



## ORDINARY MINUTES

**DATE:** Tuesday, 28 April 2015

**TIME:** 3:00pm

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

**Rob Stewart**  
CHIEF EXECUTIVE OFFICER

**Resolution numbers: 82/15 to 101/15**

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

3:02pm The Presiding Member declared the meeting open.

**2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**Members Present:

Cr K Clements	Shire President
Cr B Bell	Councillor
Cr A Budrikis	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor
Cr J Moir	Councillor
Cr J Oldfield	Councillor
Cr C Pavlovich	Councillor (Left the Chambers 3:13pm, returned 3:17pm) (Left the Chambers at 3:54pm)

In Attendance:

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

Leave of Absence:

Cr G Messmer

Apologies:

Nil

Members of the Public Present:

There were six members of the public present.

Previously Approved Leave of Absence:Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart then read aloud the following disclaimer:

'No responsibility whatsoever is implied or accepted by the Shire of Plantagenet for any act, omission or statement or intimation occurring during

Council / Committee meetings or during formal / informal conversations with staff.

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

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

### **3 PUBLIC QUESTION TIME**

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

Nil

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

Nil

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

Nil

### **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

Cr C Pavlovich

Item: 9.1.4

Type: Proximity

Nature: Employed at Lot 15356 adjacent to Lot 31689

Extent: Not required

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

#### **6.1 APPLICANT: CR L HANDASYDE**

Section 5.25 Local Government Act 1995

Cr L Handasyde requested Leave of Absence for 26 May 2015.

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

**That Cr L Handasyde be granted Leave of Absence for 26 May 2015.**

**CARRIED (8/0)**

**NO. 82/15**

## **7 CONFIRMATION OF MINUTES**

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

**Moved Cr J Oldfield, seconded Cr J Moir:**

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 31 March 2015 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (8/0)**

**NO. 83/15**

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

The Shire President distributed notes separately.

The Shire President conveyed condolences on behalf of all Councillors and Staff to Cr B Bell on the passing of his mother-in-law.

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 DEVELOPMENT SERVICES REPORTS

#### 9.1.1 MOUNT BARKER HILL LOOKOUT PROJECT - SITING OF STRUCTURE

<b>File Ref:</b>	<b>N33841</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Site Plan</a> <a href="#">Floor Plan</a> <a href="#">Plans from Rotary</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>28 April 2015</b>

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#### **PURPOSE**

The purpose of this report is to seek the endorsement of the Council regarding the siting and construction of a Lookout at the peak of Mount Barker Hill.

#### **BACKGROUND**

Councillors will recall that proposals have been made in the past for the construction of a Lookout on Mount Barker Hill. These projects have failed primarily due to the lack of funding.

The most recent proposal that gained endorsement from the Council was in 2011. However the Council was unable to put in any of its own funds and was unsuccessful in seeking external funding.

The Council did however reseal the road leading to the peak of Mount Barker Hill.

Resolution 322/06 also refers.

The Council at its meeting held on 3 March 2015 when considering a report on the revised lookout structure resolved:

*'That:*

1. *Rotary of Mount Barker be advised that no objections are raised for the construction of a wooden lookout on Mount Barker Hill (Reserve 15162) shown on the attached plan subject to:*
  - a) *The structure being built to the satisfaction of the Manager of Works and Services; and*
  - b) *Design and siting to be approved by the Council.*

2. *Rotary of Mount Barker be thanked for their generous proposal to construct and maintain, at no cost to the Council, the wooden lookout on Mount Barker Hill.'*

### **STATUTORY ENVIRONMENT**

Local Government Act 1995

Land Administration Act 1997 – Reserve 15162 vested in the Council for the purpose of parkland.

Shire of Plantagenet Town Planning Scheme No. 3 – Reserve 15162 is within a Scheme Parks and Recreation Reserve.

– The site of the proposed lookout structure is within the road reserve.

### **EXTERNAL CONSULTATION**

The Shire President and Chief Executive Officer met with Mr Peter Thorn representing Rotary Mount Barker on Friday 13 February 2015.

Mr Thorn and Mr Hollingworth from Rotary Mount Barker made a verbal presentation to the Council on 3 March 2015.

### **FINANCIAL IMPLICATIONS**

Previous iterations of lookouts on Mount Barker Hill have been costed as much as \$560,000.00. This proposal from Rotary is presented as a no cost option to the Council.

### **POLICY IMPLICATIONS**

Policy No CE/ED/1 Tourism applies.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 3.4 (A strong tourism region) the following Strategies:

Strategy 3.4.1:

*'Promote and support local and regional tourism initiatives'; and*

Strategy 3.4.2:

*'Provide infrastructure and services to support tourism.'*

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

### **REGIONAL IMPLICATIONS**

A well-used lookout on Mount Barker Hill would enhance visitor experiences in line with improving tourism infrastructure within our region.



**OFFICER COMMENT**

The attachments show a treated pine octagonal structure which is very similar to that constructed at Ocean Beach in Denmark.

It is understood that the total cost of construction will be less than \$20,000.00 and will meet all engineering specifications for structures for this type.

There is little doubt that a purpose built viewing platform on Mount Barker Hill would be a welcome addition to the Mount Barker Hill. The Lookout would become the property of the Shire of Plantagenet and therefore future long term maintenance costs would accrue to the Council.

The opportunity to address worn out infrastructure on the Hill would also present itself, although this is not the subject of this report.

Plans that were originally submitted for the 3 March 2015 Council meeting are to be amended for site specific construction prior to a building permit being issued. The Principal Building Surveyor has advised the builder that the plans will need to be certified by a structural engineer for the method of construction in this particular location. This is now being prepared.

Rotary Mount Barker have investigated various locations for the structure and the one chosen as shown on the site plan attached is that preferred. This location will still allow the public to park their vehicles and take in the view to the east on the northern side of the lookout structure if they do not want to get out of their vehicle.

As shown on the plans the lookout will face in a south easterly direction rather than due east.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr C Pavlovich:**

**That Rotary of Mount Barker be advised that no objections are raised to the location of a wooden lookout on Mount Barker Hill shown on the attached plans subject to the structure being built to the satisfaction of the Principal Building Surveyor with engineering certification.**

**CARRIED (8/0)**

**NO. 84/15**

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### 9.1.2 LOT 7 HAESE STREET, MOUNT BARKER – ADDITIONAL OVERSIZE OUTBUILDING

<b>File Ref:</b>	<b>N33737</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Site Plan</a> <a href="#">Outbuilding Plan</a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>28 April 2015</b>
<b>Applicants:</b>	<b>Brian and Gwenda Hambley</b>

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#### PURPOSE

The purpose of this report is to consider a proposal for an additional outbuilding at Lot 7 Haese Street, Mount Barker.

#### BACKGROUND

Council records show the registered owners of Lot 7 Haese Street, Mount Barker are BS and GA Hambley.

This proposal is for an additional outbuilding of 144m<sup>2</sup> (9.0m x 16.0m) with a wall height of 3.6m. One other existing outbuilding has a floor area of 9m<sup>2</sup>. The cumulative floor area of all outbuildings (including the additional outbuilding) will total 153m<sup>2</sup>.

Town Planning Scheme Policy No. 16.2 (Outbuildings) limits outbuildings to a maximum wall height of 3.0m and a maximum cumulative floor area of 100m<sup>2</sup> for Residential zones.

The reason given by the proponents for the additional outbuilding is for the storage of their caravan, trailer, boat and two motor vehicles. Other storage items will include mini earthmover, garden mulcher and cement mixer machinery and fishing gear.

