



## **ORDINARY COUNCIL MEETING**

# **MINUTES**

Ordinary Meeting of the Council  
held at Frost Pavilion, McDonald Avenue, Mount Barker  
2:45pm Tuesday 10 May 2005

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

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

At the expiration of thirty (30) minutes after the scheduled commencement time, there being no quorum present, Ms Donna Stevens, Senior Administration Officer for the Shire of Plantagenet, as authorised by the Chief Executive Officer, adjourned the meeting to recommence at 3:15pm on 10 May 2005 at the Council Chambers Lowood Road, Mount Barker.

### Attendance

Ms Donna Stevens

## RESUMPTION

3:15pm The Presiding Member reconvened the adjourned meeting.

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)

### Present

Cr K Forbes	Shire President - Rocky Gully / West Ward (Withdrew 4:49pm, Returned 5:02pm)
Cr D Williss	Deputy Shire President - East Ward (Withdrew 4:49pm, Returned 5:02pm)
Cr M Skinner	East Ward (Arrived 3:56pm, Withdrew 4:49pm, Returned 5:02pm)
Cr J Cameron	Rocky Gully / West Ward Withdrew 4:49pm, Returned 5:02pm)
Cr K Hart	Kendenup Ward
Cr J Moir	South Ward
Cr K Clements	Town Ward
Cr B Hollingworth	Town Ward
Cr J Mark	Town Ward
Mr R Stewart	Chief Executive Officer
Mr S Bell	Executive Director Technical and Development Services
Mr J Byrne	Executive Director Corporate and Community Services
Mrs K Skinner	Executive Secretary
Ms C Delmage	Administration Officer Minutes and Agenda

There were eleven (11) members of the public present.

There was one (1) member of the media present.

## 3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

## 4 PUBLIC QUESTION TIME

Mr Remington (CU/124/1)

What is the minimum time requirement for the Chief Executive Officer to respond to a written letter from a ratepayer?

**Response By: Mr R Stewart** - The Shire has adopted a minimum time of ten (10) working days to respond to written correspondence. Mr Stewart offered to speak to the gentleman after the meeting.

CS/151/1; CP/50/3

The following members of the public spoke to the Council regarding the relocation of Home and Community Care (HACC).

Marian Hartley  
Ruth York  
Pat Smith  
Elva Etherington

Alison Crofts

Question

Could the Council please donate some money to help with the relocation of (Home and Community Care) HACC?

**Response By: Cr K Forbes** – The Council promised to provide a building as part of the HACC relocation and the Council has not yet resolved to do anything different. In regards to a donation, an application from HACC or HACC representative must be received. The Council is unable to grant any funding unless a written application is received stating what money is required and why.

The Council first needs to deal with the issue relating to HACC / Multi Purpose Service (MPS) at today's Council meeting and then decide on which direction the Council will be taking.

Question

Why wasn't the grant money received from the Lotteries Commission earlier when the grant was discussed in 2003? It is now 2005 and we have lost the grant opportunity.

**Response By: Mr R Stewart** – The Council did not want to advertise for tenders until adequate funding was confirmed and as it took much longer than anticipated to finalise required tender specifications the funding process was delayed.

The Council had spoken with the Lotteries Commission several times and although they indicated funding may be available it was not offered with a watertight guarantee. This meant that until the money was guaranteed in writing the tender was unable to be advertised. In the end, the money was not made available to the Council as HACC was becoming part of the Health Department.

The Council has been looking at the creation of a MPS for some time. The Council has stressed the importance of the MPS issue.

Lotteries Commission representatives came to the Shire on two (2) occasions and inspected Redman House as a suitable site.

Question

Had the Lotteries Commission approved the grant?

**Response By: Mr R Stewart** – The Lotteries Commission indicated that they would support a funding application to the Shire on HACC's behalf. It was only during the last month that the Lotteries Commission advised they would now advise against the funding as HACC was becoming part of the State Government.

Question

Legally we are not a part of the Health Department until we join. Are we not able to apply / receive funding from Lotteries Commission now prior to the change?

**Response By: Mr R Stewart** – True. However, the Lotteries Commission say they would still be unable to grant us the money. We cannot dictate to the Lotteries Commission what they will do with their money. Up until advised

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otherwise, we believed that the Lotteries Commission would donate the money.

Question

Why wasn't an application form sent to the Lotteries Commission?

**Response By: Mr R Stewart** – We did not want to advertise for tenders and then find that insufficient funds were available to the successful tenderer.

Question

Many senior residents are very disappointed, even shattered over the lack of funding to go to Redman House. What can be done? Please help.

**Response By: Cr K Forbes** – The item is on today's agenda and will be considered. The Council is aware that for some people, relocating HACC to the hospital is not the preferred option.

The Council already made a considerable contribution by offering Redman House free for the next twelve (12) years. That is a big contribution that shows the Council's support to HACC relocating to Redman House.

Question

Were other sources of funding considered?

**Response By: Mr R Stewart** – No, because at the time, the Lotteries Commission was considered to be the appropriate funding option.

The Council has supported the MPS for a decade and had meetings with the Lotteries Commission whose representatives had indicated that funding would be approved. The Council entered into a Memorandum of Understanding (MOU) with the Health Department that stated that the Council agreed to donate the use of Redman House for community services that assist seniors.

The original quote was between \$600,000.00 and \$700,000.00 which we asked to be reduced. This amount was then reduced to \$400,000.00 which could have been covered using HACC funds of \$200,000.00 and the Lotteries Commission grant of \$200,000.00. Unfortunately for all concerned, the Lotteries Commission is no longer willing to supply the funding. For that reason, the Council was unable to move forward as the budgeted \$200,000.00 is not enough to bring Redman House up to the required standard.

Ruth York

If the application had gone to the Lotteries Commission between the time of the MPS agreement, the funding would have been approved.

**Response By: Mr R Stewart** – We were unable to apply for funding until the exact cost of the project was determined.

Ruth York

Did it really matter how much the building would be? Did you have to have a price before sending in an application?

**Response By: Mr R Stewart** – Yes. We cannot go to tender unless we have a total cost and we cannot apply for funding until that is determined.

Marian Hartley

The Seniors have made great efforts to support HACC and are feeling uncared for. Could there be please be some consideration for our seniors?

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**Response By: Mr R Stewart** – One of the main reasons in giving Redman House away for twelve (12) years free of charge was the thought of assisting the community. When the Council considered the matter it was entirely in agreement that HACC and HACC clients were looked after as much as possible. This is why we created the MOU including Redman House at no charge. Another reason is that the Infant Health Centre will also become part of the MPS and they are already located at Redman House. The only problem is that the Lotteries Commission will no longer support this project. The Council is very unhappy with this outcome. I have registered my disappointment. Council would love to do see HACC go to Redman House but it would be very hard to find the extra \$200,000.00 required.

Marian Hartley

If HACC is not included in the ongoing costs of Redman House, what would have happened to Redman House? It has already been renovated to a standard suitable for the Infant Health Centre.

**Response By: Cr K Forbes** – Are you suggesting we sell Redman House? Unfortunately it is not an option for the Council to spend \$100,000.00 on government land ie: hospital..

Marian Hartley

Is the Council still prepared to support HACC in any way shape or form and would they be willing to contribute in another way if they did not go to hospital grounds?

**Response By: Cr K Forbes** – The Council still has an MOU with the Health Department over Redman House which will need to be sorted before such decisions are made.

**Response By: Mr R Stewart** – Mr Stewart and Mr Joe Addie, (HACC Manager) considered several possible options and visited possible sites. At the time there was very little available and when Redman House was suggested we all felt very positive that it would happen.

The Council certainly looked at other locations and at one stage even considered making HACC part of the new administration offices being built by the Council. That suggestion was deemed unsuitable.

Marian Hartley

The old Shire depot site is still vacant. Could this be considered as a possible option?

**Response By: Mr R Stewart** – The old Shire depot could possibly still be contaminated. I am unable to give an answer as any decisions would have to be made by the Council .

