



Shire of  
**Plantagenet**

Mount Barker • Kendenup • Narrikup  
Porongurup • Rocky Gully

# SPECIAL MINUTES

**A Special Meeting of Council was held at the  
Shire of Plantagenet Council Chambers, Mount Barker  
at 5:00pm on Tuesday 28 January 2025**

**Julian Murphy**  
**CHIEF EXECUTIVE OFFICER**

**Resolution numbers: 001/25 to 007/25**

***Please Note: Council Meetings are audio recorded..***

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.00pm The Presiding Member declared the meeting open.

The Presiding Member acknowledged the traditional custodians of our area and their continuing connection to the land and community. We pay our respects to all members of the Menang Noongar community and their culture; and to Elders past, present and emerging.

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

### Members Present:

Cr L Handasyde	President (Presiding Member)
Cr K Clements	Deputy President
Cr B Bell	Councillor
Cr R Brown	Councillor
Cr S Etherington	Councillor
Cr A Fraser	Councillor
Cr J Liebeck	Councillor
Cr J Oldfield	Councillor
Cr W Sheard	Councillor

### In Attendance:

Mr Julian Murphy	Chief Executive Officer
Mr Anthony Middleton	Executive Manager Corporate and Community Services
Ms Kylie Caley	Manager Finance
Mr André Pinto	Acting Manager Development Services
Ms Nolene Wake	Executive Officer
Mr Vince Partridge	ICT Officer

### Apologies:

Nil

### Members of the Public Present:

There were 11 members of the public present at the meeting.

Previously Approved Leave of Absence:

Nil

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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.'

*Please Note: Council Meetings are recorded for accuracy of minute taking.*

### **3 PUBLIC QUESTION TIME**

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

##### **3.1.1 MS TINA JOHNSON ASKED THE FOLLOWING QUESTIONS OF COUNCIL IN RELATION TO ITEM 9.1.1 LOT &01 (33) WARBURTON ROAD, MOUNT BARKER – CHILD CARE PREMISES.**

#### **Questions**

##### **3.1**

*Can the Shire President, or CEO explain why several sitting councillors may not have been aware until very recently of Gowrie's development and the list of conditions enforced after what seems to be the undertaking of extensive assessments, when the matter of Gowrie establishing a reputable child care centre in Mount Barker has been known to the Shire since 2021, and more recently since 2023. The State of child care in Australia has been described by all levels of Government as being at crisis point and this has been felt in Plantagenet for many years. The Shire President or the CEO may want to expand on why council hasn't been asked to address the matter by the Shire CEO with some urgency considering*

*the significant investment Gowrie has already made, and is expecting to continue to make, in our community based on previous in-principal approvals.*

#### Response

The Councillors are all provided the OCM report and supporting documentation at least 72 hours prior to the meeting itself, which is standard for any and all Development Applications across the State noting the statutory timeframes associated with the applications. This gives all Councillors the opportunity to review the report and supporting documentation and ask any questions necessary in the lead up to the OCM. The Shire has shown clear in principal support towards greater child care being provided in the area noting the Scheme Amendment supported by Council to take 'Child Care Premise' from a 'Not Permitted' land use in the 'Residential Zone', to a land use that can be considered through a Development Application. Furthermore, the Shire prepared a Local Planning Policy (Local Planning Policy No.4- Child Care Premises and Family Day Care), which provides framework and guidance for these land uses in anticipation for this Development Application coming in. The Policy was adopted 28 November 2023, therefore it is evident the Shire has been well aware of this for quite some time.

### **3.2**

*It is clear to many members of the public, that the Shire and CEO are placing expensive, excessive and onerous conditions on Gowrie WA's application to open a much needed child care centre in our town, with those conditions and expectations not being applied fairly and equitably to other similar businesses that attract vehicles and pedestrians.*

*Can the Shire President or CEO please provide the rationale to ensure pedestrian safety by Gowrie WA to install a traffic calming device in a driveway of only 40m in total length (before the 90 degree turn in to a very wide carpark), when the Shire's own CRC building, which houses a similar business to Gowrie's has over 210m driveway, with two straight sections of 77m, with no such devices fitted? This is similar to the IGA carpark where the 150m long driveway has its first calming device at 88.9m, some 60m past the busy entry to the IGA.*

#### Response

The Shire respectfully disagrees that these conditions proposed are in anyway excessive and onerous. They are all very standard conditions associated with Child Care Premise land use proposals and Development Applications across the state for various reasons. Furthermore, without these in place the Shire would not be conducting 'orderly and proper planning' as required under Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The proponent has been provided with the clear rationale previously as to why a traffic calming device is being proposed, it is not only about speed but more about having a two-way traffic movement system in place, along with poor sightlines leading into the 90-degree corner. Both the IGA carpark and CRC carpark have clear and open sightlines.