#### 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 (R-Codes).

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

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

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

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

### **EXTERNAL CONSULTATION**

The proponents as part of lodging this application sought comment from the landowners of adjoining Lots 6 and 8 Haese Street, Mount Barker. These adjoining landowners raised no objection to this proposal.

### **FINANCIAL IMPLICATIONS**

The application fee of \$147.00 has been paid.

### **POLICY IMPLICATIONS**

Town Planning Scheme Policy No. 16.2 (Outbuildings) limits outbuildings to a maximum wall height of 3.0m and a maximum cumulative floor area of 100m<sup>2</sup> for Residential zones. The cumulative floor area of all outbuildings on site including the additional outbuilding will total 153m<sup>2</sup>. The wall height of the proposed outbuilding is 3.6m. The Council must have regard to a Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

### **STRATEGIC IMPLICATIONS**

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

Strategy 2.2.2:

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

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

### **OFFICER COMMENT**

Lot 7 is 2,216m<sup>2</sup> in area and is zoned Residential (R12.5/20). The current development on the lot consists of a house that includes a carport attached to the south elevation and one outbuilding.

The proposed outbuilding will be 144m<sup>2</sup> (9m x 16m) in area with a 3.6m wall height. This outbuilding will be constructed in Manor Red (walls) and Paperbark (roof) Colorbond® to match the house colour scheme. No difficulties are seen with the

maximum cumulative floor area of outbuildings being 153m<sup>2</sup> and the wall height of the outbuilding being 3.6m given the size of the lot being 2,216m<sup>2</sup>.

The outbuilding is setback 2.5m from the rear property boundary and 1.5m from the southern side property boundary. The proposal meets the setback requirements of the R-Codes.

As no vehicular access is permitted across the Council owned Lot 285 Oatlands Road to the rear of Lot 7, motor vehicle access to the outbuilding location will require modifications to the existing driveway and carport at the site. The carport will need to be set at a minimum 2.7m height and the driveway will need to be extended to allow for caravan access. An additional crossover will need to be constructed to facilitate safe access to Haese Street.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That in respect to the additional outbuilding as shown on the plans dated 17 February 2015 and 16 March 2015 at Lot 7 Haese Street, Mount Barker:**

- 1. In accordance with Clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, Town Planning Scheme Policy No. 16.2 (Outbuildings) be varied and the additional outbuilding be approved resulting in the cumulative area of all outbuildings being 153m<sup>2</sup> and the wall height of the new outbuilding being 3.6m.**
- 2. The additional outbuilding being Manor Red (walls) and Paperbark (roof) Colorbond® in colour to the satisfaction of the Manager Development Services.**
- 3. One additional crossover being constructed, drained and sealed to the satisfaction of the Manager Works and Services.**
- 4. No vehicular access is permitted over the Council owned Lot 285 Oatlands Road to the east and any existing gates to Lot 285 are to be permanently closed.**

**CARRIED (8/0)**

**NO. 85/15**

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**9.1.3 LOT 9004 MOKARE RISE MOUNT BARKER - AFFIX COMMON SEAL**

<b>File Ref:</b>	<b>N3750</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Deposited Plan 404259 Sheet 1</a> <a href="#">Deposited Plan 404259 Sheet 2</a> <a href="#">Notification Under Section 70A</a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>28 April 2015</b>
<b>Applicant:</b>	<b>Harley Dykstra</b>

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**PURPOSE**

The purpose of this report is to gain authority for the Shire President and Chief Executive Officer to affix the Common Seal of the Council to an Application for new Certificate of Title. The Notification under Section 70A of the Transfer of Land Act 1893 applies to proposed Lots 76, 79 - 81 and 83 - 86 on Deposited Plan 404259 Mokare Rise, Mount Barker.

**BACKGROUND**

Council records show the registered owners of the current Lot 9004 Mokare Rise are P and P Stevens.

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

The Council on 28 October 2014 received an application (WAPC 150850) to subdivide Lot 9004 Mokare Rise into eight lots. The Manager Development Services considered this proposal on 24 November 2014 in accordance with Council Delegation LG035. The subdivision application was supported subject to a range of conditions.

The subdivision application was approved by the Western Australian Planning Commission (WAPC) on 13 January 2015 subject to a number of conditions including:

- '6 A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:  
  
'The lot is subject to a fire management plan.' (Local Government)'*
- '8. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

*'A reticulated sewerage service is not available to the lot/s.'* (Local Government)

9. *A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

*'A mains potable water supply is not available to the lot/s.'* (Local Government)

On 30 March 2015 the Council received an application to clear the conditions of subdivision imposed by the WAPC (WAPC 150850). Most approval conditions were satisfied when the subdivision was created.

### **STATUTORY ENVIRONMENT**

Transfer of Land Act 1893 (as amended)

Local Government Act 1995

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Rural Smallholding

### **FINANCIAL IMPLICATIONS**

The subdivision clearance fee of \$470.00 has been paid.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

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

Strategy 2.2.2:

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

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

### **OFFICER COMMENT**

The WAPC issued a conditional approval requiring Notifications under Section 70A of the Transfer of Land Act 1893 to be prepared. The Notifications on the deposited plan and the Certificates of Title will inform prospective owners that:

- a) the lots are subject to a fire management plan;
- b) that no reticulated sewer can be provided and it is the responsibility of the owners to supply adequate effluent disposal systems; and

- c) that no reticulated water can be provided and it is the responsibility of the owners to supply adequate potable water.

The one Notification will address all three requirements (copy attached).

The Council must resolve that the Shire President and Chief Executive Officer are to affix the Shire of Plantagenet Common Seal to the Notification under Section 70A of the Transfer of Land Act 1893.

The signing and sealing of these documents is required in order that the conditions imposed on the subdivision can be cleared.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the Notification under Section 70A of the Transfer of Land Act 1893 (as amended) between Peter Morris Stevens and Pauline Ruth Stevens and the Shire of Plantagenet pertaining to the creation of proposed Lots 76, 79 – 81 and 83 - 86 on Deposited Plan 404259 Mokare Rise, Mount Barker.**

**CARRIED (8/0)**

**NO. 86/15**

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**9.1.4 STRATA LOT 2 ON PLAN 31689 ALBANY AND MUIR HIGHWAYS,  
MOUNT BARKER - CONSTRUCTION MATERIAL – RECONSIDERATION**Cr C Pavlovich

Type: Proximity  
Nature: Employed at Lot 15356 adjacent to Lot 31689  
Extent: Not required

3:13pm Cr C Pavlovich withdrew from the meeting.

**File Ref:** N33538  
**Attachments:** [Location Plan](#)  
[Strata Subdivision Plan](#)  
[Original Building Envelope Plan](#)  
[Original Ground Plan](#)  
**Responsible Officer:** Peter Duncan  
Manager Development Services  
**Author:** Vincent Jenkins  
Planning Officer  
**Proposed Meeting Date:** 28 April 2015  
**Applicant:** Monica Schmid

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**PURPOSE**

The purpose of this report is to reconsider a planning consent condition for a dwelling at Strata Lot 2 on Plan 31689 Albany and Muir Highways, Mount Barker so that the roof and roof trimming colour may be revised to Wallaby Colorbond® in lieu of Heritage Red Colorbond®.

**BACKGROUND**

Council records show the registered owner of Strata Lot 2 on Plan 31689 is MM Schmid.

