



## ORDINARY MINUTES

**DATE:** Tuesday, 30 July 2013

**TIME:** 3:00pm

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

John Fathers  
ACTING CHIEF EXECUTIVE OFFICER

## **MEMBERSHIP – Quorum (5)**

### **Membership:**

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

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

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:01pm 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 A Budrikis	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr J Moir	Councillor
Cr C Pavlovich	Councillor

### In Attendance:

Mr John Fathers	Acting Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mr Peter Kent	Relief Manager Works and Services
Mr Vincent Jenkins	Planning Officer
Mrs Linda Sounness	Executive Secretary

There were four members of the public present.

### Members on Leave of Absence:

Cr B Bell

Cr G Messmer

### Previously Approved Leave of Absence:

Cr B Bell – 23 July 2013 to 26 August 2013 inclusive

Cr G Messmer – 31 July 2013 to 20 August inclusive

### Apologies

Cr M Skinner

### Emergency Evacuation Procedures/Disclaimer:

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

Mr Fathers then read aloud the following disclaimer:

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

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

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

### **3 PUBLIC QUESTION TIME**

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

Nil

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

Nil

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

#### **4.1 PLANTAGENET MENS SHED – MR BEVAN LANG**

Cr Ken Clements, Councillors, ladies and gentlemen.

I am Bevan Lang and I am the current Chairman of the Plantagenet Mens Shed.

Some months ago the Council unanimously voted to approve an application from the Mens Shed to refurbish the old Scout Hall in Booth street.

I am here today to inform you of our current position and what we have planned in the future.

We have received funding from Lotterywest and Bendigo Bank and this funding should complete our planned project. We have and continued raffles, sausage sizzles, community projects and sales of manufactured items to help the coffers. As I speak to you today, the asbestos is being removed from the hall. In coming days a new roof, front wall with new entrance door and verandah will be installed. There have been some unforeseen delays already due to two layers of asbestos found on some internal walls.

An interior wall will be re-aligned to provide an increase in the size of the meeting room. This will also sound proof the workshop from the meeting room. A new kitchen at the front of the hall will be installed and most importantly, a new wet room comprising toilet, shower and hand basin will be fitted to the rear of the hall. This will ensure that people with mobility challenges will have easy access to toilets.

The old electrics will be replaced with updated materials, the hall area of the workshop will be insulated and include new lighting.

There are future projects to consider such as a metal shop and outdoor entertaining areas.

The goal is for a December opening.

I thank councillors and staff for their assistance in helping Plantagenet Mens Shed getting to such a position.

Being involved in such a worthwhile project has been very rewarding for all involved.

#### **4.2 MOUNT BARKER TOURIST BUREAU – MR JIM GILBERT AND MR ERIC HENDERSON**

Mr Gilbert, Chairman of the Mount Barker Tourist Bureau gave an overview of the Tourist Bureau's current activities and its future plans. Mr Gilbert spoke on the Tourist Bureau's lack of success with attracting funds from the Shire through the FAGS grants and sought to explain the Tourist Bureau's position and the reasoning behind the application for funds. Mr Gilbert then introduced Mr Henderson who provided the following presentation:

'To promote any business or product successfully in the marketplace, it is essential that you establish an identity for that business or product. After working for Plantagenet Wines for four years and speaking with tourists every week from overseas, interstate and from within our own state, there is one startling fact that is common with them all. They all know they are visiting Mount Barker but hardly any realise that they are visiting the Shire of Plantagenet. We would be lucky if one person in a hundred realises that fact. Jim Gilbert will tell you the same thing after some 28 years of selling wine to the public and tourists.

We have an identity as a region, we are part of the 'Great Southern' which is part of 'Australia's South West', and within that framework, the Shire of Denmark has an identity, the Shire of Albany has an identity but it seems an identity is something that we lack. People think they are visiting the Shire of Mount Barker.

The request for funding through the FAGS grant was to establish a seeding fund to allow the tourist bureau to purchase and have printed, merchandise for sale to promote our region. This was to have a two pronged effect, one to

get products out there to promote our 'walks, wine and wildflowers' logo, the other to promote the 'Granite Skywalk'.

Merchandise is the most effective form of advertising because customers pay you for the privilege of advertising your product. However, without a doubt the most important role for us wanting to have merchandise printed, was to bring the logos together ('The Granite Skywalk', 'Walks, Wine and Wildflowers' and Mount Barker WA, Shire of Plantagenet, 'Rich and Beautiful'). By doing this, suddenly tourists can tie everything together, and we have finally established our identity in a clear and precise manner that visitors can understand. With a simple promotion, that also generates an ongoing income stream to support the development of the visitor centre, visitors will comprehend that they are visiting the shire of Plantagenet, which has its Council office in Mount Barker and there are all these fantastic attractions within our beautiful Shire.

We do have a beautiful Shire and the way I see it for most residents, you were either born here and once older with your own families decided to stay, or like my wife and I, visited here as a tourist, fell in love with the pristine beauty, fresh produce and world class wines and decided to buy property and settle here. Whichever category you fit into the outcome is the same. 'The same attractions that kept you here or made you settle here, are exactly the same attractions that tourists appreciate as well. Just ask me, I was one.'

With the Anzac activities fast coming around, the Tourist Bureau has already been asked how much accommodation is available in our Shire. Visitors will be accommodated here and many more staying in Albany and Denmark will visit us, so this is the perfect opportunity to get out merchandise out there to promote our own region. When people visit our visitor centre, they want to buy something. They don't just want to buy some generic product which is available in every Visitor Centre around the country, they want to buy something that shows they have visited the Shire of Plantagenet. A t-shirt, a cap, a beanie (which sell like hot cakes in cold weather) a pen, a fridge magnet or an environmentally friendly bag to put all their goodies in that they will purchase from all over our Shire, not just the Visitor Centre.

When we missed out on the FAGs grant, Jim and I made an appointment to speak with Rob Stewart. We discussed all these points, which he accepted with great enthusiasm and encouraged us to come and speak with you today to ask for \$7,500.00 from the Area and District Promotion fund to get the merchandise printed and out there before Spring, when we are expecting an influx of tourists. Already we have had a far greater than usual enquiry rate for accommodation in our Shire for Spring. Finally people are realising that there is an alternative 'down south' and we are a desired destination not just to visit, but to stay.