**Response By: Cr K Forbes** – A huge cost would be involved in getting the old Shire depot up to the required standard.

Stella Tippett

Could the Council please clarify a matter for me and possibly consider this when the decision for HACC is made? I made a phone call to the Lotteries Commission this morning and asked if the lease was in the name of HACC, whether they would have granted funding. I was told that the grant funding was in doubt only because the lease was going to be in the Health

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Department's name. Is it possible for the Council to re-submit the funding application showing HACC on the lease documents? If the Council did, there may be a possibility to receiving the required funding.

**Response By: Mr R Stewart** – The Council was advised that we needed an agreement with the Health Department. We created a Memorandum of Understanding (MOU) which is the path we chose to take to try to protect our interests.

The fact is, the Council always wanted HACC to relocate to Redman House with the ultimate goal of Redman House being refurbished and made into a MPS. The only mistake made by the Council was in building hopes up so high. The Council wanted this to happen but unfortunately the funding was withdrawn. The original quote was \$600,000.00 and we were able to whittle this down to \$400,000.00. Once the Lotteries Commission funding opportunity was withdrawn the Council was left with only \$200,000.00. The Architect advised that \$200,000.00 would only cover the cost of safety signage and wiring and was not sufficient to bring Redman House up to the required standard.

Marian Hartley

Could the Council please consider the Seniors who have put in a lot of time and effort in the past fundraising to improve their current facilities as well as previous Lotteries grants received when making a decision as to whether or not there will be assistance for the HACC relocation?

**Response By: Cr K Forbes** – Previous moneys received from the Lotteries Commission has been spent on the current HACC building and Senior fundraising has gone towards furnishings etc. The Council will consider all aspects of the issue when making a decision.

Pat Smith

Was a funding application sent to the Lotteries Commission?

**Response By: Cr K Forbes** – The Council is not aware of any application that has been made.

**Response By: Mr R Stewart** – Mr Stewart noted that he also was not aware of any application be made.

Pat Smith

Mrs Smith stated her disappointment that the Council had not accepted the offer of funding earlier.

**Response By: Cr K Forbes** – The Council has never received any written advice regarding an offer of funding..

**Response By: Mr R Stewart** – Mr Stewart also noted that the Council had not received any funding offers in writing and that the matter had only been discussed not confirmed.

**Response By: Mr J Byrne** – The funding application the public refers to relates to 2003 when discussion and site visits first occurred. An application was submitted to the Lotteries Commission in December 2004. The Council has not refused any funding. The Lotteries Commission said that due to the time involved whilst considering the HACC relocation and the fact that HACC

is now moving to MPS that they would not support the grant. If HACC was not changing to MPS they would still provide the funds.

Ruth York

I am talking on behalf of the HACC program and the chance of Commonwealth funding. We have been granted \$200,000.00 for the new HACC day centre but the matter is taking much longer than originally anticipated. We have had to beg the Commonwealth to keep the funding in Mount Barker. There is only a couple of weeks till the end of the year and if the funding is not committed to a project, the funding will be lost and HACC will have to stay where it is. The Plantagenet District Hospital still supports the HACC / MPS idea and is still supportive of the collaboration between the community services. The most important thing is what is best for the community and what is best for the seniors. The consideration of the hospital site was put on the table by the Health Department as Redman House is no longer an option. We really need to utilise the \$200,000.00 funding prior to end of financial year. The new HACC facility built in Narrogin cost approximately \$350,000.00 and is a prefabricated and modular design. The Department would not have to maintain a new building to the degree of Redman House. There is certainly scope for a building similar to the one in Narrogin. We have pre-empted a process that these agencies would have liked to go through ie: view the building, make informed decisions and make consultative enquiries. If we cannot at least start this process we will lose the \$200,000.00. If we can commit the funds to a definite proposal they have said they will support us with an extra \$50,000.00. It is vital that this matter is sorted immediately.

Marian Hartley

As a HACC worker, I can see huge advantages to locating HACC on the hospital site. Long term hospital patients will be able to visit the HACC day centre. Medical assistance will always available. And we may be able to keep costs down. By building a completely new facility, we are able to build something that suits HACC completely and that works with the community

## **5 PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil

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

Nil

## 7 CONFIRMATION OF MINUTES

Moved Cr Cameron, seconded K Hart:

That the Minutes of the Ordinary Meeting of the Council held on 26 April 2005 be confirmed subject to:

Page 3: The words 'per annum' being added after the word \$500,000.00 in the second paragraph.

Page 19: The Officer's Recommendation being recorded as not being moved, no amendments being moved, seconded or carried and the Substantive Motion being recorded as 'Council Decision' with Reason For Change being noted as 'Councillors required a letter to be forwarded to the Minister for the Environment'.

CARRIED (9/0)

No. 148/05

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

- Four Councillors will be declaring an interest in Item 9.4.1. The Chief Executive Officer is in discussions with the Department of Local Government and we are hoping to resolve the matter regarding the Great Southern Regional Cattle Saleyards soon.
- Monday – 16 May 2005 – Plantation Industry Management Advisory Committee (PIMAC) meeting in Perth.
- Tuesday – 17 May 2005 – Annual Road Inspection commencing 8:00am.
- Friday – 20 May 2005 – Great Southern Zone of WALGA meeting in Albany.
- Would like to discuss the Woogenellup Road circular with all Councillors after the meeting.

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 DEVELOPMENT SERVICES REPORTS

#### 9.1.1 LOT 131 JUTLAND ROAD, KENDENUP - GRAVEL EXTRACTION

<b>Location / Address:</b>	<b>Lot 131 Jutland Road, Kendenup</b>
<b>Attachments (1):</b>	<b>Locality Plan</b>
<b>Name of Applicant:</b>	<b>Ronald Glas</b>
<b>File Reference:</b>	<b>RV/182/4535</b>
<b>Author:</b>	<b>Delma Baesjou - Manager Development Services</b>
<b>Authorised By:</b>	<b>Stephen Bell – Executive Director Technical and Development Services</b>
<b>Date of Report:</b>	<b>20 April 2005</b>

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#### **Purpose**

The purpose of this report is to consider an application for Extractive Industry (Gravel Pit) on Lot 131 Jutland Road, Kendenup.

#### **Background**

The subject land is zoned 'Rural' under the Shire of Plantagenet Town Planning Scheme No 3. The proposal falls within the definition of 'extractive industry' contained in the Shire of Plantagenet Town Planning Scheme No 3 and is listed as an 'SA' use in the Zoning Table.

**Industry: Extractive** - means

- (a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also the treatment or manufacture of products from those materials when carried out on the land from which any of those materials is extracted or on land adjacent thereto;
- (b) the production of salt by the evaporation of sea water;

'SA' means that the Council may, at its discretion, permit the use after Notice of Application has been given in accordance with Clause 6.2.

Shire records show the registered landowner to be R & AHJ Glas.

The private gravel pit is located on the south west corner of the property and is approx 20m by 30m.

Elsewhere on the property, gravel has been stockpiled for municipal purposes. The Shire of Plantagenet has entered into an agreement with the owner of the land for the supply of gravel. The stock piled resource will be used for road works in the vicinity and upgrade of the Kendenup Tennis Courts.

#### **Statutory Environment**

Shire of Plantagenet Town Planning Scheme No 3 in particular Clause 6.2.  
Shire of Plantagenet Extractive Industries Local Law 1999.

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**Lot 131 Jutland Road, Kendenup - Gravel Extraction (Cont.)**

As set out in Clause 5, subclause 1 (e) the Local Law is not applicable to works associated with construction by the local government in accordance with the Local Government Act.

**Consultation**

There has been consultation with the applicant regarding the requirements of Town Planning Scheme No 3.

A joint site visit was conducted with a representative from the Department of Environment (DoE). Advice has been provided on licensing requirements, dust nuisance and measures for dust suppression.

Adjoining land owners have contacted the Shire of Plantagenet and expressed concerns in relation to dust associated with gravel extraction on this site.