The Council at its meeting held on 13 October 2009 resolved at Resolution No. 279/09:

*'That planning consent be granted for a grouped dwelling at Strata Lot 2 of Lot 101 Albany Highway Mount Barker subject to:*

- 1. The development being in accordance with the plans dated 28 July 2009 and 2 August 2009.*
  - 2. A crossover from the lot to the common property internal roadway being constructed and drained to the satisfaction of the Manager Works and Services.*
  - 3. The position of the crossover being to the satisfaction of the Manager Works and Services.*
  - 4. Forty native trees/shrubs being provided and maintained on the lot in accordance with the species list and specifications set out in the Mount Barker*
-



*Townscape Review and no trees being located within the Building Protection Zone.*

5. *The onsite effluent disposal system being an aerobic treatment unit (ATU) as opposed to a conventional on site disposal system consisting of septic tanks and leach drains.'*

The plans dated 28 July 2009 and 2 August 2009 showed the roof for the house to be Heritage Red Colorbond®.

The Council at its meeting held on 24 November 2009 following a request from the landowner resolved at Resolution No. 365/09:

*'That notwithstanding that at its meeting held on 13 October 2009 the Council granted consent for the development of a dwelling at Strata Lot 2 of Lot 101 Albany Highway, Mount Barker (Resolution 279/09) subject to, among other conditions:*

- '5. The onsite effluent disposal system being an aerobic treatment unit (ATU) as opposed to a conventional on site disposal system consisting of septic tanks and leach drains.'*

*condition five is now deleted.'*

In September 2014 the Manager Development Services noticed the roof of the house at Strata Lot 2 was constructed with zincalume/galvanised type construction material which was not in accordance with the approval issued by the Council on 13 October 2009.

A site inspection carried out on 7 October 2014 by the Council's Planning Officer confirmed the use of unauthorised material for the roof and roof trimmings for the house. In addition, the use of unauthorised material was discussed with the landowner at the time of the inspection.

By letter dated 6 February 2015, the landowner was reminded of the unauthorised use of the material for the house roof and roof trimming. The landowner was further advised that she needed to replace or cover (paint) all roof materials and roof trimmings with Heritage Red Colorbond® within 60 days.

On 24 March 2015, the Council received a request to reconsider the planning consent condition for the house roof and roof trimming colour to be Taubmans® Silver Charm (light grey) in lieu of Heritage Red Colorbond®. The landowner advised she is dependent on rainwater harvesting for potable water supply. She further advised that the use of galvanised roof sheeting means healthier drinking water. However, the landowner provided no justification for this advice.

The Manager Development Services and the Planning Officer met with the landowner on 2 April 2015. The landowner was advised that the Silver Charm, light grey colour did not conform to the material and colour special provision for this Special Site zone. Further officer advice included that the use of a colour similar to Wallaby Colorbond® (earthy mid grey) would be more appropriate.

The landowner now requests the house roof and roof trimmings to be Wallaby Colorbond®. This request is the subject of this report.

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Special Site Zone R13.

– Special Provisions include:

*'(c)(2)(vii) Buildings on the strata lots shall be constructed of materials and colours designed to blend in with the landscape and the use of visually obtrusive materials (e.g., zincalume) is prohibited.'*

Clause 5.2 (Discretion to Modify Development Standards) of TPS3 states:

*'If a development, other than a residential development, the subject of an application for planning consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:*

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

Clause 6.3.2 (Determination of Application) 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.'*

## **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

## **POLICY IMPLICATIONS**

There are no policy implications for this report.

## STRATEGIC IMPLICATIONS

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

Strategy 2.2.2:

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

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

## OFFICER COMMENT

Strata Lot 2 is located within the strata subdivision known as Valley View Tree Farm that is zoned Special Site R13. In accordance with the special provisions regulating development for this zone, buildings on strata lots are to be of materials and colours designed to blend in with the landscape. The use of visually obtrusive materials, for example zincalume, is prohibited.

The plans approved by the Council on 13 October 2009 show the roof of the house to be Heritage Red Colorbond®. The proponent now wishes to alter the colour of the roof and roof trimming to Wallaby Colorbond® in lieu of Heritage Red Colorbond®. The proposed Wallaby Colorbond® colour is seen as appropriate and conforms to the material and colour special provision for this zone.

The Council has received comment from another landowner in this strata subdivision concerned about the zincalume finish of the house roof.

The proponent on 19 August 2009 registered as an owner-builder with the then Builders Registration Board of Western Australia with the view to construct this house at Strata Lot 2. The house is currently constructed to 'lockup' stage with the next phase to focus on the internal house fit-out. With this in mind and the winter season nearby, it may be appropriate to allow for a 12 month period for the roof and roof trimming to be painted in Wallaby Colorbond® colour.

The proposed Wallaby Colorbond® colour for the house roof and roof trimming is not likely to adversely affect the amenity of the locality. The proposal is supported.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

**Moved Cr L Handasyde, seconded Cr A Budrikis:**

**That in accordance with clauses 5.2 and 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3 and notwithstanding the Council's decision on 13 October 2009 (Resolution 279/09), that planning consent be granted for revised roof and roof trimming colour for the house at Strata Lot 2 on Plan 31689 Albany and Muir Highways, Mount Barker subject to:**

1. The roof and roof trimming for the house being painted in Wallaby Colorbond® colour to the satisfaction of the Manager Development Services.
2. The painting of the roof and roof trimming for the house being completed by 30 April 2016.

**CARRIED (7/0)**

**NO. 87/15**

3:17pm Cr C Pavlovich returned to the meeting.

**9.1.5 LOT 401 WEST BEATTIE ROAD, KENDENUP - APPLICATION FOR TEMPORARY ACCOMMODATION**

<b>File Ref:</b>	<b>N33862</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Partial Site Plan</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>28 April 2015</b>

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**PURPOSE**

The purpose of this report is to consider an application for temporary accommodation at Lot 401 West Beattie Road, Kendenup.

**BACKGROUND**

Shire records show the owner to be Ms K Rodgers.

An application has been received from the owner of Lot 401 West Beattie Road, Kendenup seeking approval to occupy a caravan located on the lot for a period of 12 months during the construction of a Class 1a dwelling.

A building permit for a Class 1a dwelling was issued on 16 December 2014.

**STATUTORY ENVIRONMENT**

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

- '(2) Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
  - (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
  - (c) despite paragraph (b), by the local government of the district where the land is situated —*
    - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
    - (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'*

**FINANCIAL IMPLICATIONS**

The \$118.00 application fee has been paid.

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**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

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

Strategy 3.6.1:

*'Attract new residents through promoting and marketing the benefits of living in the area'*

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

**OFFICER COMMENT**

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

Ablution facilities are provided within the existing outbuilding. An approved on-site sewage and wastewater treatment and disposal system has been installed and connected to the outbuilding's ablution facilities.

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr J Moir, seconded Cr J Oldfield:**

**That the application for temporary accommodation at Lot 401 West Beattie Road, Kendenup be approved for a period of 12 months expiring on 28 April 2016 subject to:**

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

**ADVICE NOTE:**

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

**CARRIED (8/0)**

**NO. 88/15**

**9.1.6 LOT 969 SIXTH AVENUE, KENDENUP - APPLICATION FOR TEMPORARY ACCOMMODATION**

<b>File Ref:</b>	<b>N33867</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Site Plan</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>28 April 2015</b>

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**PURPOSE**

The purpose of this report is to consider an application for temporary accommodation at Lot 969 Sixth Avenue, Kendenup.

**BACKGROUND**

Shire records show the owners to be RF and CM Sayles.

An application has been received from the owner of Lot 969 Sixth Avenue, Kendenup seeking approval to occupy a self-contained mobile home located on the lot for a period of 12 months during the construction of a Class 1a dwelling.

