



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council held
in the Council Chambers
2:45pm Tuesday 12 April 2005

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.52pm The Presiding Member declared the meeting open.

The Chief Executive Officer, Mr Rob Stewart, read aloud the following disclaimer:

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

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

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

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

Cr K Forbes	Shire President – Rocky Gully / West Ward
Cr D Williss	Deputy Shire President – East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr K Hart	Kendenu Ward
Cr M Skinner	East Ward
Cr K Clements	Town Ward
Cr J Moir	South Ward (Withdrew 3.16pm, returned 3.18pm)
Mr R Stewart	Chief Executive Officer
Mr S Bell	Executive Director Technical & Development Services
Mr J Byrne	Executive Director Corporate & Community Services
Ms D Baesjou	Manager Development Services
Mr E Howard	Environmental Health Officer
Mrs K Skinner	Executive Secretary
Miss C Delmage	Administration Officer – Minutes & Agenda

There were three (3) members of the public present.

There were two (2) members of the media present.

Councillor Elect	Bill Hollingworth
Councillor Elect	John Mark

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Presentation - Stuart Wissing (GR/97/4)

Mr Wissing, a local artist, has won the 'Art In The Park' exhibition in 2004 and 2005 and believes his business is a tourist asset to the community. Mr Wissing asked that the Council consider using the tourist parking area next to Mr Wissing's home / business as a possible site for a seating / table arrangement. Mr Wissing noted that when he has tourists arrive to see his wood carvings there is nowhere for them to relax.

Mr Wissing noted that he would require two (2) large scrap logs that could be carved into large chairs / seats. Mr Wissing already has one (1) log and believes a dual purpose could be served by making the chairs functional as well as a feature. Mr Wissing said that Hilton Hotel in Cairns will be displaying his sculpture that won the 2005 'Art in the Park'.

Mr Wissing has been approached to move to different areas since winning his awards but stated that he loves Mount Barker and his young son has settled well. Mr Wissing has said he is thinking of moving but would rather stay so he is asking for the Council's support to encourage his tourism potential.

Mr Wissing also asked that the Council consider an allocation in the 2005 / 2006 Annual Budget to go towards a wood feature of appropriate design to be placed into the foyer of the new administration building. Mr Wissing said that he could carve a monument to the history of Mount Barker for example, apples, vineyards etc.

Response by: Cr K Forbes - This matter must be discussed with Main Roads WA as the property in question comes under their jurisdiction. Cr Forbes agreed that something was needed in the area.

Cr Forbes noted that any matters relating to the new administration building will be considered after tenders have been finalised.

Response By: Mr R Stewart - Former Shire Works Manager, Mr Neville Jones was handling this matter prior to his departure. As the position of Works Manager has not yet been permanently filled the matter has been delayed. Mr Stewart assured Mr Wissing that he would once again take up the matter.

Presentation - Michael Crzkovsky (RV/182/188)

Mr Crzkovsky addressed the Council in relation to Item 9.1.2.

First of all I would like to point out that we are not building a second residence as put on the agenda;

- The house we plan to build will be our residence;
- The cottage will be used for Worker's Accommodation;
- Our season coincides with agriculture such as vineyards, olives and other orchards in the area;
- The competition for labour is very strong. If we can offer accommodation, this makes us more attractive to prospective employees;
- Our worker's accommodation could also be used by other local industries in the area such as vineyards and forestry workers;
- Our business is growing and we are expanding into the Perth market;
- This means increased production and employment possibilities; and
- We know of other similar cases of worker's accommodation, that were approved in the last 12 months, therefore we are not setting a precedent.

Mr Crzkovsky read the following responses to the Officer's Recommendation that planning consent be refused in Item 9.1.2 as their application is contrary to the scheme objectives as mentioned in the report as follows:

(a) To encourage and control orderly development...

This will promote our safety and health as outlined in our letter to Delma 15.03.05. Moving to a higher location on our block gives us better control over the orchard. We have better and safer road access via the top gate. The top shed was originally used as it is a purpose built packing shed with loading ramp and wider access gate suitable for trucks. We only moved operations to the bottom shed because we are living in the cottage.

(b) To promote development of Kendenup...

Our organic business together with 2 other Kendenup organic growers have helped to put Kendenup, not only on the local and interstate map, but also on the international map. We are listed on the NASAA website which has national accreditation and exposure. We will also be listed in the next Organic Growers guide map. We are not in the townsite and our business does not impact on anyone.

(c) To rationalise small allotment subdivision...

We are not interested in subdividing our block. This would decrease the value of our land, plus we would also lose valuable agricultural land.

Mr Crzkovsky said that a great deal of time & money was spent in restoring the original cottage and believe that it should be retained. Mr Crzkovsky asked that the Council make an exception on the grounds mentioned.

Response By: Cr K Forbes - Cr Forbes noted that an alternative recommendation had been drafted for Council to consider due to new information received and that this would be discussed when Item 9.1.2 came up before the Council.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

Moved Cr J Cameron, seconded Cr K Hart:

That the Minutes of the Ordinary Meeting of Council held 22 March 2005 be confirmed subject to:

The final point of 'Announcements By Presiding Member Without Discussion' noting that it was the Deputy Shire President and not the Shire President, who attended the opening of the Rocky Gully Country Women's Association (CWA).

CARRIED (7/0)

No. 67/05

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- Thank you to fellow Councillors for representing the Shire President at a variety of public functions during his absence.
- April Fools Day, 1 April 2005 was a day of excessive rain causing widespread flooding and damage throughout the Great Southern. On Monday, 11 April 2005 a meeting with members of the Great Southern Zone of WALGA was held in the Council Chambers to discuss road damage, livestock losses etc. A City of Albany representative was unable to attend but members representing the Shire of Plantagenet, Shire of Broomehill, Shire of Gnowangerup, Shire of Cranbrook, Shire of Jerramungup, Shire of Tambellup and the Shire of Woodanilling attended. Also in attendance was Terry Redman MLA, Peter Watson MLA, the District Manager of Department of Agriculture Katanning and Main Roads WA.
- The damage on local Great Southern roads has been estimated to have a repair cost of approximately \$1.3million. As damage is still being assessed this figure may change.
- Approximate losses of 70,000 sheep have been recorded so far with a final figure still to be confirmed. It is possible that this figure could climb past 100,000. Such a loss is a major setback for those affected.
- As well as road damage and stock losses, many dams were busted, paddocks washed out and large portions of fencing were destroyed. This is a double blow to some who are still trying to recover from the Tenterden fires.