### 3.3

*Can the Shire President or CEO please provide evidence that the same conditions that are being applied to Gowrie WA were applied to the Child Care Centre that was opened in the Shire building containing the CRC and Library at the beginning of 2024? Several months after the Local Planning Policy No.4- Child Care Premises & Family Day Care was introduced by the Shire in November 2023.*

#### Response

The Shire can confirm the same conditions were not imposed on the Skylar CCP application. Although there were some similarities, the key conditions being contested around acoustic reports, traffic etc. were not relevant to the Skylar proposal. The Shire has very clearly outlined this to the proponent previously. For example, an Acoustic Report was not necessary for the Skylar proposal as not only is it located within a 'Public Purposes Zone', compared to the Residential Zone of the Gowrie WA application, there are no Residential lots nearby which would be able to be affected by the Skylar development based on standard separation buffers set out under the Noise Regulations. In turn, as per standard practice, an Acoustic Report is not necessary. Items such as parking, staff numbers etc. were all taken into account and conditioned accordingly on the Skylar proposal as necessary. To manage parking, noting the shared parking facility on site there, sightlines are sufficient in the carpark. Skylar is connected to deep sewer, hence wastewater systems are not applicable. Staff and child numbers were both conditioned as per standard practice etc. Given the significantly different contexts and zones, the two applications can hardly be compared against each other.

Regarding the comparison of the approval date of LPP4 compared to Skylar's operations beginning, just because Skylar started operating after LPP4 does not mean it was relevant at the time of approval. Skylar was granted Development Approval 21 April 2023, approximately 7 months prior to the adoption of LPP4. Furthermore, LPP4 mainly aims to provide guidance to Child Care Premises in Residential zones, not to Child Care Centres in built for purpose buildings in 'Public Purposes' zones. Finally, during the assessment process for Skylar, the majority of the requirements under LPP4 were taken into account, as these are common requirements across the State similar principles were applied in the assessment.

#### **3.1.2 MS MADDISON PATERSON ASKED THE FOLLOWING QUESTIONS OF COUNCIL IN RELATION TO ITEM 9.1.1 LOT &01 (33) WARBURTON ROAD, MOUNT BARKER – CHILD CARE PREMISES.**

### 3.1

*Can the Shire President or CEO please provide the evidence that states a Shire Condition (number 17) of a maximum of 15 staff are to be onsite at any one time supersedes the requirements set by the Education and Care Regulatory Unit (ECRU) on the number of staff required to meet regulated child to staff ratios?*

#### Response

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The condition does not relate in any way to the requirements of child to staff ratios set out under *Education and Care Services National Regulations 2012 (Division 3)*, not that it is the Shire's place to comment on these aspects as it is State enforced legislation, but the ratios appear to be well in excess of the Regulations, so this condition would not affect this. The intention of the condition is to manage carparking on site, to ensure that carparking is available for customers, and in turn, not resulting in overflow into the road reserve detrimentally affecting nearby landowners. This is a very common condition for all forms of business to manage parking through Development Applications in the State.

### 3.2

*It seems that a lot of conditions are to the satisfaction of the Shire and although Gowrie WA has undertaken extensive assessments as part of their development approval, the conditions ask for identifying all receivers of noise, calculations and maps, and noise contouring. Can the Shire President or CEO please explain whether the same conditions have been applied to all other establishments in town where noise is generated, and what happens if the results of any mapping and calculations are not to the satisfaction of the Shire, and why is there a need for a noise management plan if the environmental acoustic assessment is approved as compliant?*

#### Response

Yes, the conditions are mostly 'to the satisfaction of the Shire', as the Shire is the clearing authority of the Development Approval conditions. This is standard condition writing, which has been tested in the State Administrative Tribunal and formal advice received from solicitors regarding this. 'To the satisfaction of the Shire' is actually beneficial to the proponent as it aims to provide the Shire and proponent some flexibility to negotiate the final accepted outcome of the condition. The Shire can confirm that not all establishments in town have been requested to provide an Acoustic Report. This has been previously outlined to the proponent, this is because other similar establishments have been proposed in Commercial and Civic zones, in which they do not abut Residential zones, so in turn, noise generation is not remotely as much of an issue. This is standard practice across the State. It is evident that this proposal is located in the middle of a Residential Zone, and in turn, noise generation would naturally affect neighbours. The Acoustic Report assesses this impact, ensures the neighbours can be protected against excessive noise, and also provides the proponent some level of protection should neighbours make formal complaints regarding noise, because if it falls within the parameters of acceptable levels under the Noise Regulations and the Acoustic Report, the formal complaint would be deemed invalid.

Please note, contrary to what is stated here, the acoustic report is not approved. It is clearly outlined under the 'Noise' section of the OCM report that amendments are required to the report, the applicant is aware of this, did not want to provide the amended report to the Shire during the application period and requested it to be conditioned as part of the approval, hence the condition here. Regarding the noise management plan, this is also clearly outlined within the OCM report. A



masonry wall would be necessary to completely mitigate any noise issues relating to neighbours, but the cost associated with this is clearly excessive, so in an attempt to provide an alternative a Noise Management Plan is conditioned to ensure this can be covered off in an alternative manner, saving the applicant considerable money.

