



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council held at
Frost Pavilion, McDonald Avenue, Mount Barker
2:45pm Tuesday 12 July 2005

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:53pm 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)

Present

Cr K Forbes	Shire President – Rocky Gully / West Ward (Withdrew 3.25pm, returned 3.28pm)
Cr D Williss	Deputy Shire President - East Ward (Withdrew 3.34pm, returned 3.43pm)
Cr M Skinner	East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr J Moir	South Ward
Cr K Hart	Kendenup Ward
Cr K Clements	Town Ward
Cr B Hollingworth	Town Ward
Cr J Mark	Town Ward
Mr R Stewart	Chief Executive Officer
Mr J Byrne	Executive Director Corporate and Community Services
Mr D Blurton	Accountant
Mr S Bell	Executive Director Technical and Development Services
Mr J O'Keefe	Town Planner
Mr Ray Parry	Ranger

Mrs K Skinner Executive Secretary
Ms C Delmage Administration Officer Minutes and Agenda

There were three (3) members of the public present.
There were no members of the media present.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Presentation – Ray Parry

Alan and Becky Snow from WA Law Training Services attended the Council meeting to present Certificate IV of Local Government (Governance and Administration) to the Council's Ranger, Ray Parry.

Alan Snow made a speech thanking the Council for the opportunity to present to Ray the certificate.

Cr Forbes thanked Ray for his efforts and also thanked Alan and Becky Snow for their time and efforts in making the presentation.

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 the Council held 28 June 2005 be confirmed.

CARRIED (9/0)

No. 208/05

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- At a recent One Community, One College Meeting the committee discussed the second draft of the briefing which is being developed for the architect. We are starting to get an idea of where they are heading.
- 6 July 2005 – The Shire President, Hon Matt Benson, MLC and Mr Anderson Dufty (P & C Association representative) met with the advisor to the Minister of Education to discuss One Community, One College

funding deficiency, timelines and intentions on how to achieve the first and second stages. Hon Matt Benson, MLC will follow up these issues. The planned February 2007 opening is not likely but the delay will be worthwhile if we can achieve completion of the primary school relocation.

- 3-5 July 2005 – Shire President, Deputy Shire President and respective partners, along with the Executive Director Technical and Development Services attended the 2005 National Local Roads and Transport Congress in Launceston, Tasmania. Recent communication has been received that may be useful. Delegates called on the Australian Government to provide fair funding. (See Attached).

56 Councillors, Chief Executive Officers and staff representatives from Western Australia attended the congress with these being mostly rural representatives. Seventeen representatives were from the Great Southern region.

The important matter is to keep pressure on the State Government regarding funding and to keep pushing the issue.

- 30 June 2005 - Shire President, Deputy Shire President and Executive Director Technical and Development Services attended a Timber Industry Road Evaluation Strategy (TIRES) group meeting in Albany. Shire President was elected Chair for a further year. The Shire President has since met with Executive Officer, Mr Maynard Rye and prepared a draft letter to the Minister of Infrastructure and Planning with copies going to all Cabinet Ministers.
- At a Regional Road Group meeting in Nyabing on Monday 18 July 2005 the Shire President will do a presentation on the TIRES issue.
- An Interim Audit report was received from Haines Norton from their February visit. The report was 'short and sweet' with nothing needing to be addressed. This is the kind of report Councillors like to receive. Thank you to all staff for your efforts.
- Hon Terry Redman, MLA was recently on the ABC talking about the TIRES funding issue so the matter is not hearsay but fact.
- The Shire President noted leave of absence already approved from 18 July to 31 July 2005 inclusive. Thank you to Cr Williss, Deputy Shire President for chairing in my absence.
- Sixteen (16) Disclosures of Interest have been declared for today's meeting so please be patient and deal with the meeting in the best manner possible. Despite the Disclosures of Interest, some Councillors may still be able to participate.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 EXECUTIVE SERVICES REPORTS

9.1.1 POLICY REVIEW - COUNCIL CHAMBERS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CP/120/1
Author:	Kaye Skinner - Executive Secretary
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	12 July 2005

Purpose

The purpose of this report is to review Council Policy PC3 ' Council Chambers'.

Background

Council Policy PC3 reads as follows:

'That the Council Chambers be restricted to Council or Council promoted activities and that the President and Chief Executive Officer determine the term 'Council Promoted Activities' should determination become necessary.'

Consultation

Consultation has occurred with the Chief Executive Officer.

Policy Implications

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

Strategic Implications

The Council's Strategic Plan Key Result Area 1, new initiative 1.4 provides the following:

- 1.1 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence;
- Promote and provide access to policies, procedures, standards and legislation.

Officer Comment

The direction given in this policy is of an administrative nature.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr D Williss:

That Council Policy PC3 ' Council Chambers':

'That the Council Chambers be restricted to Council or Council promoted activities and that the President and Chief Executive Officer determine the term 'Council Promoted Activities' should determination become necessary.'

be repealed.

CARRIED (9/0)

No. 209/05

9.1.2 POLICY REVIEW - VEHICLE REGISTRATION PL2

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	PS/120/1
Author:	Kaye Skinner - Executive Secretary
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	12 July 2005

Purpose

The purpose of this report is to review Council Policy PV3 'Vehicle Registration PL2'.

Background

Council Policy PV3 reads as follows:

'That vehicle licence plate PL2 be issued to the President of the day whilst that person occupies the office of Shire President.'

In August 1995, the Council of the day had discussions with Mrs Joan Mitchell, widow of the Late Clayton Mitchell, a previous Shire President. It was agreed that Vehicle Registration Plate PL2, at that time held by Mrs Mitchell and previously used by Clayton Mitchell when Shire President, should be returned to the Council for ongoing use by the President of the day.

Consultation

Consultation has taken place with the Chief Executive Officer and the Shire President.

Policy Implications

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

Strategic Implications

The Council's Strategic Plan Key Result Area 1, new initiative 1.4 provides the following:

- 1.1 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence;
- Promote and provide access to policies, procedures, standards and legislation.

Officer Comment

This policy is no longer relevant to the Council.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr M Skinner:

That Council Policy PV3 'Vehicle Registration PL2':

'That vehicle plate PL2 be issued to the President of the day whilst that person occupies the office of Shire President.'

be repealed.

CARRIED (9/0)

No. 210/05

FURTHER MOTION

Moved Cr J Cameron, seconded Cr J Mark:

That it be a Policy of the Council:

The Council will:

- (1) Issue to the Shire President of the day whilst that person occupies the office of Shire President Vehicle Registration Plate PL1; and**
- (2) Issue to the Chief Executive Officer of the day whilst that person occupies the office of Chief Executive Officer Vehicle Registration Plate PL2.**

CARRIED (9/0)

No. 211/05

9.2 CORPORATE SERVICES REPORTS

9.2.1 LIST OF FEES AND CHARGES – 2005 / 2006

A Financial Interest was disclosed by Cr K Forbes for Item 9.2.1

Extent Of Interest: Cattle Producer – Operate a mixed farming property of sheep and cattle with 400 head of cattle.

A Financial Interest was disclosed by Cr M Skinner for Item 9.2.1

Extent Of Interest: Cattle Producer – 400 head of cattle.

A Financial Interest was disclosed by Cr J Cameron for Item 9.2.1

Extent Of Interest: Part Owner Of Cattle – 50% interest in approximately 400 head of cattle on farm at Rocky Gully.

A Proximity Interest was disclosed by Cr B Hollingworth.

An Impartiality Interest was disclosed by Cr J Moir.

Authority To Participate Pursuant Section 5.69 (3)(b) Local Government Act 1995

The Chief Executive Officer advised the Council that by letter dated 24 May 2005, approval had been received from the Department of Local Government and Regional Development, giving permission for Cr K Forbes, Cr M Skinner and Cr J Cameron to participate in matters relating to the Great Southern Regional Cattle Saleyards and for Cr Forbes to act as Presiding Member for the period of 24 May 2005 to 31 December 2005 inclusive.

The Chief Executive Officer further advised the Council that by letter dated 14 June 2005, approval had been received from the Department of Local Government and Regional Development, giving permission for Cr B Hollingworth to participate in matters relating to the Great Southern Regional Cattle Saleyards for the period of 10 June 2005 to 31 December 2005 inclusive.

Chief Executive Officer, Mr R Stewart, read aloud the attached letters from the Department of Local Government and Regional Development dated 24 May 2005 and 14 June 2005.

Copy of each letter is attached.

Location / Address: N / A
Name of Applicant: N / A
File Reference: FM/64/5
Author: David Blurton - Accountant
Authorised By: John Byrne - Executive Director Corporate and Community Services
Date of Report: 5 July 2005

Purpose

The purpose of this report is to adopt the list of fees and charges for the 2005 / 2006 financial year.

Background

The Council considered the list of fees and charges for the 2005 / 2006 financial year as part of its budget briefing process.

Statutory Environment

Sections 6.15 to 6.19 of the Local Government Act 1995 legislates the imposition of fees and charges for a local government.

Consultation

There has been previous consultation with the Council on the proposed list of fees and charges for 2005 / 2006.

The community has also had the opportunity to provide input on the setting of the budget via a Community Grants process and a public briefing session.

Policy Implications

There are no policy implications for this report.

Financial Implications

The fees and charges adopted by the Council have a significant impact on the various revenue streams of the Council. When establishing fees and charges, the effect that each fee or charge will have on the accessibility of a facility, and the subsequent total revenue level obtained needs to be considered.

Strategic Implications

Key Result Area 3: Community Services outlines that the Council will:

'Develop an appropriate and equitable pricing policy for community facilities and programmes.'

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr D Williss:

That the list of fees and charges as included in the Budget for 2005 / 2006 be adopted.

**CARRIED (9/0)
No. 212/05
(Absolute Majority)**

9.2.2 PROPERTY RATES

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	FM/64/5
Author:	David Blurton - Accountant
Authorised By:	John Byrne - Executive Director Corporate and Community Services
Date of Report:	30 June 2005

Purpose

The purpose of this report is to set the property rates, establish the early payment discount, early payment incentive, payment instalment options and fees, and set the interest rates for overdue and late payments.

Background

Level of Rates

As part of the 2005 / 2006 Budget workshop process, the Council established that property rates should be set at no more than a 5% increase on total rate revenue raised in 2004 / 2005.

The 2005 / 2006 budget and the respective property rates have been determined on that basis.

Discount

Section 6.12 (1)(a) permits a local government to grant discount or incentive for the early payment of money which is owed to the Council. It is recommended that a discount not be offered and no allowance has been made for any early payment discount to reflect this.

Incentive

The Council has previously offered incentive prizes to encourage the early payment of rates. This year, a bank account of \$500.00 with the Bendigo Bank will be offered as first prize, with one (1) carton of mixed wine donated by Mount Barker Wine Producers Association at a retail value of \$250.00 offered as second prize.

Instalments

It is recommended to the Council that it continue to offer the following three (3) payment options as in previous years:

- (1) To pay the total rates and charges included on the rate notice in full by the 35th day after the date of issue of the rates notice; or
- (2) To pay by two (2) equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the second instalment four (4) calendar months after this date.
- (3) To pay by four (4) equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the remainder at two (2) calendar month intervals after this date.