- Terry Redman and Peter Watson were meeting with the appropriate ministers today seeking more funds for the Great Southern region. A working group of six (6) will be meeting again on Monday 18 April 2005 to discuss further issues relating to flooding.
- A Pardelup working bee has been organised for the Woogenellup area. The recent floods were a much bigger event than many had previously realised with disastrous results for some people. Many potato crops in Albany have been totally destroyed, strawberry crops in Plantagenet Shire have been set back and local wine grapes have been affected considerably. Damage was also incurred by those involved in horticultural markets.
- The Shire President had an interview on ABC radio on Tuesday 12 April 2005 which resulted in several phone calls from places possibly able to help those affected.
- Stephen Bell (Executive Director Technical & Development Services) will give a presentation at the end of the Council meeting updating Councillors on damages and estimates of repairs.
- A Regional Roads Group meeting will be held on Monday 18 April 2005 in Katanning. This meeting will be attended by the Shire President, the Deputy Shire President and the Executive Director Technical and Development Services.
- For other upcoming events, Councillors are reminded to check for information on Council calendars.
- Unless any Councillor raises an objection, the Shire President will invite Councillors Elect Mr Bill Hollingworth and Mr John Mark to sit at the Council table during the Council meeting noting that neither is able to move, second or vote in relation to Council business.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 LOT 151 MUIR STREET, MOUNT BARKER - GROUPED DWELLING

Location / Address:	Lot 151 Muir Street, Mount Barker
Attachments: (2)	Locality Plan Site Plan
Name of Applicant:	Department of Housing and Works
File Reference:	RV/182/4196
Author:	Delma Baesjou - Manager Development Services
Authorised by:	Stephen Bell - Executive Director Technical and Development Services
Date of Report:	16 March 2005

Purpose

The purpose of this report is to consider an application for two (2) three (3) bedroom family units and five (5) two (2) bedroom aged persons units on Lot 151 Muir Street, Mount Barker.

Background

The subject land is zoned 'Residential' under the Shire of Plantagenet Town Planning Scheme No. 3. The R12.5/20 Density Code applies. 'Grouped Dwelling' is an 'SA' use within the 'Residential' zone which means that Council may at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.2.

Council records show the registered owners to be the Department of Housing and Works.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3
The Residential Design Codes of Western Australia (2002)
Health Act 1911
Building Code of Australia 1996

Consultation

There has been consultation with the applicant in regard to the requirements of the Town Planning Scheme.

Grouped Dwellings require advertising in accordance with Clause 6.2 of Town Planning Scheme No. 3. It is considered that the nature and scale of the development would warrant notification of potentially affected nearby landowners and publication of a notice in the newspaper.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

This application is consistent with the Shire of Plantagenet Strategic Plan. In particular it will *'ensure a mix of housing types'* and *'improve the quality of life for residents of the Shire.'*

Officer Comment

The development satisfies relevant standards contained in the Residential Design Codes including density, setbacks, parking and open space.

The 6.9m front setback proposed for the front dwelling complies with the Design Codes, but is forward of the typical building line in that locality.

The proposal is part of the redevelopment program being undertaken by the Department of Housing and Works.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr D Williss:

THAT:

- (1) The application for two (2) three (3) bedroom family units and five (5) two (2) bedroom aged persons units at Lot 151 Muir Street, Mount Barker be advertised in accordance with Clauses 6.2.3 (a) and (b) of the Shire of Plantagenet Town Planning Scheme No. 3 stating that submissions may be made within twenty one (21) days from the date of the notice.
- (2) At the conclusion of the advertising period a further report be prepared for the consideration of the Council at its meeting to be held on 14 June 2005.

CARRIED (7/0)

No. 68/05

9.1.2 LOT 190 ALBANY HIGHWAY, KENDENUP - PROPOSED SECOND RESIDENCE

Location / Address:	Lot 190 Albany Highway, Kendenup
Attachments: (5)	Locality Plan Site Plan Letter(s) of Support (3)
Name of Applicant:	M and HP Crkovsky
File Reference:	RV/182/188
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Stephen Bell - Executive Director Technical and Development Services
Date of Report:	22 March 2005

Purpose

The purpose of this report is to consider a development application for a second dwelling on Lot 190 Albany Highway, Kendenup.

Background

The subject land is 17.8062ha. The land is currently developed with an existing dwelling, orchard and a number of sheds and water tanks. It is proposed to develop a three (3) bedroom dwelling some distance from the original dwelling, 150m from the road frontage and away from powerlines and existing orchard.

Shire records show the current owners to be M and HP Crkovsky.

Statutory Environment

Lot 190 Albany Highway is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3 in accordance with Clause 5.1.2, part (c) of the Scheme. The planning consent of the Council is not required for erection on a lot of a single house, including ancillary outbuildings, in a zone where the proposed use is designated with the symbol 'P' in the cross-reference to that zone in the Zoning Table.

Consultation

There have been discussions with the proponent prior to lodgement of the application. Officers have consulted with staff from adjoining local authorities.

Policy Implications

Council Policy P.B.4 is applicable and sets out:

P.B.4 Buildings – Town Planning Scheme – Rural Areas:

That construction of only one (1) residential building be approved on any single identifiable lot / location within the Shire, any additional units to be the subject of special approval of the Council and further that this condition be included in the Shire of Plantagenet Town Planning Scheme No. 4 (20/10/98).

Financial Implications

There are no financial implications for this report.

Strategic Implications

Key Result Area 4 Development Services aims to:

- Encourage and guide local development in accordance with the Strategic Plan and Town Planning Scheme No. 3 (as amended).
- Protect existing rural land from inappropriate land uses.

Officer Comment

Shire of Plantagenet Policy P.B.4 recognises that an additional dwelling on rural land may in some instances be appropriate, however no criteria are mentioned to detail these instances.