**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 Key Result Area 4 Development Services which 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**

There is a demand for gravel in this locality and as other sources become depleted the likelihood of similar requests for private pits will increase. There is benefit in accessing resources prior to land development, such as horticulture, plantations, dwelling houses and farm buildings. Any gravel extraction should be undertaken in accordance with environmental standards and relevant legislative requirements. In particular dust suppression and rehabilitation need to be addressed. It is appropriate for the land owner to have a Rehabilitation Plan. The objective is for the site to be rehabilitated to an environmental condition that is compatible with the intended use. If this is to be horticulture, the backfill should be free of contaminants and not pose a threat to water quality. Should the application be supported, appropriate conditions can be included in the Planning Consent and the Extractive Industry Licence.

Given the scale of the activity, the private gravel extraction is considered to be an acceptable land use in the 'Rural' zone.

**Voting Requirements**

Simple Majority

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Lot 131 Jutland Road, Kendenup - Gravel Extraction (Cont.)

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr K Clements, seconded Cr D Williss:

**THAT:**

- (1) The application for the development of Extractive Industry (Gravel Extraction) at Lot 131 Jutland Road, Kendenup be advertised as an SA use in accordance with Clause 6.2.3 parts (a) and (b) of the Shire of Plantagenet Town Planning Scheme No 3 stating that submissions may be made to the Council within 21 days 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 12 July 2005.

**CARRIED (8/1)**

**No. 149/05**

Cr K Hart asked that his vote, cast in the negative, be recorded.

**9.1.2 LOT 5248 BEVAN ROAD, MOUNT BARKER - MOBILE HAIRDRESSER**

<b>Location / Address:</b>	<b>Lot 5248 Bevan Road, Mount Barker</b>
<b>Attachments (2):</b>	<b>Site Plan Locality Plan</b>
<b>Name of Applicant:</b>	<b>Dean and Sheree Rainbird</b>
<b>File Reference:</b>	<b>RV/182/2140</b>
<b>Author:</b>	<b>Delma Baesjou - Manager Development Services</b>
<b>Authorised By:</b>	<b>Stephen Bell – Executive Director Technical and Development Services</b>
<b>Date of Report:</b>	<b>20 April 2005</b>

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**Purpose**

The purpose of this report is to consider an application for a Home Occupation (office base for mobile hairdresser) at Lot 5248 Bevan Road, Mount Barker.

**Background**

The proponent is a qualified and registered hair dresser and intends to operate a home office for a mobile hair dressing service. It is proposed to set appointments and clean the linen using domestic scale communication and laundry equipment within the dwelling.

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

Shire records show the registered landowner to be Leslie Charles Rainbird.

**Statutory Environment**

Shire of Plantagenet Town Planning Scheme No. 3

**Consultation**

There has been no formal consultation for this report, however the proponent has had discussions with the Environmental Health Officer prior to the application being submitted.

**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.'



**Officer Comment**

The proposed Home Occupation is considered to be an acceptable land use, subject to compliance with the definition and standards contained in the Shire of Plantagenet Town Planning Scheme No. 3.

**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 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 14 June 2005.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr D Williss, seconded Cr M Skinner:**

**That planning consent be granted in respect of Application No. 14/05 for Lot 5248 Bevan Road, Mount Barker to be used for the purpose Home Occupation (Office base for Mobile Hairdresser), in accordance with the plans dated 6 April 2005, subject to the following conditions:**

- (a) The activity not causing injury to or prejudicially affecting the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products.**
- (b) No person not a member of the occupier's family being employed in the activity.**
- (c) The activity occupying an area not greater than 20 square metres.**
- (d) Advertising signage not exceeding 0.2 square metres in area.**
- (e) The activity not resulting in the requirement of a greater number of vehicle parking facilities than normally required in the zone in which it is located and not resulting in a substantial increase in the amount of vehicular traffic in the vicinity.**

**ADVICE NOTES**

- (i) This approval is subject to annual renewal by the Shire of Plantagenet.**
- (ii) If the development, the subject of this approval, is not substantially commenced within a period of 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.**
- (iii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development, in particular**

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Lot 5248 Bevan Road, Mount Barker - Mobile Hairdresser (Cont.)

**Hairdressing Establishment Regulations 1972**  
**Health (Skin Penetration Procedures) Regulations 1998**  
**Code of Practice for Skin Penetration Procedure**

**CARRIED (9/0)**

**No. 150/05**

**9.1.3 LOT 45 ALBANY HWY, MOUNT BARKER – TREE REMOVAL**

<b>Location / Address:</b>	<b>Lot 45 Albany Highway, Mount Barker</b>
<b>Attachments (1):</b>	<b>Photographs</b>
<b>Name of Applicant:</b>	<b>Mandy Anderson - Cellar Door Manager</b>
<b>File Reference:</b>	<b>RV/182/1827</b>
<b>Author:</b>	<b>Stephen Bell – Executive Director Technical and Development Services</b>
<b>Authorised By:</b>	<b>Stephen Bell – Executive Director Technical and Development Services</b>
<b>Date of Report:</b>	<b>4 May 2005</b>

**Purpose**

The purpose of this report is to consider an application from Mandy Anderson, Cellar Door Manager for Plantagenet Wines, to remove two (2) non-native pine trees from Lot 45, Albany Highway. The trees are located within the turnaround area north of the Plantagenet Winery cellar door entrance, parallel to Albany Highway and adjacent to the bitumen footpath (refer to the attached photographs).

Lot 45 Albany Highway is owned by Plantagenet Wines Pty Ltd.

**Background**

A request has been received from Ms Mandy Anderson of Plantagenet Wines to remove two non-native pine trees from their business premises at Lot 45, Albany Highway. Ms Anderson cited restricted visibility to the north when exiting the driveway, costly maintenance to prune and clear debris from the trees and competition between the non-native pines and native, planted gums as reasons to remove the trees. The Plantagenet Wines have indicated that they are prepared to remove the two pines trees at their expense subject to Council endorsement.

**Consultation**

An advertisement was placed in the Plantagenet News on 23 March 2005 requesting public comment in relation to the removal of the non-native pines. Five (5) responses were received; a summary is provided below:

Proponent	Comments
Peta Stephensen	The trees should remain as they represent Mount Barker and the history of the town.
Roger Bartley	Historic trees are part of the streetscape and appearance of Mount Barker and should not be regarded as disposable simply because they cause minor maintenance issues.
Tony Smith	<i>Mr Tony Smith purchased Lots 45 and 46, Albany Highway on behalf of Plantagenet Wines in 1974. Mr Smith planted the trees, including the non-native pine trees, on both Lots of land.</i> There is a reason to cut some of the pines North of the main entrance to the winery, although the tree furthest from the road should be retained and high pruned to four (4) metres.

**Lot 45 Albany Highway, Mount Barker - Tree Removal (Cont.)**

Proponent	Comments
R.A. Kelly	The trees should be removed as they obstruct the drivers view when leaving the winery by the northern most entrance.
Terri Kebblewhite	All pine trees in the Shire should be removed as they have become a serious invasive weed.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

The Shire of Plantagenet incurs the cost of clearing the tree debris from the footpath and road verge along Albany Highway.

Plantagenet Wines have offered to bear the cost of the non-native pine tree removal and further beautify the area by maintaining the remaining native gum trees.

**Strategic Implications**

One of the objectives of the Shire of Plantagenet Strategic Plan, Key Result Area 4 is to:

*'Conserve and enhance the natural environment, the rural landscape and the features and views unique to the Shire.'*

**Officer Comment**

A review of the entry and exit point at Plantagenet Wines on 3 May 2005 revealed that the non-native pine trees do not create a visibility problem for vehicles entering or exiting the property (refer to the attached photographs). Rather visibility would appear to be obscured to the south of the exit / entry point by a fence which is covered by vegetation.

The pine trees and the other native vegetation provide an effective screen for the Plantagenet Winery factory infrastructure from the Albany Highway. The trees also create an attractive green corridor for vehicles travelling along the Albany Highway.

The pine trees were pruned by Council works crews in August 2004 and at present there is no debris on the adjacent footpath or road.