Instalment Fee

It is recommended that an instalment fee of \$5.00 be charged for each instalment reminder issued after the first instalment is paid. This is consistent with the previous year's charge and the Local Government Act.

Interest on Instalments

It is recommended that the maximum interest rate of 5.5% per annum be applied to instalment payments. Again, this is consistent with the previous year's charge and statutory requirements.

Late Payment Penalty Interest

It is recommended that the Council adopt a late payment penalty interest of 11% per annum. It is proposed that the late payment penalty interest will apply to rates that remain unpaid where no election was made to pay the rate by instalments and on overdue instalment payments where an election was made to pay by instalments.

Statutory Environment

Sections 6.25 to 6.82 of the Local Government Act 1995 and Regulations 52 to 78 of the Local Government (Financial Management) Regulations legislates property rating requirements and procedures.

Consultation

Consultation has occurred with staff, the Council and the community.

Policy Implications

There are no policy implications for this report.

Financial Implications

The property rates proposed have been established on the basis of delivering a balanced budget with a 5% increase on the 2004 / 2005 rate revenue.

Strategic Implications

The sensible setting of rates is critical in generating revenue for the Council to deliver services to the community and attain its mission:

'To improve the quality of life for the people of Plantagenet, both present and future.'

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr J Mark:

THAT:

- (1) No discount be offered for the early payment of property rates;
- (2) Incentive prizes for the payment of property rates in full by the due date be offered as follows:
 - (a) First prize – Bank Account to the value of \$500.00, donated by Bendigo Bank
 - (b) Second prize – one (1) carton of wine with a retail value of in excess of \$300.00 donated by Mount Barker Wine Producers Association;
- (3) The following instalment plan options be offered:
 - (a) To pay the total rates and charges included on the rate notice in full by the 35th day after the date of issue of the rates notice; or
 - (b) To pay by two (2) equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the second instalment four (4) calendar months after this date; or
 - (c) To pay by four (4) equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the remainder at two (2) calendar month intervals after this date;
- (4) An instalment fee of \$5.00 per instalment (excluding the first instalment) and an interest rate of 5.5% per annum on instalment payment plans be charged;
- (5) A late payment penalty interest on overdue and defaulted payment plans be charged at 11% such penalty interest charge to apply to overdue property rates, refuse site rate and rubbish collection charges.
- (6) The rate in the dollar and minimum rate for property rates be as follows:

	Cents in the \$	Min. Rate
Rural Townsites (GRV)	9.33	\$425.00
Rural (GRV)	9.33	\$425.00
Mount Barker Townsite (GRV)	9.33	\$425.00
Strata Titles (GRV)	9.33	\$425.00
Rural (UV)	1.1152	\$425.00
Mining (UV)	1.1152	\$425.00

CARRIED (9/0)

No. 213/05

(Absolute Majority)

9.2.3 HEALTH (REFUSE SITE) RATE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	FM/64/5
Author:	David Blurton - Accountant
Authorised By:	John Byrne - Executive Director Corporate and Community Services
Date of Report:	5 July 2005

Purpose

The purpose of this report is to set the Health (Refuse Site) rate for the 2005 / 2006 financial year.

Background

The Council first established the Health (Refuse Site) rate in the 2001 / 2002 financial year. The minimum refuse site rate is currently \$50.00.

The Council has since adopted conditions associated with the Health (Refuse Site) rate, as follows:

'As the Council is of the opinion that the imposition of more than one refuse site rate would be inequitable in those circumstances where properties are owned and / or 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 write off such refuse site rate moneys owing that meet the above mentioned criteria.'

It is intended to maintain this condition as part of the Refuse Site Rate, so as not to impact unfairly on owners of multiple vacant properties.

Statutory Environment

The Health (Refuse Site) rate is raised in accordance with Section 40 of the Health Act 1911.

Consultation

Consultation has occurred with staff, the Council and the community in the preparation of the budget, including the Refuse Site Rate.

Policy Implications

There are no policy implications for this report.

Financial Implications

The Health (Refuse Site) rate will raise a budgeted \$139,250.00 in the 2005 / 2006 financial year.

Strategic Implications

One of the Aims of Key Result Area 2 – Infrastructure is to:

'Protect the community's health by managing waste in a timely, effective, economic and environmentally safe manner.'

Officer Comment

The Waste Management Committee is considering for recommendation to the Council, a progressive strategic plan for the implementation of improved waste management operations in the Shire of Plantagenet.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr M Skinner:

THAT:

- (1) The rate in the dollar and the minimum rate for the 2005 / 2006 refuse site rate be set as follows:

	Cents in the \$	Min. Rate
Gross Rental Value	0.0001	\$50.00
Unimproved Value	0.0001	\$50.00

- (2) As the Council is of the opinion that the imposition of more than one Health (Refuse Site) rate would be inequitable in those circumstances where properties are owned and/or 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 write off such refuse site rate moneys owing that meet the above mentioned criteria.

CARRIED (9/0)

No. 214/05

(Absolute Majority)

9.2.4 BUDGET ADOPTION – 2005 / 2006

An Impartiality Interest was disclosed by Cr J Moir for Item 9.2.4

A Financial Interest was disclosed by Cr K Forbes for Item 9.2.4. Councillor Forbes sought authority from the Council to participate in the decision making process and to chair the meeting, pursuant to S5.68 (1) of the Local Government Act (1995).

Extent Of Interest: Private use of Governance Vehicle.

3:25pm Cr Forbes withdrew from the meeting.

3:25pm Cr Williss assumed the chair

The Chief Executive Officer advised remaining Councillors that an email dated 12 July 2005, had been received from John Gilfellow, Manager Local Government Support and Development – Department of Local Government and Regional Development advising the Shire President that he could declare an interest, withdraw from the meeting and allow remaining Councillors to determine whether the Shire President should be allowed to return to the meeting and participate as the interest declared could be considered as minor and insignificant. (see attached letter).

COUNCIL DECISION

Moved Cr K Hart, seconded Cr B Hollingworth:

That Councillor Kevin Forbes pursuant to S5.68 (2) of the Local Government Act (1995) be allowed to fully participate in Item 9.2.4, Budget Adoption – 2005 / 2006 as the declared Financial Interest, being private use of a Governance vehicle, is considered to be so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter.

CARRIED (7/1)

No. 215/05

3:28pm Cr Forbes returned to the meeting and resumed the Chair.

Location / Address: N / A
Name of Applicant: N / A
File Reference: FM/26/1
Author: David Blurton - Accountant
Authorised By: John Byrne - Executive Director Corporate and Community Services
Date of Report: 5 July 2005

Purpose

The purpose of this report is to adopt the 2005 / 2006 annual budget, incorporating the plan of principal activities for 2005 / 2006 to 2009 / 2010.

Background

The 2005 / 2006 budget, incorporating the plan of principal activities, has been prepared as a balanced budget with significant input from staff, elected members and the community.

Statutory Environment

Section 5.56 of the Local Government Act 1995 requires a local government to prepare a Plan For The Future for the next two (2) or more financial years.

Section 6.2 of the Local Government Act 1995 requires a local government to prepare and adopt, by absolute majority, an annual budget prior to 31 August in each year.

Consultation

Consultation has occurred with elected members, staff and the community throughout the budget preparation process. The draft budget and Plan For The Future was advertised in accordance with best practice principles and a public briefing session held. Twelve (12) members of the public attended that meeting.

Policy Implications

There are no policy implications for this report.

Financial Implications

The adoption of the Budget enables the operations of the Council to continue effectively and issue rates in a timely manner to assist with income generation and cash flow.

Strategic Implications

The 2005 / 2006 budget has been prepared with regard for the Council's Strategic Plan.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr M Skinner:

THAT:

- (1) The attached five (5) year budget be adopted as the Plan For The Future as required by Section 5.56 of the Local Government Act 1995.**
- (2) The annual budget for the year ending 30 June 2006, as presented, be adopted.**

CARRIED (9/0)

No. 216/05

(Absolute Majority)

9.2.5 POLICY REVIEW - FINANCIAL PLANNING - BORROWING PROGRAM

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	FM/120/3
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	12 July 2005

Purpose

The purpose of this report is to present to the Council a draft policy regarding limits to the Council's borrowings.

Background

Councillors will be aware that the Shire has recently undertaken a significant borrowing program to undertake Infrastructure and Economic Development initiatives. These borrowings have been undertaken publicly and with full financial accountability and financial prudence.

The Council may now like to consider the adoption of a policy to publicly acknowledge the limits of the potential for the Council's indebtedness to lending agencies.

Statutory Environment

Local Government is no longer required to obtain the Treasurer's approval pursuant to Section 6.21 of the Local Government Act.

Nevertheless the Western Australian Treasury Corporation will only lend in future once the Corporation is satisfied that any new borrowings will not place financial stress on the Local Government. This means that financial information will need to be provided to the Corporation to obtain funds.

Policy Implications

This report is suggesting that a Policy be formulated which, if adhered to, would ensure future loan funds are advanced and which would also be financially prudent. Such policy could read:

'That it be a policy of the Council:

The Council will, with regard to its borrowings from external agencies, ensure that:

- (1) The Council's Debt Service Ratio does not exceed 10% at any time and that;
- (2) The Council's Gross Debt to Revenue Ratio does not exceed 60% for the:
 - immediate preceding financial year;
 - current financial year; and
 - the following financial year.

Debt Service Ratio means:

Debt Service Cost
Available Operating Revenue

Gross Debt to Revenue Ratio means:

Gross Debt
Total Revenue

Officer Comment

The Council's Debt Service Ratio budgeted for 2005 / 2006 is 8.1% calculated as follows:

Principal (\$190,099.00) plus interest (\$338,344.00)
Operating Revenue (\$6,544,487.00)

The Council's Gross Debt to Revenue Ratio for 2005 / 2006 is 53.1%:

Gross Debt (\$5,315,171.00)
Total Revenue (\$10,016,178.00)

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Mark:

That it be a policy of the Council:

The Council will, with regard to its borrowings from external agencies, ensure that the Council's debt service ratio does not exceed 10% at any time and that the Council's gross debt to revenue ratio does not exceed 60% for the:

- immediate preceding financial year;
- current financial year; and
- the following financial year.

Where Debt Service Ratio means:

Debt Service Cost
Available Operating Revenue

Gross Debt to Revenue Ratio means:

Gross Debt
Total Revenue

CARRIED (9/0)

No. 217/05

9.3 DEVELOPMENT SERVICES REPORTS

9.3.1 AMENDMENT 37 - LOCATION 3764 ST WERBURGHS ROAD, MOUNT BARKER - PROPOSED RURAL SMALLHOLDING ZONE

A Financial Interest was declared by Cr D Williss for Item 9.3.1.

An Impartiality Interest was declared by Cr K Forbes for Item 9.3.1.

3:34pm Cr Williss withdrew from the meeting.