If we want to see closed shops re-open and a busy town site, if we want to increase our population and ensure development and future growth, the time for putting 'Tourism' on the agenda is no longer an option, it is a necessity.

We therefore ask each and every one of you that sit on Council to support our application for funding from the Area and District Promotion Fund, so that we



can get our merchandise our there and establish our identity as the Shire of Plantagenet.

By supporting us, it sends a clear message to the community that the Shire Council and the Tourist Bureau are working together to establish a tourism policy to take us into the future in the right direction to increase spending within the Shire and generate future wealth for the community.

We thank you for your time.'

## **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

### Cr A Budrikis

A Financial/indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) Interest and a Proximity (Section 5.60(B) LGA) Interest was disclosed in Item 9.1.1. Nature of interest – Owner of Property within the Shire of Plantagenet and Financial interest in properties within the Shire of Plantagenet.

### Cr K Clements

A Proximity (Section 5.60(B) Interest was disclosed in Item 9.1.1. Nature of Interest – Owner of property within the Shire of Plantagenet.

### Cr S Etherington

A Closely Associated Person (section 5.62 LGA) Interest was disclosed in Item 9.1.1. Nature of Interest – Partner owns property within the Shire of Plantagenet.

### Cr L Handasyde

A Proximity (Section 5.60(B) LGA) Interest was disclosed in Item 9.1.1. Nature of Interest – Owner of property within the Shire of Plantagenet.

### Cr J Moir

A Proximity (Section 5.60(B) LGA) Interest was disclosed in Item 9.1.1. Nature of Interest – Owner of property within the Shire of Plantagenet.

### Cr C Pavlovich

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) and a Proximity (Section 5.60 (B) LGA) Interest was disclosed in Item 9.1.1. Nature of Interest – Joint owner and owner of property within the Shire of Plantagenet.

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

Section 5.25 Local Government Act 1995

Cr L Handasyde requested leave of Absence from 29 August 2013 to 7 September 2013 inclusive.

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

**That Cr L Handasyde be granted leave of Absence from 29 August 2013 to 7 September 2013 inclusive.**

**CARRIED (6/0)**

**NO. 174/13**

## **7 CONFIRMATION OF MINUTES**

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

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 25 June 2013 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (6/0)**

**NO. 175/13**

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

**That the Minutes of the Special Meeting of the Shire of Plantagenet, held on 9 July 2013 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (6/0)**

**NO. 176/13**

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

The Shire President distributed notes separately.

## **9 REPORTS OF COMMITTEES AND OFFICERS**

### **9.1 DEVELOPMENT SERVICES REPORTS**

#### **9.1.1 DRAFT LOCAL PLANNING STRATEGY JULY 2011 - MODIFICATIONS REQUIRED BY THE WESTERN AUSTRALIAN PLANNING COMMISSION - FINAL APPROVAL**

A Financial/indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) Interest and a Proximity (Section 5.60(B) LGA Interest was declared by Cr A Budrikis. Nature and extent of interest – Owner of property and Financial interest in properties within the Shire of Plantagenet.

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

A Closely Association Person (Section 5.62 LGA) Interest was disclosed by Cr Etherington. Nature and extent of interest - Partner owns property in the Shire of Plantagenet.

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

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

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

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

Approval has been received from the Department of Local Government via a letter dated 11 July 2013 giving permission for Councillors K Clements, J Moir, A Budrikis, L Handasyde, C Pavlovich and S Etherington to participate in matters relating to a draft Local Planning Strategy for the Council meeting of 30 July 2013.

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

**File No:** N23969

**Attachments:** [DOP Albany Report to Statutory Planning Committee](#)  
[Modifications with WAPC letter received 11 September 2012](#)  
[Local Planning Strategy – July 2013 – \(separate attachment\)](#)

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

**Author:** Peter Duncan  
Manager Development Services

**Proposed Meeting Date:** 30 July 2013

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## PURPOSE

The purpose of this report is to consider the Western Australian Planning Commission (WAPC) modifications to the draft Local Planning Strategy (LPS) dated July 2011 to enable it to be endorsed for final approval.

## BACKGROUND

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

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

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

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

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

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

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

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

Officers from the Albany office of the DOP attended all of the workshops with the exception of that held on 11 December 2007. The DOP officers were provided with all of the papers for the various components in advance of each workshop.

After some 11 months a report on the draft LPS had not been placed before the WAPC. The Council then adopted the draft LPS as a draft Town Planning Scheme (TPS) Policy. The Council, when it considered draft TPS Policy No. 18 (Draft Local Planning Strategy) at its meeting held on 12 May 2009, resolved at Resolution No. 120/09:

*'That:*

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

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

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

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

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

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

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

- 1. The submissions received be noted and the final draft Town Planning Scheme Policy No. 18 (Local Planning Strategy) be adopted subject to the modifications contained in the Schedule of Modifications being carried out.*
- 2. The draft Town Planning Scheme Policy No. 18, the Summary of Submissions and the Schedule of Modifications be referred to the Western Australian Planning Commission for its approval.*
- 3. Once approved by the Western Australian Planning Commission the draft Town Planning Scheme Policy No. 18 be modified accordingly and then advertised publicly as being finalised.'*

The SPC of the WAPC met on 15 December 2009 and its decision was conveyed in a letter dated 17 December 2009.

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

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

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

Since that time staff met with officers of the DOP and have altered the draft LPS to be in a form that the DOP was happy with. In essence the long term strategic growth initiatives have been removed from the document. A copy of the revised draft LPS dated December 2010 was provided to each Councillor as a separate attachment with the 14 December 2010 agenda.

The SPC of the WAPC considered the 'cut down' draft LPS in February 2011. In a letter dated 22 February 2011, the Council was advised the SPC agreed to grant consent to advertise the draft LPS subject to two more modifications.

The Council then considered a further revised LPS at its meeting held on 26 July 2011 and resolved:

*'That:*

- 1. The revised Shire of Plantagenet Draft Local Planning Strategy – July 2011 be advertised for a period of 42 days.*
- 2. At the conclusion of the advertising period a further report be prepared for consideration of the Council no later than its meeting to be held on 8 November 2011.'*

Councillors were provided with a copy of the July 2011 LPS with the 26 July 2011 agenda.