A building permit for a Class 1a dwelling was issued on 13 April 2015.

**STATUTORY ENVIRONMENT**

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

- '(2) Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
  - (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
  - (c) despite paragraph (b), by the local government of the district where the land is situated —*
    - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
    - (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'*

**FINANCIAL IMPLICATIONS**

The \$118.00 application fee has been paid.

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**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

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

Strategy 3.6.1:

*'Attract new residents through promoting and marketing the benefits of living in the area'*

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

**OFFICER COMMENT**

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

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That the application for temporary accommodation at Lot 969 Sixth Avenue, Kendenup be approved for a period of 12 months expiring on 28 April 2016 subject to:**

- 1. Inspection and certification by the Council's Environmental Health Officer that the temporary accommodation facility meets all relevant health and safety standards.**
- 3. A septic system being installed prior to the occupation of the temporary accommodation to the satisfaction of the Council's Environmental Health Officer.**
- 4. Satisfactory progress being achieved with the construction of the Class 1a dwelling.**

**ADVICE NOTE:**

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

**CARRIED (8/0)**

**NO. 89/15**



## 9.2 WORKS AND SERVICES REPORTS

### 9.2.1 POLICY REVIEW - STOCK ON LOCAL ROADS

<b>File Ref:</b>	<b>N33305</b>
<b>Attachments:</b>	<a href="#">I-R-18-Stock on Roads Policy</a>
<b>Responsible Officer:</b>	<b>Dominic Le Cerf</b> <b>Manager Works and Services</b>
<b>Author:</b>	<b>Kaye Skinner</b> <b>Works Administration Officer</b>
<b>Proposed Meeting Date:</b>	<b>28 April 2015</b>

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#### **PURPOSE**

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

#### **BACKGROUND**

This Policy was last reviewed by the Council at its meeting held on 26 March 2013.

#### **STATUTORY ENVIRONMENT**

Road Traffic Code 2000  
Road Traffic (Vehicle Standards) Regulations 2002  
Road Traffic (Towed Agricultural Implements) Regulations 1995  
Main Roads Act 1930

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **POLICY IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

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

Strategy 2.4.4:

*‘Investigate and respond to road safety and traffic issues throughout the District’.*

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

#### **OFFICER COMMENT**

A minor change to part 2.2 Background and some formatting has occurred. It will also be recommended that this policy be next reviewed in four years time.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER RECOMMENDATION

Moved Cr S Etherington, seconded Cr B Bell:

That:

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

### OBJECTIVE

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

### POLICY

#### 1. POLICY STATEMENT

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

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

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

#### 2. APPLICATION & APPROVAL GUIDELINES

##### 2.1 Definitions

Unless otherwise indicated in the text of this Policy:

- |                        |                                                                                                                                                     |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| AS                     | - means Australian Standards.                                                                                                                       |
| Livestock Waybill      | - means a form completed by the livestock owner recording details of the animal movement (Contact Department of Agriculture and Food).              |
| Local Road             | - means a road under the control of a Local Government.                                                                                             |
| Main Roads             | - means Main Roads of Western Australia.                                                                                                            |
| RTC 2000               | - means Road Traffic Code 2000.                                                                                                                     |
| Special Permit to Move | - means a permit issued by a Department of Agriculture and Food Inspector approving the movement of stock between two properties without a waybill. |
| State Road             | - means a highway and main road under the control of Main Roads WA and includes national highways.                                                  |

**Traffic signs** - means a sign as recognised in the Australian Standards or Main Roads' Signs Index.

## **2.2 Background**

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

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

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

A person in charge of moving stock across or along a road must carry either a:

- Livestock Waybill; or
- Special Permit to Move.

Further information can be obtained from the local Department of Agriculture and Food.

A person driving stock on roads shall:

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

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

## **2.3 Application**

### **2.3.1 Precautions for Taking Stock onto a Local Road**

#### **2.3.1.1 General**

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

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

#### **2.3.1.2 Reasonable Warning**

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

#### **2.3.1.3 Unreasonable Delay**

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

- The duration of road closure is greater than five minutes; and for multiple crossing movements, all queued vehicles are not cleared before the commencement of the next crossing movement;
- The stock movement is on a dual carriageway road;
- The crossing is closer than one km to a stock underpass servicing the same landowner; or
- The road's annual average daily traffic volume is greater than 2,500 vehicles per day.

#### **2.3.1.4 Costs**

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

#### **2.3.1.5 Roads with High Traffic Volumes**

Where a road's annual average daily traffic volume is greater than 2,500 vehicles per day, a stock underpass is the preferred method of moving stock across the road.

### **2.3.2 Stock Underpasses under Local Roads**

#### **2.3.2.1 General**

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

#### **2.3.2.2 Costs**

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

#### **2.3.2.3 Design and Construction**

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

#### **2.3.2.4 Maintenance**

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

## **2.4 Approval – Stock Underpasses**

### **2.4.1 Applications**

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

### **2.4.2 Approval**

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

**3. TECHNICAL GUIDELINES**

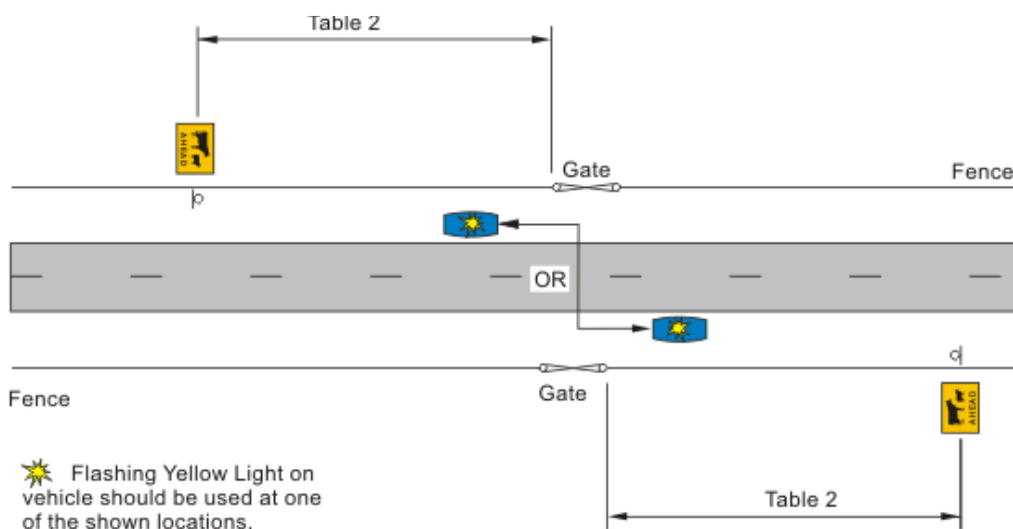
**3.1 General**

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

**3.2 Stock Crossings**

**3.2.1 Stock Crossings with Sight Distance greater than 300m**

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



**Figure 1 - Typical Stock Crossing Site**

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

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

Posted Speed Limit km/hr	Minimum Spacing Distance Metres (m)
60	120m
70	140m
80	160m
90	180m
100	200m