### 3.3

*Can the Shire President or CEO please provide the rationale of instructing Gowrie WA to upgrade the waste treatment system considering that 71 of the maximum 86 persons (as stated in the proposal) will be children, of which a large portion will be in nappies. It would be accurate to calculate that the waste produced by 71 children is considerably less than the 83-person capacity that was approved for the previous owner as per the Shire Minutes dated 6<sup>th</sup> November 2011.*

#### Response

The Shire's Principal Environmental Health Officer spent a number of hours with the proponent going through the constraints associated with the existing septic system on site. The proponent is aware that the existing waste treatment system on site was approved for 'part time use' for these numbers given this was appropriate for the previous 'Place of Worship' land use on site, increasing this to 'full time use' means the system cannot cater for the numbers proposed. Furthermore, the proponent is aware that the reticulation area for the waste system is within their proposed 'play area' which cannot meet health safety requirements for users of the space and requires amendments accordingly due to insufficient periods of time for drying to opening hours of the land use. To put it simply, the issue does not lie with the approved numbers for the system specifically but more so the capacity of the system from 'part time use' to 'full time use' and then the associated health risks with the reticulation area of the system being located within the proposed 'play area'.

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

#### 3.2.1 MATRICE HARBOUR ASKED THE FOLLOWING QUESTION OF COUNCIL IN RELATION TO FIRE EMERGENCY RESPONSE.

*I would like to know what the Plantagenet Shire has in place in case of full evacuation of the town is required and safe assistance for our frail, aged and socially isolated?*

The Presiding Member advised that the question would be taken on notice and a response would be forthcoming in due course.

## 4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

## 5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr J Oldfield

Item: 9.1.1 P800- Lot 701 (33) Warburton Road Mount Barker –  
Child Care Premises  
Type: Proximity pursuant to Schedule 5.60B of the Local Government  
Avy 1995.  
Nature: Owner of adjoining property  
Extent: Will be leaving the meeting.

## 6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

### 6.1 CR B BELL

Moved Cr J Oldfield, seconded Cr J Liebeck:

That Cr B Bell be granted Leave of Absence for the period 16 February to  
18 March 2025 inclusive.

CARRIED (9/0)

NO. 001/25

**For: Crs Handasyde, Clements, Bell, Brown, Etherington,  
Fraser, Liebeck, Oldfield and Sheard  
Against: Nil**

## 7 CONFIRMATION OF MINUTES

### 7.1 ORDINARY MINUTES OF COUNCIL HELD 17 DECEMBER 2025

Moved Cr J Oldfield, seconded Cr W Sheard:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held  
on 17 December 2025 be confirmed as a true and accurate record.

CARRIED (9/0)

NO. 002/25

**For: Crs Handasyde, Clements, Bell, Brown, Etherington,  
Fraser, Liebeck, Oldfield and Sheard  
Against: Nil**

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

Cr Handasyde welcomed all to 2025, noting that we have come a long way from last year and that he was looking forward to the next 12 months. Thanks was extended to Councillors and staff.

## 9 SPECIAL REPORTS

### 9.1 DEVELOPMENT & REGULATORY SERVICES REPORTS

#### Cr J Oldfield

Item: 9.1.1 P800- Lot 701 (33) Warburton Road Mount Barker – Child Care Premises

Type: Proximity pursuant to Schedule 5.60B of the Local Government Avy 1995.

Nature: Owner of adjoining property

Extent: Will be leaving the meeting.

5.07pm Cr J Oldfield left the meeting

#### 9.1.1 P800- LOT 701 (33) WARBURTON ROAD, MOUNT BARKER – CHILD CARE PREMISES

**File Ref:** N65340

**Attachment:** [Applicant's Development Application Report](#)  
[Marked Up Site Plan](#)  
[Schedule of Submissions & Reponses](#)

**Responsible Officer:** Andre Pinto – Executive Manager  
Development and Regulatory Services

**Author:** Jayden Pope – Senior Town Planner (Altus Planning)

**Proprietor/Applicant:** The Gowrie (WA) Inc / Harley Dykstra

**Proposed Meeting Date:** 28 January 2025

#### PURPOSE

The purpose of this report is to determine the development application (P800) for a Child Care Premises at Lot 701 (33) Warburton Road, Mount Barker as the proposal is outside the authority delegated to staff.

#### BACKGROUND

The *Planning and Development Act 2005* legislates the use and development of land in Western Australia through the planning system. The Shire's Local Planning Scheme No. 5 (**LPS5**) is a key part of this planning system, controlling land use and development. This is supported by various local and state planning policies.

On 5 September 2024, the Shire accepted an application for 'Child Care Premises' (**proposed development** or **proposal**), at Lot 701 (33) Warburton Road, Mount Barker (**subject land** or **site**). The subject land is zoned as 'Residential' with a density coding of R2 under LPS5.

Under LPS5, a 'Child Care Premises' means "*premises where —*

- (a) *an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or*
- (b) *a child care service as defined in the Child Care Services Act 2007 section 4 is provided”.*

An amendment to LPS5 (Amendment 1) that varied the permissibility of the above land use in the Residential zone was gazetted on 2 August 2024. The previous permissibility under the zoning table was an ‘X’ (not permitted) use, to now an ‘A’ use.

An ‘A’ use means that the use is not permitted unless the Shire has exercised its discretion by granting development approval after advertising the proposal to potentially affected neighbours.

### **EXTERNAL CONSULTATION**

No external consultation has occurred in relation to this report.