Location / Address:	Location 3764 St Werburghs Road, Mount Barker
Attachments (4)	Locality Map Amendment 37 Indicative Precinct Plan Schedule of Submissions
Name of Applicant:	Ayton Taylor Burrell on behalf of PM and PR Stevens
File Reference:	LP/181/2, RV/182/353
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	23 June 2005

Purpose

The purpose of this report is to consider the submissions and make a recommendation on finalisation of Amendment 37 to the Shire of Plantagenet Town Planning Scheme No. 3. The Amendment proposes to introduce the Rural Smallholdings zone to the Town Planning Scheme and rezone Location 3764 St Werburghs Road, Mount Barker from the Rural zone to the Rural Smallholdings zone.

Background

The subject land is located on the north, east, and south facing slopes of Mount Barker Hill approximately 2.8km south of the Mount Barker town centre. The land parcel is 64.75ha in area. The subject land is currently used for grazing and contains some remnant vegetation.

Shire records show the registered landowner to be PM & PR Stevens.

Amendment 37 was initiated by the Council on 26 October 2004. A report on the proposal was considered by the Council and the following resolution was adopted:

‘THAT:

- (1) Subject to minor modifications to the documentation to replace Hay River Road with St Werburghs Road (as necessary), show pedestrian access along selected strategic fire breaks, include development provisions requiring drainage to be via open swales, the words ‘, however Council shall refuse to approve walls and roofs constructed of reflective materials such as unpainted Zinalume and off-white colours’ being deleted from Provision 7.1, and*

preparation of a Fire Management Plan which forms part of the attachment for Item 9.1.1 in accordance with Section 7 of the Town Planning and Development Act 1928 (as amended), Amendment 37 to the Shire of Plantagenet Town Planning Scheme No. 3 be initiated for the purpose of:

- (a) Rezoning Location 3764 St Werburghs Road, Mount Barker from the 'Rural' zone to the 'Rural Smallholding' zone;*
 - (b) Incorporating a Rural Smallholding zone within the Scheme Text together with appropriate modifications to Scheme provisions, Scheme Maps, Zoning Table and Schedules.*
- (2) The proposed Amendment 37 be referred to the Environmental Protection Authority to consider the need for environmental assessment;*
 - (3) Upon receiving advice from the Environmental Protection Authority, commence advertisement of Amendment 37 for a period of 42 days and refer it to the relevant authorities for comment.*

A draft Fire Management Plan was prepared and referred to FESA for consideration. Advice was received on 28 December suggesting a minor change to the document to require a 38mm female camlock fitting on domestic water tanks. This is the recently adopted standardised fitting size and type.

The necessary modifications to the Amendment document were completed and Amendment 37 was referred to the Environmental Protection Authority and advertised in accordance with the Council resolution.

The formal advertising period closed on 14 June 2005. Submissions were received from five (5) government agencies and two (2) adjoining land owners.

Statutory Environment

Town Planning Scheme Amendments are prepared and processed in accordance with Section 7 of the Town Planning and Development Act 1928 and the Planning Legislation Amendment Act 1996. The Town Planning Regulations set out the more detailed requirements for the documentation and the procedures for processing Amendments.

Town Planning and Development Act 1928.

Town Planning Regulations 1967

Planning Legislation Amendment Act 1996

Town Planning Amendment Regulations 1999

Environmental Protection Act (1986)

Consultation

The process for consultation and formal advertising of Amendments to Town Planning Schemes is laid down in the Town Planning and Development Act 1928 (as amended), the Town Planning Regulations 1967, Planning Legislation Amendment Act 1996 and the Environmental Protection Act (1986).

On 18 January 2005 the proposed Amendment was referred to the Department of Environmental Protection for assessment. The Environmental Protection Authority (EPA) responded on 28 February 2005 advising that the overall environmental impact of the implementation of Amendment 37 would not be severe enough to warrant assessment under Part IV of the Environmental Protection Act, the preparation of an Environmental Review and the subsequent setting of formal conditions by the Minister for the Environment.

In accordance with statutory requirements, formal advertising was undertaken. This included publishing notices in the local newspaper and Plantagenet News, on site advertising signage, writing to adjoining land owners and seeking comment from relevant agencies. Letters were sent to eighteen (18) property owners in the vicinity and eight (8) agencies. The advertising period of 42 days closed on 14 June 2005.

Seven (7) submissions were received. In general, the respective agencies have no objection to the proposed Amendment. The two (2) submissions from adjoining neighbours raise some objections to the Amendment and potential subdivision. A schedule summarising the submissions, together with a recommended response, is attached to this report.

All submissions must be taken into consideration by the Council in determining the Amendment and reported to the Western Australian Planning Commission and the Minister for Planning and Infrastructure.

Policy Implications

The Mount Barker Rural Strategy was adopted by resolution of the Council on 23 September 1997, following endorsement by the Western Australian Planning Commission. The Mount Barker Local Rural Strategy was adopted by the Shire of Plantagenet as Town Planning Policy No. 12 in accordance with Clause 7.6 of Town Planning Scheme No. 3.

Relevant State Policies include Statement of Planning Policy No. 2.5 'Agricultural and Rural Land Use Planning' March 2002 (SPP 2.5) made under Section 5AA of the Town Planning and Development Act together with the revised Policy No. DC 3.4 'Subdivision of Rural Land' (March 2002).

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Mount Barker Local Rural Strategy provides a framework and overall objectives to guide the future development and subdivision of private land on the periphery of the Mount Barker townsite. It is a Strategic Planning Document.

Plantagenet Location 3764 is within Precinct 3 of the Mount Barker Local Rural Strategy. Within this Precinct the Strategy indicates that subject to a number of management issues being addressed, Council may support applications to rezone the land for rural residential development.

SPP 2.5 seeks to 'protect agricultural land from those developments and influences that lead to its alienation or diminished productivity'. In addition to the 'General Agricultural' zone, it also advocates the following zonings: 'Priority Agriculture', 'Rural Smallholdings' and 'Rural Residential'. Policy No. DC 3.4 sets out that the Commission will only approve subdivision for intensive agriculture, rural smallholdings and rural residential where the land is identified in an endorsed strategy and zoned in a Town Planning Scheme.

Officer Comment

The Mount Barker Local Rural Strategy is the most relevant planning document in terms of providing guidelines for the potential development of Location 3764. The Strategy makes provision for rural residential subdivision. The essential aim is to encourage such development to be located close to services and to avoid intruding into 'broad acre' farming areas. The Strategy specifies that proposals for rezoning/subdivision must be based on a detailed assessment of landform and soils and shall address relevant management issues.

The Council has arranged the preparation of Precinct Plans for both Precincts 3 and 4. Although the Local Rural Strategy does not require a precinct plan to be prepared for Precinct 3, it does require one for Precinct 4. As the two Precincts are contiguous, an overall plan has been prepared for both Precincts. A copy of the Indicative Precinct Plan is attached. Relevant Aims of the Precinct Plan include:

- To provide for rural residential / rural small holding hobby farming in proximity to Mount Barker.
- To ensure closer subdivision addresses all environmental and planning issues addressed in the Mont Barker Rural Strategy
- To clarify and co-ordinate the provision of essential services such as roads, water supply, strategic firebreaks and minimise potential land use conflict.

The Amendment submission addresses landform and soils, water resources, land capability, nutrient export, erosion risk, salinity risk, bushfire control, remnant vegetation and landscape values, visual impact, land use conflict, services and infrastructure. The Amendment Report discusses the rationale for the proposed development and the advocates the creation of eight (8) lots ranging in size from 4.5 to 15.5ha.

The objections received during formal advertising relate to increased traffic on St Werburghs Road, potential reduction of downstream water flows, grievance against a subdivision refusal on an adjacent land parcel and the financial implications of the Amendment.

Officers acknowledge that the rezoning and subdivision will result in increased traffic movements on St Werburghs Road, however there are no significant concerns with this proposal. Standard conditions in relation to road construction are typically applied through the subdivision approval and detailed traffic management and design issues will be assessed at that stage of the process. It is considered appropriate to modify the proposed Amendment to include provisions to clarify the subdivider's responsibilities in regard road construction and a contribution towards the upgrading of St Werburghs Road.

In respect to concerns relating to diminished water supply, it is considered unlikely to be a problem. Typically Rural Residential development results in increased surface runoff, hence the need for controls and development standards in relation to on-site detention and stormwater attenuation. Stormwater management, drainage, nutrient export and erosion risk are addresses in the amendment report. There are no defined water courses on the subject land, and in any case, matters relating to water harvesting and riparian rights are more appropriately dealt with under the Rights in Water and Irrigation Act 1914

Refusal of an application for subdivision of an adjacent parcel of rural zoned land is not a valid reason to object to this Amendment. The appropriate procedure is to seek rezoning, in accordance with an adopted Strategy, prior to making application to the Western Australian Planning Commission for subdivision.

One of the submissions questions the reference contained in the previous report to the Council that there will be no financial implications if the application is approved. It is suggested that the Shire's revenue stream will be considerably enhanced by the rezoning and that the Council is not a disinterested party. Officers acknowledge that the rezoning and subsequent subdivision will result in a change to the valuation and rates of the property, however this is not relevant to the Amendment process.

The proposal is considered to be consistent with the objectives of the Mount Barker Local Rural Strategy, the Aims of the Indicative Precinct Plan, WAPC Policy No. DC 3.4 'Subdivision of Rural Land' and Statement of Planning Policy No. 2.5 'Agricultural and Rural Land Use Planning'. The land capability assessment confirms the land is capable of accommodating rural residential development. Issues identified in the Local Rural Strategy have been addressed and appropriate provisions incorporated in the rezoning documentation.

Finalisation of the proposed rezoning of Location 3764 St Werburghs Road, Mount Barker from 'Rural' to 'Rural Smallholding' is supported.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr B Hollingworth:

THAT:

- (1) In respect to the Shire of Plantagenet Town Planning Scheme No. 3 Amendment 37, the submissions be received and noted, upheld or dismissed as set out in the attached Schedule;**
- (2) Amendment 37 be modified in the following manner:**
 - (a) Include more specific Provisions to clarify the subdivider's and the developers' responsibilities in regard to stormwater containment and disposal, and to ensure water sensitive design;**

- (b) Include Special Provisions to clarify the subdivider's responsibilities in regard road construction and a contribution towards the upgrading of St Werburghs Road, in particular the need to comply with Western Australian Planning Commission Policies DC 1.1 Subdivision of land – General Principles, DC 1.4 Functional Road Classification and DC 3.4 Subdivision of Rural Land apply, together with the Shire of Plantagenet Engineering Department Subdivision Development Policy Standards Specifications, March 1997.
 - (c) Modify Special Provision 8.2 to specify use of native flora for revegetation.
 - (d) Modify Clause 5.3 dot point 5 of the Fire Management Plan contained in appendix B of the Amendment document to include reference to a 38mm female camlock fitting.
 - (e) Correct minor typographical errors.
- (3) In pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended), the modified Amendment 37 to the Shire of Plantagenet Town Planning Scheme No 3 be adopted for final approval for the purpose of:
 - (a) Rezoning Location 3764 St Werburghs Road, Mount Barker, from
 - (b) the Rural zone to the Rural Smallholding zone
 - (c) Incorporating a Rural Smallholding zone within the Scheme Text
 - (d) together with appropriate modifications to Scheme provisions,
 - (e) Scheme Maps, Zoning Table and Schedules.
- (4) The Shire President and the Chief Executive Officer be authorised to execute the documentation for Amendment 37 and affix the Common Seal of the Council thereto and forward the documentation to the Department for Planning and Infrastructure / Western Australian Planning Commission for the Minister for Planning and Infrastructure's endorsement and finalisation.

