guide local development in accordance with the strategic Plan and Town Planning Scheme No 3 (as amended).'*

## **OFFICER COMMENT**

The SAR has been advertised in accordance with the policy requirements and six submissions have been received.

The submissions received and the earlier comments of the DoW and DEC raised a range of issues which will need to be addressed as part of a formal Amendment to TPS3. Some of the issues will need to be addressed at the subsequent subdivision stage. The Amendment document will need to include a comprehensive fire management plan to the satisfaction of FESA and the Council.

The westerly expansion of the rural residential area needs to be fully justified in any subsequent Amendment. The proposed rural residential lots are to be developed to a low density of in the order of eight lots to prevent the significant loss of native vegetation. The proposed tourist accommodation area adjacent to Stoney Creek Road needs to be relocated to the east to minimise the clearing of remnant vegetation to establish a 100m fire hazard separation zone.

The Amendment document will also need to ensure it addresses the earlier comments provided by the DEC, DoP and DoW which were detailed in the 4 May 2010 report to the Council. Issues such as fauna and flora assessment, the clearing

of significant areas of riparian and remnant vegetation for development and robust vegetation linkages with reserves at the locality were the main priorities.

It is considered the submissions received on the advertising of the SAR do not raise any issues that cannot be addressed in a formal Scheme Amendment.

### **VOTING REQUIREMENTS**

Simple Majority

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

Moved Cr B Bell, seconded Cr S Grylls:

That the submissions received on the Scheme Amendment Request for Lot 4853 Porongurup Road, Porongurup be noted and that the proponents be advised that:

1. The Council will be prepared to consider a formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3.
2. This support is subject to various matters raised in the submissions, including: policy issues, environmental (including creek line and vegetation protection, servicing, fire management plan, design requirements on subsequent development, size and number of properties to be developed and sustainable forms of development) being addressed.
3. This support is also subject to:
  - i) No more than eight rural residential lots being provided to prevent significant loss of remnant vegetation, and
  - ii) The proposed tourist accommodation area adjacent to Stoney Creek Road to be located eastwards to again minimise the need to clear remnant vegetation.

### **AMENDMENT**

Moved Cr S Etherington, seconded Cr G Messmer:

That in Part 3 i) of the motion the words 'in the order of' be added after the word 'than'.

CARRIED (6/0)

NO. 175/10

### **COUNCIL DECISION**

That the submissions received on the Scheme Amendment Request for Lot 4853 Porongurup Road, Porongurup be noted and that the proponents be advised that:

1. The Council will be prepared to consider a formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3.
2. This support is subject to various matters raised in the submissions, including: policy issues, environmental (including creek line and vegetation protection, servicing, fire management plan, design



requirements on subsequent development, size and number of properties to be developed and sustainable forms of development) being addressed.

**3. This support is also subject to:**

- i) No more than in the order of eight rural residential lots being provided to prevent significant loss of remnant vegetation, and**
- ii) The proposed tourist accommodation area adjacent to Stoney Creek Road to be located eastwards to again minimise the need to clear remnant vegetation.**

**CARRIED (6/0)**

**NO.176/10**

**11.1.2 LOT 85 WEBSTER STREET, MOUNT BARKER – HOUSE AND RETAINING WALL WITH REDUCED SIDE BOUNDARY SETBACKS**

**File No:** N15324

**Attachments:** [Location Plan](#)  
[Site Plan](#)  
[Floor Plan](#)  
[Elevations](#)  
[Letter from Owners](#)  
[Letter from Neighbours \(Lot 85 Webster Street\)](#)

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

**Author:** Vincent Jenkins  
Planning Officer

**Proposed Meeting Date:** 27 July 2010

**Applicant:** Ryde Building

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**PURPOSE**

The purpose of this report is to consider a proposal for a house and retaining wall on Lot 85 Webster Street, Mount Barker, with reduced side boundary setbacks.

**BACKGROUND**

Council Records show the registered owners of Lot 85 are B and R Hook.

The proposed house location will be 1.0m from the side boundary with adjoining Lot 84 to the south and the proposed retaining wall location on the side boundary with Lot 84. A side boundary setback of 1.5m is required by the Residential Design Codes (RCodes) for both the house and the retaining wall.

The owners were requested to provide a letter explaining their request to reduce the side boundary setback to 1.0m for the house and 0m for the retaining wall. In addition the owners were requested to consult with the owners of adjoining Lot 84 and provide their written support.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) – Zoned Residential (R10/20).

Residential Design Codes (RCodes).

Discretion exists for the Council to vary standards at clause 2.5.2 as follows:

*‘Discretion shall be exercised having regard to the following considerations:*

- a) the stated purpose and aims of the scheme;*
- b) the provisions of parts 1-7 of the codes, as appropriate;*

- c) *the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
- d) *the explanatory guidelines of the codes that correspond to the relevant provisions;*
- e) *any local planning strategy incorporated into the scheme;*
- f) *a provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- g) *orderly and proper planning.'*

The variation required here relates to (b) above as the building setback requirements are in part 6 of the RCodes.

### **EXTERNAL CONSULTATION**

A letter of support (copy attached) has been received from the owners of Lot 84 to the south for both the house and retaining wall.

### **FINANCIAL IMPLICATIONS**

The \$132.00 application fee has been paid.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

### **OFFICER COMMENT**

The property is located within an area in Mount Barker where the boundary setbacks for buildings are to be in accordance with the R20 standards in the RCodes.

Lot 85 is 809m<sup>2</sup> in area and is currently vacant. A 2.6m sewer easement along the north boundary with Lots 38 and 39 is registered in favour of the Water Corporation. The easement area to some extent restricts the options for the owners to obtain drive-through access to the rear of the property.

The retaining wall on the northern boundary will be a maximum height of 1.0m.

The property most directly affected by this proposal is Lot 84 located to the south of the application site. A letter of support for reduced setbacks for both the house and retaining wall has been received from these owners. The easement not allowing building development on the northern side of this lot is a relevant consideration in supporting a reduction in the side boundary setback from 1.5m to 1.0m for the house and from 1.5m to 0m for the retaining wall.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr B Bell, seconded Cr M Skinner:**

**That in accordance with clause 2.5.2 of the Residential Design Codes, the proposed house and retaining wall situated at Lot 85 Webster Street, Mount Barker be approved with a reduced side boundary setback of 1.0m for the house and a reduced side boundary setback of 0m for the retaining wall subject to:**

- 1. The development being in accordance with the plans dated 28 May 2010 and 18 June 2010.**
- 2. The dwelling being connected to reticulated sewer.**
- 3. A crossover being constructed, drained and sealed to the satisfaction of the Manager Works and Services.**
- 4. All stormwater being disposed of to the satisfaction of the Manager Works and Services.**

**CARRIED (6/0)**

**NO. 177/10**

**11.1.3 LOT 7 INGOLDBY STREET, MOUNT BARKER - NEW OUTBUILDING  
WITH OUTBUILDINGS EXCEEDING THE MAXIMUM CUMULATIVE  
FLOOR AREA REQUIREMENT**

**File No:** N15329

**Attachments:** [Location Plan](#)  
[Site Plan](#)  
[Floor Plan and Elevations](#)  
[Letter from Proponent](#)

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

**Author:** Vincent Jenkins  
Planning Officer

**Proposed Meeting Date:** 27 July 2010

**Applicant:** Noel Smith

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**PURPOSE**

The purpose of this report is to consider a proposal for an additional outbuilding at Lot 7 Ingoldby Street, Mount Barker. This outbuilding combined with two others means the cumulative floor area set by Council Policy is exceeded.