The July 2011 draft LPS was advertised for 42 days and 80 submissions were received. The Council at its meeting held on 8 November 2011 resolved:

*'That:*

- 1. Due to the marked lack of community support and the strong opposition received, the advertised July 2011 draft Local Planning Strategy be modified by deleting pages 1 to 28 and Appendixes 1 to 6 and insert the Planning Vision document with the modifications detailed in the attached Schedule of Modifications.*
- 2. The Western Australian Planning Commission be advised the Council has adopted the Local Planning Strategy with modifications it thinks fit to give effect to the submissions and advice received during the public advertising period in accordance with Regulation 12B(3)(b).*
- 3. A copy of the Local Planning Strategy be submitted for endorsement of the Commission in accordance with Regulation 12B(3)(c).*
- 4. The Chief Executive Officer and the Manager Development Services be authorised to seek approval to attend the meeting of the Western Australian Planning Commission, Statutory Planning Committee when the Local Planning Strategy is discussed to explain the Council's position and provide the Committee members with copies of the document.*
- 5. The Chief Executive Officer be authorised to advise the Local Member of Parliament of the Council's position and request that he makes a representation to the Minister for Planning on this matter.'*

The SPC of the WAPC met on 28 August 2012 (some nine months after the Council decision) and its decision was to endorse the July 2011 LPS once modifications had been carried out.

The Chief Executive Officer (CEO) and the MDS did not seek approval to attend the SPC meeting as once a presentation is made at the beginning of the meeting, visitors are required to leave the room and cannot listen to what the SPC discusses.

The CEO and the Shire President discussed this situation with the Local Member of Parliament after the November 2011 Council meeting.

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

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

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

Regulation 12B requires that when the WAPC is satisfied with the strategy, it is to be advertised for public comment for a minimum period of 21 days. Following the advertising, Regulation 12B(3) states:

- '(3) After the expiry of the period within which submissions may be made and advice given, the local government shall—*
- (a) review the Local Planning Strategy in the light of any submission made and advice received;*
  - (b) adopt the Local Planning Strategy with such modifications as it thinks fit to give effect to the submissions and advice; and*
  - (c) submit a copy of the Local Planning Strategy to the Commission for its endorsement.'*

### **EXTERNAL CONSULTATION**

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

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

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

The WAPC supported the revised draft LPS of December 2010 (subject to two more modifications). The Council was then required to advertise the document for public comment. As this version of the draft LPS is markedly different from the Council's adopted Planning Vision (TPS Policy 18 of March 2010) an appropriate advertising period was considered to be 42 days.

The 42 day advertising was carried out and 80 submissions were received. Of the 80 submissions received, 12 were from Government agencies and one adjoining Council and 67 were from the general public.

The total of 80 submissions, the majority of which were opposed, was a large response compared to the 22 lodged on the Planning Vision (TPS Policy No. 18) which in contrast, were in support. To gain that level of submissions was an indication of community concern at the lack of direction provided by the July 2011 draft LPS. There were 67 public submissions opposed and one in support of the advertised July 2011 draft LPS.

### **FINANCIAL IMPLICATIONS**

The cost of advertising was met from the Town Planning advertising budget.

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



## **POLICY IMPLICATIONS**

The Council adopted its Planning Vision (TPS Policy No. 18) on 9 March 2010 and that document will remain as the Council's long term strategic planning document. However, as the Vision has not been supported by the DOP/WAPC there will be instances where the DOP/WAPC will not support Council initiatives.

## **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 2.1: (Long term planning and development guided by the Planning Vision) the following Strategies 2.1.1, 2.1.3 and 2.1.5:

*2.1.1: Review, update and implement the Planning Vision*

*2.1.3: Collaborate with State Government to ensure that local planning development and long term growth needs are met*

*2.1.5: Encourage and promote the use of good agricultural land for food production'*

At outcome 3.1: (Diverse, profitable and sustainable local business) the following Strategy 3.1.5:

*'3.1.5: Promote the long term growth of the District'*

## **OFFICER COMMENT**

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

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

The purpose and role of a LPS is to review current planning strategies, to set long term planning directions for the Council, apply regional and state planning policies and strategies and to provide a rationale for various town planning scheme provisions and zones.

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

A revised draft LPS dated December 2010 was prepared to suit the requirements of the DOP. It did not reflect the focus and purpose of the WAPC 'Local Planning Manual' which includes the following statements:

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

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

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

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

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

In July 2011 the Council had no option than to agree to the modifications required then by the WAPC. The Council felt that the public comment on the document would be important to gauge the level of support. Rather than a 21 day advertising period which formed part of the Council's resolution on 9 February 2010, a 42 day advertising period was considered by the Council to be more appropriate for the public to consider the ramifications of this revised LPS.

In respect to the submissions received on the July 2011 draft LPS, it was clear there was a lack of community support. Of the 12 Government agencies and adjoining Council submissions received there were four that raised concerns about the length of time for the document and/or the quality and content of the document which has been altered to suit the DOP/WAPC.

There were 80 submissions received in total and of those, 67 were from the broader community. There was only one supportive submission for that July 2011 draft LPS from the people in the community who provided comment.

From the lack of community support and the concerns raised by some government agencies, it was considered that the most appropriate course of action was not to proceed further with the July 2011 draft LPS. The Regulations, at 12B(3) provide the Council with only one option once it considers the submissions. That option is to adopt the LPS with such modifications as it thinks fit to give effect to the submissions and advice. The Regulations are silent on what the Council can do if there is no support from the community and if the Council chooses not to proceed with the LPS.

The options the Council considered were to:

- (1) resolve to not proceed with the July 2011 draft LPS due to the lack of community support. This would then require the DOP/WAPC to make a decision on that form of resolution;
  - (2) resolve at (1) above and add that the Council requests that its TPS Policy No. 18 (Planning Vision) be accepted as the LPS once reference to it being a TPS
-

Policy is deleted along with other statements about particular aspects not being supported by the WAPC at that time. The WAPC advised previously it could not consider a TPS Policy as a LPS on 'legal advice' (which has not been provided);

- (3) resolve to adopt the July 2011 draft LPS with modifications which delete pages 1 to 28 and Appendices 1 to 6 and insert the content of the Planning Vision with wording changes to delete reference to TPS Policy No. 18 and reference to WAPC is yet to support various particular provisions;
- (4) adjourn consideration of the item; or
- (5) move to the next item on the agenda.