CARRIED (8/0)

No. 218/05

3:43pm Cr D Williss returned to the meeting.

9.3.2 LOT 131 JUTLAND ROAD, KENDENUP - GRAVEL EXTRACTION

Location / Address:	Lot 131 Jutland Road, Kendenup
Name of Applicant:	Mr Ronald Glas
File Reference:	RV/182/4535
Author:	Joe O'Keefe – Town Planner
Authorised By:	Delma Baesjou – Manager Development Services
Date of Report:	5 July 2005

Purpose

The purpose of this report is to consider an application for Extractive Industry (Gravel) on Lot 131, on the south east corner of Jutland Road and Smuts Road, Kendenup. The proposed gravel extraction covers 35m x 40m (1,400m²), to depth of 500mm (total 700m³). The application is for a six-month period. The lot is 15.4ha.

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 classed as an SA use in the Zone.

At its meeting on 10 May 2005 the Council resolved:

'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.'*

The item was advertised in accordance with Clause 6.2.3 of Town Planning Scheme No. 3.

The amenity impacts identified by the members of the community who responded to advertising of the proposal are tabulated (see Consultation). Assessment is made as to which aspects of the proposal can be managed by conditions of planning consent, and which can be managed as conditions of the anticipated application for an Extractive Industry Licence (see Officer Comments)

Statutory Environment

Town Planning And Development Act (1928 as amended)

Shire of Plantagenet Town Planning Scheme No. 3 - extracts and relevant sections:

1.6 SCHEME OBJECTIVES

- 1.6.1 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.
- 1.6.2 To promote the development of Kendenup, Narrikup, Rocky Gully and Mount Barker town sites and all Plantagenet rural areas.
- 1.6.3 To protect and retain the existing rural amenity around the Stirling and Porongurup National Parks.
- 1.6.4 To promote the growth of the grape and wine industry and to encourage and control efficient Animal Husbandry.
- 1.6.5 To rationalise the small allotment subdivision in and around the Kendenup Townsite.

Table One: Extractive Industry is a discretionary use, classified SA.

3.2 ZONING TABLE

- 3.2.2 The symbols used in the cross reference in the Zoning Table have the following meanings:

'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.

5.2 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

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

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

6.2 ADVERTISING OF APPLICATIONS

- 6.2.1 Where an application is made for planning consent to commence or carry out development which involves an 'SA' use the Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions of this Clause.
- 6.2.3 Where the Council is required or decides to give notice of any application for planning consent the Council shall cause one or more of the following to be carried out:
 - (a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to

be affected by the granting of planning consent stating that submissions may be made to the Council within twenty-one days of the service of such notice;

- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- (c) a sign displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days stating that submissions may be made to the Council within the display period.

6.3 DETERMINATION OF APPLICATION

6.3.2 The Council, having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any application for planning consent or may grant its' approval unconditionally or subject to such conditions as it thinks fit.

- (b) Local Government Act 1995, Section 3.5 To 3.17: Local Laws

Shire of Plantagenet Extractive Industries Local Law (1999) - extracts and summaries:

Clause 3 – Purpose and Intent

- (1) The purpose of this local law is to-
 - (a) prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government;
 - (b) regulate the carrying on of the extractive industry in order to minimise damage to the environment, thoroughfares and other persons health and property; and
 - (c) provide for the restoration and reinstatement of any excavation site.
- (2) The effect of this local law is to require that any person wanting to carry on an extractive industry will need to be licensed and will need to comply with the provisions of this local law.

Clause 5 – Application of this Local Law

- (1) The provisions of this local law –
 - (a) subject to paragraphs (b), (c), (d) and (e);
 - (i) apply and have force and effect throughout the whole of the district; and
 - (ii) apply to every excavation whether commenced prior to or following the coming into operation of this local law;
 - (b) do not apply to the extraction of minerals under the Mining Act 1978
 - (c) do not apply to the carrying on of an extractive industry on Crown land;
 - (d) do not apply to the carrying on of an extractive industry on land by the owner or occupier of that land for use on that land; and
 - (e) do not apply where the works are approved by and carried out in accordance with

- (i) a condition of a subdivision approved by the Western Australian Planning Commission;
 - (ii) a development approval issued by the local government under a town planning scheme and the works are incidental to that approval;
 - (iii) building licence issued by the Local Government (Miscellaneous Provisions) Act 1960.
 - (iv) where the works are associated with construction by the local government in accordance with the Local Government Act.
- (2) In subclause (1)(d) land includes adjoining lots or locations in the same occupation or occupier referred to in subclause (1)(d).

Clause 6: requires any extractive industry to be carried out 'in accordance with any terms and conditions set out in, or applying in respect of, the licence.'

Clause 7 Application for Licence

- (1) Person seeking the issue of a licence in respect of any land must apply on the form provided or approved by the local government for the purpose and must forward the application duly completed and signed by both the applicant and the owner of the land to the CEO together with –
- (a) lists twelve (12) requirements for the required site plan.
 - (b) lists fifteen (15) requirements for the required works and excavation program.
 - (c) lists seven (7) requirements for the required rehabilitation and decommissioning program.
 - (d) datum peg be established where required by the Council.
 - (e) requires certification from a licenced surveyor as to 'correctness' of site plan and datum peg.
 - (g) requires copies of all land use planning approvals.
 - (i) requires an overall staging and management plan.
- (3) Where, in relation to a proposed excavation –
- (a) the surface area is not to exceed 2000m²; and
 - (b) the extracted material is not to exceed 2000m³;
- the local government may exempt a person making application for a licence under subclause (1) from supplying any of the data specified in paragraphs (b), (d) and (e) of subclause (1).'

Clause 8 Applicant to Advertise Proposal

This clause requires advertising for twenty one (21) days of the proposed excavation, providing it complies with Clause 7.

Clause 9 Determination of Applications

- (1) list four (4) reasons for refusal of an application including:
- (d) where planning approval for an extractive industry use of the land has not first been obtained under any town planning scheme.'
- (2) provides for any conditions Council may require.
- (3) requires that approval must set a time limit up to twenty (21) years from the date of issue.

- (4) sets further procedural requirements prior to issue of a licence.
- (5) lists twenty-one (21) specifics, which may be controlled via possible conditions of approval.

Clause 17 requires public liability insurance of \$10,000,000.00.

Summary

Statutory Imperatives

There are two processes of land use planning relevant to this proposal. Application has been made for one of these. Planning must ensure the proposal can meet the spirit and intent of both processes of legislation.

Consultation

Formal advertising was undertaken in accordance with Clause 6.2 of Town Planning Scheme No. 3 and the Council resolution 149/05.

Notices were published in the Albany Advertiser and the Plantagenet News and letters were sent to nine (9) adjoining land owners inviting comment on the proposal. The notice period closed 11 June 2005. Four (4) submissions were received:

Name	Lot / Road	Issue No	Issue
C & D de Leeuw	Lot 153 Smuts Road - (House approximately 350 metres from excavation)	(1) Expectation (2) Visual Impact (3) Dust (4) Noise (5) Traffic	- this area is a rural retreat; because of small lots. 'We have moved here because of the peace, beauty and tranquillity.' - Appearance of gravel pit: 'unsightly'. - 'especially in drier months, impossible to control.' - 'Quagmire' after rain, potholes, '...corrugations, which haven't been successfully addressed in the past 4 years'.
M & W Newson	Lot 132 Smuts Road - (House approximately 240 metres from excavation)	(1) Expectation (4) Noise (5) Traffic (6) Process (7) Extent of Activity (8) Noise (9) Demand (10) Period of Activity	- similar to previous input (above): 'Consideration should be given to landowners who have bought in this area attracted by its quiet rural aspect.' - 'increase in heavy vehicles and damage to local roads' - 'It would appear gravel has already been extracted and removed from Lot 131 before any approval was given'. - '...concerned that the term 'extractive industry' also allows for the treatment or manufacture of products from those materials being carried out at this site, which in our eyes would make this an industrial site'. - with specific question: 'How would this be monitored?' - 'we understand the need for gravel in the local area to maintain the standard of roads and facilities and the Council is able to obtain this in the short term'. - 'A private gravel pit constitutes an ongoing business and in our eyes is not a suitable use for the land'.

R & D Maddocks	Lot 130 Smuts Road - (House approximately 300 metres from excavation)	<p>(1) Expectation - 'Property values in the area may be devalued, as what is currently a pristine rural setting will give the impression of an industrial area.'</p> <p>(3) Dust - 'No evidence of dust control as the entrance and exit to the gravel pit are directly opposite our property'.</p> <p>(4) Noise - 'The entrance and exit to the gravel pit directly opposite our property'.</p> <p>(5) Traffic - 'Smuts Road has been in poor condition since we moved in and the advent of huge trucks using the last 100 metres of road will undoubtedly make it unpassable for smaller vehicles.'</p> <p>(6) Process - 'We have been informed that the operation is not being administered by the owner, and stockpiling and removal has already commenced'.</p> <p>(11) Safety - 'No industrial fencing or gates to property'.</p> <p>(12) Other Rural Uses - Previous information was supplied, from applicant, that the land would be used for cropping.</p>
M Harvey-Gimm & J Gimm	Lot 2072 Jutland Road - (House approximately 80m from excavation)	<p>NB: 'Concerns taken from Local Government Act 1995 Local Laws: Extractive Industries'.</p> <p>(2) Visual Impact - What measures are to be taken 'in screening the excavation site and minimising visual impacts?'</p> <p>(3) Dust - What measures are to be taken to minimise impacts upon health of nearby residents?</p> <p>(4 & 8) Noise - 'Acoustic consultant verifying that the various plant, machinery and operational noise levels will comply with the requirements of the Environmental Protection (Noise) Regulations 1997. Take into account our home is only twenty (20) metres from the boundary fence.'</p> <p>(5) Traffic - 'Repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence'.</p> <p>(10) Period of Activity - 'Estimated duration of the proposed excavation for which the licensee is approved'.</p> <p>(11) Safety - What measures are to be taken to minimise dangers to the public?'</p> <p>(13) Water Erosion and Drainage:</p> <ul style="list-style-type: none"> • What methods are to be used to drain the land? • What drainage conditions will apply? • How will watercourse siltation be managed? <p>(14) Landcare / Rehabilitation - Final site clean up?</p> <p>(15) Public Liability Insurance - Will this apply?</p>

The Department of Industry and Resources now includes mines inspection roles previously performed by the former Department of Minerals and Energy.

An officer of that Department's Collie office has inspected the site (Tuesday 5 July 2005) and has offered to further inspect rehabilitation and other issues which that Department has the expertise and resources to execute.

A neighbouring landowner was provided with a copy of the Extractive Industries Local Law so that the range of controls at the Council's disposal was readily available.

Policy Implications

There are no policy implications for this report.