### **STATUTORY ENVIRONMENT**

*Planning and Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015*

*Shire of Plantagenet Local Planning Scheme No. 5*

### **POLICY IMPLICATIONS**

Local Planning Policy No. 4 – Child Care Premises & Family Day Care

Town Planning Scheme Policy No. 22 – Advertising Signs

### **FINANCIAL IMPLICATIONS**

The application fee of \$4,270.00 was received on 5 September 2024.

### **BUDGET IMPLICATIONS**

There are no budget implications for this report.

### **LEGAL IMPLICATIONS**

If an applicant or owner is aggrieved by a determination, there is a right of review by the State Administrative Tribunal under *Part 14* of the *Planning and Development Act 2005*.

### **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications as no assets are being created or acquired.

## STRATEGIC IMPLICATIONS

The Shire of Plantagenet Corporate Business Plan 2022/23 – 2025/26 provides:

At Outcome 2.2 Infrastructure the following Strategy:

Strategy 2.2.2:

*'Encourage development that is consistent with the individual character of towns'*

At Outcome 4 Performance & Leadership the following Strategies:

Strategy 4.1.1:

*'A Shire that listens and considers the needs of each community.'*

Accordingly, the recommended outcome for this report aligns with the Corporate Business Plan.

## RISK MITIGATION IMPLICATIONS

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Operational</i> Lack of adequate landscaping onsite could create an undesirable design outcome.	<i>Likely</i>	<i>Moderate</i>	<i>Moderate</i>	<i>Condition for amended landscaping to be approved and implemented.</i>
<i>Operational</i> Lack of adequate traffic safety management could pose a risk to pedestrians and other vehicles.	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Conditions for wheel stops, traffic calming device and a reversing bay to be approved and implemented.</i>
<i>Operational</i> Lack of adequate noise management may create adverse amenity impacts to surrounding properties.	<i>Likely</i>	<i>Moderate</i>	<i>Moderate</i>	<i>Condition for amended Environmental Acoustic Assessment and for the preparation of a Noise Management Plan.</i>
Opportunity:				

- Increased soft landscaping to enhance the streetscape and increase the sustainability of the development.
- Increased traffic safety measures to mitigate potential accidents.
- Noise management measures to mitigate any potential for adverse amenity impacts.

## STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

## REGIONAL IMPLICATIONS

There are no regional implications for this report.

## OFFICER COMMENT

### Proposal

The proposed development consists of the following:

- One (1) existing building.
- One (1) new modular building located to the northern side of the carpark.
- The existing car parking areas to be utilised with 25 bays.
- 15 staff and 71 children.
- The hours of operation to be 7.15am – 5.45pm Monday to Friday, as confirmed by the Applicant to the Shire.

### Strategic Considerations

An amendment to LPS5 (Amendment 1) that varied the permissibility of the above land use in the Residential zone was gazetted on 2 August 2024. The previous permissibility under the zoning table was an 'X' (not permitted) use, to now an 'A' use.

There are no other strategic concerns relating to this proposal, the proposal is considered to align with the objectives of the Residential zone and is not an unexpected form of development within a residential area.

### Zone Objectives:

Pursuant to Table 2 of LPS5, the objectives of the Residential zone are as follows.

1. *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
2. *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
3. *To provide for a range of non-residential uses, which are compatible with and complementary to residential development.*

Whilst the development is not a dwelling per se, the development of a Child Care Premises for the dwellings within the Residential area is considered to be a much-required need for the community.

The new building is located behind the existing building and is modular in nature. Subject to the recommended conditions being imposed, the development as a whole is considered to be of a high-quality design.

The development is classified a non-residential land use. The land use itself and the design of the development is considered to be complementary to the residential area.

The development is therefore considered to be consistent with the Residential zone objectives of LPS5.

### **Setbacks**

Clause 25, 26 and Table 7 (Additional requirements that apply to land in Scheme area) of LPS5 only contemplate residential development in the residential zone, that is development that is applicable to the Residential Design Codes (**R-Codes**).

With respect to the Residential zone objectives of LPS5 (as also assessed above), the residential standards have been considered. Whilst the development does not satisfy the deemed-to-comply requirements of the R-Codes where the side setback of the new building to the eastern boundary would require a setback of 10m, the development has been considered against the relevant design principles of clause 5.1.3 of the R-Codes. It has been determined that the proposal demonstrates compliance with the relevant design principles as the proposal is considered to have a relatively low bulk and scale to adjacent neighbours and therefore warrants approval.

### **Local Planning Policy No. 4 – Child Care Premises & Family Day Care**

The development has been assessed against the Shire's newly created Local Planning Policy No. 4 – Child Care Premises & Family Day Care (**LPP04**). A summary of the key findings from the assessment against LPP04 is listed below.