Verbal discussions with the Community Agricultural Centre indicate that the pines trees are deemed to be a "pest" as they are non-native to Western Australia. Therefore, from an environmental perspective there are grounds as to why the pines trees could be removed.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

**Moved Cr K Hart, seconded Cr J Cr J Mark:**

**That the application by Plantagenet Wines to remove two non native pines trees adjacent to Lot 45 Albany Highway Mount Barker be approved subject to:**

- (1) All costs associated with the removal of the pines trees being at the expense of Plantagenet Wines.**
- (2) All trunks, branches, roots, and leaves from the pine trees being completely removed from the site and disposed of at the O'Neill Road landfill facility; and**
- (3) Traffic control and other safety measures being employed during the course of the work to the satisfaction of Main Roads Western Australia being the authority responsible for the management of the Albany Highway.**

**CARRIED (9/0)**

**No. 151/05**

**9.1.4 SUBDIVISION – PART LOCATION 4177 MOUNT BARKER HILL ROAD, MOUNT BARKER**

<b>Location / Address:</b>	<b>Part Location 4177 Mount Barker Hill Road, Mount Barker</b>
<b>Attachments: (2)</b>	<b>Locality Plan Subdivision Guide Plan</b>
<b>Name of Applicant:</b>	<b>John Kinnear &amp; Associates</b>
<b>File Reference:</b>	<b>LP/158/9/I24478</b>
<b>Author:</b>	<b>Delma Baesjou - Manager Development Services</b>
<b>Authorised By:</b>	<b>Stephen Bell – Executive Director Technical and Development Services</b>
<b>Date of Report:</b>	<b>11 April 2005</b>

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**Purpose**

The purpose of this report is to consider a request from the Western Australian Planning Commission (WAPC) for comments on the proposed subdivision of Part Location 4177 Mount Barker Hill Road, Mount Barker. This subdivision will create eight (8) lots of approximately 2ha.

**Background**

Part Location 4177 was the subject of Amendment 26 to the Shire of Plantagenet Town Planning Scheme No. 3 to rezone the subject land from 'Rural' to 'Rural Residential'. Council granted final approval to Amendment No. 26 on 12 June 2001. The Amendment was finalised and published in the Government Gazette on the 15 January 2002. Components of the rezoning proposal include a 'Subdivision Guide Plan' and 'Special Provisions' relating to the rezoning.

The site is within Precinct 2 of the Mount Barker Rural Strategy which identifies the area as being capable and suitable for subdivision, subject to management issues being addressed.

The proposed subdivision is an extension of the existing Mount Barker Hill Rural Residential subdivision.

This application is similar to subdivision WAPC ref 117984 which was conditionally supported by the Shire of Plantagenet and approved by the WAPC on 22 February 2002. Subdivision ref 117984 expired on 22 February 2005 prior to all conditions being fulfilled.

**Statutory Environment**

Shire of Plantagenet Town Planning Scheme No. 3.  
Town Planning and Development Act

**Consultation**

There has been no consultation in relation to this report.

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**Subdivision – Part Location 4177 Mount Barker Hill Road, Mount Barker (Cont.)**

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**Policy Implications**

Western Australian Planning Commission Policies

Policy No. DC 1.1 Subdivision of land – General Principles

Policy No. DC 1.4 Functional Road Classification for Planning

Policy No. DC 3.4 Subdivision of Rural Land

Policy No. DC 3.7 Fire Planning

Shire of Plantagenet Engineering Department Subdivision Development Policy Standards Specifications, March 1997.

The subject land is within the area covered by the Mount Barker Local Rural Strategy, adopted by Council and the Western Australian Planning Commission in 1996. The Mount Barker Rural Strategy is Town Planning Policy 12 adopted in accordance with Clause 7.6 of the Shire of Plantagenet Town Planning Scheme No. 3.

**Financial Implications**

All costs associated with the subdivision will be borne by the subdivider.

**Strategic Implications**

The Council's Strategic Plan provides for the co-ordination of long term planning for sustainable, environmental, economic and social development of the Shire and the Great Southern. The Council has said that it will measure its success through the levels of local employment and investment in the Shire.

The subject land is within the area covered by the Mount Barker Rural Strategy. The purpose of this Strategy is to satisfy the Commission's policy requirement that a Rural Strategy be prepared prior to consideration of any applications to rezone land for rural residential development. The Strategy is used by the Shire to assess applications to rezone, subdivide or develop land within the Strategy area.

**Officer Comment**

The purpose of this subdivision is to provide for large hobby farms of two hectares, which can accommodate residential style developments, along with small scale tourist and rural uses in a compatible manner with rural residential uses on adjoining lots and surrounding rural uses. This can be achieved through the 'Special Provisions' contained in Schedule V of Town Planning Scheme No. 3 and appropriate subdivision conditions.

The subdivision, in terms of its general layout, lot number and sizes and road network accords with the final 'Subdivision Guide Plan' approved by the Council on 12 June 2001 and incorporated into Amendment No. 26.

All lots have frontage to an existing sealed road. Underground power and telecommunications will be provided to each lot. As deep sewerage cannot be economically provided to the subject land, on site effluent disposal systems will be required. A potable water supply will be provided by way of rainwater tanks.

The subdivision will facilitate the release of additional Rural Residential lots in the Shire of Plantagenet. It is recommended that the proposal be supported, conditional upon provision of standard infrastructure, including roads, drainage and power.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

That the Western Australian Planning Commission be advised that the proposed subdivision of Part Location 4177 on Mount Barker Hill Road, Mount Barker (WAPC Ref: 128011) is supported subject to the following conditions:

- (1) The subdivision being in accordance with Drawing No. 66970 dated 8 April 2005.
- (2) All lots created by this application being provided with frontage to a sealed subdivisional road designed, constructed and drained at the subdivider's cost to the specifications and satisfaction of the Shire of Plantagenet. A geotechnical assessment/pavement design report shall be provided, certifying that the pavement for all subdivision roads comply with the specifications set out in the 'Shire of Plantagenet Engineering Department Subdivision Development Policy Standards Specifications'.
- (3) The subdivider contributing towards the upgrading of the Mount Barker and Tower Hill Roads based on the increased traffic volumes.
- (4) A Stormwater Drainage & Nutrient Retention Management Plan being submitted to and approved by the Council, including a comprehensive Drainage Analysis (report) being undertaken to address means of managing stormwater entering and exiting the site and any retarding basins that may be required to minimise stormwater runoff from the site and application of Water Sensitive Urban Design principles shall be accommodated within the subdivision.
- (5) Prior to constructing the drainage system, plans being submitted to and approved by Council. These plans shall clearly show: invert levels, cover levels and pipe size, class, and grade and be designed / certified by a practising Civil Engineer. Approved plans are those which have been considered by Council, duly amended to meet its requirements and endorsed as approved. At both design and construction stages, subdivisional works shall be assessed in accordance with the Institute of Municipal Engineering Australia's (WA Division) Local Government Guidelines for Subdivisional Development. The emission of noise, dust and/or sand shall be managed in accordance with Department of Environmental Protection (DEP) requirements.
- (6) In order for the lots to be properly drained it may be necessary for the drainage system to cross through an adjoining property. A formal 'Private Drainage Easement' over the adjoining property will be required. In order to clear this condition the Council will require documentation confirming that the necessary easement has been obtained.
- (7) Revegetation of those areas specified on the 'Subdivision Guide Plan' being undertaken to the satisfaction of the Western Australian Planning Commission / Council.
- (8) Plans being submitted to and approved by the Council prior to carrying out any subdivisional works and all areas disturbed as a result of subdivisional works being reinstated (including the restoration and stabilising of top soil) to the satisfaction of the Council.