**BACKGROUND**

Council Records show the registered owners of Lot 7 are N and B Smith.

The proposal is for an additional outbuilding of 80m<sup>2</sup> (8m x 10m) with a wall height of 3m and combined with various other existing outbuildings of 75.6m<sup>2</sup> the cumulative area of 155.6 m<sup>2</sup> exceeds the 80m<sup>2</sup> area set by Council policy.

Town Planning Scheme Policy No. 16 (Outbuildings) sets a maximum wall height of 3m and a maximum cumulative total floor area for outbuildings in Residential zones at 80m<sup>2</sup>.

The proponent has submitted a letter (copy attached) explaining the request to construct an additional outbuilding. The reasons given were to provide additional secure parking for family vehicles. In addition, the proponent intends to store and repair a street stock sedan he owns and races at the Mount Barker Speedway.

**STATUTORY ENVIRONMENT**

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Residential (R12.5/20).

Clause 6.3.2 of TPS3 states:

*'The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of*

*the locality may refuse to approve any application for planning consent or may grant its' approval unconditionally or subject to such conditions as it thinks fit.'*

Residential Design Codes (RCodes).

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

*'Discretion shall be exercised having regard to the following considerations:*

- a) the stated purpose and aims of the scheme;*
- b) the provisions of parts 1-7 of the codes, as appropriate;*
- c) the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
- d) the explanatory guidelines of the codes that correspond to the relevant provisions;*
- e) any local planning strategy incorporated into the scheme;*
- f) a provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- g) orderly and proper planning.'*

The variation required here relates to 2.5.2(b) above as the outbuilding requirements are in part 6 of the RCodes.

## **FINANCIAL IMPLICATIONS**

The \$132.00 application fee has been paid.

## **POLICY IMPLICATIONS**

Town Planning Scheme Policy No. 16 (Outbuildings) limits outbuildings to a maximum wall height of 3m and a maximum cumulative floor area of 80m<sup>2</sup> for Residential zones. The cumulative floor area of all outbuildings currently on site totals 75.6m<sup>2</sup> excluding the proposed the new outbuilding of 80m<sup>2</sup>. The cumulative floor area of all outbuildings on site including the new outbuilding will total 155.6m<sup>2</sup>. The wall height of the proposed outbuilding is 3m. Given the large size of the lot (1,632m<sup>2</sup>), the total area of outbuildings is considered acceptable in this instance. The Council must have regard to a Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

## **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

## **OFFICER COMMENT**

Lot 7 is 1,632m<sup>2</sup> in area and is zoned Residential (R12.5/20). The proposed outbuilding is setback 3m from the north rear boundary and 1.5m from the east side boundary abutting Lot 24. The proposed outbuilding location meets the setback requirements of the RCodes.

The proponent intends to construct a 350mm retaining wall around the outbuilding to retain the backyard and divert stormwater onto his property. The proposed

outbuilding will be constructed in colorbond. The external walls will be finished in green colour and the roof will be zincalume.

The cumulative floor area of all outbuildings on the property including the new outbuilding will total 155.6m<sup>2</sup>. The wall height of the proposed outbuilding is within the limit set by the policy. No difficulties are seen with the maximum cumulative floor area of outbuildings being 155.6m<sup>2</sup> given the size of the lot being 1,632m<sup>2</sup>.

### **VOTING REQUIREMENTS**

Simple Majority

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

**Moved Cr B Bell, seconded Cr G Messmer:**

**That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, Town Planning Scheme Policy No. 16 (Outbuildings) be varied and the proposed outbuilding at Lot 7 Ingoldby Street, Mount Barker be approved subject to:**

- 1. The development being in accordance with the plans dated 29 June 2010.**
- 2. All stormwater being disposed of to the satisfaction of the Manager Works and Services.**

**CARRIED (6/0)**

**NO. 178/10**

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

**File No:** N15288  
**Attachments:** [Site Plan](#)  
[Location Plan](#)  
**Responsible Officer:** Peter Duncan  
Manager Development Services  
**Author:** Eric Howard  
Environmental Health Officer  
**Proposed Meeting Date:** 27 July 2010  
**Applicant:** RN and A Duggin

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**PURPOSE**

The purpose of this report is to consider an application for a stall holders permit to conduct trading activities at the Albany Highway road side parking bay on the southern side of Mount Barker north of Warburton Road.

**BACKGROUND**

The applicant seeks the Council's approval to sell in season fruit produced at their Martin Street property from a stall located at the Albany Highway road side parking bay between the hours of 9:00am and 2:00pm seven days per week, from November to February each year.

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

**STATUTORY ENVIRONMENT**

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

Health Act 1911

Food Act 2008

Food Regulations 2009

Australia New Zealand Food Standards Code

**FINANCIAL IMPLICATIONS**

The applicant has paid the application fee of \$110.00 and the activity will be subject to the payment of an annual renewal fee of \$55.00.

**POLICY IMPLICATIONS**

There are no policy implications for this report.



## **STRATEGIC IMPLICATIONS**

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

## **OFFICER COMMENT**

The applicants have selected the Albany Highway road side parking bay area for trading activities because it is reasonably close to their property, it offers the safest location for motorists to both exit and re-enter Albany Highway and the site affords extensive truck and motor vehicle parking areas.

The applicant intends to sell a range of in season fruit and therefore seeks approval to operate a stall during the fruit growing season. The applicant has provided proof of public liability insurance to the value of \$5,000,000.00 including the proposed trading activity at the Albany Highway location.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr G Messmer:**

**That:**

- 1. In accordance with Part 7 of the Shire of Plantagenet - Activities in Thoroughfares and Public Places and Trading Local Law 2008, a permit be issued to R and A Duggin of 225 Martin Street, Mount Barker to conduct a stall at the Albany Highway road side parking bay located at the southern side of Mount Barker north of Warburton Road subject to:**
  - i. The facility being operated and maintained in accordance with the provisions of:**
    - a) Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008 (Local Law) – Part 6, Division 2;**
    - b) Health Act 1911;**
    - c) Food Act 2008;**
    - d) Food Regulations 2009; and**
    - e) Australia New Zealand Food Standards Code.**
  - ii. The stall being located and operated in a manner not likely to impede the safe and reasonable movement of traffic within the road side parking bay.**
  - iii. The stall being operated between the hours of 9:00am and 2:00pm seven days per week, from November to February.**
  - iv. The permit is valid for a period of 12 months or part thereof, effective from 27 July 2010 until 30 June 2011.**
  - v. The permit holder shall apply in writing prior to expiry of the permit, for renewal for a further 12 month period.**

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

**CARRIED (6/0)**

**NO. 179/10**

**11.1.5 TOWNSCAPE IMPROVEMENT**

**File No:** N15308

**Attachments:** [Townscape Improvement Suggestion Document – December 2006](#) (separate attachment)

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

**Author:** Peter Duncan  
Manager Development Services

**Proposed Meeting Date:** 27 July 2010

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**PURPOSE**

The purpose of this report is to consider recommendations from the Townscape Review Steering Committee (TRSC) relative to the Townscape Improvement Suggestion Document (TISD) for Mount Barker and funding alternatives for similar townscape documents for each of the rural villages.

**BACKGROUND**

Townscape improvement in Mount Barker specifically, commenced in the early 1990's when Hames Sharley Australia prepared the 'Mount Barker Improvement – Character Study' for the then Department of Planning and Urban Development and the Council's Townscape Committee in August 1991. In August 1992, Richard Pawluk and Associates produced the 'Mt Barker Townscape Improvement Plan' based on a review of the earlier Character Study. In August 2002, Michael Tooby and Associates produced the 'Mount Barker Townscape Plan Review'. That review document was based on written submissions from the public following a three week comment period.