- The external colours and materials, whilst shown on the elevations, has no specific details on the exact colours and materials to be used. A condition for a schedule of colours and materials is therefore recommended to be imposed.
- Landscaping of the driveway and carparking areas is minimal. It is noted that the aerial layer on the submitted Site Plan is not up to date with respect to the amount of landscaping within these areas. A site inspection was conducted by Shire officers, and the landscaping currently on site is significantly less than what has been represented on the Site Plan. A condition for a landscape plan that includes more landscaping within the carparking areas and on both sides of the driveway is therefore recommended to be imposed.
- A reversing bay is required within the main carpark to allow for cars to enter and exit the site in forward gear, should all bays be occupied. This is therefore recommended to be a condition of approval and would require one car bay to be removed from carparking calculations.
- 23 car bays are required, and 24 bays will be provided after the inclusion of the reversing bay. This is a surplus of one (1) car parking bay.
- Car parking bay 3 will have difficulty for access and egress of larger vehicles. Car bay 3 should be sign posted for small vehicles only, and/or as a dedicated



staff bay where access to and from the bay will generally occur in off peak periods. A condition of approval to make this amendment is recommended to be imposed.

- The display on the sign is greater than 1m<sup>2</sup> in area, however the sign frame is existing. This variation proposed is considered acceptable due to the utilisation of the existing signage frame.
- The proposed bin store is considered to have some form of screening as described within the submitted Waste Management Plan; however specific details have not been provided. A condition for the screening of the bin store is recommended.

### **Town Planning Scheme Policy No. 22 – Advertising Signs**

As the signage of the proposed development is not exempt from development approval, the requirements of the Town Planning Scheme Policy No. 22 – Advertising Signs (**Advertising Signs Policy**) apply.

The sign departs from the requirements of the Advertising Signs Policy as the sign is located between the existing building and the street boundary, and also that the Advertising Signs Policy does not permit for Hoarding Signs within any zone.

However, as the sign frame itself is existing, it is considered to be acceptable. It is further considered that the proposal generally meets the intent of the Advertising Signs Policy. The sign is relatively small and is the only sign on site, therefore reducing visual clutter and respecting the distinctive character of the area.

### **Traffic & Safety**

Vehicular access is to remain from Warburton Road, with no modifications to the existing crossover proposed.

A Traffic Impact Statement (**TIS**) has been provided with the application by the Applicant. The TIS has been assessed by the Shire and the TIS has been determined to be acceptable.

The proposal has been calculated to generate approximately 56 vehicles during the AM peak hour, 57 vehicles during the PM peak hour, and 290 daily trips. Assessing officers have agreed with the TIS that this increase is considered to be minimal and the surrounding road networks are capable of this containing this increase.

The assessing officers however have determined that there is a substantial risk to traffic safety via the long, straight driveway that leads to a 90-degree corner. It is recommended that a traffic calming device, such as a speed bump, is incorporated into the driveway to ensure the speed of traffic entering and exiting the site is at an acceptable speed.

Additionally, wheel stops are also recommended to be implemented into any car bays that are adjacent to a footpath to ensure that pedestrian safety is maintained.

### **Waste Management**

A Waste Management Plan has been prepared and submitted by the Applicant as part of this proposal. The Applicant proposes to utilise the entirety of the verge for waste collection by the Shire's private contractor.

After discussions with the Applicant, it has been determined that the proposed management of waste is not supported by Shire officers for the following reasons:

- The bins will be placed on the full length of the verge and would create an adverse visual amenity impact for the locality.
- When waste collection occurs, this may create a risk to traffic safety.
- It is common practice for Child Care Premises within Western Australia to provide for their own private waste collection after hours.
- It is considered that there is enough room internally for a Waste vehicle to safely collect waste after hours.

It is therefore recommended that a condition of approval is imposed for an amended Waste Management Plan with the aim of reducing proposed bin numbers to a more reasonable amount.

### **Noise**

An Environmental Acoustic Assessment (**Acoustic Assessment**) has been prepared and submitted by the Applicant as part of this proposal. The Acoustic Assessment has been reviewed by Shire officers, and it has been determined that several amendments are required to be made for compliance.

However, it is considered by Shire officers that these requirements will not ultimately change the form of the development nor create any adverse impacts and the report is generally consistent with the *Environmental Protection (Noise) Regulations 1997*. Therefore, it is considered acceptable for the proposal to be conditioned as such.

As part of the submitted Acoustic Assessment, Colorbond fencing is required to be installed around the entire property. The Colorbond fence is supported as an acceptable acoustic mitigation measure. It is however noted that items hitting the fence may cause an adverse noise impact due to the reverberating sound. As a masonry wall around the entire outdoor play areas is considered to be excessive, a Noise Management Plan is recommended to be conditioned in this regard.

### **Consultation**

As the development is an 'A' use within LPS5, the application was advertised from 7 November to 25 November to adjacent neighbours / properties within a 500m radius of the site. In response, a total of 5 submissions were received, of which 4 objected to the proposal and one of support.

A response to the submissions by the Applicant and assessing officer is contained within the Schedule of submissions.

Further consultation has been conducted with the applicant since the determination report was withdrawn from the 17 December 2024 OCM. The Shire's Executive Manager Development & Regulatory Services, CEO and Shire President met with the applicant, planning consultant and board to go through each condition proposed on the OCM report. Through this process, minor

amendments such as timeframes or wording were made to only a few conditions, ultimately the intent of each condition remained the same and majority of conditions remained as they were. The applicant has outlined they are accepting of all amendments to conditions now, and both parties are satisfied that there is a sufficient balance achieved through the proposed conditions.

### **Conclusion**

The proposal is consistent with the planning framework and is considered to be an acceptable form of development for the area. It is therefore recommended that the proposal be approved subject to appropriate conditions as listed in the officer recommendation.