The State Government adopted Statement of Planning Policy No. 2.5 'Agriculture and Rural Land Use Planning' in March 2002 which makes reference to second dwellings on rural lots. The policy lists a number of provisions that should be included in Town Planning Schemes to provide clarity and consistency in Town Planning Schemes. These provisions recognise that farm workers' accommodation should be a discretionary use that the Council could approve in the General Agriculture Zone (Rural Zone in TPS No. 3). The provisions also mentioned that additional dwelling(s) would not be supported unless the additional dwelling provides:

- (a) Accommodation for workers employed for agricultural and intensive agricultural activities on that holding;
- (b) The dwellings should be generally clustered in one location, to avoid future subdivision pressure and minimise constraints on adjoining uses; and
- (c) All services to the dwellings from the lot boundary (including access roads) are shared where practicable.

A policy is currently being drafted to address second dwellings of Rural zoned land in the Shire of Plantagenet. The intent of the Policy is to provide guidelines for farm workers' accommodation and managers' residences. Under the draft policy it will be recommended that second dwellings will not be supported on lots less than 20ha in area. Neighbouring Local Authorities set the minimum lot size at 15ha and 20ha. The draft policy will be the subject of a separate report to the Council.

Town Planning Scheme No. 3 does not specifically refer to, or define farm workers' accommodation. In the past, second dwellings on land zoned Rural have been determined within the Rural Use interpretation of the Scheme being considered as a building associated with the rural enterprise on the land.

The proponents have submitted supporting information to justify the application. Reasons for the proposed dwelling include proximity to the farm shed, ease of access to Albany Highway, better management of pests (birds), visibility of sheep paddock, the need for a larger residence, distance from Albany Highway (safety, noise and pollution), risk to asthmatic daughter from aerial spraying on adjacent property, proximity to power and water and better mobile coverage. Considerable effort has gone into renovating the existing cottage and improving one of the last 'working' orchards in the district. It would be unfortunate to have to demolish the cottage in

Lot 190 Albany Highway, Kendenup - Proposed Second Residence (Cont.)

order to get approval for the proposed house. The apple and pear orchard is a seasonal enterprise requiring workers' accommodation.

A supporting letter has been submitted by Hon Robyn McSweeney, Member for South-West Region.

This application has been examined in light of Council Policy P.B.4 and the State Government Statement of Planning Policy No. 2.5. The proposed dwelling does not comply with parts (b) and (c) of the criteria outlined in the Statement of Planning Policy No. 2.5.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) Planning consent be refused in respect of Application No. 19/05 for Lot 190 Albany Highway, Kendenup being developed for the purpose of an additional dwelling as indicated on the plans dated 3 March 2005 on the following grounds:
 - (a) The proposal is contrary to the scheme objectives, in particular:
 - To encourage and control orderly development in the Scheme Area in such a way that will promote and safeguard the health, safety, convenience and economic and general welfare of its inhabitants and the amenities of the area;
 - To promote the development of Kendenup, Narrikup, Rocky Gully and Mount Barker town sites and all Plantagenet rural areas; and
 - To rationalise the small allotment subdivision in and around the Kendenup Townsite.
 - (b) Farm workers' accommodation is not considered to be appropriate on the subject land in accordance with Council Policy PB4, 'that construction of only one residential building be approved on any single identifiable lot / location within the Shire...'
- (2) The applicant be advised that a right of appeal exists pursuant to the State Administrative Tribunal Act 2005, Part 5 of the Town Planning and Development Act 1928 (as amended) and any rules or regulations made pursuant to those Acts.

COUNCIL DECISION

Moved Cr J Cameron, seconded Cr K Hart:

That planning consent be granted in respect of Application No. 10/05 for Lot 190 Albany Highway, Kendenup being developed for the purpose of Dwelling (Manager's Residence) and for the existing Dwelling to be used for the purpose of Farm Workers' Accommodation in accordance with the plans dated 3 March 2005 subject to the following conditions:

- (a) The dwelling being occupied only by persons engaged in the operation of the agricultural enterprise on the land the subject of this approval;
- (b) All stormwater runoff being contained within the property and disposed of to the satisfaction of the Council;
- (c) An approved on-site effluent disposal system being installed in accordance with the standards and requirements of the Health Department of Western Australia;
- (d) Access to the proposed dwelling being via the existing southern crossover to Albany Highway and the northern crossover being removed;
- (e) Maintenance of the crossover and access ways being funded by the developer.
- (f) All services to the dwellings from the lot boundary being shared where practicable;

ADVICE NOTES

Council will not consider the second dwelling as a reason for possible or future subdivision.

If the development, the subject of this approval, is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of Council having first been sought and obtained.

The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:

Building Code of Australia
Health Act 1911
Main Roads Western Australia

CARRIED (7/0)

No. 69/05

Reason for change

Additional information provided by the proponent verifying nature of horticulture (intensive agriculture) use of the subject land warrants development of farm manager's dwelling and farm workers accommodation.

9.1.3 LOT 2 SPENCER ROAD, NARRIKUP – PROPOSED RESTAURANT AND CELLAR DOOR SALES

Location / Address:	Lot 2 Spencer Road, Narrikup
Attachments: (3)	Site Plan Floor Plan Locality Plan
Name of Applicant:	Alexander and Janet Taylor
File Reference:	RV/182/3907
Author:	Delma Baesjou - Manager Development Services
Authorised by:	Stephen Bell - Executive Director Technical and Development Services
Date of Report:	11 March 2005

Purpose

The purpose of this report is to consider an application for Restaurant and Rural Use (Cellar Sales) at Lot 2 Spencer Road, Narrikup. It is proposed to construct a new purpose built structure for cellar sales and café.

Background

The subject land comprises 60.4324ha and is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3. The site contains a vineyard, an olive grove and a dwelling.

Shire records show the registered land owner to be Alexander and Janet Kay Taylor.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3.

Restaurant - means a building or portion of a building wherein food is prepared solely for sale and consumption within the building or portion thereof and the expression shall include a licensed restaurant, cafe or nightclub, and also includes a restaurant at which food for consumption outside the building or portion thereof, is sold where the Council is of the opinion that forms a minor part of the business only.

Rural Use - means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- (a) the growing of vegetables, fruit, cereals or food crops;
- (b) the rearing or agistment of poultry, sheep, cattle;
- (c) the stabling, agistment or training of horses;
- (d) the growing of trees, plants, shrubs, or flowers for replanting in domestic commercial or industrial gardens and includes the growing of trees for wood products;
- (e) the sale of produce grown solely on the lot;

but does not include the following except as approved by the Council:

- (i) the keeping of pigs;
 - (ii) the processing, treatment or packing of produce;
 - (iii) the breeding, rearing or boarding of domestic pets;
-

(iv) the establishment of feed lots;

Restaurant is an 'SA' use within the Rural zone which means that Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.2.