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**Subdivision – Part Location 4177 Mount Barker Hill Road, Mount Barker (Cont.)**

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- (9) The land being filled and / or drained at the subdivider's cost to the satisfaction and specifications of the Local Authority, and any easements and/or reserves necessary for the implementation thereof, being provided free of cost to the Council and in accordance with its requirements.
- (10) Provision and access to a water supply for fire fighting purposes, in accordance with the Fire Management Plan, to the satisfaction of FESA / Council, including a Covenant being placed on the title of each lot to ensure access to the dam water supplies is gained in perpetuity.
- (11) The subdivider making arrangements satisfactory to the Council to ensure that prospective purchasers and successors in title are aware of those special provisions of the Council's Town Planning Scheme which relate to the use and management of the land.
- (12) The subdivider making arrangements satisfactory to the Council to ensure that prospective purchasers and successors in title are aware of the following in writing that:
  - (a) sewerage is not available.
  - (b) reticulated water is not available
  - (c) an approved on-site effluent disposal system to the satisfaction of the Council and the Health Department of WA will be required to service any new development on each lot.
  - (d) Australian Standard 3959 'Construction of Buildings in Bushfire Prone Areas' is applicable.

**ADVICE NOTES**

No clearing of remnant vegetation is to occur without the prior approval of the Department of Environmental Protection (DEP).

No clearing of lots should occur prior to sale, other than that required for survey purposes, drainage and road works.

Any removal of vegetation is to be carried out in accordance with DEP requirements; in particular no burning of cleared vegetation is to occur without prior approval of the Council.

In general, the Council favours on-site mulching of vegetation rather than burning.

- (i) The applicant is responsible for identifying the existing Council drainage system in this area. A comprehensive Drainage Analysis (report) is to be undertaken to determine the adequacy of the existing downstream system to convey flows from the subdivision. Application of Water Sensitive Urban Design principles shall be accommodated within the subdivision.
- (ii) All lots created by this application are required to be connected to the existing Council drainage system in the area. Prior to constructing the drainage system, plans are required to be submitted to and approved by Council. These plans shall clearly show: invert levels, cover levels and pipe size, class, and grade and be designed/certified by a practising Civil Engineer. Approved plans are those which have been considered by Council, duly amended to meet its requirements and endorsed as approved. At both design and construction stages, subdivisional works shall be assessed in accordance with the Institute of Municipal Engineering Australia's (WA Division) Local

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**Subdivision – Part Location 4177 Mount Barker Hill Road, Mount Barker (Cont.)**

Government Guidelines for Subdivisional Development. The emission of noise, dust and/or sand shall be managed in accordance with Department of Environmental Protection (DEP) requirements.

- (iii) In order for the lots to be properly drained it may be necessary for the drainage system to cross through an adjoining property. A formal 'Private Drainage Easement' over the adjoining property will be required. In order to clear this condition the Council will require documentation confirming that the necessary easement has been obtained.
- (iv) Prior to carrying out any subdivisional works, plans are required to be submitted to and approved by the Council. All areas disturbed as a result of subdivisional works are to be reinstated (including the restoration and stabilising of top soil) to the satisfaction of Council.
- (v) The land being filled and/or drained at the subdivider's cost to the satisfaction and specifications of the Local Authority, and any easements and/or reserves necessary for the implementation thereof, being provided free of cost to the Council and in accordance with its requirements.
- (vi) The subdivider providing a geotechnical report certifying that the land is physically capable of development to the satisfaction of the Council.
- (vii) A 2.4m wide dual use path/cycleway being constructed at the subdivider's costs along the Ingoldby Street frontage of both lots to the specification and satisfaction of the Local Authority as set out in the 'Shire of Plantagenet Engineering Department Subdivision Development Policy Standards Specifications'.
- (viii) Certification from the Water Corporation that arrangements have been made with that body so that connection to an adequate reticulated sewerage service will be available to all lots proposed by this application, including pump stations if required.
- (ix) Certification from the Water Corporation that arrangements have been made with that body so that connection to an adequate reticulated water service will be available to all lots proposed by this application.
- (x) The subdivider is to provide certification by the Water Corporation and the Fire and Emergency Services Authority of WA (FESA) that subdivision plans meet their specifications and that hydrant fire fighting services will be installed to standard specifications and requirements.

**COUNCIL DECISION**

**Moved Cr J Cameron, seconded Cr D Williss:**

**That the Western Australian Planning Commission be advised that the proposed subdivision of Part Location 4177 on Mount Barker Hill Road, Mount Barker (WAPC Ref: 128011) is supported subject to the following conditions:**

- (1) The subdivision being in accordance with Drawing No. 66970 dated 8 April 2005.**
- (2) All lots created by this application being provided with frontage to a sealed subdivisional road designed, constructed and drained at the subdivider's cost to the specifications and satisfaction of the Shire of**

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**Subdivision – Part Location 4177 Mount Barker Hill Road, Mount Barker (Cont.)**

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- Plantagenet. A geotechnical assessment/pavement design report shall be provided, certifying that the pavement for all subdivision roads comply with the specifications set out in the 'Shire of Plantagenet Engineering Department Subdivision Development Policy Standards Specifications'.**
- (3) The subdivider contributing towards the upgrading of the Mount Barker and Tower Hill Roads based on the increased traffic volumes.**
  - (4) A Stormwater Drainage & Nutrient Retention Management Plan being submitted to and approved by the Council, including a comprehensive Drainage Analysis (report) being undertaken to address means of managing stormwater entering and exiting the site and any retarding basins that may be required to minimise stormwater runoff from the site and application of Water Sensitive Urban Design principles shall be accommodated within the subdivision.**
  - (5) Prior to constructing the drainage system, plans being submitted to and approved by Council. These plans shall clearly show: invert levels, cover levels and pipe size, class, and grade and be designed / certified by a practising Civil Engineer. Approved plans are those which have been considered by Council, duly amended to meet its requirements and endorsed as approved. At both design and construction stages, subdivisional works shall be assessed in accordance with the Institute of Municipal Engineering Australia's (WA Division) Local Government Guidelines for Subdivisional Development. The emission of noise, dust and/or sand shall be managed in accordance with Department of Environmental Protection (DEP) requirements.**
  - (6) In order for the lots to be properly drained it may be necessary for the drainage system to cross through an adjoining property. A formal 'Private Drainage Easement' over the adjoining property will be required. In order to clear this condition the Council will require documentation confirming that the necessary easement has been obtained.**
  - (7) Revegetation of those areas specified on the 'Subdivision Guide Plan' being undertaken to the satisfaction of the Western Australian Planning Commission / Council.**
  - (8) Plans being submitted to and approved by the Council prior to carrying out any subdivisional works and all areas disturbed as a result of subdivisional works being reinstated (including the restoration and stabilising of top soil) to the satisfaction of the Council.**
  - (9) The land being filled and / or drained at the subdivider's cost to the satisfaction and specifications of the Local Authority, and any easements and/or reserves necessary for the implementation thereof, being provided free of cost to the Council and in accordance with its requirements.**
  - (10) Provision and access to a water supply for fire fighting purposes, in accordance with the Fire Management Plan, to the satisfaction of FESA / Council, including a Covenant being placed on the title of each lot to ensure access to the dam water supplies is gained in perpetuity.**

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Subdivision – Part Location 4177 Mount Barker Hill Road, Mount Barker (Cont.)

- (11) The subdivider making arrangements satisfactory to the Council to ensure that prospective purchasers and successors in title are aware of those special provisions of the Council's Town Planning Scheme which relate to the use and management of the land.
- (12) The subdivider making arrangements satisfactory to the Council to ensure that prospective purchasers and successors in title are aware of the following in writing that:
- (a) sewerage is not available.
  - (b) reticulated water is not available
  - (c) an approved on-site effluent disposal system to the satisfaction of the Council and the Health Department of WA will be required to service any new development on each lot.
  - (d) Australian Standard 3959 'Construction of Buildings in Bushfire Prone Areas' is applicable.

#### ADVICE NOTES

No clearing of remnant vegetation is to occur without the prior approval of the Department of Environmental Protection (DEP).

CARRIED (9/0)

No. 152/05

#### Reason For Change

Councillors were advised that the Advice Notes had been included in the Officer's Recommendation in error.

## 9.2 EXECUTIVE SERVICES REPORTS

### 9.2.1 DELEGATIONS - ANNUAL REVIEW

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (1)</b>	<b>Delegations</b>
<b>File Reference:</b>	<b>CM/142/1</b>
<b>Author:</b>	<b>Kaye Skinner - Executive Secretary</b>
<b>Authorised By:</b>	<b>Rob Stewart – Chief Executive Officer</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>Date of Report:</b>	<b>4 April 2005</b>

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#### **Purpose**

The purpose of this report is to present to the Council the Delegations Register for endorsement.