The Townscape Plan Review addressed a broad range of matters including:

- Identity;
- Colour selection;
- Approaches and Entries;
- Main Entries to Town Centre;
- Arrival Points;
- Lowood Road;
- Access for the Disabled;
- Muir Street Precinct;
- A Town Square;
- Redevelopment of the Administration Site;
- Tourist Bureau – Town Centre Link;
- Pedestrian and Cycle Routes;
- Light Industrial Subdivision;
- Street Lighting;
- Signage;
- Furnishings;
- Trees;

- Suggested Plan Species;
- Heritage Buildings;
- Gap Sites;
- Public and Community Art;
- Community Safety and Crime Prevention; and
- Implementation.

All of this earlier work culminated in the redevelopment of the Lowood Road main street. The suggested plant species list is also used for all developments and subdivision proposals as the preferred list of species.

In December 2006 the Council's Planning Officer then prepared a 'Townscape Improvement Suggestion Document' (TISD). That TISD provided a range of concept drawings for future townscape enhancements in Mount Barker based on the principals of the earlier Townscape documents. Attached is a copy of the TISD (separate attachment).

The TISD has been considered by the Council's TRSC at its meeting held on 18 March 2008 and more recently on 23 June 2010. That Committee worked through the TISD and set its priorities for work. The 2008 priorities were conveyed to the Manager Works and Services to enable to schedule in works for budgetary requirements. At its 23 June 2010 meeting the TRSC revised its prioritisation of works and that is as follows:

| Priority No. | Financial Year | Road Section                          | (map no.) | Comments   |
|--------------|----------------|---------------------------------------|-----------|--|
| 1.           | 2010/2011      | Lowood Road (south)                   | (8)       |  |
| 1.           | 2010/2011      | Short Street                          | (5)       | Short St only not to include Lord Street in this priority (see priority 3) |
| 2.           | 2011/2012      | Langton Road (near Eaton Ave)         | (2)       |  |
| 2.           | 2011/2012      | Langton Road (near Mount Barker Road) | (1)       |  |
| 3.           | 2012/2013      | Mount Barker Road (Langton to Marion) | (3)       |  |
| 3.           | 2012/2013      | Muir Street and Lord Street           | (5 & 6)   |  |
| 4.           | 2013/2014      | Mount Barker Road (Marion to Montem)  | (4)       |  |
| 4.           | 2013/2014      | Mondurup Street (Mitchell – west)     | (7)       | Revisit design. Plant trees now if possible.                               |
| -            | -              | Ormond Street/Hassell Street          | (9)       | Not a priority at this stage   |
| -            | -              | Viv Skinner Park                      | (10)      | Not a priority at this stage   |
| -            | -              | Bollard/Entry statement               | (11)      | Not a priority at this stage   |

**FINANCIAL IMPLICATIONS**

The Council will need to consider the suggested TISD priorities as part of its annual Budgetary process over the years to come.

The preparation of townscape improvement documents for the four villages will require the engagement of consultants.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Council's Strategic Plans at Key Result Area No. 4 includes:

- *Revise and implement the Mount Barker Improvement Plan; and*
- *Ensure that projects (such as the Lowood Road upgrade, entry statements, streetscape and Cemetery development) are focused on achieving Council objectives, are completed within budget and on time.'*

**OFFICER COMMENT**

The TRSC priorities show Lowood Road (south) and Short Street as being in the current 2010/2011 financial year and it is pointed out that no funds have been allocated for these works in the recently adopted Council Budget. With this in mind the suggested financial years are a recommendation of the Committee and the Manager Works and Services will need to consider these proposals for future budgets.

The TRSC at its meeting held on 23 June 2010 also resolved:

*'The Council be requested to consider funding alternatives for the preparation of similar townscape improvement plans for each of the rural villages of Kendenup, Porongurup, Narrikup and Rocky Gully.'*

To get to the point of being able to produce documents such as the TISD for Mount Barker for the four individual rural villages, it will be necessary to prepare documents similar to the 1991 Character Study and the 2002 Townscape Plan Review. The preparation of a Townscape Improvement Plan for each of the four villages would firstly establish the character of each of the villages and provide details of suggested Townscape improvements for the villages which would ideally be to the detail of the TISD. The preparation of such plans would need to obviously involve participation from each of the four communities through community workshops.

To prepare Townscape Improvement Plans for the four villages would need the engagement of appropriate consultants with townscape/urban design experience. Discussions have been held with an urban design consultant on this concept of Townscape Improvement Plans for the four rural villages. It was considered there would be economies of scale to prepare all four as part of the one contract to ensure consistency. A total cost estimate for the preparation of such Townscape Improvement Plans is in the order of \$80,000.00. If such plans were looked at individually estimates of costs would be Kendenup \$40,000.00, Narrikup \$15,000.00, Rocky Gully \$15,000.00 and Porongurup \$10,000.00. These estimates are only

approximate and are based on July 2010 costs. There would also be the need for the Council to allocate staff resources to provide the back up for the consultancy.

In the current economic climate and with the 2010/2011 Annual Budget being recently adopted with no funds allocated for Townscape Improvement Plans, there is no capacity to commence such a project.

In respect to funding alternatives the Manager Development Services will be investigating other potential sources of funding when opportunities arise. Royalties for Regions Funding could not be used as it involves the engagement of consultants.

### **VOTING REQUIREMENTS**

Simple Majority

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

Moved Cr S Etherington, seconded Cr S Grylls:

That:

1. The Manager Works and Services consider the priorities for townscape improvement works for Mount Barker as put forward by the Townscape Review Steering Committee as part of future funding proposals.
2. The Manager Development Services continue to investigate potential external funding sources for the preparation of Townscape Improvement Plans for the rural villages of Kendenup, Narrikup, Porongurup and Rocky Gully.

**CARRIED (6/0)**

**NO. 180/10**

## 11.2 WORKS AND SERVICES REPORTS

### 11.2.1 ROADWISE STEERING COMMITTEE - APPOINTMENT OF MEMBERS

**File No:** N15331  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Sharon Lynch  
Senior Administration/Project Officer (Works and Services)  
**Proposed Meeting Date:** 27 July 2010

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#### PURPOSE

The purpose of this report is to note the resignation of two members of the RoadWise Steering Committee and to consider the appointment of replacement members. A further purpose of the report is to consider the appointment of an additional member to the RoadWise Steering Committee.

#### BACKGROUND

At the special meeting of the Council held on 20 October 2009, the Council resolved:

*'That Cr S Etherington, Cr L Handasyde, Mr Dominic Le Cerf - Manager Works and Services, Ms Kendra Green - RoadWise Safety Officer, Mr Andrew Duffield representing Main Roads WA, Sergeant Allan Spicer - representing Mount Barker Police, Mr Wes Beck - representing the One Community One College, Vacant - Community Representative, Mr Norm Bario - One Community One College Parents and Citizens Association be appointed as members of the RoadWise Steering Committee.'*

The functions of the RoadWise Steering Committee are:

- *To provide a structured forum for stakeholders to consider and discuss road safety issues; and*
- *To discuss and make recommendation regarding the identification and appropriate counter measures to negative attitudinal, behavioural and environment factors lined to enforcement, engineering, education, encouragement and evaluation of road safety initiatives.*

#### STATUTORY ENVIRONMENT

The Committee was created by the Council pursuant to Section 5.9(2)(c) of the Local Government Act 1995, meaning that Council members, employees and other persons can be appointed and must be recorded as an Absolute Majority.