<b>110 / STATE LIMIT</b>	<b>220m</b>
--------------------------	-------------

Table 2 – Placement of STOCK AHEAD Signs

**3.2.2 Stock Crossings with Sight Distance Less Than 300m**

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

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

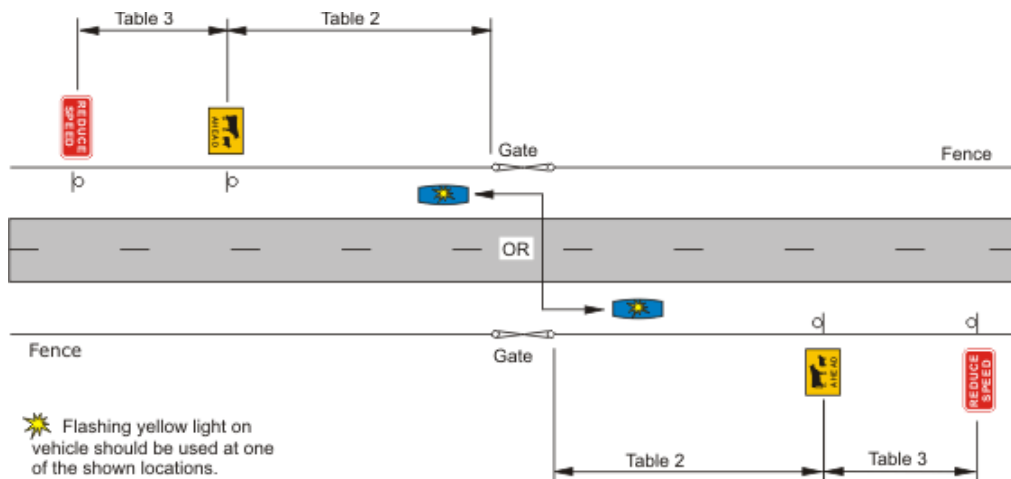


Figure 2 - Signing at Stock Crossings with Sight Distance Less Than 300m

Posted Speed Limit km/hr	Minimum Spacing Distance Metres (m)
60	30m
70	35m
80	40m
90	45m
100	50m
110 / State Limit	55m

Table 3 - Placement of REDUCE SPEED Signs

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

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

- Signing and flashing rotating yellow light should be carried out in accordance with Figure 2 (See also Sections 3.4 and 3.5);
- Any person standing on or adjacent to the road for the purposes of controlling stock should wear clothing with reflective strips;
- Floodlighting shall be provided at the crossing point. The lighting should be sufficient to clearly illuminate stock on the

road formation in the vicinity of the crossing point. If the road reserve is wider than 30m then floodlights should be placed on both sides of the road reserve; and

- The Council sign STOCK AHEAD PREPARE TO STOP (MR-WAW-6) should be considered for use.

With reference to Figure 1, the STOCK AHEAD PREPARE TO STOP sign should be positioned in place of the STOCK AHEAD sign.

### 3.3 Droving of Stock Along a Road

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

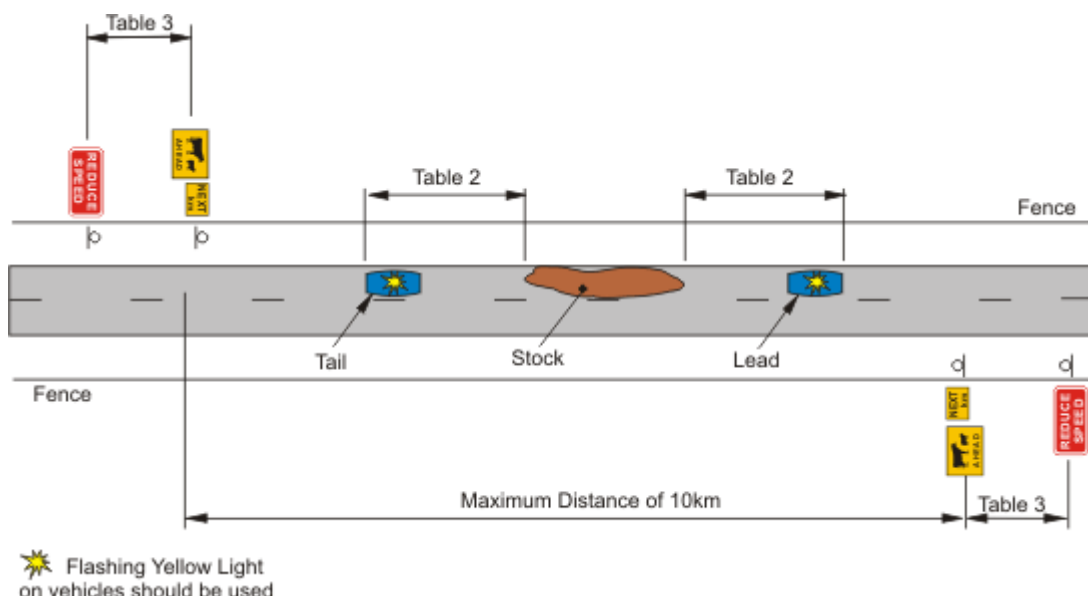


Figure 3 - Signing for Droving of Stock

**NOTE:** When using the NEXT...KM sign, the value for the distance should be 1km and 10km.

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

### 3.4. Signs

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

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

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

Signs should be erected in accordance with this policy and the Main Roads Standard.






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

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

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

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

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

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



**Table 4 - List of Typical Signs for Stock Crossings and Droving of Stock****3.5 Vehicle Mounted Warning Device**

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

**3.6 Stock Underpasses**

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

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

Fencing details for the underpass to prevent stock from entering the road is available (in the Guide to Design of Fencing and Walls from Main Roads).’

be endorsed.

2. This policy be next reviewed by the Council at its meeting to be held in April 2019.

**AMENDMENT**

Moved Cr C Pavlovich, seconded Cr B Bell:

That in the last paragraph of Part 2.2 ‘Background’ following the words ‘The RTC 2000’ the word ‘allows’ be replaced with the word ‘requires’.

CARRIED (8/0)  
NO. 90/15

**COUNCIL DECISION**

That:

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

**OBJECTIVE**

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

**POLICY****1. POLICY STATEMENT**

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

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

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

## **2. APPLICATION & APPROVAL GUIDELINES**

### **2.1 Definitions**

Unless otherwise indicated in the text of this Policy:

<b>AS</b>	- means Australian Standards.
<b>Livestock Waybill</b>	- means a form completed by the livestock owner recording details of the animal movement (Contact Department of Agriculture and Food).
<b>Local Road</b>	- means a road under the control of a Local Government.
<b>Main Roads</b>	- means Main Roads of Western Australia.
<b>RTC 2000</b>	- means Road Traffic Code 2000.
<b>Special Permit to Move</b>	- means a permit issued by a Department of Agriculture and Food Inspector approving the movement of stock between two properties without a waybill.
<b>State Road</b>	- means a highway and main road under the control of Main Roads WA and includes national highways.
<b>Traffic signs</b>	- means a sign as recognised in the Australian Standards or Main Roads' Signs Index.

### **2.2 Background**

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

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

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

A person in charge of moving stock across or along a road must carry either a:

- Livestock Waybill; or
- Special Permit to Move.

Further information can be obtained from the local Department of Agriculture and Food.

A person driving stock on roads shall:

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

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

## **2.3 Application**

### **2.3.1 Precautions for Taking Stock onto a Local Road**

#### **2.3.1.1 General**

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

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

#### **2.3.1.2 Reasonable Warning**

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

#### **2.3.1.3 Unreasonable Delay**

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

- The duration of road closure is greater than five minutes; and for multiple crossing movements, all queued vehicles are not cleared before the commencement of the next crossing movement;
- The stock movement is on a dual carriageway road;
- The crossing is closer than one km to a stock underpass servicing the same landowner; or
- The road's annual average daily traffic volume is greater than 2,500 vehicles per day.