Financial Implications

No financial implications for the Council are anticipated. If the Council considers that any financial implications may result, a bond can be conditioned on any approval.

Strategic Implications

(Draft) Rural Strategy documents provide relevant soil capability information for the subject land:

SYSTEMS	DESCRIPTION	SUBSYSTEMS WITHIN THE SHIRE
254 WARREN-DENMARK SOUTHLAND ZONE		
Ke Kent System	Undulating lateritic plain with lakes and poorly drained flats. Soils include duplex sandy gravels, loamy gravels, grey deep sandy duplexes, semi-wet soils and wet soils. Native vegetation comprises wandoo-yate-flooded gum-jarrah-marri woodland and paperbark heath.	Caldyanup, Camballup, Collis, Kidman, Morande, Mallowillup, Naypundup, Perillup Plain, Quindabellup, Minor Valleys, Sidcup.

(from Shire of Plantagenet Rural Strategy 'Environmental Component', 2003)

The 'Mallowillup' subsystems covers all of the subject land, which for all of the following categories of 'Relative Susceptibility to Various Forms of Land Degradation', it rates 'Low' (ie: Low' means that less than 30% of this subsystem is susceptible to various forms and severity of, land degradation):

- *Salinity Risk*
- *Subsurface Acidification*
- *Subsurface Compaction*
- *Water erosion*
- *Water logging*

The Mallowillup subsystem rates 'Moderately High' (ie: 50% to 70% of the subsystem is susceptible to this form of land degradation):

- *Wind Erosion*

The Strategic implication is that the (Draft) Rural Strategy alerts land users to a moderately high risk of Wind Erosion for this soil type.

The (Draft) Rural Strategy does not address the locational options for future Extractive Industries, the conclusion being that this land use will most likely remain as a discretionary use in the Rural Zone, under any new Scheme.

Officer Comment

Advertising of the proposal has highlighted some of the valid concerns of the community, Issues 1-15 listed in the Consultation section.

Issue No.	Summary of Issue	Recommended method to address Issue
(1)	Expectation that small lots comprise of de-facto Rural Residential zone, which would have objectives of residential amenity overriding other uses.	<p>Residents who have nominated this issue may not be aware of permitted land use. It is recommended that they be advised as follows: The subject land and all abutting lots are zoned Rural. The best definition for this Zone is an examination of use classification in that Zone:</p> <ul style="list-style-type: none"> • Uses permitted (P): Horse Stables, Cottage Industry, Poultry Farm, Rural Use and Single House. • Uses permitted at the Councils discretion (AA): Animal Husbandry, Boarding House, Dog Kennel, Educational Establishment, Home Occupation, Hospital, Kennels, Marine Collector Yards, Nursing Home, Public Recreation, Public Utility, Place of Worship, Attached House, Transport Depot, Veterinary Consulting Rooms, Rural Industry. • Uses Permitted at the Councils discretion (SA): Abattoir, Caravan Park, Extractive Industry, Light Industry, Noxious Industry, Motel, Restaurant, Shop. <p>The predominant use is 'rural use'. This is a use class which promotes productive rural purposes. Other use classes are encouraged, and there are no zoning controls to separate uses. Amenity must be protected via conditions of development approved on the discretionary uses, including Extractive Industry</p>
(2)	Visual Amenity	<p>Screening of excavations is usually achieved via planting tree hedges. This cannot be recommended because:</p> <ul style="list-style-type: none"> • The short time frame of the proposal (six (6) months from approval) is not conducive to growing a hedge of trees which would buffer the excavation. • Fire risks may be increased by any screen planting between the site and the neighbouring lot to the south. <p>It is recommended that smaller portions of the proposed 1,400 m² excavation area be mined and rehabilitated. (ie: Staging required under (7)(1)(i) of Local Laws) to minimise the visual impacts. Storage of large mounds of gravel is not anticipated as the gravel is needed for work at the tennis courts/golf course to the north.</p>

(3)	Dust	<p>This is a major spill over which can impact upon the amenity of the area. It is obviously worse in hotter and drier months. Hydromulching is one method of covering exposed areas to minimise dust blowing off-site. Selection of access and egress routes across the site, and roads off-site, can minimise dust impact upon neighbouring residents. Water trucks are another, perhaps expensive option. It is recommended that the applicant be advised to consider hydromulching in the management proposal required under 7(1)(b) of the Local Laws. A designated route for trucks to access the site (perhaps Smuts Road westwards of Jutland Road and then north of Chauvel Road to the tennis courts and golf-course), would help minimise dust. Completion of works before January and February 2006 would be advantageous.</p>
(4)	Noise (and Vibration)	<p>Noise (and other related issued not raised, vibration), can be expected from excavation, rehabilitation and truck movements. Whether these would be greater than the movements of tractors driving around paddocks is debatable. Restrictions on days and hours of operation are recommended, to minimise these impacts, especially as the neighbouring house to the south is within 100 metres of the site. Hours proposed are 7:00am to 5:00pm, Monday to Friday. This is recommended to ensure noise and vibration do not impact on neighbours' leisure time. Access and egress routes (as discussed in Issue 3, above) can also minimise these impacts.</p>
(5)	Traffic	<p>Traffic to the site may be estimated to be one or two truck movements per day. This could increase as the imperative to complete works before summer increases. There may be topsoil brought to the site to effect rehabilitation, in addition to production. Estimated loads based on producing 700 m³, equates to about 18 semi-trailer (Council's largest truck) loads from the site. Alternatively, approximately 36 ten-tonne truckloads may result. A designated route, away from residences on Smuts Road, east of the site (as recommended in Issue 3, above) would best manage this impact.</p>

(6)	<p>Process</p> <ul style="list-style-type: none"> • Previous gravel extraction • Stockpiling already commenced 	<p>There have been previous gravel extractions on this site. Local Government operations are specifically exempted from the need for approval under Clause 5(1)(e) of the Local Law.</p> <p>'Application of this Local Law</p> <p>(5) (1) The provision of this local law:</p> <p style="padding-left: 20px;">(iv) where the works are associated with construction by the local government in accordance with the Local Government Act.'</p> <p>Stockpiling of topsoil material to rehabilitate any mined area is required. An independent assessment of the site, by Department of Industry and Resources (see <u>Consultation</u>) has been organised. This independent and qualified body can also ensure rehabilitation of the lot is undertaken, to ensure future rural productivity of the land.</p>
(7)	Extent of Activity	<p>The definition of Extractive Industry does include treatment and manufacture of products from that material, as correctly quoted in one neighbour's input.</p> <p>In this application, the only proposal is to extract the gravel and take it away.</p> <p>Rehabilitation is a consequent action.</p> <p>It is recommended that neighbouring landowners be advised no manufacture nor treatment, is proposed.</p>
(8)	Noise Monitoring	<p>Noise monitoring is regarded as onerous on smaller extractive industry proposals, where no blasting is involved. The noise from everyday farm activity; tractors, cattle, cropping, sheep, etc., may well be noisier. The Local Laws requires, 7(1)(b)xii, 'a report of an acoustic consultant verifying that the various plant, machinery and operational noise levels will have an impact on the environment in the vicinity of the land.' It is recommended this be waived unless blasting is required, as noise impacts can be managed as detailed under Issue 4: Noise, above.</p>
(9)	Demand for Gravel	<p>Demand for gravel and sand is recognised by one neighbouring landowner, 'to maintain the standard of roads and facilities'.</p> <p>It is recommended that this input is acknowledged.</p>
(10)	Period of Activity	<p>The period of activity proposed is six months from the date of the Council approval. This may not have been apparent from the material which was advertised to the public.</p>

(11)	Public Safety	Measures to be taken to eliminate any risk to the public are required as part of the application, Local Law Clause 7(1)(a)(ix), requires: 'the location and description of existing and proposed fences, gates and warning signs around the land'.
(12)	Other Rural Uses	As per Rural zone use classes.
(13)	Water Erosion and Drainage	These are issues required to be addressed via Local Law 7(1)(a)(viii) and 7(1)(a)(x). As the depth of the excavation is 500 mm drainage and dewatering proposals and impact on downstream areas must be subject to a drainage plan. Input from the Department of Industry and Resources is anticipated.
(14)	Rehabilitation	This is a major issue. Landcare and visual amenity require that this is achieved; Local Law, 3 (1)(b) and 3 (1)(c) refer.
(15)	Public Liability Insurance	The need for this is questioned. Local Law, Clause 17 requires this.

Land use conflict can be minimised by conditions. These valid issues are either amenity issues or environmental imperatives. Both are within the ambit of Town Planning Scheme No. 3 and the Local Laws. They could be addressed by any of the following options:

OPTION 1: Planning Consent

Via conditions placed on the Council's Planning Consent.

OPTION 2: Combination

Via conditions relating to environmental impacts (eg rehabilitation) and amenity impacts, (eg hours of operation), placed on the Council's planning consent; and other conditions (eg route to be taken via vehicles accessing site) on a subsequent application for an Extractive Industry Licence.

OPTION 3: Extractive Industry Licence

Via conditions placed on a subsequent application for an Extractive Industry Licence.

Option 1: is recommended, because:

- (1) The Local Law requires a planning process which mirrors that required for SA planning applications. The level of information required by Clause 7 is substantially more than required for planning consent. Exemptions possible under Clause 7, Subclause 3 could apply to the current proposal as it is 1,400 m² and 700m³. This would exempt:

7 (1)(b): Works and Excavation program

7 (1)(d): Establishment of datum peg

7 (1)(e): Licenced surveyor certification.

- (2) There is no procedural step between Clause 7 and Clause 8 to state when the Council assesses that the proposal complies with Clause 7, before it can be advertised in accordance with Clause 8.

Any proposal would have to be considered by Council

- after initial submission received; and

- after advertising for twenty one (21) days to consider submissions, in addition to consideration prior to this process as a discretionary use in the Rural Zone.

These requirements approach the scrutiny and rigorous assessment of rezoning, without employing soil and water capability data, now associated with rezoning. Rezoning is a process for permanent and complete land use change. The level of complexity is too onerous for small proposals, of a temporary nature, in this case six (6) months, for a small percentage of the subject site.

- (3) It is very confusing for the public to have the same proposal (albeit with the more detailed information required by the Local Law for a licence application) advertised twice.
- (4) Time is off the essence, as dust will become more difficult to manage in the summer.
- (5) As the gravel is destined to be used for Council purposes, on nearby recreation land zone 'Public Purpose Reserve'; an exemption from the need to obtain a licence is available under Clause 5 (1)(e)(iv) of the Local Law.
- (6) Exemptions to waive requirements of the Local Law other than 7 (1)(b), 7 (1)(d) and 7 (1)(e) are not provided for in the Local Law.
- (7) The opportunity cost of two further reports to the Council when issues can all be addresses via conditions of planning consent.