The proposed cellar sales outlet is considered to fall within the definition of Rural Use. This is a 'P' use in the Rural Zone.

Health Act 1911

Building Code of Australia 1996

Consultation

The proposed restaurant requires advertising in accordance with Clause 6.2 of Town Planning Scheme No. 3. It is considered that the nature and scale of the development would warrant notification of potentially affected nearby landowners and publication of a notice in the newspaper.

Policy Implications

There are no local authority policy implications for this development.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The proposal is consistent with the Shire of Plantagenet Strategic Plan, in particular 'New Initiative 4.3 - Encourage establishment of new businesses which provide employment and / or service to the tourist industry and contribute to the prosperity of Plantagenet (and to) focus on the diverse rural sector.'

Officer Comment

The proposed restaurant is considered to be compatible with the existing rural land uses in the locality and will complement the existing rural enterprise. The property has frontage to a sealed road.

During the advertising period the proposal will be further assessed regarding development standards and relevant Health and Building Regulations. A preliminary evaluation has identified the following issues / requirements:

The kitchen and restaurant shall comply with the Food Hygiene Regulations.

The effluent disposal facilities are to comply with Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 as amended. Size and type of system to be determined after site evaluation.

A FESA report will be required.

A building licence is to be obtained.

Compliance with the BCA Volume One – Class 2-9 buildings is required.

Prior to the issue of any approvals, the proponent will need to demonstrate how sufficient quantities of potable water are to be provided.

Lot 2 Spencer Road, Narrikup – Proposed Restaurant And Cellar Door Sales (Cont.)

Following the advertising period a further report will be presented to Council addressing any submissions received and recommending appropriate conditions should planning consent be granted.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Moir:

THAT:

- (1) The application for a Restaurant and Rural Use (Cellar Sales) at Lot 2 Spencer Road, Narrikup be advertised in accordance with Clauses 6.2.3 (a) and (b) of the Shire of Plantagenet Town Planning Scheme No. 3 stating that submissions may be made within twenty one (21) days from the date of the notice.**
- (2) At the conclusion of the advertising period a further report on the Restaurant and Rural Use (Cellar Sales) at Lot 2 Spencer Road, Narrikup be prepared for the consideration of the Council at its meeting to be held on 14 June 2005.**

CARRIED (7/0)

No. 70/05

9.1.4 LOCATION 4890 PUGH ROAD, NARRIKUP - PROPOSED BEEF AND LAMB FEEDLOT

3.16pm Cr J Moir withdrew from the meeting.

A Financial Interest was disclosed by Cr J Moir for Item 9.1.4

Nature of Interest: Financial

Extent of Interest: Neighbour Of Applicant

Location / Address: Location 4890 Pugh Road, Narrikup
Attachments: (2) Locality Plan
Site Plan
Name of Applicant: RF Pugh
File Reference: RV/182/3482
Author: Delma Baesjou – Manager Development Services
Authorised by: Stephen Bell - Executive Director Technical and Development Services
Date of Report: 23 March 2005

Purpose

The purpose of this report is to consider an application for a beef and lamb feedlot on Location 4890 Pugh Road, Narrikup.

Background

The subject land is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3.

The application is for a feedlot with the capacity for two thousand head of cattle.

Shire records show the registered owner to be RF Pugh.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3, in particular Clauses 6.3 & 7.6

Town Planning Policy 8 Cattle Feedlots

Health Act 1911

Shire of Plantagenet Health Local Laws Division 5 – Feedlots

Environmental Protection Act 1986, in particular Registration as required under Part V of the Act.

Environmental Protection Regulations 1987

Consultation

There has been consultation with the applicant in regard to the requirements of the Town Planning Scheme.

Policy Implications

The Shire of Plantagenet Town Planning Statement No. 8 Cattle Feedlot applies.

Financial Implications

There are no financial implications for this report.

Location 4890 Pugh Road, Narrikup - Proposed Beef And Lamb Feedlot (Cont.)

Strategic Implications

The proposal is consistent with the Shire of Plantagenet Strategic Plan, in particular the aim to 'Retain local business and encourage new businesses that will create sustainable local employment.'

Key Result Area 4 Development Services aims to:

- Encourage and guide local development in accordance with the Strategic Plan and Town Planning Scheme No. 3 (as amended); and
- Protect existing rural land from inappropriate land uses.

Officer Comment

As set out in the 'Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia', the issues of noise, dust and odour can cause conflict between feedlot operators and residents living in close proximity.

Policy Statement No. 8 Cattle Feedlot sets criteria in relation to site selection and separation distances. These requirements are consistent with those contained in the Guidelines. The proposal complies with these aspects of the Policy and satisfies drainage and wastewater issues, subject to implementation of appropriate management techniques.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr D Williss:

That planning consent be granted in respect of Application No. 13/05 for Location 4890 Pugh Road, Narrikup to be developed and used for the purpose of Rural Use (Beef and Lamb Feedlot) in accordance with the plans dated 18 March 2005, subject to the following conditions:

- (1) Solid and liquid waste products associated with the feedlot shall be disposed of in an appropriate manner and shall not result in any nutrient export from the site or detriment to the environment.**
- (2) Shelter belts and runoff swales shall retain continuous vegetation cover to maximise the take up of nutrients from the feedlot and reduce the risk of nutrient export and leaching from the site.**
- (3) The crossover, vehicle parking and access areas are to be funded and maintained by the developer.**
- (4) On site advertising signage to comply with Town Planning Scheme No. 3.**
- (5) This approval is for a maximum of two thousand head of cattle.**
- (6) All conditions not of an ongoing nature to be complied with, within six (6) months of this approval.**

ADVICE NOTE

- (1) If the development, the subject of this approval, is not substantially commenced within a period of 24 months, the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of Council having first been sought and obtained.
- (2) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:
- Environmental Protection Act 1986, in particular Registration as required under Part V of the Act.
 - Environmental Protection Regulations 1987
 - Bushfire Regulations
 - Health Act 1911
 - Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia – Bulletin 4550.

CARRIED (6/0)

No. 71/05

3.18pm Cr J Moir returned to the meeting.