### **VOTING REQUIREMENTS**

Simple Majority

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

**Moved Cr K Clements, seconded Cr B Bell:**

**That Council approves the Development Application (P800) dated 5 September 2024 for a Child Care Premises at Lot 701 (33) Warburton Road, Mount Barker, subject to the following conditions:**

#### **Conditions:**

- 1. Development shall be carried out in accordance with the terms of the application as approved herein and any approved plan (including any amendments marked in red).**
- 2. Prior to applying for a Building Permit and/or Occupancy permit, the Floor Plan of the existing building is to be amended to outline the current proposal with corresponding room names, to the satisfaction of the Shire of Plantagenet.**
- 3. Prior to applying for a Building Permit and/or Occupancy permit, the Site Plan is to be amended to outline the location and dimensions of the proposed Colorbond fencing, to the satisfaction of the Shire of Plantagenet.**
- 4. Prior to applying for a Building Permit and/or Occupancy permit, the Waste Management Plan prepared by *Stantec Australia Pty Ltd* and dated 14 August 2024 is to be amended, lodged and approved by the Shire of Plantagenet. The amendment is to provide evidence of a reduction in proposed bin numbers and/or an alternative waste collection method through a private waste consultant, to the satisfaction of the Shire of Plantagenet.**

**The development must be designed, and all works must be carried out in accordance with the amended Waste Management Plan, to the satisfaction of the Shire of Plantagenet for the duration of development.**

- 5. Prior to applying for a Building Permit and/or Occupancy permit, the Environmental Acoustic Assessment prepared by Herring Storer Acoustics**

and dated 19 August 2024 is to be amended, lodged and approved by the Shire of Plantagenet. The amendment is to show the following:

- a. Ensure that all references within the report reflect both buildings, and not just the new building.
- b. A site plan that identifies all receivers of the noise and reflects the location of Colorbond fencing.
- c. Reference to boundary fencing as a noise mitigation measure.
- d. Calculations and maps for each of the receiving properties.
- e. A noise contour map identifying receiving premises and the noise contours.
- f. Justification on how the 'Standard building construction' has been defined to arrive at the conclusion it will meet the regulations. Should the justification be inadequate at the discretion of the Shire of Plantagenet, amended plans and reporting will be required.
- g. Modelling results for LAMAX criteria for outdoor play areas. Amendments to the report and/or sufficient justification is required.

Prior to occupation or use of the development, the development must be designed and all works must be carried out in accordance with the amended Environmental Acoustic Assessment, to the satisfaction of the Shire of Plantagenet for the duration of the development.

6. Prior to applying for a Building Permit and/or Occupancy permit, a schedule of materials, finishes and colours shall be submitted to and approved by the Shire of Plantagenet.

Prior to the occupation of the development, the approved external finishes and colour schemes are to be implemented to the satisfaction of the Shire of Plantagenet and maintained thereafter.

7. Prior to applying for a Building Permit and/or Occupancy permit, a Landscape Plan for the development site is to be submitted to and approved by the Shire of Plantagenet. The following details are to be included:
  - a. Existing street trees and other vegetation.
  - b. Vegetation to be retained on the site.
  - c. Landscape treatments such as lawn and mulch areas.
  - d. The location, species, quantity and pot size of proposed trees and shrubs.
  - e. Areas to be irrigated.
  - f. Lighting to carparking areas.
8. Prior to occupation or use of the development, the landscaping and irrigation of the development site is to be installed in accordance with an approved landscape plan and thereafter maintained in perpetuity to the satisfaction of the Shire of Plantagenet.

9. Prior to occupation or use of the development, a Noise Management Plan is to be prepared, lodged and approved by the Shire of Plantagenet. Alternatively, the Shire will consider an amended Acoustic Report which provides Noise Management solutions within the document. The use of the development is to be in accordance with the approved Noise Management Plan or amended Acoustic Report Noise Management Solutions thereafter, to the satisfaction of the Shire of Plantagenet.
10. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line-marked and kerbed in accordance with:
- a. The approved plan(s);
  - b. Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking;
  - c. Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities;
  - d. Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1: General Requirements for access-New building work (by providing a link to the main entrance of the development by a continuous accessible path of travel);
  - e. Council's engineering requirements and design guidelines.
- The car parking is to be maintained to the satisfaction of the Shire of Plantagenet for the duration of the development.
11. Prior to occupation or use of the development, wheel stops are to be provided to all car bays and reversing bays that abut a footpath.
12. Prior to occupation or use of the development, a traffic calming device is to be installed within the driveway, to the satisfaction of the Shire of Plantagenet.
13. Prior to occupation or use of the development, the sub floor void is to be screened to the satisfaction of the Shire of Plantagenet.
14. Prior to occupation or use of the development, the bin store is to be constructed in accordance with the amended Waste Management Plan and screened to the satisfaction of the Shire of Plantagenet.
15. All stormwater must be contained and disposed of on-site. All stormwater infrastructure must be maintained for the duration of the development.
16. The hours of operation are restricted to between 7:15am and 5:45pm, Monday to Friday, unless otherwise approved by the Shire of Plantagenet.
17. A maximum of 15 staff and 71 children are to be on-site at any one-time during peak drop off/ pick up times. Should additional staff be required to cover break periods during off-peak times, a Parking Management Plan is to be submitted and approved to the satisfaction of the Shire of Plantagenet.