Options 2 and 3 are not supported as an Extractive Industry Licence is not necessary in this case.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr K Clements, seconded Cr J Mark:

THAT:

- (1) **The requirement for an Extractive Industry Licence be waived under Clause 5 (1)(e)(iv) of the Shire of Plantagenet Extractive Industry Local Law 1999.**
- (2) **Planning consent be granted in respect of Application No. 15/05 for 1,400m² portion of Lot 131 Jutland Road, Kendenup to be used for Extractive Industry, generally in accordance with the approved plan subject to the following conditions:**
 - (a) **Submission of a rehabilitation plan to satisfaction of Chief Executive Officer, prior to commencement of gravel extraction; showing how stockpiled topsoil, or uncontaminated imported soil compatible with Mallawillup soil types found on the lot, will be replaced; and grass and other vegetation re-planted;**
 - (b) **Submission of a drainage plan, to satisfaction of Chief Executive Officer, depict how water and drainage issues will be managed; prior to commencement of gravel extraction;**

- (c) Hours of operation being from 7:00am to 5:00pm, Monday to Friday, for a maximum period of six (6) months from the date of this approval;
- (d) Staging of excavation in six (6) sectors; to ensure that no more than 240m² of land is excavated at any one time before it is re-established with either topsoil and vegetation and / or hydromulching.
- (e) No blasting of rock is included in this approval.
- (f) The designated route for haulage trucks being via a crossover onto Smuts Road approximately 100 metres westwards from the Smuts Road / Jutland Road intersection; and thereafter via Smuts Road, to Chauvel Road and thereafter via Chauvel Road northwards.
- (g) The 1,400m² area being fenced off at all times to ensure the public is kept out, and gates being locked outside of approved hours of operation.
- (h) Warning signs being placed on the fenced area for the six months duration of the extractive industry to warn against entry to the site.

ADVICE NOTES TO APPLICANT

- (i) Exemption from the requirements of the Council's Extractive Industry Local Law 1999 has been granted as the gravel is for Council Purposes.
- (ii) Rehabilitation will be assessed in consultation with the mines inspector from the Department of Resources and Industry.
- (iii) All residents who replied regarding the advertised proposal will be thanked for their input by the Council and advised that the extent of activity is restricted to excavation of 700m³ of gravel, to a depth of 500mm. No treatment nor manufacture of the gravel has been applied for, nor approved, and that conditions of the approval have been designed to limit impact upon the amenity of neighbouring residents, and to achieve excavation and rehabilitation prior to the summer months.

AMENDMENT

Moved Cr J Moir, seconded Cr B Hollingworth:

THAT:

- (1) The words 'Hours of' and 'being from 7:00am to 5:00pm, Monday to Friday,' be deleted from Part (c).
- (2) Parts (d), (g) and (h) be deleted from the recommendation.
- (3) The motion be recast to reflect the above changes.

CARRIED (8/1)

No. 219/05

COUNCIL DECISION

THAT:

- (1) The requirement for an Extractive Industry Licence be waived under Clause 5 (1)(e)(iv) of the Shire of Plantagenet Extractive Industry Local Law 1999.
- (2) Planning consent be granted in respect of Application No. 15/05 for 1,400m² portion of Lot 131 Jutland Road, Kendenup to be used for Extractive Industry, generally in accordance with the approved plan subject to the following conditions:
 - (a) Submission of a rehabilitation plan to satisfaction of Chief Executive Officer, prior to commencement of gravel extraction; showing how stockpiled topsoil, or uncontaminated imported soil compatible with Mallowillup soil types found on the lot, will be replaced; and grass and other vegetation re-planted;
 - (b) Submission of a drainage plan, to satisfaction of Chief Executive Officer, depict how water and drainage issues will be managed; prior to commencement of gravel extraction;
 - (c) Operation for a maximum period of six (6) months from the date of this approval;
 - (d) No blasting of rock is included in this approval.
 - (e) The designated route for haulage trucks being via a crossover onto Smuts Road approximately 100 metres westwards from the Smuts Road / Jutland Road intersection; and thereafter via Smuts Road, to Chauvel Road and thereafter via Chauvel Road northwards.

ADVICE NOTES TO APPLICANT

- (i) Exemption from the requirements of the Council's Extractive Industry Local Law 1999 has been granted as the gravel is for Council Purposes.
- (ii) Rehabilitation will be assessed in consultation with the mines inspector from the Department of Resources and Industry.

- (iii) All residents who replied regarding the advertised proposal be thanked for their input and advised that the extent of activity is restricted to excavation of 700m³ of gravel, to a depth of 500mm. No treatment nor manufacture of the gravel has been applied for, nor approved, and that conditions of the approval have been designed to limit impact upon the amenity of neighbouring residents, and to achieve excavation and rehabilitation prior to the summer months.

CARRIED (8/1)

No. 220/05

9.3.3 LOT 31 WEBSTER STREET, MOUNT BARKER - FAMILY DAY CARE

Location / Address:	Lot 31, 3 Webster Street, Mount Barker
Attachments:	Site Plan Locality Plan
Name of Applicant:	Ms GM Hayes
File Reference:	RV/182/1238
Author:	Joe O'Keefe - Town Planner
Authorised By:	Delma Baesjou – Manager Development Services
Date of Report:	4 July 2005

Purpose

The purpose of this report is to consider an application for a proposed Family Day Care at Lot 31, 3 Webster Street, Mount Barker.

Background

Lot 31 Webster St. is a 1600m² lot zoned Residential under Town Planning Scheme No. 3

The Site Plan proposes that the house thereon and a fenced section of the lot be used for childcare purposes. Parking and access are proposed to be contained within the front yard of the lot. Two crossovers and two driveways are depicted on the site plan.

The proposed hours of operation are 6.30 am to 7.30 pm, with the following qualification from the proponent "I do not intend to operate for overnight care except in an emergency situation..." Days of operation are not nominated.

The proposed maximum number of children is seven, consistent with the Child Care Regulations discussed below, which set the maximum at that level.

According to Shire records the registered owner of the property is Glenys May Hayes.

Statutory Environment

Town Planning Scheme No. 3.

Scheme Objective 1.6.1: '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.'

3.2.5 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- (a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*

- (b) *determine by absolute majority that the proposed use is consistent with the objectives and purpose of the zone and thereafter follow the 'SA' procedure of Clause 6.2 in considering an Application for planning consent.*

Child Care Services Regulations 1988 which are made pursuant to the Community Development Act 1972.

Consultation

Liaison with the Department for Community Development:

- (1) The licensing division is based in Perth and a joint site visit has been discussed with them to assess the site.
- (2) The Department's Wanslea facility in Albany provides support to licensed carers and has provided assistance in assessing the proposal. Family Day Care facilities require the approval of both local government and that Department. Co-operation is required to ensure all planning issues will be achieved.

Policy Implications

A future Council policy may be required to augment Town Planning Scheme No. 3 to clarify access, design, and locational requirements of Family Day Care facilities.

Financial Implications

There are no financial implications for the Council if all parking and turning requirements are contained on Lot 31 itself.

Strategic Implications

There are no strategic implications for the Council.

Officer Comment

Classification options for Council are proposed to find the 'best fit' for the proposal amongst existing Use Classes.

Boarding House is a suitable category, its definition: means any building or structure permanent or otherwise and any part thereof, in which provision is made for lodging or boarding more than four persons exclusive of the family of the keeper for hire or reward, but does not include...' makes no exception for Child Care facilities. It is a discretionary (AA) use. Any eventual approval under this Use Class could be conditioned to refer to children, as could any advertising be qualified.

Home Occupation has been utilised by some Local Authorities; its restrictions on floor space to a maximum of 20m² and absolute prohibition of any noise and other spill overs is not regarded as a close fit. The number of vehicle movements required to deliver and collect seven (7) children per day, will make the proposal inconsistent with part (f) in Home Occupation definition. As the lot is sewered there is the capability to cope with increased numbers. Home Occupation is an AA use.

The third alternative is to process the application as a use not listed, in accordance with Clause 3.2.5 (b) of the Shire of Plantagenet Town Planning Scheme No. 3. It is considered appropriate to use Family Day Care as defined in Child Care Services Regulations which set out '*family day care means a child care service provided to a child in a private dwelling in a family or domestic environment;*'. Advertising for public

input is regarded as essential, as impact on amenity is difficult to assess in a Residential Zone; and residents may well advise of unforeseeable issues.

Classification under Section 3.2.5 is recommended.

Voting Requirements

Simple Majority (if classified as an AA use)

Absolute Majority (if classified as an SA use)

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr B Hollingworth:

THAT:

- (1) The proposed use of Lot 31 Webster Street, Mount Barker for Family Day Care (as defined in the Child Care Services Regulations 1988) be determined as consistent with the objectives and purpose of the Residential Zone pursuant to Clause 3.2.5 of Town Planning Scheme No. 3;**
- (2) Following consultation with the applicant to design an effective entry and exit system (eg. a semi-circular driveway on the current front lawn), the proposal be advertised for a period of 21 days in accordance with Clause 6.2 Part (a) of the Shire of Plantagenet Town Planning Scheme No. 3;**
- (3) The material distributed during the advertising of the proposed use of Lot 31 Webster Street, Mount Barker for Family Day Care to include a copy of the Child Care Services Regulations; and**
- (4) A further report be prepared for consideration by the Council at its meeting to be held 13 September 2005.**

CARRIED (9/0)

No. 221/05

(Absolute Majority)

9.3.4 LOT 555 ALBANY HIGHWAY, MOUNT BARKER - PROPOSED HOME OCCUPATION – BARBER

An Impartiality Interest was declared by Cr J Moir for Item 9.3.4.

A Proximity Interest was declared by John Byrne Executive Director Corporate and Community Services for Item 9.3.4.

Extent of Interest: Resides 3 lots to the south of the applicant (approximately 500m) from the subject property.

Location / Address:	Lot 555 Albany Highway, Mount Barker
Attachments: (2)	Site Plan Locality Plan
Name of Applicant:	Monica Schmid
File Reference:	RV/182/3522
Author:	Joe O'Keefe - Town Planner
Authorised By:	Delma Baesjou - Manager Development Services
Date of Report:	1 July 2005

Purpose

The purpose of this report is to consider an application for a Home Occupation (Barber) at Lot 555 Albany Highway, Mount Barker.

Background

The subject land is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3. The lot is 7.1ha. Site plan is attached.

Home Occupation is a discretionary use class in this Zone (Classified AA).

Shire records show the registered landowners to be T and M Schmid.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3 Clause 1.6: Scheme Objectives:

1.6.1: *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.*

1.6.2: *To promote the development of Kendenup, Narrikup, Rocky Gully and Mount Barker town sites and all Plantagenet rural areas.*

Home Occupation - means an activity carried on with the permission of the responsible authority within a house or the curtilage of a house that:

(a) *does not cause injury to or prejudicially affect 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) *does not entail the employment of any person not a member of the occupier's family, except in the case of a professional person;*
- (c) *does not occupy an area greater than 20 square metres;*
- (d) *does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;*
- (e) *is restricted in advertisement to a sign not exceeding 0.2 square metres in area; and*
- (f) *will not result in the requirement of a greater number of vehicle parking facilities than normally required in the zone in which it is located and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;'*

Consultation

The proponent has had discussions with the Environmental Health Officer prior to the application being submitted.

Referral including photographs taken by Shire Ranger sent to Main Roads WA to assess the implications of intensification of use; the existence of a 'Barber's Pole' within the Albany Highway Road Reserve, and the adequacy of lines of sight for traffic turning into the lot and exiting safely.