#### FINANCIAL IMPLICATIONS

There are no financial implications for this report.

#### POLICY IMPLICATIONS

There are no policy implications for this report.

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## STRATEGIC IMPLICATIONS

The existence of community based committees is consistent with the Shire of Plantagenet's Strategic Plan. In particular the New Initiatives in Key Result Area 3:

*'Engender a sense of belonging and community pride across all sections of the community'* and

Key Result Area 5:

- *The development of strategic partnerships; and*
- *The fostering of regional cooperation.'*

## OFFICER COMMENT

Councillor Etherington has indicated her wish to be no longer a member of the Committee. Councillor Messmer has indicated he would like to be a member of the Committee and it is suggested he be nominated as a member.

Sergeant Allan Spicer, pursuant to Section 5.11 of the Act no longer holds the office by virtue of which the person became a member. It would be proper to replace Sergeant Spicer and it is suggested that the vacancy be filled by the successful candidate Sergeant Allan Keogh.

Correspondence has been received from the Department of Transport requesting to become a member of the RoadWise Steering Committee. The Department will offer immediate information directly at the Committee level, whilst providing an important link and feedback opportunity for the Committee. The Department of Transport is also a member of the Great Southern Road Safety Coordinating Committee which key road safety agencies work collaboratively to reduce serious injury and death the Department's nominee is Ms Machel Jeffrey.

## VOTING REQUIREMENTS

Absolute Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr G Messmer:

That:

1. **Councillor Gert Messmer, Sergeant Allan Keogh and Ms Machel Jeffrey, Department of Transport be appointed as members on the RoadWise Steering Committee.**
2. **Cr Sue Etherington and Sergeant Alan Spicer be thanked for their service to the Committee.**

**CARRIED (6/0)**

**NO. 181/10**

**(Absolute Majority)**



**11.2.2 LANGTON ROAD, MOUNT BARKER – SPEED LIMIT REDUCTION**

A Proximity Interest (Section 5.60 (B) LGA) was disclosed by Cr G Messmer – Owns property bordering Langton Road.

A Proximity Interest (Section 5.60 (B) LGA) was disclosed by Cr M Skinner – Owner of property on Langton Road.

3:26pm      Crs Messmer and Skinner withdrew from the meeting.

**File No:** N15332  
**Attachments:** [Map](#)  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Sharon Lynch  
Senior Administration/Project Officer (Works and Services)  
**Proposed Meeting Date:** 27 July 2010

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**PURPOSE**

The purpose of this report is to consider the reduction of speed limits on Langton Road, Mount Barker.

**BACKGROUND**

The Shire of Plantagenet RoadWise Steering Committee has taken an increasingly active role in identifying potentially inappropriate speed limits on the road network within the Shire.

In 2008 the Council resolved that a formal request be sent to Main Roads WA to change the speed limits on a number of roads within the Shire. These areas were identified as potential conflict points or where the current speed limit was deemed not appropriate for the environment. The final outcome of the process was that speed limits were reduced in six locations across the Shire and two locations were formalised by installing speed zone signs.

The Committee has identified Langton Road as an environment where the current speed limit is considered too high for this urban area. Traffic counts and future development plans for Langton Road were considered as part of the Committee assessment process.

The current speed limit situation travelling towards Muirs Highway from Lowood Road:

- Road is zoned 50km/h from Lowood Road to Eaton Avenue;
- Road is zoned 60km/h from Eaton Avenue to 170m west of Marmion Street (near the parking bay); and
- Road is zoned 80km/h from 170m west of Marmion Street to Muirs Highway.

The current speed limit situation travelling towards Lowood Road from Muirs Highway:

- Road is zoned 80km/h from Muirs Highway to 170m west of Marmion Street (near the parking bay); and
- Road is zoned 60km/h from 170m west of Marmion Street (near the parking bay).

A 50km/h road sign is not displayed near Eaton Avenue for motorists travelling from Muirs Highway to Lowood Road.

The RoadWise Steering Committee, at its meeting held on 1 July resolved:

*‘That a report be presented to the Council requesting that Main Roads WA change the speed zones on Langton Road to:*

- 1. 50km/h from Lowood Road to 170m west of Marmion Street (near the parking bay); and*
- 2. 70km/h from 170m west of Marmion Street (near the parking bay) to Muirs Highway.’*

A map illustrating the proposal is attached.

## **STATUTORY ENVIRONMENT**

The Committee was created by the Council pursuant to Section 5.9(2)(c) of the Local Government Act 1995, meaning that Council members, employees and other persons can be appointed.

## **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

## **POLICY IMPLICATIONS**

There are no policy implications for this report.

## **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

## **OFFICER COMMENT**

Reducing travel speeds is a key element in improving road safety and can have a significant impact on reducing the number and severity of crashes.

Langton Road provides access to residential housing and businesses, TAFE, churches, Plantagenet Medical Centre, the Hospital and Shire Works Depot. Langton Road is also a connecting road through to Muirs Highway.

The urban default speed limit in the State has been altered from 60km/h to 50km/h and meets Main Roads WA requirements. The proposed speed limit reduction between Lowood Road to 170m west of Marmion Street is considered warranted to remain consistent with the default requirements.

The proposed speed limit reduction from 80km/h to 70km/h between 170m west of Marmion Street to Muirs Highway will provide a staggered reduction in speed entering into the urban area.

While it is recognised that the final implementation of any changes lies with Main Roads WA as the speed zoning authority, Council support is recommended.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

That Main Roads WA be requested to implement changes to the speed limits on Langton Road Mount Barker as follows:

1. 50km/h from Lowood Road to 170m west of Marmion Street (near the parking bay); and
2. 70km/h from 170m west of Marmion Street (near the parking bay) to Muirs Highway.

### **LOSS OF QUORUM**

**The Chief Executive Officer advised that a quorum was no longer present and that the meeting stood adjourned until a quorum was available.**

### **RESUMPTION**

3:27pm Crs Skinner and Messmer returned to the meeting.

#### Members Present:

|                  |                        |
|------------------|------------------------|
| Cr K Clements    | Shire President        |
| Cr M Skinner     | Deputy Shire President |
| Cr B Bell        | Councillor             |
| Cr S Etherington | Councillor             |
| Cr S Grylls      | Councillor             |
| Cr G Messmer     | Councillor             |

#### In Attendance:

|                    |                                |
|--------------------|--------------------------------|
| Mr Rob Stewart     | Chief Executive Officer        |
| Mr John Fathers    | Deputy Chief Executive Officer |
| Ms Nicole Selesnew | Manager Community Services     |
| Mr Peter Duncan    | Manager Development Services   |
| Mr Dominic Le Cerf | Manager Works and Services     |
| Mrs Kaye Skinner   | Executive Secretary (Acting)   |

There were seven (7) member(s) of the public in attendance.

There were nil (0) member(s) of the media in attendance.

**11.2.3 LOT 300 AND LOT 302 SPRING ROAD, PORONGURUP – ROAD DEDICATION**

**File No:** N15334  
**Attachments:** [Location plans](#)  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Sharon Lynch  
Senior Administration/Project Officer (Works and Services)  
**Proposed Meeting Date:** 27 July 2010

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**PURPOSE**

The purpose of this report is to consider the dedication of Lot 302 (part Reserve 49823) and Lot 300 (part Reserve 49819) Spring Road, Porongurup as roads.

**BACKGROUND**

Lot 302 is presently a Right-of-Way (ROW) and Lot 300 is presently a Pedestrian Access Way (PAW) as shown on the plan attached.