18. Prior to occupation or use of the development, screening of air conditioners and any other service infrastructure that is visible from adjoining properties or the nearby public realm, to the satisfaction of the Shire of Plantagenet.
19. All vehicle parking shall be accommodated within the boundaries of the subject lot.
20. Prior to occupation or use of the development, an Aerobic Treatment Unit (ATU) for the treatment of sewage or another suitable secondary treatment system is to be approved by the Shire of Plantagenet and installed. The secondary treatment system is to be maintained thereafter to the satisfaction of the Shire of Plantagenet.
21. Prior to the commencement of site works, a Construction Management Plan (CMP) for the construction phase of the development shall be submitted to and approved by the Shire of Plantagenet, and thereafter implemented, that at a minimum:
  - a. Ensures site works, machinery and materials on the site do not generate unreasonable levels of noise, vibration, dust, wastewater, or waste products; and
  - b. Outlines the location of construction amenities.

**Advice Notes:**

1. The applicant is advised with regard to the Landscaping Plan, one (1) canopy tree at a rate of every four (4) bays is required for the northern car parking bays. Further, additional landscaping is to be located on the northern side of the carpark and on both sides of the driveway, to the satisfaction of the Shire of Plantagenet.
2. The Noise Management Plan is to detail how noise will be managed to an acceptable standard on site, including but not limited to outdoor play and play equipment hitting the Colorbond fencing.
3. In relation to Condition 17, the parking management plan is to cover the following:
  - a. Stipulate expected peak drop off and pick up times
  - b. Where the 15 main staff will park during those peak periods
  - c. Where the 6 extra staff required to cover breaks during off peak periods will park, what time they will vacate by before customers arrive
  - d. Demonstrate that this transition in parking arrangements throughout the day for staff will not impact on customer parking availability to the site, and in turn, eradicating the need for on-street parking for customers
4. Any changes and subsequential staff and/or children numbers proposed above that of Condition 17 will require an amended Development Application to be considered.

5. Any damage or disruption to infrastructure within the road reserves is to be remediated at the proponent's cost.
6. This Development Approval does not constitute a Building Permit. The applicant is advised of the need to obtain a Building Permit prior to the commencement of work. The submitted Building Permit application plans are to be consistent with the plans that form part of the relevant Development Approval, to the satisfaction of the Shire of Plantagenet.
7. The applicant is advised that the proposed development is required to comply with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Health (Miscellaneous Provisions) Act 1911 and Regulations, Contaminated Sites Act 2003 and the National Construction Code.
8. The applicant is advised of the following to minimise the impact of development works:
  - a. All development works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436-1981. For further details please contact the Department of Water and Environmental Regulation.
  - b. Development work shall only be permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
  - c. Development work shall comply in all respects with the Environmental Protection (Noise) Regulations 1997.

**CARRIED (8/0)**

**NO. 003/25**

**For: Crs Handasyde, Clements, Bell, Brown, Etherington,  
Fraser, Liebeck and Sheard  
Against: Nil**

5.09pm Cr J Oldfield returned to the meeting.

## 9.2 EXECUTIVE SERVICES REPORTS

### 9.2.1 ANNUAL REPORT 2023/2024

File Ref:	N65329
Attachment:	<u>Annual Report 2023/2024</u>
Responsible Officer:	Julian Murphy Chief Executive Officer
Author:	Anthony Middleton Executive Manager – Corporate & Community
Proposed Meeting Date:	28 January 2025

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#### PURPOSE

The purpose of this report is to consider the 2023/2024 Annual Report, incorporating the Annual Financial Report and Independent Auditors Report.

#### BACKGROUND

Every local government in WA is required to prepare an annual Financial Report for each financial year. The Local Government (Financial Management) Regulations 1996 define the content and format of the Financial Report.

The Audit & Risk Committee will consider the Annual Financial Report at its meeting to be held prior to this Council meeting. The recommendation in the Committee agenda is as follows:

**That it be recommended that the Council:**

- 1. Adopts the 2023/2024 Annual Financial Report; and**
- 2. Notes the three (3) matters raised in the Auditor's Management Letter and includes in the Committee's Status Report.**

#### EXTERNAL CONSULTATION

Nil.

#### STATUTORY ENVIRONMENT

Relevant sections of the Local Government Act 1995 that apply to this item are:

- Section 5.26 to 5.33 (Electors meetings)
- Section 5.53 & 5.54 (Annual Reports); and
- Part 6 & 7 (Financial Management & Audit)

The *Local Government (Financial Management) Regulations 1996* also apply to this item.



**POLICY IMPLICATIONS**

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

**FINANCIAL IMPLICATIONS**

This item reports on the financial position of the Shire as at 30 June 2024. The recommendation does not in itself have a financial implication.

**BUDGET IMPLICATIONS**

There are no budget implications for this report.