The Council on 8 November 2011 felt the most appropriate course of action was in accordance with the actual wording in the Regulations which is that at option (3) above, to firstly delete the content of the advertised July 2011 draft LPS and then insert an appropriately modified Planning Vision document worded to be the LPS. The WAPC was advised the LPS had been modified 'to give effect to the submissions and advice' in accordance with Regulation 12B(3)(b). The Council's Resolution of 8 November is included under the Background of this report.

As stated earlier, the WAPC on 28 August 2012 did not support the Council modifications and required the (as advertised) July 2011 version of the LPS to be further modified for final WAPC endorsement. A copy of the report by the DOP Albany to the SPC is attached. Not all of the attachments are included due their the size, but the key attachments have been included.

The report of the DOP did not place any weight on the submissions from the public but did recommend some government agency submissions be incorporated in the modifications but this aspect was not supported by the SPC. Attached to the DOP report is a document prepared by the MDS putting the Council's position on two issues. This is referred to as Attachment 1 in the DOP report.

A Summary of Submissions (referred to as Attachment 3) is included (in part) which shows the DOP comments. Of particular relevance are the comments on Lot 5102 Narrikup and the comments on submission 3 which are used to counter all of the submissions from the public. It is interesting to note that formatting of this attachment means the Council comment on submission 6 is spread over nine pages in a thin column and the DOP recommendation is to note it and refer to submission 3.

Attachment 4 to the DOP report is the Schedule of Modifications with some handwritten notes by the MDS. Attachment 5 to the DOP report is the DOP officer calculation of lot yield. The figures are very optimistic and more realistic estimates from the MDS are noted on the right hand side. Also, the Cats Creek estimate of 500 - 800 lots may never eventuate as the proponents have terminated their contract for the land.

The State agency modifications referred to in Annexure C to Attachment 4 are essentially the kinds of matters the Council was told to delete from the draft LPS in 2010 by the DOP. Some of the requirements involve updates and as this LPS has been with the DOP since June 2008 this is to be expected. The SPC does not require these Annexure C modifications to be carried out.

In conclusion, the SPC of the WAPC requires the as advertised July 2011 version of the LPS to be modified in accordance with the Schedule of Modifications.

The Schedule of Modifications supplied with the letter from the WAPC received on 11 September 2012 (copy attached), is different to that referred to as Attachment 4 to the DOP report. Modification 4 originally referred to Government agency submission modifications which the SPC minutes show, was to be removed at the request of the SPC. A new modification 4 has been added to require 6.1.4 of the July 2011 LPS to be modified to refer to DAFWA reviewing its mapping.

The final modifications are to:

1. Alter wording at the beginning to refer to a 15 to 20 year timeframe (see new 1.5).
2. Include land south of Cats Creek on Albany Highway and Muir Highway as future Residential (R17.5).
3. Replace Appendix 6 (Rural Planning Units) with a reworded section on Rural Land. The reworded section was written by the MDS.
4. Alter 6.1.4 to refer to DAFWA reviewing its mapping.

The LPS has been adjusted as required by the SPC of the WAPC at 1 to 4 above. A reduced format of the document was discussed with DOP officers in April 2012 with the aim of producing a condensed final version. Once a condensed version was produced in November 2012, further discussions were held with the DOP officers. In April 2013 the DOP officers then decided not to support the condensed version of the LPS and required staff to revert back to the July 2011 version with the modifications 1 to 4 above. That final version (now dated July 2013) is a separate attachment to this report.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION**

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

**That the modified Local Planning Strategy dated July 2013 be adopted and referred to the Western Australian Planning Commission.**

## **AMENDMENT**

**Moved Cr C Pavlovich, seconded Cr A Budrikis:**

**That a part two be added 'a review of the Local Planning Strategy be commenced on or before 1 July 2016' and the motion be recast accordingly.**

**CARRIED (5/1)**

**NO. 177/13**

**COUNCIL DECISION**

**That:**

- 1. The modified Local Planning Strategy dated July 2013 be adopted and referred to the Western Australian Planning Commission; and**
- 2. A review of the Local Planning Strategy be commenced on or before 1 July 2016.**

**CARRIED (6/0)**

**NO. 178/13**

**9.1.2 LOT 201 HASSELL STREET, MOUNT BARKER - CARPORT WITH REDUCED SIDE BOUNDARY SETBACK**

<b>File No:</b>	<b>N27444</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Site Plan</a> <a href="#">Elevations</a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>30 July 2013</b>
<b>Applicant:</b>	<b>Michael and Jennie Wisewould</b>

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**PURPOSE**

The purpose of this report is to consider an application for a carport addition to a house with a reduced side boundary setback at Lot 201 Hassell Street, Mount Barker.

**BACKGROUND**

Council records show the registered owners of Lot 201 Hassell Street are M and J Wisewould.

This proposal is for a carport addition to the existing house with a side boundary setback of 0m where a boundary setback of 1.5m is required by the Residential Design Codes (RCodes).

The reason provided by the proponents for the proposed carport is to protect their two motor vehicles from the weather. An existing smaller carport is to be removed.

**STATUTORY ENVIRONMENT**

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Residential (R5).

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:*

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- 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 carport requirements are in part 6 of the RCodes.

### **EXTERNAL CONSULTATION**

As part of lodging this application, the proponents sought comment from the landowner of adjoining Lot 3 Ormond Road to the north. The landowner of Lot 3 raised no objection to the proposal.

### **FINANCIAL IMPLICATIONS**

The application fee of \$107.00 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**

Lot 201 Hassell Street is 1,198m<sup>2</sup> in area and is zoned Residential (R20). Existing development at the lot consist of a house, a 19.5m<sup>2</sup> carport (3.0m x 6.5m) and two outbuildings, 9m<sup>2</sup> and 54m<sup>2</sup> in area.