Lots 302 (ROW) and 300 (PAW) were originally created as part of Lot 6052 Stoney Creek Road in 2006. A 17 lot rural residential subdivision of Lot 830 was approved by the Western Australian Planning Commission (WAPC) (WAPC 137389) in 2009. Another 13 lot subdivision (Lot 6045) to the east was approved by the WAPC (WAPC 41418) in 2010.

The WAPC in its recent subdivision approval requires Lot 302 (ROW) to be dedicated as road. It is also considered appropriate to dedicate the Right-of-Way shown as Lot 300 as road at the same time.

The Manager Works and Services has inspected the constructed roads and is happy with the quality of works. Both roads met the required construction standards.

The dedication of Lots 302 and 300 as roads is essential in the linking of the rural residential zones from a connectivity and fire safety point of view.

**STATUTORY ENVIRONMENT**

Section 56(1) and (4) of the Land Administration Act 1997 relates to the dedication of roads. Section 56(1) relates to land acquired for use by the public as a road under the care, control and management of the local government.

**EXTERNAL CONSULTATION**

Consultation has occurred with the Department of Regional Development and Lands.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report, however in the future there may be maintenance requirements.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

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

*'Maximise the benefit to the community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and buildings infrastructure within the financial resources of the Shire.'*

**OFFICER COMMENT**

Lots 300 and 302 connect the Stoney Creek subdivision to the north to the 17 lot rural residential subdivision of Lot 830 to the south.

The proposed roads will reflect the as constructed situation and as such is supported.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr S Etherington, seconded Cr M Skinner:

That:

1. A request be made to the Department of Regional Development and Lands to dedicate Lots 300 and 302 as roads under Section 56(1) of the Land Administration Act 1997 as shown on the attached plan dated 16 July 2010.
2. The Minister for Lands be indemnified against any costs, including preparation of suitable graphics and any claim for compensation for the dedication of Lots 300 and 302 as road under Section 56(4) of the Land Administration Act 1997.

**CARRIED (6/0)**

**NO. 182/10**

**11.2.4 ROAD CLOSURE - HANNAN WAY – PORTION OF NORTHERN LEG**

**File No:** N15333  
**Attachments:** [Plan](#)  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Sharon Lynch  
Senior Administration/Project Officer (Works and Services)  
**Proposed Meeting Date:** 27 July 2010

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**PURPOSE**

The purpose of this report is to consider a proposition which would result in the placement of a permanent barricade on either side of the railway crossing near the northern leg of Hannan Way, Narrikup.

**BACKGROUND**

The Council engaged engineering consultants Opus to prepare drawings for the realignment of Spencer Road. The scope of works also required Opus to liaise with WestNetRail and Main Roads WA (MRWA) for the construction of a railway crossing north of the townsite where the realigned Spencer Road intersects the railway tracks.

A proposal was submitted to WestNetRail and Main Roads WA to maintain the two existing railway crossings located east of the Narrikup townsite and the new railway crossing north of the townsite.

The railway crossings are displayed on the attached plan:

- Hannan Way – southern leg – numbered one
- Hannan Way – northern leg – numbered two
- Realigned Spencer Road – numbered three

WestNetRail and MRWA advised they would not allow an additional crossing to be created as the proposal increased the number of crossings from two to three crossings in a short distance. The Council considered two proposals and decided to close the railway crossing shown as number two.

It is proposed that a cul-de-sac will be constructed on either side of the closed railway crossing near the northern leg of Hannan Way. Access is not required between the railway crossing and the sports ground therefore the planned cul-de-sac on the eastern side of Hannan Way would be constructed near the sports ground. The small section of Hannan Way between the sports ground and railway crossing would then be closed.

Persons wishing to attend the sports ground from the Narrikup townsite will have to travel along the southern leg of Hannan Way and Albany Highway to gain access.

**STATUTORY ENVIRONMENT**

Section 3.50 of the Local Government Act 1995 relates to the closing of certain thoroughfares to vehicles.

Subsection 1(a) of Section 3.50 provides that:

*‘A local Government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding four weeks.’*

Local Government (Functions and General) Regulations 1996 Part 2 Thoroughfares, also apply.

**EXTERNAL CONSULTATION**

Prior to making an order pursuant to Section 3.50 the Council must give local public notice, and give written notice to certain persons and organisations as set out in the regulations. These persons include adjacent occupiers, utility providers, emergency services providers and owners.

**FINANCIAL IMPLICATIONS**

There will be administrative costs in the closure of the road. It is estimated that this will cost approximately \$500.00 and be charged to account 20261.0312 (Public Works Overheads – Other Operating Costs).

The erection of barricades will cost between \$2,000.00 and \$3,000.00 depending on materials.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

The attached map shows the proposed location of the two culs-de-sac. Bollards will be placed at the end of the culs-de-sac to prevent vehicle movements. The bitumen will also be removed from the obstructed portion of road.

The permanent closure of railway crossing number two is necessary to carry out the agreed negotiations with WestNetRail and MRWA.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr G Messmer:**

**That:**

- 1. Pursuant to Section 3.50 (1a) of the Local Government Act 1995 local public notice be given of the proposal to close a portion of the northern leg of Hannan Way between the sports ground and the railway crossing to the passage of vehicles, as shown on attached plan dated 15 July 2010.**
- 2. A further report be prepared for the Council's consideration at the conclusion of advertising at its meeting to be held on or before 19 October 2010.**

**CARRIED (6/0)**

**NO. 183/10**



**11.2.5 TAXI BAY - LOWOOD ROAD, MOUNT BARKER**

**File No:** N15309  
**Attachments:** [Plan](#)  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Sharon Lynch  
Senior Administration/Project Officer (Works  
and Services)  
**Proposed Meeting Date:** 27 July 2010

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**PURPOSE**

The purpose of this report is to consider converting the disabled parking bay on Lowood Road outside of the Shire administration building to a taxi bay.

**BACKGROUND**

In 2006, the Council agreed to parking restrictions for Lowood Road and Short Street. This report will lead to a change to one of those plans.

Dr Chibiliti who owns the taxi licence has enquired about having a dedicated taxi bay located centrally in Lowood Road.

The taxi had been utilising the taxi bay located outside of Supa IGA within the Mount Barker Co-operative car park (which is private property). The taxi bay was also used by HACC clients as it provided a convenient access to Supa IGA. The Mount Barker Co-operative has recently removed the signage for the taxi bay.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

Shire of Plantagenet – Parking and Parking Facilities Local Law 1998 – Part 2, Clause 6 states that the Council may indicate by signs the permitted time and conditions of parking.

**FINANCIAL IMPLICATIONS**

All costs associated with replacement signage will be the responsibility of the Council. There will also be a cost to remove the blue road surface marking which regulates the disabled parking bay. It is estimated that this and the signage will cost approximately \$600.00.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

A number of different locations were investigated in Lowood Road. If a taxi bay was provided in the main central area between Langton Road and Short Street then a parking bay would be lost in an area where parking is very important.

Within the Lowood Road area disabled bays are located at:

- One on the east side of Lowood Road adjacent to the west end of the administration building (the preferred location for a taxi bay);
- One within each of the car parks north and south of the administration building;
- One outside the Post Office;
- One outside the Chemist; and
- Two within the Mount Barker Co-operative car park.

It is considered the disabled parking bay on Lowood Road immediately west of the administration building is the best option for a taxi bay as it is the one least used by disabled drivers and there is a disabled bay on the west side of Lowood Road outside of the Post Office.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr G Messmer, seconded Cr M Skinner:**

**That:**

1. Pursuant to Part 2, Clause 6 of the Shire of Plantagenet Parking and Facilities Local Law 1998, a disabled parking bay be deleted and be replaced with a dedicated taxi bay as shown on the plan titled 'Lowood Road Parking Restrictions, Marion Street to Langton Road' attached to this report, be applied.
2. An advertisement be placed in the Plantagenet News notifying residents of the change of the disabled parking bay to a taxi bay.