#### **2.3.1.4 Costs**

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

#### **2.3.1.5 Roads with High Traffic Volumes**

Where a road's annual average daily traffic volume is greater than 2,500 vehicles per day, a stock underpass is the preferred method of moving stock across the road.

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### **2.3.2 Stock Underpasses under Local Roads**

#### **2.3.2.1 General**

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

#### **2.3.2.2 Costs**

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

#### **2.3.2.3 Design and Construction**

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

#### **2.3.2.4 Maintenance**

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

### **2.4 Approval – Stock Underpasses**

#### **2.4.1 Applications**

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

#### **2.4.2 Approval**

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

## **3. TECHNICAL GUIDELINES**

### **3.1 General**

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

### **3.2 Stock Crossings**

#### **3.2.1 Stock Crossings with Sight Distance greater than 300m**

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

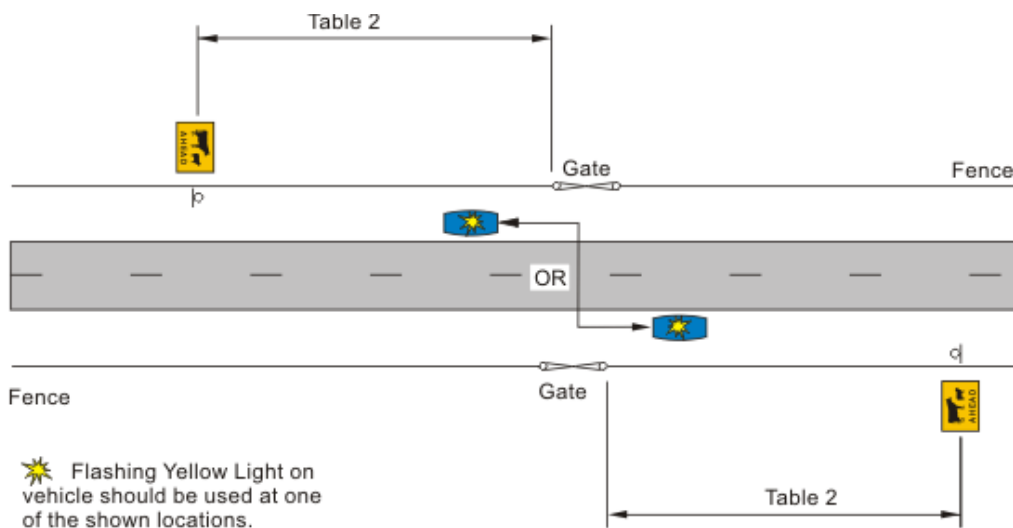


Figure 1 - Typical Stock Crossing Site

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

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

Posted Speed Limit km/hr	Minimum Spacing Distance Metres (m)
60	120m
70	140m
80	160m
90	180m
100	200m
110 / STATE LIMIT	220m

Table 2 – Placement of STOCK AHEAD Signs

3.2.2 Stock Crossings with Sight Distance Less Than 300m

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

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

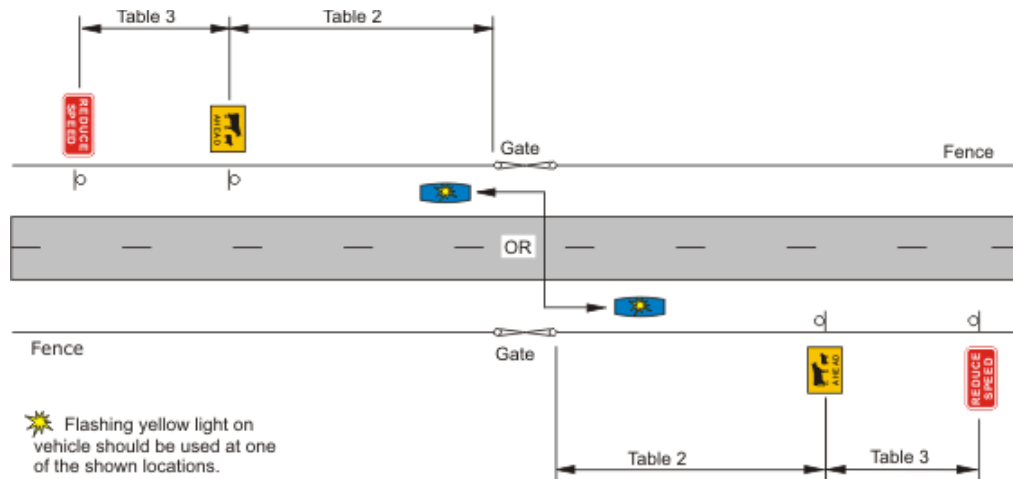


Figure 2 - Signing at Stock Crossings with Sight Distance Less Than 300m

Posted Speed Limit km/hr	Minimum Spacing Distance Metres (m)
60	30m
70	35m
80	40m
90	45m
100	50m
110 / State Limit	55m

Table 3 - Placement of REDUCE SPEED Signs

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

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

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

With reference to Figure 1, the STOCK AHEAD PREPARE TO STOP sign should be positioned in place of the STOCK AHEAD sign.

**3.3 Droving of Stock Along a Road**

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

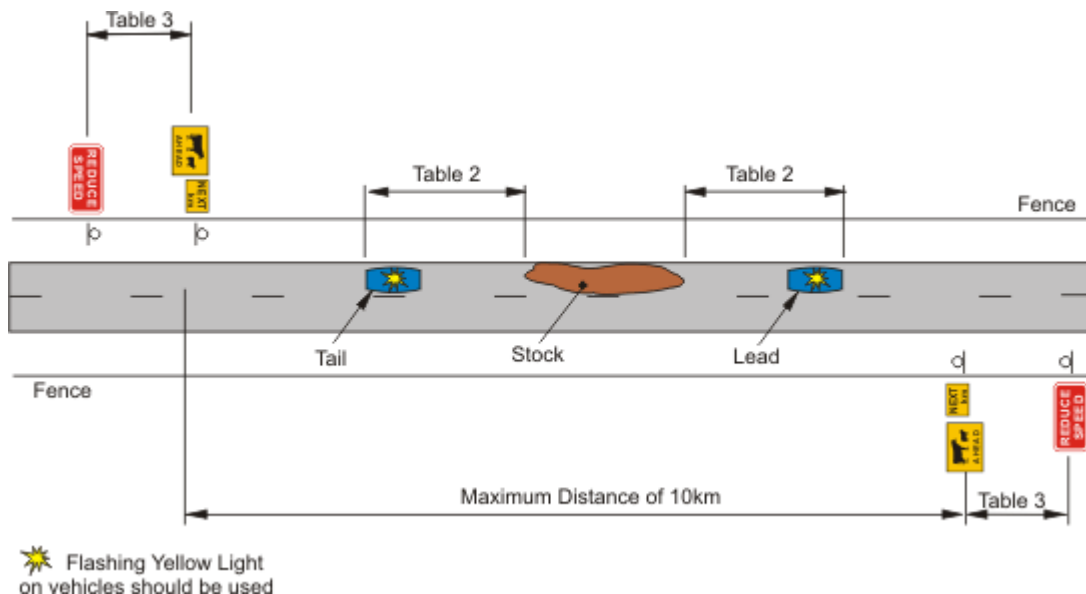


Figure 3 - Signing for Droving of Stock

**NOTE:** When using the NEXT...KM sign, the value for the distance should be 1km and 10km.

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

### 3.4. Signs

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

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

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

Signs should be erected in accordance with this policy and the Main Roads Standard.