The proposed carport will be 55.0m<sup>2</sup> (5.5m x 10.0m) in area, 2.4m in height and will be attached to the north elevation of the existing house. The proposed carport will be constructed in timber and the roof and gutters will be zincalume. This new carport will replace an existing smaller carport.

The proposed carport will not cause privacy or overshadowing issues and is not considered to have any significant adverse effect on the amenity of the locality or neighbouring property.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That in accordance with clause 2.5.2 of the Residential Design Codes and clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the application for a carport with a reduced side boundary setback of 0m at Lot 201 Hassell Street, Mount Barker be approved subject to the development being in accordance with the plans dated 10 June 2013.**

**CARRIED (6/0)**

**NO. 179/13**



**9.1.3 LOT 204 MOUNT BARKER ROAD CORNER MORPETH STREET, MOUNT BARKER - TWO LOT RESIDENTIAL SUBDIVISION**

<b>File No:</b>	<b>N27481</b>
<b>Attachments:</b>	<a href="#"><u>Location Plan</u></a> <a href="#"><u>Subdivision Plan</u></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>30 July 2013</b>
<b>Applicant:</b>	<b>John Kinnear and Associates</b>

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**PURPOSE**

The purpose of this report is to consider a proposal for a two lot residential subdivision involving one outbuilding with a reduced boundary setback at Lot 204 Mount Barker Road corner Morpeth Street, Mount Barker and to respond to the Western Australian Planning Commission (WAPC).

**BACKGROUND**

Council records show the registered owner of Lot 204 is JR Mark.

The subject land is 1.17ha in area and located between Mount Barker Road and Morpeth Street. The existing development on Lot 204 consists of one house and two outbuildings, 110m<sup>2</sup> (10m x 11m) and 166.5m<sup>2</sup> (9m x 18.5m) in area.

The proposal involves the subdivision of Lot 204 into two lots with the house and the smaller outbuilding to be located on proposed Lot A. The larger outbuilding is to be located on proposed Lot B.

The proposal further involves the smaller outbuilding on proposed Lot A to be setback 1.7m from the shared boundary with proposed Lot B where a 10m boundary setback is required by the Residential Design Codes (RCodes).

**STATUTORY ENVIRONMENT**

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Residential (R2).

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).

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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**

There are no financial implications for this report.

### **POLICY IMPLICATIONS**

Town Planning Scheme Policy No. 18 - Planning Vision, Lot 204 and adjoining properties are located within the proposed Residential R2/15 area. This increase in upper density Code to R2/15 is highly likely to be included in the final Shire of Plantagenet Local Planning Strategy.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

### **OFFICER COMMENT**

The proposal involves subdividing Lot 204 into two lots. Proposed Lot A is to be 6,397m<sup>2</sup> in area and proposed Lot B is to be 5,331m<sup>2</sup> in area.

The proposal meets the majority of the standards required for this R2 development set by the RCodes with the exception of the setback for the smaller outbuilding. The required setback is 10.0m and in this instance, the smaller outbuilding is setback 1.7m from the shared property boundary.

The proposed reduced boundary setback for the smaller outbuilding on Lot A is not likely to adversely affect the amenity of the locality. The 1.7m setback is supported.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr J Moir:

That:

1. The Western Australian Planning Commission be advised that the proposed two lot subdivision of Lot 204 Mount Barker Road corner Morpeth Street, Mount Barker is supported with reduced boundary setback of 1.7m to the existing outbuilding on Lot A as shown on the plan of subdivision subject to:
  - a) A crossover to Lot B being constructed and drained to the satisfaction of the Manager Works and Services;
  - b) All effluent disposal systems having the necessary clearance from the new lot boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia.
2. If required as a result of a Western Australian Planning Commission condition of approval, authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to a Notification under Section 70A of the Transfer of Land Act 1893 (as amended) and/or Section 165 of the Planning and Development Act 2005 (as amended).

**CARRIED (6/0)**

**NO. 180/13**

## 9.2 COMMUNITY SERVICES REPORTS

### 9.2.1 RESERVE 17849 - APPLICATION TO OPERATE MODEL AEROPLANES ON THE NARRIKUP SPORTING OVAL

<b>File No:</b>	<b>N27471</b>
<b>Attachment:</b>	<a href="#">Aerial Photograph</a>
<b>Responsible Officer:</b>	<b>Nicole Selesnew Manager Community Services</b>
<b>Author:</b>	<b>Isabelle Draffehn Community Development Officer</b>
<b>Proposed Meeting Date:</b>	<b>30 July 2013</b>

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#### PURPOSE

The purpose of this report is to seek authorisation from the Council to operate model aeroplanes on Reserve 17849 (commonly referred to as Narrikup Sporting Oval).

#### BACKGROUND

The Shire has received a request from a model aeroplane enthusiast to fly model aeroplanes on the Narrikup Sporting Oval. Model aeroplane enthusiasts have previously utilised the oval at Frost Park, however this is now impracticable due to the close proximity of Muir Highway and the consistent public usage by dog walkers, sporting groups and the Mount Barker Turf Club.

In accordance with the Shire of Plantagenet Local Government Property Local Law 2008, the Council must make 'a determination' for activities such as flying model aeroplanes. Reserve 17849 is Crown Land vested in the Shire for Recreation and Showground purposes.

#### STATUTORY ENVIRONMENT

Local Government Act 1995 (Local Government Property Local Law 2008)

*'Part 2 – Determinations in respect of Local Government Property, Division 2 – Activities which may be pursued or prohibited under a determination:*

- *2.7 (1) A determination may provide that specified local government property is set aside as an area on which a person may – (c) fly or use a motorised model aeroplane;*
- *2.7 (2) A determination may specify the extend to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular – (a) the days and times during which the activity may be pursued; (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property.'*

#### EXTERNAL CONSULTATION

External consultation has occurred with Mr George Tadd, model aeroplane enthusiast, Mr Aldo Lionetti, President of the Narrikup Cricket Club and Mrs Glenys Steel, Secretary of the Narrikup Combined Sporting Association Incorporated. Neither the Club nor the Association have any objections to the proposal.