**LEGAL IMPLICATIONS**

There are no legal implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications as no assets are being created or acquired.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Corporate Business Plan 2022/23 – 2025/26 provides:

At *Outcome 4 Performance & Leadership* the following Strategies:

Strategy 4.1.3:

‘A Shire that is open and transparent with its community.’

Accordingly, the recommended outcome for this report aligns with the Corporate Business Plan.

**STRATEGIC RISK IMPLICATIONS**

A key element of the Strategic Risk Register relates to ‘Failure to Fulfil Compliance Requirements (Statutory, Regulatory)’. Currently, the overall control rating is assessed as adequate.

**REGIONAL IMPLICATIONS**

There are no regional implications for this report.

**OFFICER COMMENT**

The Annual Report provides an overview of the Shire’s operations, activities and major projects undertaken during the 2023/2024 financial year. The annual Financial Report, which is incorporated into the attached Annual Report, can be summarised through the following highlights:

- Net Operating Result of \$11m loss, due primarily to an increase in depreciation of \$9.7m (page 3);
- The year resulted in a positive cash flow of \$404,613 (page 6);
- The Shire is in a surplus position at 30 June 2024 of \$4.46m (page7);

- Current rate receivables at 30 June 2024 were \$537,996, or 6.8% of 2023/2024 rates revenue (page 13);
- Rates raised for the year totalled \$7.8m (page 34);
- Loan borrowings for the year reduced from \$1.65m to \$1.26m (page 36); and
- Reserve accounts (money saved for a future financial year) increased from \$5.0m to \$6.1m (page 38).

The Auditors Management Letter was provided to the Audit & Risk Committee for transparency and full disclosure. The three (3) issues raised in the management letter will be added to the Committee's status report' for inclusion in all future Committee meeting agendas. This will ensure that Committee members can monitor staff progress in addressing each item.

The Annual Electors Meeting must be held within 56 days of the Council accepting the Annual Report, allowing appropriate time after adoption to give public notice of the meeting, say 14 days. This effectively means that the Annual Electors Meeting needs to be held between 12 February 2025 and 25 March 2025, assuming the Annual Report is adopted by the Council as part of this agenda item. As such, it is recommended that the Annual Electors Meeting be held in the Council Chambers following the February Council Meeting, commencing at 6.30pm.

## **VOTING REQUIREMENTS**

Absolute Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr J Oldfield, seconded Cr A Fraser:**

**That Council:**

- 1. Adopts the 2023/2024 Annual Report, incorporating the Annual Financial Report, as attached; and**
- 2. Holds the 2023/2024 Annual Meeting of Electors at 6:30pm on 25 February 2025 in the Council Chambers.**

**CARRIED (9/0)**

**NO. 004/25**

**For: Crs Handasyde, Clements, Bell, Brown, Etherington,  
Fraser, Liebeck, Oldfield and Sheard  
Against: Nil**

**Absolute Majority**

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

Nil

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

Nil

**12 CONFIDENTIAL****12.1.1 TENDER CO2-2425 CARBARUP ROAD SLK 0 TO 14.00 - WIDENING STABILISING AND ASPHALTING, SEALING, AND CENTRE LINE MARKING OF SECTIONS OF ROAD**

**File Ref:** N65247  
**Responsible Officer:** Julian Murphy  
Chief Executive Officer  
**Author:** Kevin Hemmings  
Executive Manager Infrastructure and Assets  
**Proposed Meeting Date:** 28 January 2025

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**PURPOSE**

The purpose of this report is to consider submissions received for Tender CO2-2425 Carbarup Road SLK 0 to 14.00 - Widening, Stabilising and Asphaltting, Sealing, and Centre Line Marking of Sections of Road.

**MOTION THAT THE MEETING BE CLOSED TO THE PUBLIC**

Moved Cr K Clements, seconded Cr S Etherington:

5:12pm That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

Section 5.23 (2) (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

CARRIED (9/0)

NO. 005/25

For: Crs Handasyde, Clements, Bell, Brown, Etherington,  
Fraser, Liebeck, Oldfield and Sheard  
Against: Nil

5.13pm Members of the public left the meeting.

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr J Oldfield, seconded Cr J Liebeck:

That Council accepts no tender for Tender CO2-2425 Carbarup Road SLK 0 to 14.00 - Widening Stabilising and Asphalting, Sealing, and Centre Line Marking.

**CARRIED (9/0)**

**NO. 006/25**

**For: Crs Handasyde, Clements, Bell, Brown, Etherington,  
Fraser, Liebeck, Oldfield and Sheard  
Against: Nil**

**Absolute Majority**

**MOTION THAT THE MEETING BE OPEN TO THE PUBLIC**

Moved Cr R Brown, seconded Cr B Bell:

5:15pm That the meeting proceed in public.

**CARRIED (9/0)**

**NO. 007/25**

**For: Crs Handasyde, Clements, Bell, Brown, Etherington,  
Fraser, Liebeck, Oldfield and Sheard  
Against: Nil**

5.15pm The meeting was re-opened to members of the public and the Council decision for Item 12.1.1 was read aloud.

**13 CLOSURE OF MEETING**

5.15pm The President declared the meeting closed.

**CONFIRMED: CHAIRPERSON\_\_\_\_\_DATE:\_\_\_\_/\_\_\_\_/\_\_\_\_**