#### **Background**

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

Delegations were generally endorsed by the Council at its meeting held on 11 May 2004.

#### **Statutory Environment**

Section 5.42 of the Local Government Act 1995 provides for a Local Government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of its duties.

The Act also provides, at Section 5.43, a number of powers or duties that cannot be delegated.

Furthermore, pursuant to Section 5.44 of the Act, the CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under the Act other than the power of delegation. Such delegation must be in writing.

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

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

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

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**Delegations – Annual Review (Cont.)****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**

It is recommended that the delegations as set out be endorsed.

**Voting Requirements**

Absolute Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr D Williss, seconded Cr J Moir:

That delegations LG001 to LG003, LG005 to LG011, LG013 to LG031, LG033 and LG035 to LG042 be adopted subject to the following changes:

- LG030**      The words 'and removal' being added after the word 'placement.
- LG039**      The word 'GIVE' being replaced by the word 'FIVE' in the Delegation Subject description.
- LG040**      The words 'and Prohibited Burning period' being added after the word 'period' and the word 'EXTENSION' being replaced with the word 'ALTERATION' in the Delegation Subject description.
- LG041**      The words 'Building Surveyor' being replaced with the words 'Chief Executive Officer'.
- LG042**      The words 'Mr Eric Howard' being replaced with the words 'Environmental Health Officer'.

**CARRIED (9/0)**

**No. 153/05**

**(Absolute Majority)**

### 9.3 CORPORATE SERVICES REPORTS

#### 9.3.1 BUDGET RE-ALLOCATIONS FOR THE QUARTER ENDING 31 MARCH 2005

A Financial Interest was disclosed by Cr K Forbes, Cr M Skinner, Cr J Cameron and Cr B Hollingworth

Nature Of Interest: Financial

4:49pm Cr K Forbes, Cr J Cameron, Cr M Skinner and Cr B Hollingworth withdrew from the meeting.

Councillor D Williss assumed the chair.

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>FM/26/1</b>
<b>Author:</b>	<b>David Blurton - Accountant</b>
<b>Authorised By:</b>	<b>John Byrne – Executive Director Corporate and Community Services</b>
<b>Date of Report:</b>	<b>18 April 2005</b>

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#### **Purpose**

The purpose of this report is to adjust the adopted 2004-2005 budget to recognise variations in actual income and expenditure. This is necessary to facilitate effective financial control and ensure that the Council's financial resources are allocated in the most effective manner.

#### **Background**

The 2004-2005 Annual Budget was adopted by the Council at its meeting on 27 July 2004.

#### **Statutory Environment**

There is no specific section of the Local Government Act 1995 that deals with the reallocation of budgeted funds. However, Section 6.2(1) of the Local Government (Financial Management) Regulations 1996 governs the budget requirements for Local Governments.

#### **Consultation**

Consultation has occurred with Mr Rob Stewart – Chief Executive Officer and Mr John Byrne – Executive Director of Corporate and Community Services.

#### **Policy Implications**

There are no policy implications for this report.

#### **Financial Implications**

There are significant financial implications with the report, however the overall effect on the budget is nil, ie: changes in incomes are offset by changes in expenditure.

**Budget Re-Allocations For The Quarter Ending 31 March 2005 (Cont.)****Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

Proposed reallocation between accounts and the reasons for the re-allocation are attached at the end of this report.

Staff consider that the quarterly review of the 2004-2005 Annual Budget and comparison with year to date expenditure is sound financial management and will provide stakeholders with more relevant and accurate information.

**Voting Requirements**

Absolute Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr K Hart, seconded Cr J Mark:**

**That the 2004-2005 adopted budget be varied by:**

<b><u>Account Description</u></b>	<b><u>Account</u></b>	<b><u>Adopted Budget (\$)</u></b>	<b><u>Amended Budget (\$)</u></b>
Purchase of Saleyard	1380.3.130	\$0.00	(\$1,000,000.00)
Saleyard Loan Funds	1380.4.130	\$0.00	\$1,300,000.00
Saleyard Environmental Works	1380.1.130	\$0.00	(\$300,000.00)
Councillor Sitting Fees	410.1.201	(\$60,000.00)	(\$57,000.00)
Refreshments & Receptions	415.1.214	(\$18,000.00)	(\$20,000.00)
Councillor Insurance	410.1.161	(\$5,902.00)	(\$6,902.00)
Office Equipment Maintenance	420.1.154	(\$3,000.00)	(\$8,000.00)
Computer Equipment Maintenance	420.1.155	(\$8,910.00)	(\$3,910.00)
Staff Training - Admin	420.1.44	(\$25,000.00)	(\$10,000.00)
Relief Staff	420.1.181	(\$10,000.00)	(\$12,000.00)
Staff Housing Maintenance - CEO	420.1.37	(\$4,000.00)	(\$6,000.00)
Vehicle Expense - CEO	420.1.46	(\$4,000.00)	(\$5,000.00)
FBT expense	420.1.33	(\$20,000.00)	(\$30,000.00)
Saleyard Office Expenses	1380.1.152	\$0.00	(\$200.00)
Computer Maintenance	1380.1.155	\$0.00	(\$1,800.00)
Insurance	13801.1.161	\$0.00	(\$2,500.00)
Management Contract	1380.1.20	\$0.00	(\$13,000.00)
Wages	1380.1.21	\$0.00	(\$12,000.00)
Superannuation	1380.1.22	\$0.00	(\$1,080.00)
Utilities	1380.1.335	\$0.00	(\$8,000.00)
Grounds Maintenance	1380.1.337	\$0.00	(\$1,250.00)
Building Maintenance	1380.1.338	\$0.00	(\$1,000.00)
Vehicle Expenses	new	\$0.00	(\$4,000.00)
Plant Expenses	new	\$0.00	(\$2,000.00)
Weekly Report	new	\$0.00	(\$3,500.00)
Marketing	new	\$0.00	(\$5,000.00)
Uniform	new	\$0.00	(\$300.00)
Training	new	\$0.00	(\$500.00)
Travel & Accommodation	new	\$0.00	(\$500.00)
Water Monitoring	new	\$0.00	(\$500.00)
Yard Fees - Pen & Weigh	1380.2.100	\$0.00	\$100,000.00



**Budget Re-Allocations For The Quarter Ending 31 March 2005 (Cont.)**

Agents Contribution	1380.2.120	\$0.00	\$15,000.00
Agent Entry Fees	1380.2.140	\$0.00	\$2,500.00
Avdata Income	1380.2.160	\$0.00	\$4,000.00
Other Income	1380.2.180	\$0.00	\$4,000.00
Canteen Lease	1380.2.780	\$0.00	\$800.00
50% surplus / (deficit)	1380.2.769	\$121,000.00	\$85,000.00
Transfer to Saleyard Surplus Reserve account	New	\$0.00	(\$33,170)

**CARRIED (5/0)****No. 154/05****Absolute Majority****FURTHER MOTION****Moved Cr J Moir, seconded Cr K Clements:****That a Saleyard Surplus Reserve Account be created for the purpose of funding future loan repayments.****CARRIED (5/0)****No. 155/05****Absolute Majority**

5:02pm Cr K Forbes, Cr J Cameron, Cr M Skinner and Cr B Hollingworth returned to the meeting.

Cr K Forbes assumed the chair.

### 9.3.2 BUSH FIRE BRIGADES LOCAL LAW

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (1)</b>	<b>Proposed Amendments</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>LE/98/1</b>
<b>Author:</b>	<b>Donna Stevens – Senior Administration Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart – Chief Executive Officer</b>
<b>Date of Report:</b>	<b>21 March 2005</b>

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#### Purpose

The purpose of this report is to consider the submission made by Mr John Tonkin from Fire and Emergency Services (FESA) to make further amendments to the Shire's Bush Fire Brigades Local Law.