**AMENDMENT**

**Moved Cr B Bell, seconded:**

That in Part 1 of the motion all the words after '1998,' in Part 1 be deleted and replaced with the words 'the first parking bay on the north-west side of the Council administration office be allocated as a taxi bay'.

**MOTION LAPSED FOR WANT OF A SECONDER**

**THE SUBSTANTIVE MOTION WAS PUT**

**CARRIED (4/2)**

**NO. 184/10**

**11.2.6 CONFERENCE ATTENDANCE - 2010 WASTE AND RECYCLE  
CONFERENCE**

**File No:** N15330  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Sharon Lynch  
Senior Administration/Project Officer (Works  
and Services)  
**Proposed Meeting Date:** 27 July 2010

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**PURPOSE**

The purpose of this report is to recommend the attendance by Councillor Gert Messmer at the forthcoming Waste and Recycle Conference to be held from 14 to 17 September 2010 at the Esplanade Hotel in Fremantle.

**BACKGROUND**

Councillor Messmer is seeking approval to attend the Waste and Recycle Conference to ensure that the Council is abreast of the latest waste management developments.

**FINANCIAL IMPLICATIONS**

The cost of registration for this conference is approximately \$1,210.00 depending on the number of days and sessions attended. Further, accommodation, transport and meal costs will be in the vicinity of \$1,200.00.

**POLICY IMPLICATIONS**

Council Policy No. CE/CS/1 applies. This policy notes that elected members shall receive reimbursement of expenses while attending 'Conferences and Training Sessions specifically authorised by the Council.'

**STRATEGIC IMPLICATIONS**

The Council's Strategic Plan and Key Results Area 2 (Infrastructure), notes that the Council will 'protect the community's health by managing waste in a timely, effective, economic and environmentally safe manner.'

**OFFICER COMMENT**

The conference is well attended and there is no doubt that valuable information will be gathered. The CEO has approved the attendance by the Manager Works and Services.

Specific issues this year include a forum for measurement and accuracy, alternative waste treatments, regulatory framework and key note speakers.

The theme for this year's conference is 'Our Generation: How does it measure up?'

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr M Skinner:**

**That authority be granted to Councillor Gert Messmer to attend the Waste and Recycle Conference to be held at the Esplanade Hotel in Fremantle from 14 to 17 September inclusive and accommodation, transport and meal costs be met from account Councillor Training and Conferences pursuant to Council Policy CE/CS/1.**

**CARRIED (6/0)**

**NO. 185/10**

### **11.3 COMMUNITY SERVICES**

Nil

### **11.4 CORPORATE SERVICES REPORTS**

#### **11.4.1 FINANCIAL STATEMENTS (UNAUDITED) - JUNE 2010**

**File No:** N15326  
**Attachments:** June 2010  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Cherie Delmage  
Accountant  
**Proposed Meeting Date:** 27 July 2010

---

#### **PURPOSE**

The purpose of this report is to present the unaudited financial position of the Shire of Plantagenet for the period ending 30 June 2010.

#### **STATUTORY ENVIRONMENT**

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

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

The Statement is to be accompanied by:

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

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That the unaudited Financial Statements for the period ending 30 June 2010 be received.**

**CARRIED (6/0)**

**NO. 186/10**

**11.4.2 LIST OF ACCOUNTS - JUNE 2010**

**File No:** N15301  
**Attachments:** June 2010  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Emma Gardner  
Administration Officer (Works and Services)  
**Proposed Meeting Date:** 27 July 2010

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**PURPOSE**

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

**STATUTORY ENVIRONMENT**

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

The Chief Executive Officer has delegated authority to authorise payments (10 May 2009). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr B Bell, seconded Cr M Skinner:**

**That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 30 June 2010 be received and recorded in the minutes of the Council, the summary of which is as follows:**

- a. Electronic Payments and Direct Debits totalling \$940,561.49; and**
  - b. Municipal Cheques 41128 – 41223 totalling \$121,596.66;**
- be received.**

**CARRIED (6/0)**

**NO. 187/10**



**11.4.3 RATES EXEMPTION REQUEST – GREAT SOUTHERN COMMUNITY HOUSING ASSOCIATION**

**File No:** N15287  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Vanessa Ward  
Rates Officer  
**Proposed Meeting Date:** 27 July 2010

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**PURPOSE**

The purpose of this report is to consider an application from Great Southern Community Housing Association Inc (GSCHA) for a rates exemption for properties located at Unit 1, 18 Webster Street and 26B Narpund Road Mount Barker.

**BACKGROUND**

The two properties are currently owned by the Department of Housing and have been transferred under lease to the GSCHA to be included under its Community Housing Program.

This program provides housing for people on low to moderate incomes and this is the basis of their application for rates exemption. It should also be noted that both of these land parcels house two units but only one unit from each property is being transferred at this stage.

The GSCHA 2008/2009 Annual Report indicates that *'The Public Housing Leasing Program (PHLP) is a government initiative whereby significant numbers of stock are transferred from public to community housing over a four year period. Initially GSCHA was given an allocation of 20 a year which after some discussions with the department was increased to 40. All properties will come over on long term leases with the possibility of asset transfers in the future. The properties will include a mix of vacant and tenanted stock with a small amount in Denmark and Mt barker. The aim is to capacity build GSCHA to enable leverage against the property income for the purposes of contributing financially to new projects.'*

At its meeting held on 8 March 2005, the Council resolved that *'The Council will, with relation to declarations pursuant to Section 6.26 (2)(g) of the Local Government Act 1995 generally refrain from granting non rateable status where discretion is available to the Council but will give consideration annually during the budget process to granting donations to the subject organisation as part of the normal donation scheme, subject to the Council's policies from time to time.'*

**STATUTORY ENVIRONMENT**

Section 6.26(2)(g) of the Local Government Act 1995 states that 'Land used exclusively for charitable purposes' is not rateable land. The matter of the definition of 'charitable' has been raised with the Western Australian Local Government Association.

Although it is acknowledged that the section of the Act is open to interpretation, it is generally considered that the interpretation has been defined through Case Law,

notably the Shire of Ashburton vs Bindi Bindi Community Aboriginal Corporation and the Shire of Derby-West Kimberley vs Yungngora Association Inc cases.

### **FINANCIAL IMPLICATIONS**

In the 2010/2011 financial year, rates of \$1,976.74 were levied on 26B Narpund Road and \$1,534.27 were levied on Unit 1,18 Webster Street. Should this application be approved, rates income would be reduced by this amount.

The Department of Housing paid the rates in full for the 2009/2010 financial year.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

### **OFFICER COMMENT**

In order to give the application proper consideration, a range of documents was obtained from the GSCHA for review.

#### 1. GSCHA Constitution

The objectives of the GSCHA Constitution are:

- (a) To assist in the alleviation of poverty through the provision of affordable housing;
- (b) To provide and manage reasonable quality, secure, affordable housing for those people on low to moderate incomes;
- (c) To pursue a broad based approach to housing provision;
- (d) To provide opportunities for tenant participation in the development, design and management of the housing provided;
- (e) To develop and promote awareness of the housing issues and in particular to community housing;
- (f) To canvass existing community housing agencies in the region into joining the Association.

Tenants in the two properties will be charged rent albeit at a reduced rate.