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**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 2012 – 2022 provides at Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) the following strategy:

*‘Strategy 1.5.2: Promote sporting, recreation and leisure facilities and programs in the District’.*

**OFFICER COMMENT**

Mr Tadd is a member of the Model Aeronautical Association of Australia (MAAA) which provides:

- public liability, personal injury, and executive insurance;
- a framework of rules and regulations for the safe operation of model aeroplanes;
- an access pathway to enter national, international, and world championship competitions; and
- recognition by Civil Aviation Safety Authority (CASA) as a model aviation authority.

Seven day access to the Narrikup Oval is sought as flying model aeroplanes is largely determined by favourable weather conditions. Model aeroplane operators will only be using the oval when no other users are at the site and sporting groups will have priority. The flying times of individual planes vary, however they do not exceed a duration of 30 minutes at one time.

The type of aeroplane models proposed to be flown will be small electric, medium glow plug and larger two stroke petrol planes. Noise levels will vary depending on the type of planes, with a small electric plane making virtually no noise to a two stroke petrol model with a noise level comparable to a small whipper snipper. Portable signs will be erected when model aeroplanes are in use at the Narrikup Oval.

It is worth noting that model helicopters and gliders are classified as ‘model aeroplanes’ under the MAAA guidelines. While these craft haven’t been proposed for use at the Narrikup oval, an approval to fly model aeroplanes will include these also.

The Shire has a Memorandum of Understanding in place with the Narrikup Combined Sporting Association (NCSA) whose members utilise the grounds for their purposes and therefore membership of future users should come under the NCSA banner.

**VOTING REQUIREMENTS**

Simple Majority

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr S Etherington, seconded Cr J Moir:

That in accordance with the Shire of Plantagenet Local Government Property Local Law 2008, a determination be made that the Reserve No 17849 (commonly referred to as the Narrikup Sporting Oval) be set aside as an area on which persons may fly or use a motorised model aeroplane, provided the following conditions are adhered to:

1. People wishing to use the oval for model aeroplane flying purposes will need to be a current member of the Narrikup Combined Sporting Association Incorporated;
2. The activity may be pursued seven days a week between the hours of 9:00am and 4:00pm.
3. Model aeroplane flying cannot occur if other structured activities are being held at the oval;
4. Signage must be erected at the entrance of the oval when model aeroplane activity occurs;
5. Model aeroplane operators must have their own insurance coverage of \$20,000,000.00 public liability coverage and provide the Shire with evidence of such; and
6. People using the oval for model aeroplane flying must operate under Model Aeronautical Association of Australia (MAAA) guidelines.

**CARRIED (6/0)**

**NO. 181/13**

### 9.3 CORPORATE SERVICES REPORTS

#### 9.3.1 FINANCIAL STATEMENTS – JUNE 2013

<b>File No:</b>	<b>N27453</b>
<b>Attachment:</b>	<a href="#">Financial Statement (separate attachment)</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Brendan Webb</b> <b>Accountant / Office Manager</b>
<b>Proposed Meeting Date:</b>	<b>30 July 2013</b>

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#### **PURPOSE**

The purpose of this report is to present the unaudited financial position of the Shire of Plantagenet for the month ending 30 June 2013.

#### **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

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That the Unaudited Financial Statements for the month ending 30 June 2013 be received.**

**CARRIED (6/0)**

**NO. 182/13**



**9.3.2 INTEREST ON RUBBISH CHARGES AND EMERGENCY SERVICES LEVY  
– 2013/2014**

**File No:** N27405  
**Responsible Officer:** John Fathers  
Acting Chief Executive Officer  
**Author:** John Fathers  
Acting Chief Executive Officer  
**Proposed Meeting Date:** 30 July 2013

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**PURPOSE**

The purpose of this report is to set the interest rate for overdue payments on rubbish charges and Emergency Services Levy (ESL) for 2013/2014.

**BACKGROUND**

At its special meeting held on 9 July 2013, the Council adopted the budget and set property rates for 2013/2014. The formal resolution included the adoption of an interest rate of 11% for overdue rates, but neglected to state that this interest rate also applies to rubbish charges and ESL.

**STATUTORY ENVIRONMENT**

Section 6.13(1) of the Local Government Act 1995 permits a local government to require a person to pay interest at the rate set in its annual budget on any amount of money, (other than rates and service charges, which is covered elsewhere).

**FINANCIAL IMPLICATIONS**

The budget includes a total of \$30,000.00 being raised from the imposition of penalty interest on rates, rubbish collection charges, ESL and legal expenses.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following Strategy 4.6.3:

*‘Maintain, develop and monitor rating and property strategies.’*

**OFFICER COMMENT**

It is recommended that a late payment penalty interest of 11% per annum be adopted on these charges, which is the interest rate set for property rates and legal expenses. Pensioners are excluded from these penalty interest charges.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That pursuant to section 6.13 of the Local Government Act 1995, an interest rate of 11% be adopted for rubbish collection and Emergency Services Levy charges that remain unpaid after becoming due and payable.**

**CARRIED (6/0)**

**NO. 183/13**

**Absolute Majority**

**9.3.3 LIST OF ACCOUNTS - JUNE 2013**

**File No:** N27440  
**Attachment:** [List of Accounts – June 2013](#)  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Emma Gardner  
Accounts Officer  
**Proposed Meeting Date:** 30 July 2013

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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 2013.

**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 (28 May 2013). 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 J Moir, seconded Cr S Etherington:

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 June 2013 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$1,435,248.98; and
- b. Municipal Cheques 43840 - 43899 totalling \$92,240.32.

**CARRIED (6/0)**

**NO. 184/13**

**9.3.4 POLICY REVIEW – BUDGET PREPARATION**

<b>File No:</b>	<b>N27538</b>
<b>Attachment:</b>	<a href="#"><u>Council Policy F/FM/10 – Budget Preparation (with amendments)</u></a>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>30 July 2013</b>

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**PURPOSE**

The purpose of this report is to review Council Policy F/FM/10 - Budget Preparation.

**BACKGROUND**

This policy was adopted by the Council at its meeting held on 3 May 2011.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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’.*

**OFFICER COMMENT**

This policy has guided the budget preparation process for the last two years and has worked well. However, since that time, the Council has adopted documents under the Integrated Planning and Reporting Framework, which will play a greater part in guiding the budget. The policy should be amended to reflect this.