Policy Implications

The current (draft) Rural Strategy does not address the issue of Home Occupations in the Rural Zone. Locational policy in relation to both Cottage Industries and Home Occupations may be addressed in the future Local Planning Strategy, or included in the (draft) Local Rural Strategy after it is advertised for public input and has the benefit of the Council's consideration of land use issues.

Financial Implications

There are no financial implications for Council from this proposal.

Strategic Implications

Approvals for any business outside the Commercial and various Industrial Zones have the potential to impact upon the businesses within those Zones which provide goods and services to the public on a permanent basis and pay rates and charges associated with significant investment and employment of apprentices.

The Council may consider the proposal to be consistent with the Shire of Plantagenet Strategic Plan's objectives; ie: '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.

This is qualified by the locational (Zoning) requirements of TPS No. 3.

Alternatively the Council could consider that Scheme Objectives 1.6.1 and 1.6.2 require all businesses located in the Commercial zones in Mount Barker and Kendenup to maximise access for all and diversify those zones.

Officer Comment

Access to the proposed service is restricted to vehicular traffic because of its distance from both Mount. Barker and Kendenup.

The location may be appealing to passing trade (especially truck drivers who may find it difficult to park in town centres).

The proposed Home Occupation (Barber) can meet the definition of a Home Occupation as it is a service, rather than a shop selling goods:

- It can be accommodated on the maximum of 20m² of floorspace allowed.
- No essential service is required other than that which exists in the zone.
- There are no spill over effects apart from minor increase in traffic to the lot.
- It is a single operator proposal.

Conditions on hours and days of operation are not considered necessary as there are no other residents nearby.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr K Hart:

That planning consent be granted in respect of Application No. 20/05 for Lot 555 Albany Highway, Mount Barker to be used for the purpose Home Occupation (Barber) in accordance with the plans dated 30 May 2005, subject to the following conditions:

- (1) This approval does not include the sale of goods often associated with a barber premises such as hair care products.**
- (2) The approval period is twelve (12) months from the date of the Council's decision and subject to application for annual renewal thereafter.**
- (3) The 0.2m² sign allowed under the definition of Home Occupation being located on the subject land.**

ADVICE NOTES

- (a) The definition of Home Occupation set out in Town Planning Scheme No. 3 definition applies to this Home Occupation.**
- (b) Main Roads WA has been asked to assess the existing sign in the Albany Highway road reserve and the adequacy of the crossover to your lot and any upgrades to that crossover required as a result of traffic resultant from this approval they will be at the proponent's expense.**
- (c) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development, in particular:**
 - (i) Hairdressing Establishment Regulations 1972.;**
 - (ii) Health (Skin Penetration Procedures) Regulations 1998;**
 - (iii) Code of Practice for Skin Penetration Procedure;**

- (iv) The business operation shall be recorded and maintained on the Council' s register of hairdressing establishments;
- (v) The premises shall be subject to routine inspections by the Council' s Environmental Health Office;
- (vi) The designated portion of the premises nominated for hairdressing operations shall be set aside for the exclusive use of hairdressing operations and should not be used for any other purpose;
- (vii) a suitable hand wash basin is to be provided in close proximity to the work station;
- (viii) The operator shall provide an adequate supply of clean or disposable neck protectors;
- (ix) Only liquid soap or shaving creams are to be used when shaving customers;
- (x) Cut throat razors are strictly prohibited;
- (xi) Approved methods shall be utilised for the sterilisation of instruments;
- (xii) Suitable styptic powder or liquid is to be provided for contact with bleeding wounds;
- (xiii) The hairdresser is not to smoke while attending a customer;

CARRIED (5/4)

No. 222/05

9.3.5 LOT 6, 3 MUIR STREET, MOUNT BARKER – FREE STANDING ADVERTISING SIGN

A Financial Interest was disclosed by Cr K Forbes for Item 9.3.5
Extent Of Interest: Client Of Applicant

A Financial Interest was disclosed by Cr D Williss for Item 9.3.5
Extent Of Interest: Client Of Applicant

A Financial Interest was disclosed by Cr J Cameron for Item 9.3.5
Extent Of Interest: Client Of Applicant

A Financial Interest was disclosed by Cr B Hollingworth for Item 9.3.5
Extent Of Interest: Client Of Applicant

A Financial Interest was disclosed by Cr K Hart for Item 9.3.5
Extent Of Interest: Client Of Applicant

A Financial Interest was disclosed by Cr M Skinner for Item 9.3.5
Extent Of Interest: Client Of Applicant

The Chief Executive Officer advised the Council that if all declaring Councillors withdrew, there would no longer be the required quorum of five (5) Councillors. The meeting was counted out until such time as a quorum was possible.

The Chief Executive Officer advised he would seek an exemption for declaring Councillors to participate in this matter from the Department of Local Government and Regional Development.

Location / Address:	Lot 6, 3 Muir Street, Mount Barker
Attachments: (4)	Site Plan Locality Plan Elevations x 2
Name of Applicant:	Mr Timothy Righton / Digi Marketing Corporation
File Reference:	RV/182/1497
Author:	Joe O'Keefe – Town Planner
Authorised By:	Delma Baesjou – Manager Development Services
Date of Report:	24 June 2005

Purpose

The purpose of this report is to consider an application a 6m high illuminated advertising sign at Lot 6, 3 Muir Street, Mount Barker.

Background

The proposal is a free-standing illuminated sign, 6 metres above natural ground level with two sides of approximately 10m², each advertising space. Total sign size for comparison to Scheme standards is 20 m², (in addition to 0.5m² existing).

The subject land is a 1 803m² lot at the corner of Muir Street and Cooper Street in the town centre. The lot is zoned 'Service Industrial'. The lot has a tyre and battery shop, of approx 265m², being site coverage of approximately 15%.

Other zones about this lot. Lots across Muir Street to the south are zoned 'Commercial'.

The Residential zone commences to the west, on the north side of Muir Street, west of Cooper Street. On the south side of Muir Street, the Residential zone commences west of Lord Street.

There is an existing free-standing sign on the south-west corner of the lot, near the Muir Street and Cooper Street intersection. It is shaped like a battery. It provides approximately 0.5 m² advertising.

Shire records show the registered owner to be Mr Timothy Righton.

Statutory Environment

Town Planning and Development Act (1928) as amended; effected by:

Shire of Plantagenet Town Planning Scheme No. 3, which has a number of relevant sections:

5.2 Discretion to Modify Development Standards

5.6 Control of Advertisements, Clause 5.6.1:

'Council's objective in the control of advertising is to secure the orderly and proper planning and the amenity of the Scheme Area through the control of advertisements by the examination and determination of applications for advertising signs in the light of:

- *the impact of new advertisements upon residential, rural and recreational areas;*
- *the potential of any proposed advertisement to enhance or detract from the visual amenity and character of an area; and*
- *the potential for the rationalisation, consolidation or removal of existing advertisements where amenity is already impaired by poor, excessive or derelict advertising.'*

It should be noted that certain advertisements are exempted, Clause 5.6.5

Schedule X 'Exempted Advertisements Pursuant To Clause 5.6.5, Extract:

Industrial Warehouse Premises	
<p>A maximum of 4 advertisements to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.</p> <p>A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.</p>	<p>Total area of any such advertisements shall not exceed 15m².</p> <p>Maximum permissible total area shall not exceed 10m² and individual advertisement signs shall not exceed 6m².</p>

See 5.9 – URBAN DESIGN

Schedule Iv - Zone Development Table

ZONE DEVELOPMENT TABLE									
ZONED	MINIMUM LOT AREA	MINIMUM EFFECTIVE FRONTAGE	MAXIMUM PLOT RATIO	MINIMUM BOUNDARY SETBACKS			MINIMUM CAR PARKING SPACE	MINIMUM LAND-SCAPING (% of site)	MAXIMUM ADVERTISING (m ²)
				FRONT (m)	REAR (m)	SIDES (m)			
Commercial	-	5	1.5	Nil	Nil	Nil	1 per 40m ²	10	10
Residential	See Clauses 5.3 (Residential Planning Code Standards)								
Service Industrial	1000	20	0.5	9	5	5 on one side	1 per 100m ² gross floor area or display area	20	5
				7.5 (where boundary abuts Residential Zone)					

Please note restriction to 5m² of advertising, and the requirement for 20% of the lot to be landscaped.

Consultation

Brief telephone discussions with the applicant's agent, Digi-Marketing Corporation, Brisbane.

Policy Implications

Council decision on urban design issues and any relaxation of Scheme provisions may influence Townscape / Streetscape policies in the future.

Financial Implications

There are no financial implications for this report.

Strategic Implications

As per 'Policy Implications', above.

Officer Comment

The Scheme restricts total advertising on a 'Service Industrial' lot to 5m² advertising (Schedule IV, Zone Development Table)

Exempted from the need for approval for 'Industrial and Warehouse Premises' is a total area of 15m², no individual free-standing sign larger than 6m², total free standing signs size 10m², and maximum height of 5m above ground level.

It is considered reasonable to modify (relax) the prescriptive standards, set out in Schedule IV, Zone Development Table under the powers conferred by Clause 5.2 (Discretions to modify Development Standards), because:

- (a) Council's objectives under Clause 5.6 set performance standards for advertising. The proposal has minimal impact upon the Residential Zone to the west. There are no adjacent residential areas.
- (b) The area is not well illuminated at night, and any extra lighting adjacent to the Commercial Zone is beneficial.

- (c) 20m² of illuminated free standing advertising, plus the 0.5m² existing free-standing space (the 'battery'), can easily be accommodated on this relatively large lot.

Council may wish to consider requiring a landscaping plan to show how this proposal fits in to the required 20% minimum (ie: 360m²) of the lot should be landscaped.

The existing 'battery' shaped sign is considered to be near the lot boundary and a possible traffic impediment.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That the development standard prescribed in Schedule IV; Zone Development Table which restricts maximum advertising size to 5m² in the Service Industrial Zone be modified and Planning Consent be granted in respect of Application No. 19/05 for Lot 6, (No. 3) Muir Street, Mount Barker to be developed for the purpose of free-standing advertisement sign (illuminated pylon sign), in accordance with the plans dated 14 June 2005, subject to the following conditions:

- (1) The existing free-standing 'battery' shaped sign being relocated an equivalent distance (approximately three (3) metres) inside the lot boundary, in order to avoid any conflict with pedestrian, cycle, vehicular or other traffic movement.
- (2) A landscape plan being submitted to show how both free-standing signs are incorporated into an overall landscape plan of approximately 20% of the 1,803m² lot, and the plan being effected to the Council's satisfaction.

ADVICE NOTES

- (i) 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 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 2005

9.3.6 POLICY REVIEW – BUILDINGS - MINIMUM SETBACKS RURAL ZONES

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	DB/120/1
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	1 July 2005

Purpose

The purpose of this report is to review Council Policy PB1 'Buildings – Minimum Setbacks Rural Zones'.

Background

Policy PB1 sets out:

'That all building setbacks in Rural Zones be a minimum 20 meter front and rear setback and a 10 meter (sic) side setback. Townsite rural lots subject to variation at Council discretion.'