#### 2. Copies of Relevant Lease Agreements

A review of the lease agreement between the Department of Housing and GSCHA states in 14.2 (d) that the GSCHA is responsible for local authority rates.

#### 3. GSCHA Financial Report for the 2008/2009 Year

The audited 2008/09 financial statements for the GSCHA were reviewed and show a net income of \$137,215.00 from total receipts of \$777,465.00. The majority of this revenue was from the rental activities of the association.

#### 4. Other Information Provided by GSCHA

GSCHA has provided a notice of endorsement for charity tax concessions from the Australian Tax Office and is registered as a Deductible Gift Recipient.

The section of the Act regarding 'land used exclusively for charitable purposes' is open to broad interpretation. The Local Government Act does not provide any

definition of 'charitable'. In the absence of any clearly defined definition of the word 'charitable' in the Local Government Act, case law becomes the next best interpretation.

In the application before the Council, the objects of the GSCHA are benevolent and the organisation is considered not-for-profit. In addition, the fact that GSCHS is receiving income does not necessarily preclude its claim.

Regardless of that, the Council should determine the matter based on the use of the land. The exclusive use of the land will be for housing for people on low to moderate incomes and rent income will payable. Given the case law, it is the view of the administration that this does not constitute an exclusively 'charitable' use, as it does not differ to any other domestic residence.

It is considered that GSCHA has failed to demonstrate that the properties in question at 26B Narpund Road and Unit 1, 18 Webster Street Mount Barker are to be used exclusively for charitable purposes and as such the application for rates exemption should be declined.

Nevertheless, the GSCHA could be advised of the opportunity for a similar payment as part of the Council's annual Financial Assistance Grants program.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That:**

- 1. The application from the Great Southern Community Housing Association Inc for a rating exemption for properties located at 26B Narpund Road and Unit 1, 18 Webster Street, Mount Barker be declined under the provisions of Section 6.26(g) of the Local Government Act 1995 on the basis that exclusive charitable use has not been demonstrated.**
- 2. The Great Southern Community Housing Association Inc be advised of the opportunity for a similar payment as part of the Council's annual Financial Assistance Grants program for the 2011/2012 financial year and thereafter.**

**CARRIED (6/0)**

**NO. 188/10**

**11.4.4 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM  
GRANT - ROUND 3 - 20/10/2011**

**File No:** N15342  
**Attachments:** Old Crane  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Cherie Delmage  
Accountant/Office Manager  
**Proposed Meeting Date:** 27 July 2010

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**PURPOSE**

The purpose of this report is to consider a project or projects suitable for Round 3 of the Regional and Local Community Infrastructure Program (RLCIP) 2010/2011.

**BACKGROUND**

On 18 June 2010, the Australian Government made an additional \$100 million available to boost the Regional and Local Community Infrastructure Program (RLCIP).

The Council has previously received \$30,000.00 from the RLCIP program which was used towards the refurbishment of the Lesser Hall. This project came in under budget and the Council has sought an agreement variation so that the unspent funds can be used as follows:

- Additional Safety lighting at swimming pool - \$4,841.00;
- HACC – New external door, new flyscreen and paving adjustment - \$3,300.00.

This present report is to determine a suitable project for an additional \$30,000.00 now made available in 2010/2011. The project must be lodged with the Department by 31 July 2010.

**FINANCIAL IMPLICATIONS**

The income and expenditure of \$30,000.00 will have a nil effect on the budget.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

The guidelines for the type of project eligible have been received (copy attached), the main points being summarised below:

- Eligible projects must be additional projects or additional stages of current projects and represent value for money.
- Additional projects are those which have not been included in the local government's financial budget for 2010/2011.

- Projects need to be ready to begin construction within six months of signing the Funding Agreement (contract).
- Councils must not commence their RLCIP project until they have received a Funding Agreement executed by the Commonwealth.
- Councils are encouraged to consider projects that:
  - Address the needs of the local indigenous population;
  - Address environmental sustainability and how their RLCIP activities will promote green building technologies, design practices and operations and preparing for climate change impacts; and
  - Involve collaboration with neighbouring councils including joint-projects.
- Councils can also sponsor projects on behalf of not-for-profit community organisations.

#### Eligible Categories of Infrastructure

Funding will be provided to Councils for community infrastructure, including new construction and major renovations or refurbishments of assets such as:

- Social and cultural infrastructure (eg: art spaces, gardens)
- Recreational facilities (eg: swimming pools, sports stadiums)
- Tourism infrastructure (eg: walkways, tourism information centres);
- Children, youth and seniors facilities (eg: playgroup centres, senior citizens' centres);
- Access facilities (eg: boat ramps, footbridges); and
- Environmental initiatives (eg: drain and sewerage upgrades, recycling plants).

Funding can be used for construction for new or upgraded facilities and refurbishment and fit out. Funding cannot be used for ongoing costs (eg: operational costs and maintenance).

As with all recent grant programs, the guidelines and limitations to what can and cannot be funded are increasing. Due to this, several of the above projects that were initially considered are ineligible or impractical. For example, the installation of grey water and tank at Frost Oval would be a useful project, however the project cost is approximately \$100,000.00 and requires Department of Environment and Conservation approval so is beyond the reach of the Council at this time.

Ideally, the best option would be to select one project that uses up the entire \$30,000.00. As the Council may sponsor projects on behalf of not-for-profit community organisations, two possible alternatives have been listed in this regard.

A list of possible options for funding follows:

1. Construct Wildflower Walk South (Mondurup Trail) – approximate \$44,300.00.
2. Construct Wildflower Walk – Banksia Farm Connection – approximate \$15,800.00.
3. Construct Tower Hill Trail – approximate \$69,690.00.

The Council has previously approved the design and location of walking trails in the Trail Development Plan completed in 2008. A sum of \$30,000.00 could be used for all of Option 2 (with another project) or part of options 1 and 3. Some elements of Options 1 and 3 could be deferred, or the Council could possibly link with South Coast NRM or Pardellup Prison to make up the shortfall.

4. Crane in Lowood Road Roundabout – sandblasting, paint, weld, concrete footings, crane hire, historical plaque, earthworks and engineer sign-off – approximate \$18,000.00.

It was considered that the sandblasting, painting and erection of the old depot crane in the roundabout nearest the administration office was a suitable option. The approximate complete cost of this project is \$16,500.00 which still leaves a shortfall. Photos of the old crane are attached for reference.

5. Gravel Footpath down Lowood Road (on curve) – approximate \$15,000.00.

A need for a footpath on Lowood Road (north side) between Albany Highway and the Co-op bowser has been identified, following the upgrade of that section of road. This was discussed on the recent Council road inspection.

6. Forest Hill Hall – Improvements - \$30,000.00 contribution.

The Council received an application from the Forest Hill Hall Committee for no specific amount but with several quotes for a variety of refurbishments to celebrate their Centennial. Some of the appropriate projects for the Hall may be:

- Refurbish external linings including removal and replacement of wall and roof cladding - \$42,353
- Re-roof of hall - \$32,500
- Reclad walls - \$26,600

7. Kendenup Country Club – Refurbishments - \$30,000.00 contribution.

During the 2010/2011 the Council received an application from the Kendenup Country Club for \$85,000.00 towards a \$380,000.00 refurbishment consisting of:

- Kitchen - \$40,000
- Toilets, Washroom, Plumbing - \$150,000
- Games Room - \$60,000
- Roof and Verandah - \$70,000
- Electrics - \$30,000
- Cladding, Carpets & Fittings - \$30,000

It is important that a decision is made quickly to ensure that the application is lodged by 31 July 2010. To this end a workshop has been scheduled to be held at 1.30pm on the Council meeting day (27 July 2010) to determine a recommendation.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION**

**Moved Cr S Etherington, seconded Cr M Skinner:**

**That the following projects be endorsed as the Council's submission for Round 3 of the Regional and Local Community Infrastructure Program:**

1. Crane in Lowood Road Roundabout – sandblasting, paint, weld, concrete footings, crane hire, historical plaque, earthworks and engineer sign-off – approximate \$18,000.00.