The policy should also be amended by amending clause 3.1(f) (original clause 3.1(e)) to recognise that the General Waste Levy has been abolished and that the Council has now achieved self funding in respect to rubbish charges.

Reference to the percentage amounts in clause 3.1(g) (original clause 3.1(f)) should also be deleted as these amounts have changed since the policy was adopted (to maintain equity when the General Waste Levy was abolished). In addition, the Council’s original Long Term financial Plan 2009-10 to 2019-20 indicated that these

percentages should be considered flexible. In the future, as subdivision increases and land usage changes, this ratio may need to be changed.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That amended Council Policy F/FM/10 – Budget Preparation as follows:

### **OBJECTIVE:**

To provide guidance in relation to preparation of the annual budget and the programming of major works and asset purchases.

### **POLICY:**

#### **Fees and Charges**

- 1.1 The objective for setting fees and charges is to adopt a self funding approach as the preferred revenue collection method where a direct recognisable service is provided. A balance is to be achieved between implementing the self funding principle versus discounted pricing to recognise a community service obligation.
- 1.2 The Council annually, in conjunction with the budget adoption process, review all fees and charges levied for services with the aim of increasing the overall level of fees and charges by the Local Government Cost Index averaged over a three year period. The review of the fees and charges is to consider:
  - a) The cost of providing the service;
  - b) The purpose of the service and in particular whether it is consumed by a discrete part of the community or is general public service;
  - c) The extent to which a subsidy should apply for reasons of community affordability, comparative pricing to private or neighbouring local government facilities/services or encouragement of greater use of Council facilities; and
  - d) An appropriate level for infringements which balances a fair cost and a deterrent factor.

#### **Works Program**

- 2.1 The following parameters are recommended for efficient and effective financial management in relation to interim overdraft conditions which may prevail in the early and closing parts of each financial year:
  - a) Defer procurement of new budgeted plant items until after January each year.
  - b) Discourage the programming of materially intensive works in the early and closing parts of each financial year.
  - c) Not to procure fixed assets within the last month of the financial year unless extenuating circumstances exist.

## Rates

3.1 Rates will be reviewed annually with the following factors being considered:

- a) The range of services and service levels, activities, objectives and plans detailed from time to time in the Council's Strategic Community Plan, Corporate Business Plan and associated documents;
- b) Levels of the Consumer Price Index (All Groups) Perth and the Western Australian Local Government Cost Index;
- c) Sector growth and prevailing economic conditions;
- d) Comparison with other local governments in the region;
- e) Minimum rate to be imposed as all ratepayers should contribute equally to basic Council services. Minimum rates should also have a penalty factor levy to encourage development and discourage reduced amenity;
- f) The setting of rubbish collection and recycling charges should be based on the self funding principle; and
- g) The Council will set and maintain a ratio upon which the proportion of rates raised between property valuation categories will be based, regardless of re-valuations undertaken by the Valuer General's Office. The primary reason for this is to maintain equity and smooth out timing differences in re-valuations. Notwithstanding this, the Council should satisfy itself that respective rating levels on each category are equitable.'

be endorsed.

CARRIED (6/0)

NO. 185/13

**9.3.5 POLICY REVIEW – EQUAL EMPLOYMENT OPPORTUNITY**

**File No:** N27537  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Donna Jo McDonald  
Senior Administration/Human Resources  
Officer  
**Proposed Meeting Date:** 30 July 2013

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**PURPOSE**

The purpose of this report is to review Council Policy No. OP/HRE/2 – Equal Employment Opportunity.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 14 June 2011.

**STATUTORY ENVIRONMENT**

The Equal Opportunity Act 1984 governs the necessity for employers to provide a workplace that supports the achievement of equity and diversity and is free from bias and unlawful discrimination against employees or potential employees.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012–2022 provides at Outcome 4.5 (Skilled, committed and professional staff in a supportive environment) the following Strategy:

*‘Strategy 4.5.4 – Maintain and develop human resource management policies, procedures and systems for current and future workforce needs’.*

**OFFICER COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION**

That Council Policy No. OP/HRE/2 – Equal Employment Opportunity as follows:

**OBJECTIVE:**

The Shire of Plantagenet recognises its legal obligations under the Equal Opportunity Act, 1984, and actively promotes equal employment opportunity based solely on merit to ensure that neither direct nor indirect discrimination occurs on the grounds of gender, marital status, pregnancy, race, impairment, religious or political convictions, age, sexual orientation, family status or responsibilities.

**POLICY:**

1. All employment training with the Shire of Plantagenet is directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the inherent requirements for such training.
2. All promotional policies and opportunities with the Shire of Plantagenet are directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the inherent requirements for such promotion.
3. All offers of employment within the Shire of Plantagenet are directed towards providing equal opportunity to prospective employees provided their relevant experience, skills and ability meet the inherent requirements for engagements.
4. The Shire of Plantagenet does not tolerate harassment within its workforce. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, sex, colour, language, ethnicity, political or religious convictions, gender, marital status or impairment.
5. The equal employment opportunity goals of the Shire of Plantagenet are designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability.
6. The Shire of Plantagenet in no way deems the endorsement of this policy as meaning that the Council's current attitude, or those of its current employees, requires changing or modification.'

be endorsed.

**COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr S Etherington:

That Council Policy No. OP/HRE/2 – Equal Employment Opportunity as follows:

**‘OBJECTIVE:**

The Shire of Plantagenet recognises its legal obligations under the Equal Opportunity Act, 1984, and actively promotes equal employment opportunity based solely on merit to ensure that neither direct nor indirect discrimination occurs on a ground referred to in the Equal Opportunity Act 1984.

**POLICY:**

1. All employment training with the Shire of Plantagenet is directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the inherent requirements for such training.
2. All promotional policies and opportunities with the Shire of Plantagenet are directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the inherent requirements for such promotion.
3. All offers of employment within the Shire of Plantagenet are directed towards providing equal opportunity to prospective employees provided their relevant experience, skills and ability meet the inherent requirements for engagements.
4. The Shire of Plantagenet does not tolerate harassment within its workforce. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, sex, colour, language, ethnicity, political or religious convictions, gender, marital status or impairment.
5. The equal employment opportunity goals of the Shire of Plantagenet are designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability.
6. The Shire of Plantagenet in no way deems the endorsement of this policy as meaning that the Council's current attitude, or those of its current employees, requires changing or modification.'

be endorsed.