The author of this report Ms Delma Baesjou has disclosed an interest in this matter as she is the joint operator of a similar business in the Great Southern.

9.1.5 LOCATION 5471 ALBANY HIGHWAY, NARRIKUP - PRIVATE RECREATION

Location / Address:	Location 5471 Albany Highway, Narrikup
Attachments: (3)	Site Plan Locality Plan Letters of Support
Name of Applicant:	Leo Vigolo
File Reference:	RV/182/478
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Stephen Bell – Executive Director Technical and Development Services
Date of Report:	30 March 2005

Purpose

The purpose of this report is to consider the submissions and determine the application for Private Recreation on Location 5741 Albany Highway, Narrikup.

Background

The subject land is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3. The property is used for rural purposes. It is proposed to use portion of the property for paintball games for between two (2) and twenty (20) participants. The proposed activity falls within the definition of Private Recreation as set out in the Scheme. Although the use is defined in the Scheme, it is not listed in the Zoning Table.

Shire records show the registered owner to be Estate of Lino Vigolo.

A report on this matter was considered by the Council at its meeting held 8 February 2005. The following resolution was adopted:

‘THAT:

- (1) The proposed use of Plantagenet Location 5471, Albany Highway, Narrikup for Public Recreation (Paintball) be determined as consistent with the objectives and purpose of the Rural Zone pursuant to Clause 3.2.5 (b) of Town Planning Scheme No. 3.*
- (2) The application be advertised in accordance with Clause 6.2 Part (a) of the Shire of Plantagenet Town Planning Scheme No. 3; and*
- (3) A further report be prepared for consideration by the Council at its meeting to be held 12 April 2005.’*

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3, in particular Clauses 3.2 and 6.2 and Schedule 1 – Interpretations. The Scheme contains the following definition:

Location 5471 Albany Highway – Private Recreation (Cont.)

Private Recreation - means the use of land for parks, gardens, playgrounds, sports arenas or other grounds for recreation which are not normally open to the public without charge and includes areas provided for spectators.

Building Code of Australia 2004

Consultation

Formal advertising was undertaken in accordance with Clause 6.2 of Town Planning Scheme No. 3 and the Council's resolution.

Letters were sent to eight (8) adjoining land owners. The notice period closed on 4 March 2005. Two (2) submissions have been received. The neighbours immediately north of the site advised that they have conferred with the proponent and have no objection to the proposal if the operation is shifted away from the boundary. A further submission raises objection to the proposal. The concerns are summarised and discussed in the Officer Comment section of this report.

A site inspection was conducted on 9 March 2005.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The proposal is consistent with the Shire of Plantagenet Strategic Plan, in particular the aim to 'Retain local business and encourage new businesses that will create sustainable local employment.' and 'New Initiative 4.3 - Encourage establishment of new businesses which provide employment and / or service to the tourist industry and contribute to the prosperity of Plantagenet (and to) focus on the diverse rural sector.'

Officer Comment

The proponent has indicated that the business will operate approximately once a month for up to twenty (20) participants. The operator will provide safety gear and has a first aid certificate.

All necessary police licences will need to be obtained. Fire safety, security, public liability and maintenance of access ways and parking areas will be the responsibility of the proponent. The Environmental Health Surveyor advises that ablution facilities will need to be provided.

Concerns raised in the objection include disturbance of livestock, disruption from gunfire and yelling participants and danger to road users on Woodville Road caused by noisy speeding cars. Clarification is sought whether the activity is in fact a business and if it is operated with or without charge. It is suggested that the existing shed may be within a closed road reserve. The proponent's authority to apply for planning approval is questioned, suggesting the need for a request / letter from the estate's executor. Other areas within Location 5471 near the southern boundary could be used to reduce the impact on neighbours. Tree plantations would not be affected; access could be off Albany Highway reducing the traffic and road maintenance. Toilet facilities should also be provided for participants. Provided the rights and needs of neighbours are respected, the necessary clarifications are made,

Location 5471 Albany Highway – Private Recreation (Cont.)

toilets are provided and the operation is moved to the other side of the property, the submitters would be willing to agree to the proposal.

The proponent advises that participants are required to remain within the property during games. The battlefield is limited in size and defined by flags. The units operate best at a distance of 30-35m, but have a range of up to 50m. The equipment is required to be stored in a lockable shed and participants must be fully protected when outside the compound. To comply with the requirements of the Firearms Act, the field will be set back at least 100m from the adjoining property. The existing structure is within private property. It is accessed from Woodville Road through a gate, via a private access track. Woodville Road is a public thoroughfare and considered to be of a suitable standard. Vehicle usage on the road is subject to standard regulations and controls.

The scale and duration of the activity is considered to be compatible with rural land uses. The site is appropriate for the proposed activity and may be accessed via a public road.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That planning consent be granted in respect of Application No. 12/05 for Location 5741 Albany Highway, Narrikup to be used for the purpose of Private Recreation (Paintball) in accordance with the plans dated 4 January 2005 subject to the following conditions:

- (a) The playing field being located not less than 100m from the lot boundary;
- (b) The vehicle parking area and existing crossover and access ways being funded and maintained by the developer;
- (c) On-site sanitary facilities being provided for the duration of each event;
- (d) Any on site advertising signage complying with Town Planning Scheme No. 3;
- (e) Participants to the facility not exceeding twenty (20) people per event; and
- (f) All conditions not of an ongoing nature being complied with, within six (6) months of this approval.

ADVICE NOTES

- (i) If the proposal, the subject of this approval, is not substantially commenced within a period of twelve (12) months the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.
- (ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:
 - The Building Code of Australia 2004
 - The Shire of Plantagenet Annual Fire Break Notice
 - Fire Arms Act 1973

COUNCIL DECISION

Moved Cr J Moir, seconded Cr D Williss:

That planning consent be granted in respect of Application No. 12/05 for Location 5741 Albany Highway, Narrikup to be used for the purpose of Private Recreation (Paintball) in accordance with the plans dated 4 January 2005 subject to the following conditions:

- (a) The playing field being located not less than 300m from the northern boundary of the lot not less than 100m from all other lot boundaries;
- (b) The vehicle parking area and existing crossover and access ways being funded and maintained by the developer;
- (c) On-site sanitary facilities being provided for the duration of each event;
- (d) Any on site advertising signage complying with Town Planning Scheme No. 3;
- (e) Participants to the facility not exceeding twenty (20) people per event; and
- (f) All conditions not of an ongoing nature being complied with, within six (6) months of this approval.
- (g) Access to the proposed private recreation be from Albany Highway.