2. Gravel Footpath on Lowood Road between Albany Highway and the Mount Barker Cooperative fuel bowzers (on curve) – approximate \$15,000.00.

**AMENDMENT**

Moved Cr B Bell, seconded Cr S Grylls:

That the words in Part 1 of the motion 'Crane in Lowood Road Roundabout – sandblasting, paint, weld, concrete footings, crane hire, historical plaque, earthworks and engineer sign-off – approximate \$18,000.00' be deleted and replaced with the words 'Forest Hill Hall – Improvements to a maximum contribution of \$15,000.00.'

CARRIED (4/2)

NO. 189/10

**COUNCIL DECISION**

That the following project(s) be endorsed as the Council's submission for Round 3 of the Regional and Local Community Infrastructure Program:

1. Forest Hill Hall – Improvements to a maximum contribution of \$15,000.00.
2. Gravel Footpath on Lowood Road between Albany Highway and the Mount Barker Cooperative fuel bowzers (on curve) – approximate \$15,000.00.

CARRIED (6/0)

NO. 190/10

**11.4.5 ASSET MANAGEMENT POLICY - NEW BUILDINGS**

**File No:** N15339  
**Attachment:** Draft Business Case Guidelines for New Buildings  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 27 July 2010

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**PURPOSE**

The purpose of this report is to amend Council Policy A/PA/15

**BACKGROUND**

At its meeting held 4 May 2010, the Council resolved:

*'That the Chief Executive Officer be requested to prepare a new Draft Policy for consideration by the Council addressing the preparation of an exhaustive checklist relating to the decision making process of the Council when considering the construction of new buildings, including for example such issues as:*

- *need for structure;*
- *whole of life costing;*
- *impact on staff time;*
- *capital raising;*
- *method funding;*
- *alterations to construction;*
- *ownership of land;*
- *ownership of building;*
- *leasing;*
- *environmental issues; and*
- *opportunity costs.*

*and such other matters as the Chief Executive Officer considers will impact on the Council's decision making process.*

At its meeting held on 25 May 2010, the Long Term Financial Plan Working Group considered this matter. The Group was supportive of a proposal to amend the Council's Asset Management Policy to require proposals for buildings costing more than \$100,000.00 be subject to a full business case assessment, whereas any buildings under \$100,000.00 be required to go through a cost versus benefit analysis.

**STATUTORY ENVIRONMENT**

In terms of the requirements of the Local Government Act, Section 3.59 of the Act states, in part:

- '(2) Before it —*
- (a) commences a major trading undertaking;*
  - (b) enters into a major land transaction; or*



- (c) *enters into a land transaction that is preparatory to entry into a major land transaction,*  
*a local government is to prepare a business plan.*
- (3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*
  - (a) *its expected effect on the provision of facilities and services by the local government;*
  - (b) *its expected effect on other persons providing facilities and services in the district;*
  - (c) *its expected financial effect on the local government;*
  - (d) *its expected effect on matters referred to in the local government's current plan prepared under section 5.56;*
  - (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
  - (f) *any other matter prescribed for the purposes of this subsection. ‘*

For a land transaction to be a major land transaction the total value has to be more than either \$1 million or 10% of a local government's operating expenditure (Approximately \$920,000.00 for Plantagenet).

## **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

## **POLICY IMPLICATIONS**

An amendment to the Council's Asset Management Policy A/PA/15 is proposed.

## **STRATEGIC IMPLICATIONS**

Key Results Area 2 provides the following measure of success in the Transport and Infrastructure category:

*'Development of asset management and information systems to more effectively utilise scarce resources.'*

## **OFFICER COMMENT**

The Council currently has two policies that relate to the decision making process for new buildings, namely the Asset Management Policy and the Borrowing Program and Asset Financing Policy. The relevant sections of the Asset Management Policy are reproduced below:

- 3. *Prior to consideration of any major refurbishment or improvement to an asset, a critical review of the following shall occur as part of the evaluation process:*
  - a) *Need for the facility (short and long term);*
  - b) *Legislative requirements;*
  - c) *Opportunities for rationalisation;*
  - d) *Future liability including ultimate retention/disposal; and*
  - e) *Opportunities for multiple use.*
- 4. *All capital works projects in excess of \$100,000.00 will be evaluated in accordance with a capital evaluation model and take into account capital cost, ongoing cost of maintenance, refurbishment, replacement and operating cost ('whole of life' cost assessment). Projects will be assessed against the*

*objectives and priorities within corporate planning documents, including the Strategic Plan, Plan for the Future and AMPs.*

It is suggested that the Asset Management Policy could be strengthened to require a business case for any proposal to build or otherwise take on responsibility for a building.

A full business case is desirable to provide the methodology for evaluating available alternatives and assessing the priority that should be given to a proposal from the perspective of both the organisation and the community. Consideration should be given to all aspects including the overall impact of the proposal, financial and risk analysis.

It should be possible to see what the effect will be if the proposal is deferred. The business case would provide a clear audit trail of the decision making process and the means for measuring and monitoring future outcomes arising from the proposal. It also provides a means whereby the Shire can determine priorities for the establishment of new projects, or continuation or expansion of existing programs.

In essence, it is considered that a business case should incorporate an analysis similar to that of the State Government's Business Case Guidelines, but with a local government emphasis. It is important to consider and evaluate the options associated with the acquisition of a major asset.

A draft document entitled

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr G Messmer, seconded Cr B Bell:**

**That:**

- 1. Council Policy A/PA/1 Asset Management, be amended by deleting Clause 4 and substituting the following:**
  - '4. Where the Council proposes to build or otherwise take on responsibility for a building with a cost greater than \$100,000.00, the proposal will be assessed under the Council's adopted Business Case Guidelines for New Buildings. All other capital works projects in excess of \$100,000.00 will be subject to a cost / benefit analysis. Projects will also be assessed against the objectives and priorities within corporate planning documents, including the Strategic Plan, Plan for the Future and Asset Management Plans.'**
- 2. The attached Business Case Guidelines for New Buildings, be adopted.**

**CARRIED (6/0)**

**NO. 191/10**

**11.5 EXECUTIVE SERVICES REPORT**

Nil

**12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Moved Cr B Bell, seconded Cr S Etherington:

That new business of an urgent nature, namely:

- Centenary and Wilson Parks Development – Public Toilet Block - Location.

be introduced to the meeting.

**CARRIED (6/0)**

**NO. 192/10**

**13.1 CENTENARY AND WILSON PARKS DEVELOPMENT - PUBLIC TOILET BLOCK - LOCATION****COUNCIL DECISION**

Moved Cr B Bell, seconded Cr G Messmer:

That notwithstanding the direction of the Council referred to in Resolution 153/10 designating the site marked as Option A (Attachment One) for the Public Toilet Block location in Wilson Park, the Council now resolves that the location of the proposed public toilets shall be as shown on Attachment Two and marked 'Preferred Location'.

**CARRIED (6/0)**

**NO. 193/10**

**14 CONFIDENTIAL**

**15 CLOSURE OF MEETING**

3:49pm The Presiding Member declared the meeting closed.

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