#### Background

On the 24 November 2004 Council resolved that:

- '(1) The Shire of Plantagenet Bush Fire Brigades Local Law be amended to incorporate the Rules of Operation for Voluntary Bush Fire Brigades as adopted on the 10 February 2004, as the first schedule.*
- (2) The proposed amendments to the Bush Fire Brigades Local Law in accordance with the requirements of section 3.12(3) of the Local Government Act 1995 be advertised.'*

During the advertising period one submission was received by Mr John Tonkin of FESA. While his submission did not refer to the proposed amendment he did suggest several other changes to be made to the local law, to bring it in line with FESA and the Bush Fires Act 1954.

Mr Tonkin's proposed amendments are outlined below:

- Types of brigade memberships be amended to active, auxiliary and cadet. This will bring the terminology in line with FESA's data base.
- The term 'Fire Weather Officer' be amended to 'Fire Weather Reporting Officer'. The Bush Fires Act 1954 does not require each individual brigade to have its own Fire Weather Officer only an officer to report and record weather conditions. Only one Fire Weather Officer is required under the Act to be appointed within the Shire.
- Amend section 3.6(d) to ensure that FESA is notified of registered bush fire brigades and their members as required under section 41(2a) of the Bush Fires Act 1954.
- Align budget dates with ESL budget time frames.
- Amend section 2.4 of the First Schedule to allow the format of membership application forms to be varied from time to time. This would dispense of Appendices I, II and III.

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**Bush Fire Brigades Local Law (Cont.)**

- Amend section 5.4 (1) of the First Schedule so that the quorum for a bush fire brigade meeting is 50%.

All suggestions have been considered by the Executive Director Technical & Development Services and it is recommended that all Mr Tonkin's suggestions be adopted with exception to changes to the membership application forms.

Attachment 1 outlines all proposed amendments to the local law.

**Statutory Environment**

Section 62 of the Bush Fires Act 1954 empowers a Local Government to make Local Laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995.

Local laws are covered under Section 3.5 to 3.17 of the Local Government Act 1995, dealing with such matters as advertising.

**Consultation**

Consultation has occurred with Mr John Tonkin of FESA and Mr Stephen Bell the Executive Director Technical and Development Services.

**Policy Implications**

The Bush Fire Brigade Rules were adopted as Policy FP2 – Adoption of Rules for Bush Fire Brigades. This policy will be repealed.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

As the changes being recommended vary from the proposed changes originally advertised, the Council is now required to readvertise in accordance with Section 3.12 of the Local Government Act 1995.

**Voting Requirements**

Absolute Majority

**OFFICER'S RECOMMENDATION**

THAT:

- (1) The Shire of Plantagenet's Bush Fire Brigades Local Law be amended in accordance with Attachment One (1).
- (2) The proposed amendments in Part One (1) above be advertised pursuant to Section 3.12(3) of the Local Government Act 1995.

**MOTION TO ADJOURN THE QUESTION**

**Moved Cr J Moir, seconded Cr B Hollingworth**

**That the question be adjourned until it has been presented to the Bush Fire Advisory Committee at its meeting to be held on 3 August 2005.**

**CARRIED (9/0)**

**No. 156/05**

### 9.3.3 REFUSE SITE RATES REFUNDS

<b>Location / Address:</b>	<b>Various</b>
<b>Name of Applicants:</b>	<b>Stuart J Wissing William J McIlwaine</b>
<b>File Reference:</b>	<b>RV/182/2335; RV/182/4127</b>
<b>Author:</b>	<b>Ann Kirton – Rates Officer</b>
<b>Authorised By:</b>	<b>John Byrne – Executive Director Corporate and Community Services</b>
<b>Date of Report:</b>	<b>28th April 2005</b>

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#### **Purpose**

The purpose of this report is to present a list of properties that qualify for the \$50.00 and \$30.00 Refuse Site Rate exemption. These properties are owned and / or operated in identical name or names and are neither commercially rented nor habitable and as such meet the criteria for Refuse Site Rate exemption which the Council adopted in its 2004-2005 budget process.

#### **Background**

As part of the budget adoption process for 2004-2005 and 2003-2004, the Council adopted a Refuse Site Rate with a minimum charge of \$50.00 and \$30.00 respectively for all rateable properties.

As a rate, rather than a levy or a service charge, the charge is applied to all separately rated properties within the local government area.

At its meeting held on 28 August 2001, the Council resolved:

'That as the Council is of the opinion that the imposition of more than one Refuse Rate would be inequitable in those circumstances where properties are owned and operated in identical name or names and where no habitable or commercially rented properties are situated on additional properties, then in those circumstances the Council shall make ex gratia payments to those people affected, equivalent to the second or further Refuse Rate payments received or write off such moneys owing, upon application by such people that meet the above mentioned criteria.'

#### **Statutory Environment**

The Refuse Site Rate (otherwise known as a Health Rate) has been adopted by the Council pursuant to section 40 of the Health Act (1911).

Pursuant to Section 6.12 (2) of the Local Government Act (1995) local governments may 'write off an amount which is owed to the local government.'

#### **Consultation**

Consultation has occurred with David Blurton, Accountant.

#### **Policy Implications**

There are no policy implications for this report.

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**Refuse Site Rates Refunds (Cont.)****Financial Implications**

The exemptions total \$50.00 and \$30.00 which will be reversed from the Refuse Site Rate Income account 1010.2.797 which has a budget of \$137,750.00.

**Strategic Implications**

There are no strategic implications for this report

**Voting Requirements**

Absolute Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr J Moir, seconded M Skinner:

That the \$50.00 and \$30.00 Refuse Site Rate applicable to the following properties be refunded where paid or written off where outstanding, pursuant to the Council decision from 28 August 2001 relative to Refuse Site Rates and Section 6.12 (2) of the Local Government Act (1995):

- (1) SJ Wissing - Exempt Property – RV/182/2335 – 54 Seventh Avenue, Kendenup; and
- (2) WJ McIlwaine - Exempt Property – RV/182/4127 - Lot 3 Porongurup Road, Mount Barker.

**CARRIED (9/0)**

**NO. 157/05**

**(Absolute Majority)**

**9.3.4 LOT 1, LOCATION 464 WOODLANDS ROAD - WRITE OFF PENALTY INTEREST FOR RATES**

**Location / Address:** Lot 1, Location 464 Woodlands Road, Porongurup  
**Name of Applicant:** Craig S Delandgraftt  
**File Reference:** RV/182/573  
**Author:** Ann Kirton – Rates Officer  
**Authorised By:** John Byrne – Executive Director Corporate and Community Services  
**Date of Report:** 19th April 2005

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**Purpose**

The purpose of this report is to request authority from the Council to write-off an interest rate penalty for Mr Craig Delandgraftt.

**Background**

The Council's records for Lot 1, Location 464 Woodlands Road, Porongurup show the following particulars:

Property	Lot 1 Woodlands Road, Porongurup
Property Description	Lot 1 Location 464
Owner	Craig Steven Delandgraftt
Tenure	Fee Simple

**Statutory Environment**

6.51 (1) A local government may at the time of imposing a rate or service charge resolve to impose interest (at a rate set in its annual budget) on a rate or service charge (or any instalment of a rate or service charge) that remains unpaid after it is due and payable.

**Consultation**

This matter was discussed with Mr David Blurton, Accountant, who was in agreement that as this matter appears to be a staff error, Mr Delandgraftt should not be liable.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

Current penalty rates are \$72.90.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

Due to a subdivision of land owned by Mr Delandgraftt, he was advised by a Shire Officer that he was not required to pay his rates until the property was revalued by the Valuer General. Due to this advice, Mr Delandgraftt did not pay his rates and incurred a penalty to which he now objects to owing as it was Shire advice to withhold his payment.

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Refund of Penalty for Rates (Cont.)

His prior account history is timely and Mr Delandgrafft has not incurred penalty charges prior to this incident.