ADVICE NOTES

- (i) If the proposal, the subject of this approval, is not substantially commenced within a period of twelve (12) months the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.
- (ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:
 - The Building Code of Australia 2004
 - The Shire of Plantagenet Annual Fire Break Notice
 - Fire Arms Act 1973

CARRIED (7/0)

No. 72/05

Reason For Change

The Council decided that a 300m distance from the northern boundary of the lot was more appropriate for the playing field and that access should be direct from Albany Highway because of potential damage to Woodville Road from increased traffic associated with the activity.

9.1.6 LOT 55 WEBSTER STREET, MOUNT BARKER - SERVE NOTICE TO CONNECT PREMISES TO PUBLIC SEWER

Location / Address:	Lot 55 Webster Street, Mount Barker
Attachments: (1)	Locality Plan
Name of Applicant:	Mrs D Mitchell
File Reference:	RV/182/1821
Author:	Eric Howard - Environmental Health Officer
Authorised By:	Stephen Bell – Executive Director Technical and Development Services
Date of Report:	30 March 2005

Purpose

The purpose of this report is to obtain the Council's approval to serve notice on the owner of Lot 55 Webster Street, Mount Barker, to construct such drains and fittings, and connect those drains to the public sewer in accordance with the provisions of the Western Australian Health Act 1911.

Background

The onsite effluent disposal system at Lot 55 Webster Street has a history of failing and is currently malfunctioning, causing sewage to pool upon the ground, thereby presenting as a serious health hazard to the occupants of the dwelling.

Connection to the public sewer is considered the only viable, cost-effective and permanent means of eliminating this health hazard.

The connection point to the public sewer is available at the rear of the subject lot, approximately 40m from the dwelling.

Statutory Environment

Western Australian Health Act 1911, Part IV, Division 2, Section 81(1) '*Owner may be required to connect premises to public sewer.*'

Section 81(4) '*Local Government may undertake work in default of compliance with an order.*'

Section 81(5) '*Local Government may recover expenses from the owner.*'

Consultation

The owner of Lot 55 Webster Street has stated her willingness and preference to connect the premises to the public sewer however has experienced difficulty obtaining sufficient funds to effect such work.

Policy Implications

There are no policy implications for this report.

Financial Implications

Should the owner of the premises not comply with the notice to connect to the public sewer within the specified time, the Local Government may undertake such construction and connection work and recover all costs incurred through a local court.

Lot 55 Webster Street, Mount Barker - Serve Notice to Connect Premises to Public Sewer (Cont.)

Such construction and connection work may cost up to \$3,000.00. Should the Council undertake such connection works, an unbudgeted amount of up to \$3,000.00 may be required.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Connection to the public sewer is the only viable option in this instance.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr M Skinner:

That notice be served on the owner of Lot 55 Webster Street, Mount Barker pursuant to Section 81(1) of the Western Australian Health Act 1911 to construct and provide such drains and fittings as necessary to provide for the removal of sewage from such house and connect such drains with the public sewer, within twenty one (21) days from service of such notice.

CARRIED (7/0)

No. 73/05

9.1.7 LOT 6, 32A AND B MONTEM STREET, MOUNT BARKER – GROUPED DWELLINGS

Location / Address:	Lot 6, 32A and B Montem Street, Mount Barker
Attachments: (3)	Locality Plan Site Plan Floor Plan
Name of Applicant:	Concept Building Design & Drafting
File Reference:	RV/182/1659
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Stephen Bell – Executive Director Technical and Development Services
Date of Report:	30 March 2005

Purpose

The purpose of this report is to consider oral advice from the Health Department and determine an application for two (2) Grouped Dwellings on Lot 6, 32A and B Montem Street, Mount Barker.

Background

It is proposed to demolish an existing duplex and build a three (3) and a four (4) bedroom dwelling on Lot 6, 32A and B Montem Street which is 2083m² in area. The property is zoned 'Residential' under the Shire of Plantagenet Town Planning Scheme No. 3. The R 10/20 Density Code applies. 'Grouped Dwelling' is an 'SA' use within the 'Residential' zone which means that the Council may at its discretion, permit the use after Notice of the Application has been given in accordance with Clause 6.2.

Council records show the registered owner to be the Department of Housing and Works.

A report on a related application was considered by the Council at its meeting on 14 December 2004. The following resolution was adopted:

'THAT:

(1) *The application for two (2) Grouped Dwellings at each of the following properties being:*

- *Lot 387 Booth Street, Mount Barker*
- *Lot 6 Montem Street, Mount Barker*
- *Lot 85 Webster Street, Mount Barker*

be advertised in accordance with Clause 6.2 of the Shire of Plantagenet Town Planning Scheme No. 3 stating that submissions may be made within 21 days from the date of the notice.

(2) *At the conclusion of the advertising period a further report be prepared for the consideration of the Council.'*

Lot 6, 32A And B Montem Street, Mount Barker – Grouped Dwellings (Cont.)

A further report was presented to Council at its meeting held 8 February 2005. It was resolved that planning consent be granted in respect of Application No. 37/04 for Lot 6, 32A and B Montem Street, Mount Barker to be developed for the purpose of a three (3) and a four (4) bedroom grouped dwelling in accordance with the plans dated 1 February 2005 subject to six (6) conditions, including the development being connected to reticulated sewer.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3, in particular Clause 5.3

Residential Development: Residential Planning Codes, Country Towns. Clause 5.3.5 sets out:

'Within the areas coded R10/20, R12.5/20 and R2.5/20 on the Scheme Map no development other than a single house to the Standards of R10, R12.5 and R2.5 Code shall be permitted unless reticulated sewerage is provided or the Health Department certifies that there are exceptional circumstances to warrant a variation to the requirement for reticulated sewerage.'

The Residential Design Codes of Western Australia (2002)

Health Act 1911

Building Code of Australia 2005

Consultation

The concept of two grouped dwellings on the subject lot was advertised previously in accordance with Clause 6.2 of Town Planning Scheme No. 3 and the Council's resolution. The notice period closed on 28 January 2005. Two (2) submissions were received with neither objecting to the development proposal.