**CARRIED (6/0)**

**NO. 186/13**

**Reason for Change**

Councillors believed that a reference to the Equal Opportunity Act 1984 in the objective was more appropriate than listing the individual grounds for discrimination.

## 9.4 EXECUTIVE SERVICES REPORTS

### 9.4.1 LEASE OF BRICK AND IRON HUT AND RADIO MAST - RESERVE 44652 - MOUNT BARKER HILL

<b>File No:</b>	<b>N27559</b>
<b>Attachments:</b>	<a href="#">Draft Lease.</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Donna McDonald</b> <b>Senior Administration/Human Resources Officer</b>
<b>Proposed Meeting Date:</b>	<b>30 July 2013</b>

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#### PURPOSE

The purpose of this report is to recommend the finalising of a lease for the brick and iron hut and radio mast situated on Reserve 44652 (Location 7761) on Mount Barker Hill, adjacent to the main telecommunication mast.

#### BACKGROUND

The radio mast site had, in the past, been recognised by Telstra as a suitable site for first generation telephone transmission. If this had occurred, the tower would have been lost to local users and the Council sought authority to buy it under Council control through a Management Order. A lease of the land was then entered into by the Council in 1997 with Southern Digital Communications and expired some years ago.

Significant capital works have now been required which was, strictly speaking, the responsibility of the former Lessee. However, as the Lease had expired, repairs and capital renewal were required to be undertaken due to orders issued by Work Safe Australia. These works have now been completed.

Existing tenants are:

- St John Ambulance
- Mount Barker Emergency CB Repeater
- Southern Electronics Group Repeater
- West Australian VHF Group:
  - Scientific Radio Beacons
  - Mount Barker Wind Farm

Each of these is 'not for profit'

Other users are:

- Intelligent IP Broadband (internet)
- Ocean Broadband (internet)
- Department of Corrective Services (repeater). Soon to be obsolete.
- United Christian Broadcasters (FM service).

At its meeting held on 28 May 2013 the Council resolved:

*'That:*

- 1. No objections be raised regarding the advertising pursuant to section 3.58 of the Local Government Act 1995 relating to the proposed disposition by Lease of a radio tower and brick and iron hut situated on Reserve 44652 (Location 7761) Mount Barker Hill.*
- 2. At the conclusion of advertising a further report be prepared for consideration of submissions by the Council no later than the meeting to be held July 2013.'*

## **STATUTORY ENVIRONMENT**

Local Government Act 1995 – Section 3.58 and Regulations 30 and 31 of the local Government (Functions and General) Regulations 1996 govern the disposition of land.

The Lease is subject to the Land Administration Act 1997 and requires approval from the Minister for Lands.

## **FINANCIAL IMPLICATIONS**

Income from the lease of the hut and radio mast will be \$1,040.00 (inclusive of GST) per financial year.

## **POLICY IMPLICATIONS**

There are no policy implications for this report.

## **ASSET MANAGEMENT IMPLICATIONS**

A lease is crucial to ensure the ongoing upkeep and maintenance of the hut and radio mast.

## **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012 – 2022 provides at Outcome 1.3 (A cohesive and supportive community) the following strategy:

*'Strategy 1.3.4 – Actively promote and assist community groups and clubs.'*

## **OFFICER COMMENT**

A request for tender for the lease of the hut and radio mast was advertised in the Albany Advertiser on Tuesday 25 June 2013, as per the provisions of Section 3.58 of the Local Government Act 1995. The closing date for the receipt of tenders was Monday 15 July 2013, with delivery of submissions to the Tender Box.

One tender was submitted by Mr Bevan Lang.

In his submission Mr Lang declares to have twenty years of knowledge of the site, due to his work commitments at the Broadcast Australia site, which is adjacent to the radio mast and a working relationship with the current users of the radio mast. Mr Lang also states that he values the importance of the radio mast to the community of the Shire of Plantagenet.

Mr Lang believes he can fulfil all conditions of the lease, agrees to the annual rent as stated in the lease and has obtained the relevant insurance quotes.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

That subject to the approval of the Minister for Lands:

1. The tender from Mr Bevan Lang for the lease of the brick and iron hut and radio mast located on Reserve 44652 (Location 7761) Mount Barker Hill, be accepted.
2. Authority be granted to the Shire President and the Chief Executive Officer to affix the Seal of the Council to a Lease Agreement between the Shire of Plantagenet and Mr Bevan Lang relating to Reserve 44652 (Location 7761) Mount Barker Hill for a period of ten years.

### **COUNCIL DECISION**

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

**That subject to the approval of the Minister for Lands:**

1. **The tender from Mr Bevan Lang for the lease of the brick and iron hut and radio mast located on Reserve 44652 (Location 7761) Mount Barker Hill, be accepted.**
2. **Authority be granted to the Shire President and the Chief Executive Officer to affix the Seal of the Council to a Lease Agreement between the Shire of Plantagenet and Mr Bevan Lang relating to Reserve 44652 (Location 7761) Mount Barker Hill for a period of ten years.**
3. **That Mr Lang be notified that this hut needs to comply with the Annual Firebreak and Fire Hazard Reduction Notice.**

**CARRIED (6/0)**

**NO. 187/13**

#### Reason for change

Councillors believed that the successful tenderer should be reminded of obligations in respect to the Annual Firebreak and Fire Hazard Reduction Notice.

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****10.1 REFERENDUM – CONSTITUTIONAL RECOGNITION FOR LOCAL GOVERNMENT**

Moved Cr J Moir, seconded Cr S Etherington:

That:

1. The Shire of Plantagenet's position in regard to the holding of a referendum to recognise Local Government in the Australian Constitution is that the Federal Government should set the date of the Federal Election so that the referendum can be held on the same day as the election, thereby minimising the costs to Australian taxpayers.
2. The Prime Minister, Leader of the Opposition and Australian Local Government Association be advised of the Shire's position.

CARRIED (5/1)

NO. 188/13

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

Nil

**12 CONFIDENTIAL**

Nil

**13 CLOSURE OF MEETING**

4:16pm The Presiding Member declared the meeting closed.

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