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

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

- They are properly displayed and firmly secured so as to prevent them being blown over by the wind or passing traffic; and

- Signs may be placed on the roadside or road shoulder and should be at least one m clear of the road lanes.

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

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






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

Table 4 - List of Typical Signs for Stock Crossings and Droving of Stock

### 3.5 Vehicle Mounted Warning Device

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

### 3.6 Stock Underpasses

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



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

Fencing details for the underpass to prevent stock from entering the road is available (in the Guide to Design of Fencing and Walls from Main Roads).’

be endorsed.

2. This policy be next reviewed by the Council at its meeting to be held in April 2019.

**CARRIED (8/0)**

**NO. 91/15**

**9.2.2 PROPOSED ROAD RESERVE CLOSURES AND AMALGAMATIONS -  
LOTS 103, 108, 702 AND 703 MUIR HIGHWAY, MOUNT BARKER**

<b>File Ref:</b>	<b>N33844</b>
<b>Attachments:</b>	<a href="#">Proposed Road Reserve Closures and Amalgamations</a>
<b>Responsible Officer:</b>	<b>Dominic Le Cerf Manager Works and Services</b>
<b>Author:</b>	<b>Amy Chadbourne Senior Administration/Project Officer Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>28 April 2015</b>

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**PURPOSE**

The purpose of this report is to obtain a formal Council resolution for the permanent closure of a portion of three unused road reserves and their amalgamation into four adjoining lots (see Attachment 1).

**BACKGROUND**

Main Roads WA (MRWA) contacted the Shire in January 2015 looking to rationalise tenure and close redundant roads that were created as a result of the realignment of sections of Muir Highway in 2009.

New intersections were constructed along Muir Highway at the Denmark Mount Barker Road and at St Werburghs Road. Also, a portion of the highway abutting Mount Barker Estate was deviated from the original alignment. As a result, sections of road were made redundant which were not dealt with at the project construction stage (see Attachment 1). The proposals are as follows:

- A portion of road reserve formerly Denmark Mount Barker Road intersection with Muir Highway adjacent to Lot 103 Muir Highway – amalgamation into adjoining Lot 103 Muir Highway – (labelled ‘A’);
- A portion of road reserve formerly St Werburghs Road intersection with Muir Highway adjacent to Lot 108 Muir Highway – amalgamation into Lot 108 Muir Highway – (labelled ‘B’);
- A portion of road reserve formerly Muir Highway between Jones Road and Quangellup Road – adjacent to Lots 703 and 704 Muir Highway – amalgamation into Lot 703 Muir Highway (labelled ‘C’); and
- A portion of road reserve formerly part of Muir Highway between Jones Road and Quangellup Road and adjacent to Lots 702 and 704 Muir Highway – amalgamation into Lot 702 Muir Highway (labelled ‘D’).

MRWA has advised a representative has met with adjoining land owners to the various lots. The land holders have agreed to the proposal from MRWA that these portions of redundant road reserves be amalgamated into their respective land holdings.

**STATUTORY ENVIRONMENT**

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

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As required by section 58 of the Land Administration Act 1997, public notice of the intended road closures needs to be placed in a newspaper circulating in the district. Also, written notice of the proposed road closures needs to be provided to public utility service providers for comment.

### **EXTERNAL CONSULTATION**

Consultation has occurred with MRWA.

### **FINANCIAL IMPLICATIONS**

The administrative cost of \$595.00 per road closure application will be met by MRWA to a total of \$1,785.00.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

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

Strategy 2.4.1:

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

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

Strategy 2.6.1:

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

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

### **OFFICER COMMENT**

The portions of road reserves which MRWA has requested be closed will not be required again and MRWA has advised the adjacent landowners who have agreed to the proposed amalgamation. MRWA advises it has consulted with the Department of Lands (DoL) which does not have any objection to the proposal.

MRWA has requested the Shire undertake the administrative work required to process the permanent closures. Advertising and public consultation is required before an application can be submitted to the DoL. Once these items have been completed a report to the Council will be prepared seeking authority to request the Minister for Lands to permanently close the portions of road reserve as shown in Attachment 1.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr B Bell:

That:

1. Pursuant to Section 58 of the Land Administration Act 1997, local public notice be given of the proposal to permanently close portions of road reserves as follows and shown at Attachment 1:
  - a) A portion of road reserve formerly Denmark Mount Barker Road intersection with Muir Highway adjacent to Lot 103 Muir Highway – amalgamation into adjoining Lot 103 Muir Highway – (labelled ‘A’);
  - b) A portion of road reserve formerly St Werburghs Road intersection with Muir Highway adjacent to Lot 108 Muir Highway – amalgamation into Lot 108 Muir Highway – (labelled ‘B’);
  - c) A portion of road reserve formerly Muir Highway between Jones Road and Quangellup Road – adjacent to Lots 703 and 704 Muir Highway – amalgamation into Lot 703 Muir Highway (labelled ‘C’); and
  - d) A portion of road reserve formerly part of Muir Highway between Jones Road and Quangellup Road and adjacent to Lots 702 and 704 Muir Highway – amalgamation into Lot 702 Muir Highway (labelled ‘D’).
2. At the conclusion of advertising a further report be prepared for the Council’s consideration no later than the Ordinary Meeting of the Council scheduled for 21 July 2015.

**CARRIED (8/0)**

**NO. 92/15**

### 9.3 COMMUNITY SERVICES REPORTS

Nil

### 9.4 CORPORATE SERVICES REPORTS

#### 9.4.1 FINANCIAL STATEMENTS - MARCH 2015

<b>File Ref:</b>	<b>N33515</b>
<b>Attachment:</b>	<a href="#">Financial Statements (separate attachment)</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>28 April 2015</b>

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#### **PURPOSE**

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 March 2015.

#### **STATUTORY ENVIRONMENT**

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

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

The Statement is to be accompanied by:

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

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That the Financial Statement for the period ending 31 March 2015 be received.**

**CARRIED (8/0)**

**NO. 93/15**

**9.4.2 LIST OF ACCOUNTS - MARCH 2015**

<b>File Ref:</b>	<b>N33886</b>
<b>Attachments:</b>	<a href="#">List of Accounts</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Emma Gardner</b> <b>Accounts Officer</b>
<b>Proposed Meeting Date:</b>	<b>28 April 2015</b>

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**PURPOSE**

The purpose of this report is to present the list of payments that were made during the month of March 2015.

**STATUTORY ENVIRONMENT**

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

The Chief Executive Officer has delegated authority to authorise payments (27 May 2014). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Strategy 4.6.1:

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

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

**VOTING REQUIREMENTS**

Simple Majority

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr J Moir:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month of March 2015 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$1,011,292.23;
2. Municipal Cheques 45119 – 45122 and 45124 – 45153 totalling \$50,443.54; and
3. Cancelled Municipal Cheque 45123.

**CARRIED (8/0)**

**NO. 94/15**



## 9.5 EXECUTIVE SERVICES REPORTS

### 9.5.1 CONFERENCE ATTENDANCE - BUILDING CAPACITY ALBANY CONFERENCE 2015 - GREAT SOUTHERN EARLY YEARS NETWORK

<b>File Ref:</b>	<b>N33809</b>
<b>Attachments:</b>	<a href="#">Conference Program</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Linda Sounness</b> <b>Executive Secretary</b>
<b>Proposed Meeting Date:</b>	<b>28 April 2015</b>

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#### **PURPOSE**

The purpose of this report is to recommend the attendance of the Shire President at the Great Southern Early Years Network Building Capacity Albany Conference 2015. The event is being held on 19 and 20 July 2015.