Officers have been liaising with representatives from the Department of Housing and Works in relation to the condition requiring connection to reticulated sewer. The Water Corporation has indicated it is not programmed to extend the sewer to this section of Montem Street within the next five (5) years. The Department considers connection costs to be prohibitive, but has advised it is prepared to install Aerobic Treatment Units (ATU) as an interim solution. Officers confirmed that, subject to certification from the Health Department, a variation to the requirement for connection to reticulated sewer could be considered. A fresh application was subsequently lodged.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The proposal is consistent with the Shire of Plantagenet Strategic Plan, in particular the aim to ensure a mix of housing types taking into account changing demographics and environmental conditions.

Officer Comment

Subject to certification from the Department of Health and the use of ATU's, the development satisfies relevant standards contained in the Residential Design Codes

Lot 6, 32A And B Montem Street, Mount Barker – Grouped Dwellings (Cont.)

including density, setbacks, parking and open space. The three (3) metre front setback proposed for the carports complies with the design codes, but is forward of the typical building line in that locality.

The replacement and upgrade of housing stock through the redevelopment program being undertaken by the Department of Housing and Works is supported. The proposals capitalise on existing infrastructure and represent consolidation of residential land use.

Note: Councillors are advised that the decision making required for this application will fall within the proposed delegation to the Chief Executive Officer in accordance with Amendment 36 of the Shire of Plantagenet Town Planning Scheme No. 3. It is expected that a report regarding such delegations will be presented to the Council at its meeting to be held on 12 April 2005.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr K Hart:

That planning consent be granted in respect of Application No. 11/05 for Lot 6, 32A and B Montem Street, Mount Barker to be developed for the purpose of a three (3) and a four (4) bedroom Grouped Dwelling in accordance with the plans dated 8 April 2005 - subject to the following conditions:

- (a) All stormwater runoff from the development being contained onsite and disposed of to the satisfaction of the Council;**
- (b) Details of the proposed method of stormwater disposal system being submitted for assessment by the Council's Technical and Development Services Officers;**
- (c) Landscaping and sealed access ways and parking areas being installed in accordance with the approved plan;**
- (d) The crossover, access ways and vehicle parking areas being funded and maintained by the developer;**
- (e) Effluent disposal to the development being provided by way of approved Aerobic Treatment Units;**
- (f) Access to the Aerobic Treatment Units being provided to allow for maintenance by the applicant; and**
- (g) All conditions not of an ongoing nature being complied with, within six (6) months of this approval.**

ADVICE NOTES

- (i) If the development, the subject of this approval, is not substantially commenced within a period of twenty four (24) months the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.**

(ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:

- The Building Code of Australia 2004
- Building Regulations 1989, in particular the need to obtain a Demolition Licence prior to the removal of the existing duplex.

CARRIED (7/0)

No. 74/05

9.1.8 ITINERANT VENDOR - APPROVAL TO OPERATE

Location / Address:	Location 4296 Kordabup Road, Denmark
Name of Applicant:	JF and YM Sharpe
File Reference:	LE/94/1/I23757
Author:	Eric Howard - Environmental Health Officer
Authorised By:	Stephen Bell – Executive Director Technical and Development Services
Date of Report:	29 March 2005

Purpose

The purpose of this report is to obtain the Council's approval to issue a licence to JF and YM Sharpe to operate as an Itinerant Food Vendor (Soft Serve Ice Cream) within the Shire of Plantagenet.

Background

An application has been received from the above mentioned applicant to operate a food vending vehicle within the Shire of Plantagenet. The operator intends to operate one (1) day per week only.

Statutory Environment

Western Australia Health Act 1911 Part 8, Div 6 (S 247)
Health (Food Hygiene) Regulations 1993 Part 2 – Div 1 Reg (4) & Part 8 – Div 6.
Australia New Zealand Food Standards Code 2000 Standards 3.1.1, 3.2.2 & 3.2.3.
WA Road Traffic Act 1974

Consultation

There has been no consultation in relation to this report.

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.

Officer Comment

The applicant proposes to provide an Itinerant Trade (Ice Cream Van) one (1) day per week within the residential areas of the Plantagenet Shire. The ice-cream van will be driven and parked temporarily on the road and therefore shall operate in compliance with the WA Road Traffic Act.

The applicant has current approval within both the City of Albany and Shire of Denmark and has previously operated in the Plantagenet Shire.

Voting Requirements

Simple Majority

Itinerant Vendor – Approval To Operate (Cont.)**OFFICER'S RECOMMENDATION**

That permission be granted for the operation and issue of an Itinerant Vendor Licence to JF and YM Sharpe to operate a soft serve ice cream van within the Plantagenet Shire district subject to:

- (1) Payment of the annual licence fee to operate in accordance with the Shire of Plantagenet's adopted budget.
- (2) The vehicle and operations complying with the provisions of the:
 - (a) Health (Food Hygiene) Regulations 1993;
 - (b) Australia New Zealand Food Standards Code;
 - (c) Western Australia Road Traffic Act 1974; and
 - (d) Shire of Plantagenet Health Local Laws 1997.

COUNCIL DECISION

Moved Cr J Moir, seconded Cr K Clements:

That permission be granted for the operation and issue of an Itinerant Vendor Licence to JF and YM Sharpe to operate a soft serve ice cream van within the Plantagenet Shire district subject to:

- (1) Payment of the annual licence fee to operate in accordance with the Shire of Plantagenet's adopted budget.**
- (2) The vehicle and operations complying with the provisions of the:**
 - (a) Health (Food Hygiene) Regulations 1993;**
 - (b) Australia New Zealand Food Standards Code;**
 - (c) Western Australia Road Traffic Act 1974; and**
 - (d) Shire of Plantagenet Health Local Laws 1997.**
- (3) The operation and sale of product being prohibited within 200 metres of any operating registered food premises.**

CARRIED (7/0)

No. 75/05

Reason For Change

The Council decided that a distance of 200 metres was required to assure already operating registered food premises.

9.2 EXECUTIVE SERVICES REPORTS

9.2.1 DELEGATION APPROVAL – ENVIRONMENTAL HEALTH OFFICER

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	PH/21/1
Author:	Kaye Skinner – Executive Secretary
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	28 February 2005

Purpose

The purpose of this report is to seek from the Council a delegation to the Council's Environmental Health Officer to carry out duties and responsibilities pursuant to the Health Act 1911.