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3
Residential Design Codes of Western Australia (2002)
Building Code of Australia (2005)

Consultation

There has been consultation with the Shire of Plantagenet Building Surveyor and planning staff in other Local Authorities.

Policy Implications

Further reviews of related policies will be dealt with at subsequent meetings of the Council. New policies will be developed and presented to the Council where appropriate and workshopped if necessary prior to adoption.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Strategic Plan Key Result Area 1, new initiative 1.4 provides the following:

- 1.1 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence; and
 - Promote and provide access to policies, procedures, standards and legislation.
-

Officer Comment

Setbacks standards for buildings are specified in Schedule IV – Zone Development Table of the Shire of Plantagenet Town Planning Scheme No. 3. The minimum boundary setbacks for development within the Rural zone are:

- Front 10m;
- Rear 10m; and
- Sides 5m.

The Residential Design Codes specify the minimum setback standards for residential development and are based on the height and length of the walls, the size and number of major openings to habitable rooms and the Density Code applicable to the subject lot. The typical setback requirements for a single storey dwelling in a low density, unsewered area such as Kendenup are:

- Front 7.5m; and
- Side and rear 1.5 – 3m.

Setbacks for outbuildings are based on the height and length of the wall. Typical side and rear setback requirements for sheds and garages are:

- 1m where the wall is less than 9m in length and less than 3m high; and
- 1.5m where the wall is greater than 9m in length.

Clause 5.3.3 of the Town Planning Scheme sets out that the development of land for any of the Residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes. Clause 5.1.2, part sets out

‘The planning consent of the Council is not required for the following development of land:

- (c) *the 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.’*

Dwelling Houses and Outbuildings that comply with the setback standards contained in the Residential Codes are exempt from needing development approval. Applications are assessed by planning staff through the Building Licence assessment process. Any non compliance is resolved through discussion with the applicant or brought to the Council for determination. Where the predominant land use is residential it is appropriate and expeditious to apply the Residential Design Codes.

The current Policy purports to over ride the Town Planning Scheme and is ultra vires. There is no necessity for Policy PB1 ‘Buildings – Minimum Setbacks for Rural Zones’. Adequate mechanisms exist through the Town Planning Scheme, Building Licence approval process and the Bush Fire Break Notice in respect to boundary clearances. The Policy is unwarranted and it is recommended that it be repealed.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr J Moir:

That Policy PB1 'Buildings – Minimum Setbacks for Rural Zones'

'That all building setbacks in Rural Zones be a minimum 20 meter (*sic*) front and rear setback and a 10 meter (*sic*) side setback. Townsite rural lots subject to variation at Council discretion.'

be repealed.

CARRIED (9/0)

No. 223/05

9.3.7 POLICY REVIEW – BUILDINGS - OUTSIZED OUTBUILDINGS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	DB/120/1
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	4 July 2005

Purpose

The purpose of this report is to review Council Policy PB3 'Buildings – Outsized Outbuildings'.

Background

Policy PB3 sets out:

'That Council permit the approval of outsized outbuildings in townsites up to 75m² in area and 3 meter (sic) in height, if constructed of custom orb type material, brick or colour bond material, without referral to Council and further, that all outsized outbuildings not conforming to the above, exceeding 45m² to be referred to Council for approval or otherwise.'

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3
Residential Design Codes of Western Australia (2002)
Building Code of Australia (2005)

Consultation

There has been consultation with the Shire of Plantagenet Building Surveyor and planning staff in other Local Authorities.

Policy Implications

Further reviews of related policies will be dealt with at subsequent meetings of the Council. New policies will be developed and presented to the Council where appropriate and workshopped if necessary prior to adoption

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Strategic Plan Key Result Area 1, new initiative 1.4 provides the following:

- 1.1 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence;
- Promote and provide access to policies, procedures, standards and legislation.

Officer Comment

Standards relating to the area of outbuildings are contained in the Residential Design Codes and the Special Provisions applicable in various Rural Residential zones. Outbuildings with a floor area up to 60m² and wall height of no more than 2.4m are 'Acceptable Developments' under the Residential Design Codes and the development approval of the Council is not required.

Within the Landscape Protection zone and selected Rural Residential zones, Special Provisions also apply in relation to building materials, such as zincalume. Town Planning Policy 6 precludes the use of zincalume and encourages the use of visually sensitive building materials within the Porongurup area. Use of materials may also be controlled through the Shire of Plantagenet Town Planning Scheme No. 3 by applying Clause 5.9 Urban Design which sets out:

'Where in the opinion of the Council the amenity of a place, street or locality relates significantly to the architectural or physical character of existing buildings and landscape, the Council shall ensure that the appearance of any proposed development will not impair the amenity of place, street or locality in question and will maintain the harmony in the exterior designs of buildings. In making a determination the Council shall seek expert advice and shall have regard to such advice.'

Policy PB3 is ambiguous and the terminology is outdated. The Residential Design Codes specify appropriate performance standards and provide scope for addressing design and amenity issues. Adequate mechanisms exist through the Town Planning Scheme in respect to minimum floor areas and building materials. The Policy is unwarranted and it is recommended that it be repealed.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr D Williss:

That Policy PB3 'Buildings – Outsized Outbuildings':

'That Council permit the approval of outsized outbuildings in townsites up to 75m² in area and 3 meter (*sic*) in height, if constructed of custom orb type material, brick or colour bond material, without referral to Council and further, that all outsized outbuildings not conforming to the above, exceeding 45m² to be referred to Council for approval or otherwise.'

be repealed.

CARRIED (9/0)

No. 224/05

9.3.8 TOWNSCAPE REVIEW STEERING COMMITTEE - APPOINTMENT OF MEMBERS

Location / Address:	N / A
Attachments: (4)	Nominations from: - Ms Karen McKenzie - Mr Roger Bartley - Mr Peter Thorn - Ms Trish Powell
Name of Applicant:	N / A
File Reference:	LP/103/3
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Rob Stewart
Date of Report:	28 June 2005

Purpose

The purpose of this report is to appoint new members to the Townscape Review Steering Committee.

Background

At its Special meeting held 10 May 2005, the Council resolved:

‘THAT:

- (1) The existing memberships of the Townscape Review Steering Committee be declared vacant.*
- (2) Membership of the Townscape Review Steering Committee be set at two (2) Councillors, the Manager Development Services and four (4) members of the public.*
- (3) The duties of the Townscape Review Steering Committee shall be to:
Guide the process of reviewing the Townscape Improvement Plan for the Shire of Plantagenet that will:
 - Serve as an overall framework for streetscape upgrading projects over the next ten years; and*
 - Lead to the enhancement of the visual and practical amenity of the area.**
- (4) Cr J Mark and Cr K Clements be appointed as members and Cr B Hollingworth be appointed as Deputy.’*

A report on appointment of members of the public was considered at its meeting held 24 May 2005. The Council resolved:

THAT:

- (1) All community positions on the Townscape Review Steering Committee be declared vacant.*
-

- (2) *All vacant community positions on the Townscape Review Steering Committee be advertised.*

The vacancy has been advertised and four (4) nominations have been received.

Statutory Environment

The Townscape Review Steering Committee was appointed by the Council pursuant to Section 5.9 (2) (c) of the Local Government Act 1995.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The existence of community-based committees is consistent with the Shire of Plantagenet Strategic Plan. In particular the New Initiatives in Key Result Area 3 'Engender a sense of belonging and community pride across all sections of the community' and Key Result Area 4, 'Encourage a sense of community and improve the quality of life for all residents of the Shire', and will assist in achieving to 'revise and implement the Mount Barker Townscape Improvement Plan.'

Officer Comment

As set out in the Terms of Reference, the Mission/Purpose of the Townscape Review Steering Committee is to:

Guide the process of reviewing the Townscape Improvement Plan for the Shire of Plantagenet that will:

- Serve as an overall framework for streetscape upgrading projects over the next ten years; and
- Lead to the enhancement of the visual and practical amenity of area.

In light of the pending upgrade of Lowood Road and other projects including entry statements and Murals for Mount Barker, broad community representation on the Committee is advocated.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

That Ms Karen McKenzie, Mr Roger Bartley, Mr Peter Thorn and Ms Trish Powell be appointed as members (community representatives) of the Townscape Review Steering Committee.

CARRIED (9/0)

No. 225/05

(Absolute Majority)

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL

12.1 EXECUTIVE SERVICES REPORTS

12.1.1 MEDICAL FACILITIES - MOUNT BARKER

Location / Address: N / A
Name of Applicant: N / A
File Reference: PH/151/1
Author: Rob Stewart - Chief Executive Officer
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 12 July 2005

Purpose

The purpose of this report is to present to the Council a proposal from Dr Victor Seah regarding the possibility for the Council to become involved in the construction and ownership of new medical practitioners' rooms in Mount Barker.

MOTION TO GO BEHIND CLOSED DOORS

Moved Cr J Cameron, seconded Cr D Williss:

4.11pm That the meeting move into Confidential Session to discuss this item under the terms of the Local Government Act 1995 Section 5.23(2), as follows:

- (c) contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

CARRIED (9/0)

No. 226/05

MOTION TO PROCEED IN PUBLIC

Moved Cr K Hart, seconded Cr J Moir:

4:28pm That the meeting proceed in public.

CARRIED (9/0)

No. 227/05

OFFICER'S RECOMMENDATION

Moved Cr B Hollingworth, seconded Cr K Clements:

THAT:

- (1) The concept for the Shire of Plantagenet to be financially involved in the development of new medical facilities in Mount Barker be supported.**
- (2) The Chief Executive Officer be requested to prepare for the Council's further consideration, a fully researched report relating to:**
 - (a) Funding Sources;**
 - (b) Input from other tiers of Government;**
 - (c) The nature of any legal relationship with medical practitioners;**
 - (d) The examination of the ownership of medical records and the impact of this on any proposal being studied; and**
 - (e) Funding impacts on the Shire of Plantagenet and the ratepayers and residents of the Shire.**
- (3) The report referred to in part (2) above be presented to the Council at the meeting of the Council schedule to be held on 13 September 2005.**

AMENDMENT

Moved Cr J Cameron, seconded Cr B Hollingworth:

That the word 'supported' be deleted and replaced with the word 'investigated' in Part (1) of the Recommendation.

CARRIED (9/0)

No. 228/05

COUNCIL DECISION

THAT:

- (1) The concept for the Shire of Plantagenet to be financially involved in the development of new medical facilities in Mount Barker be investigated.**
- (2) The Chief Executive Officer be requested to prepare for the Council's further consideration, a fully researched report relating to:**
 - (a) Funding Sources;**
 - (b) Input from other tiers of Government;**
 - (c) The nature of any legal relationship with medical practitioners;**
 - (d) The examination of the ownership of medical records and the impact of this on any proposal being studied; and**
 - (e) Funding impacts on the Shire of Plantagenet and the ratepayers and residents of the Shire.**
- (3) The report referred to in part (2) above be presented to the Council at the meeting of the Council schedule to be held on 13 September 2005.**

CARRIED (9/0)

No. 229/05

13 CLOSURE OF MEETING

4:29pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON_____ **DATE: .../.../...**