#### **BACKGROUND**

The Australian Early Development Census (AEDC) (formerly known as Australian Early Development Index – AEDI) results identified that children within the Plantagenet community were not necessarily developing as well as in other communities.

In response to these results a committee was convened which was chaired by the Shire President. Two seminars were held and both well attended. A contractor was engaged to undertake some local research and liaison is continuing with Regional Development Australia (RDA) which is undertaking continuing research in this area.

#### **STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

#### **FINANCIAL IMPLICATIONS**

Registration for the two day conference is \$330.00. This cost would be charged to account 20026.0029 (Members of Council – Conferences, Training & Accommodation).

#### **POLICY IMPLICATIONS**

Policy CE/CS/1 – Elected Member Expenses to be Reimbursed applies.

#### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 1.1 (Health and family support services that are accessible and meet the needs of our community) the following Strategy:

Strategy 1.1.3:

*'Provide and promote childhood development services and facilities'*

Further at Outcome 1.4 (Opportunities for development and participation of our youth) the following Strategy:

Strategy 1.4.1:

*'Promote programs that assist in youth development and leadership.'*

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

### **REGIONAL IMPLICATIONS**

The Southern Link VROC Strategic Directions 2015-2020 at Goal Five (Build Capacity to enable communities to achieve), Strategy 1 (Support skills development across the communities), identifies the following action:

*'Extend learnings from early intervention initiatives in Cranbrook and Plantagenet to all partners.'*

### **OFFICER COMMENT**

The program for the Conference (attached) includes Keynote speakers, Mem Fox, Maggie Dent and Sally Brinkman.

It is recommended that the Shire President attend this conference. The Chief Executive Officer has advised his intention to attend.

### **VOTING REQUIREMENTS**

Simple Majority

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

**Moved Cr C Pavlovich, seconded Cr J Moir:**

**That the Shire President be authorised to attend the Great Southern Early years Network Building Capacity Albany Conference on the 19 and 20 July 2015 in Albany and expenses be charged to Account 20026.0029.**

**CARRIED (8/0)**

**NO. 95/15**

**9.5.2 DELEGATIONS - REVIEW OF DELEGATION LG 035 - IMPLEMENTATION OF TOWN PLANNING SCHEME**

<b>File Ref:</b>	<b>N33751</b>
<b>Attachments:</b>	<a href="#">Delegation LG 035</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>28 April 2015</b>

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**PURPOSE**

The purpose of this report is to seek an amendment to Delegation LG 035 relating to applications for temporary accommodation.

**BACKGROUND**

Delegations are granted to the Chief Executive Officer (CEO) and other Officers in some instances, to assist in the efficient and effective running of the organisation so as to preclude many minor matters from coming before the Council and to maximise service to members of the public, residents and ratepayers.

Delegations were endorsed by the Council at its meeting held on 27 May 2014 with amendments to Delegation LG 035 (subdivisions and limited SA planning consent applications) in November 2014.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 - Section 5.42 provides for a Local Government to delegate to the CEO the exercise of any of its powers or the discharge of its duties (Absolute Majority required).

The Act also provides, at Section 5.43, a number of powers or duties that cannot be delegated. Furthermore, pursuant to Section 5.44 of the Act, the CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under the Act other than the power of delegation. Such delegation must be in writing (Section 5.46).

Importantly, Section 5.45 of the Act provides that a delegation has effect for the period of time specified in the delegation or, where no period has been specified, indefinitely.

Nevertheless, at least once every financial year, delegations are to be reviewed by the delegator. Any delegation granted by the Council to the CEO must be reviewed once every financial year.

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

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.7 Delegation of Functions reads as follows:

- ‘7.7.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.*
- 7.7.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO’s powers or the discharge of any of the CEO’s duties under clause 7.7.1.*
- 7.7.3 The exercise of the power of delegation under clause 7.7.1 requires a decision of an absolute majority as if the power had been exercised under the Local Government Act 1995.*
- 7.7.4 Sections 5.45 and 5.46 of the Local Government Act 1995 and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.’*

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

- ‘(2) Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
  - (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
  - (c) despite paragraph (b), by the local government of the district where the land is situated —*
    - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
    - (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.’*

## **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

## **POLICY IMPLICATIONS**

There are no policy implications for this report.

## STRATEGIC IMPLICATIONS

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

Strategy 4.1.3:

*'Ensure the Council's decision making process is effective and transparent'*

Strategy 4.1.6:

*'Provide administrative support to Shire for Governance functions'*

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

## OFFICER COMMENT

An amendment is now sought to Delegation No. LG 035 Planning and Development Act 2005 Town Planning Scheme No. 3 (Clause 7.7) Implementation of Town Planning Scheme. The new part (19) of Delegation LG 035 will read:

*'(19) Approve proposals for temporary accommodation for a period of 12 months whilst an approved dwelling is being constructed to a habitable standard on the same lot.'*

The Council is regularly presented with reports following a request for temporary residential accommodation on properties where a dwelling has been or is about to be approved. It is considered more efficient for these to be processed at officer level under delegation. The temporary accommodation approvals can only be valid for 12 months. Any longer period or an extension of the approval requires Ministerial approval and these will need to be the subject of a report to the Council.

It is recommended that the new part (19) of Delegation LG 035 be endorsed.

## VOTING REQUIREMENTS

Absolute Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

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

**That Delegation LG 035 be amended to include a new part (19) which reads:**

**'(19) Approve proposals for temporary accommodation for a period of 12 months whilst an approved dwelling is being constructed to a habitable standard on the same lot.'**

**CARRIED (8/0)**

**NO. 96/15**

**Absolute Majority**

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****10.1 REMOVAL OF REFUSE, RUBBISH AND DISUSED MATERIALS LOCAL LAW**

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

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

**That consideration be given during the forthcoming review of Local Laws for the Council to adopt a 'Removal of Refuse, Rubbish and Disused Materials' Local Law based on the Model Local Law.**

**CARRIED (8/0)**

**NO. 97/15**

COUNCILLOR COMMENT

The Council's power to control disused vehicles on private property is constrained, thus creating some amenity issues in the District. The promulgation of this Local Law would enable an order to be issued for the removal of disused vehicles.

3:54pm Cr C Pavlovich withdrew from the meeting.

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

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

**That new business of an urgent nature, namely:**

**Sounness Park Clubrooms Lease,**

**be introduced to the meeting.**

**CARRIED (7/0)**

**NO. 98/15**

**11.1 SOUNNESS PARK CLUBROOMS LEASE**

**MOTION TO PROCEED BEHIND CLOSED DOORS**

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

**3:55pm** That the meeting be closed to members of the public pursuant to Section 5.23 (c) of the Local Government Act as the matter to be considered relates to a contract entered into, or which may be entered into, by the local government.

**CARRIED (7/0)**

**NO. 99/15**

Members of the staff remained in the Chambers. All visitors left.

**MOTION TO PROCEED IN PUBLIC**

**Moved Cr B Bell, seconded Cr A Budrikis:**

**5:01pm** That the meeting proceed in public.

**CARRIED (7/0)**

**NO. 100/15**

**COUNCIL DECISION**

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

**That the Chief Executive Officer is to seek legal advice for the termination of the Sounness Park Clubrooms Lease between the Mount Barker Football Club and the Shire of Plantagenet.**

**CARRIED (7/0)**

**NO. 101/15**

**12 CONFIDENTIAL**

**13 CLOSURE OF MEETING**

5:02pm The Presiding Member declared the meeting closed.

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