Background

An Environmental Health Officer employed by a local government will generally be authorised to:

Section 26 – *'Every local government is hereby authorized and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:*

Provided that a local government may appoint and authorize any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power for function.'

Statutory Environment

Section 26 of the Health Act 1911

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.

Officer Comment

The Environmental Health Officer will report to the Council on a monthly basis as to when the delegation is utilised.

Voting Requirements

Absolute Majority

Delegation Approval – Environmental Health Officer (Cont.)

OFFICER'S RECOMMENDATION

Moved Cr K Hart, seconded Cr M Skinner:

That authority be delegated to Mr Eric Howard, Environmental Health Officer for the Shire of Plantagenet, pursuant to Section 26 of the Health Act 1911, to carry out within its district the provisions of the Act and regulations, local laws, and orders made thereunder and to exercise and discharge all or any of the powers and functions of the local government pursuant to that legislation.

CARRIED (7/0)

No. 76/05

Absolute Majority

9.3 CORPORATE SERVICES REPORTS

9.3.1 CONFERENCE ATTENDANCE – 2005 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS

Location / Address:	N / A
Attachment: (1)	Program and Registration Brochure
Name of Applicant:	N / A
File Reference:	GR/97/5/I24329
Author:	Kaye Skinner - Executive Secretary
Authorised By:	Stephen Bell – Executive Director Technical and Development Services
Date of Report:	5 April 2005

Purpose

The purpose of this report is to seek authority from the Council for the Shire President, Deputy Shire President and Executive Director Technical and Development Services to attend the 2005 National Local Roads and Transport Congress to be held in Launceston, Tasmania from Sunday 3 to Tuesday 5 July 2005.

Background

The National Local Roads and Transport Congress for 2004 was held in South Australia and the Shire President, Deputy Shire President and Executive Director Technical and Development Services attended that Conference on behalf of the Council.

Consultation

The Chief Executive Officer, Executive Director Technical and Development Services, Shire President and Deputy Shire President have been consulted regarding this issue.

Policy Implications

Council's Policy reads as follows:

Elected Member Expenses To Be Reimbursed

Division	Business Unit	Responsibility Area
CEO	CEO	Councillor Services
<u>Objective:</u>	To enable Councillors to attend meetings, conferences and training opportunities whilst ensuring that individuals are not financially disadvantaged in doing so.	
<u>Policy:</u>	That elected members receive reimbursement of expenses as detailed below whilst attending the following:	
	<ul style="list-style-type: none"> • Council and Committee meetings held in accordance with the provisions of the Local Government Act; 	

Conference Attendance – 2005 National Local Roads & Transport Congress (Cont.)

- Any function or meeting as an appointed representative of the Council where specifically authorised by the Council;
- Conferences and training sessions specifically authorised by the Council; and
- Any official social function organised by, or on behalf of, the Shire of Plantagenet.

That elected members not receive reimbursement for attendance at the following:

- (i) ANZAC Day services; and
- (ii) Remembrance Day Services.

1. Travel

Reimbursement for the use of a private vehicle to be set in accordance with Clause 29 of the current Local Government Officers' (Western Australia) Award.

2. Accommodation

Reimbursement of accommodation, meal, minor telephone calls and parking expenses incurred to a maximum of \$250.00 per day. Any unforeseen or additional expenses incurred will be paid only with respect to each individual claim at the discretion of the Chief Executive Officer in consultation with the Shire President.

Refreshments consumed with meals will be reimbursed within the \$250.00 per day limit, however, all other refreshments (eg: hotel mini bar) will not be reimbursed by the Council.

3. Conference/Meeting Attendance Costs

All conference attendance costs will be paid / reimbursed.

Note:

Accommodation requirements, whenever possible, are to be arranged in advance by the Chief Executive Officer and confirmed by an official purchase order. With regard to all other expenses, receipts are to be submitted to the Chief Executive Officer for reimbursement.

Financial Implications

Early Bird Registration will be \$1,980.00, accommodation approximately \$1,800.00 with air fares approximately \$2,400.00. Total costs therefore being no greater than \$6,300.00.

Strategic Implications

Key Result Area 2 – Infrastructure aims to:

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

Attendance at the 2005 National Local Roads and Transport Congress assists Key Result Area 2 from the Council's Strategic Plan to be achieved.

Officer Comment

Approval is sought now to take advantage of early bird registration and flight bookings are available.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) The Shire President, Deputy Shire President and Executive Director Technical and Development Services be authorised to attend the 2005 National Local Roads and Transport Congress to be held in Launceston, Tasmania from Sunday 3 to Tuesday 5 July 2005.
- (2) All conference expenses be met in accordance with Council Policy CE/CS/1.

Moved Cr J Cameron, seconded Cr K Clements:

THAT:

- (1) **Councillors Forbes and Williss and the Executive Director Technical and Development Services be authorised to attend the 2005 National Local Roads Congress to be held in Launceston, Tasmania from Sunday 3 to Tuesday 5 July 2005.**
- (2) **All Conference expenses be met in accordance with Council Policy CE/CS/1.**

CARRIED (7/0)

No. 77/05

Reason For Change

The Council decided that Councillor K Forbes and Councillor D Williss would be the appropriate representatives to attend the conference.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Shire President Councillor K Forbes sought the Council's permission for newly elected incoming (unsworn) Councillors Mr B Hollingworth and Mr J Mark to stay in the Chambers during the confidential discussion. The Council indicated unanimous support.

Moved Cr D Williss, seconded Cr J Cameron:

That business of an urgent nature namely:

- **the consideration of ongoing letters of a derogatory nature from a ratepayer**

be entered into the meeting.

CARRIED (7/0)

No. 78/05

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr K Hart, seconded Cr D Williss:

3.50pm That the Council move into a Confidential Section to discuss items under the terms of the Local Government Act 1995 as follows:

- (1) Section 5.23 (2) (a): If a meeting is being held by a council or by a committee referred to in subsection (1) (b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:**
 - (b) the personal affairs of any person**

CARRIED (7/0)

No. 79/05

MOTION TO PROCEED IN PUBLIC

Moved Cr M Skinner, seconded Cr J Moir:

4.05pm That the doors be opened to the public.

CARRIED (7/0)

No. 80/05

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

4.07pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ **DATE:/..../....**