**Voting Requirements**

Absolute Majority

**OFFICER'S RECOMMENDATION**

**Moved Cr J Moir, seconded Cr D Williss:**

**That the interest charges totalling \$72.90 on Assessment No. 573, Location 464 Woodlands Road, Porongurup be written off.**

**CARRIED (9/0)**

**No. 158/05**

**(Absolute Majority)**

## 9.4 COMMUNITY SERVICES REPORTS

### 9.4.1 HOME AND COMMUNITY CARE (HACC) - RELOCATION TO HOSPITAL GROUNDS

<b>Location / Address:</b>	<b>Muir Street, Mount Barker</b>
<b>Name of Applicant:</b>	<b>Great Southern Health Service</b>
<b>File Reference:</b>	<b>CS/151/1</b>
<b>Author:</b>	<b>John Byrne - Executive Director Corporate and Community Services</b>
<b>Authorised By:</b>	<b>Rob Stewart – Chief Executive Officer</b>
<b>Date of Report:</b>	<b>5 May 2005</b>

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#### **Purpose**

The purpose of this report is for the Council to endorse the relocation of the Home and Community Care (HACC) Service to the Plantagenet Hospital grounds in Muir Street, Mount Barker as part of the Plantagenet Cranbrook (Multi Purpose) Health Service.

#### **Background**

The community has been actively planning and progressing the creation of a multi purpose health service in Mount Barker for some years. As part of the proposal, the Council will no longer be the sponsoring body of the HACC Service. In December 2003, the Council entered into a Memorandum of Understanding (MOU) with the Multi Purpose Service (MPS), now known as the Plantagenet Cranbrook Health Service (PCHS), to lease Redman House in Lord Street, Mount Barker to the MPS to accommodate HACC and associated health services.

The MOU arranged for the lease of Redman House for a period of twenty-one (21) years, with the first twelve (12) years to be rent free. The value of the donated rent-free arrangement equated to approximately \$186,000.00 and represented 60% of the market rental value as determined by the Valuer General.

Plans were developed for the redevelopment of Redman House and were costed in excess of \$600,000.00. The plans were re-designed to accommodate the available capital funding of \$400,000.00, with non-recurrent funds of \$200,000.00 being provided from HACC and an anticipated matching contribution from LotteriesWest of \$200,000.00.

However, the matching funding from LotteriesWest was withdrawn on the basis that the facility would be part of an MPS arrangement, thereby effectively a State Government service. LotteriesWest's Charter precludes it from financially assisting State Government agencies with capital improvements.

Given the reduction in available funds for the redevelopment to only \$200,000.00, the architect is of the opinion that insufficient funds are available to do the necessary works at even a most basic level.

Subsequently, the Health Department has now written to the Council suggesting an alternative option, based on a new HACC building in Narrogin. It is the opinion of the



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**Home and Community Care (HACC) - Relocation to Hospital Grounds (Cont.)**

Health Department that the building can be located on the Plantagenet Hospital grounds, adjacent to Muir Street.

**Statutory Environment**

There are no known statutory implications for this report.

**Consultation**

Consultation has occurred with a variety of stakeholders including Joe Addie, HACC Coordinator, Ruth York, Director of Nursing / Health Services Manager and Keith Symes, Regional Director, Great Southern Health Region.

All parties are in favour of the new proposal and have indicated that they agree it is the best option for the community with the available funds.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for the Council with this proposal. The cost of the new development is expected to be in the order of \$350,000.00. The existing \$200,000.00 non-recurrent funds held by the Council will be used, with a possible further \$50,000.00 being offered by HACC. The Health Department has access to funds of \$100,000.00, raising a total of \$350,000.00 to cover the proposed cost of development.

**Strategic Implications**

The Shire support of this relocation is consistent with the Shire of Plantagenet's Strategic Plan:

*To effectively practise and promote a proactive, competent and reliable Environmental Health Surveying service.*

**Officer Comment**

The proposal is supported to ensure that the MPS can effectively operate within the Mount Barker community. It is also considered, after consultation with key stakeholders in the provision and delivery of the HACC Services, that this is the best outcome for the community with the available funding. It is recommended that the proposal be supported.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr K Hart, seconded Cr J Mark:**

**That the Council endorse the relocation of the Home and Community Care (HACC) Service to the Hospital Grounds in Muir Street, Mount Barker as part of the Plantagenet Cranbrook (Multi Purpose) Health Service be endorsed.**

**LOST (5/4)**

**No. 159/05**

**Moved Cr J Mark, seconded Cr J Cameron:**

**That a meeting be convened with Mr Keith Symes, Regional Director, Great Southern Health Region and other Home and Community Care stakeholders at the earliest possible date to discuss Home and Community Care options.**

**CARRIED (9/0)**

**No. 160/05**

### **MOTION TO ADJOURN**

**Moved Cr K Clements, seconded Cr K Hart:**

**5:50pm That the meeting be adjourned until 6:00pm.**

**CARRIED (9/0)**

**No. 161/05**

**6:00pm The meeting was resumed.**

Present

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 M Skinner	East Ward
Cr K Hart	Kendenup Ward
Cr J Moir	South Ward
Cr K Clements	Town Ward
Cr B Hollingworth	Town Ward
Cr J Mark	Town Ward
Mr R Stewart	Chief Executive Officer
Mr S Bell	Executive Director Technical and Development Services
Mr J Byrne	Executive Director Corporate and Community Services (Returned 6:04pm)
Mrs K Skinner	Executive Secretary
Ms C Delmage	Administration Officer Minutes and Agenda

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

Nil

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

Nil

**MOTION TO SUSPEND STANDING ORDERS**

Moved Cr K Clements, seconded Cr J Mark:

6:03pm That those sections of Standing Orders that would prevent a Councillor speaking when no motion was before the Chair be suspended.

**CARRIED (8/1)**

**No. 162/05**

**MOTION TO RESUME STANDING ORDERS**

Moved Cr J Cameron, seconded Cr J Mark:

6:23pm That Standing Orders be resumed.

**CARRIED (9/0)**

**No. 163/05**

**12 CONFIDENTIAL****12.1 TENDER C08/0405 - CONSTRUCTION OF A NEW ADMINISTRATION OFFICE IN MOUNT BARKER**

**Location / Address:** Lowood Road, Mount Barker  
**Name of Applicant:** Shire of Plantagenet  
**File Reference:** CP/50/1  
**Author:** Stephen Bell – Executive Director Technical and Development Services  
**Authorised By:** Rob Stewart – Chief Executive Officer  
**Date of Report:** 4 May 2005

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**MOTION TO PROCEED BEHIND CLOSED DOORS**

Moved Cr J Cameron, seconded Cr D Williss:

6:15pm That the meeting move into a Confidential Section to discuss items under the terms of the Local Government Act 1995 as follows:

- (1) Section 5.23(2)(c): A contract be 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 (8/1)**

**No. 164/05**

**MOTION TO PROCEED IN PUBLIC**

Moved Cr J Cameron, Seconded Cr D Williss:

6:23pm That the meeting proceed in public.

**CARRIED (7/2)**

**No. 165/05**

**(Absolute Majority)**

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr D Williss, seconded Cr M Skinner:

**THAT:**

- (1) Pursuant to Regulation 18 of the Local Government (Functions and General) Regulations 1996 the tender submitted by Wauters Enterprises for the amount of \$2,469,060.00 (inclusive of GST) be accepted for the construction of the Administration Offices.
- (2) The tender from the Urban Building Company be rejected as failing to comply with the Tender requirements.
- (3) Pursuant to Regulation 20 the successful tenderer be notified that the Council wishes to make minor variations in the Goods and Services required and prior to any contract being entered into pursuant to Part one (1) above of such variation, with agreement of the tenderer, are to be included in the contract.
- (4) In the event that the minor variations referred to in part three (3) above are not able to be negotiated and agreed the provisions of paragraph two (2) of the Regulation may apply.
- (5) Pursuant to Regulation 19 each Tenderer be advised of the Council's resolution with regard to this matter.
- (6) A payment and project time line be included as part of the contract with the successful tenderer.

**CARRIED (7/2)**

**No. 164/05**

Cr K Clements asked that his vote, cast in the negative be recorded.

**12 CLOSURE OF MEETING**

6:37pm      The Presiding Member declared the meeting closed.

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