



## **ORDINARY COUNCIL MEETING**

# **MINUTES**

Ordinary Meeting of the Council held at  
Frost Park Pavilion, McDonald Avenue, Mount Barker  
2:45pm Tuesday 13 September 2005

**John Byrne**  
**ACTING CHIEF EXECUTIVE OFFICER**

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:49pm The Presiding Member declared the meeting open.

The Acting Chief Executive Officer, Mr John Byrne, 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 D Williss	Deputy Shire President - East Ward
Cr M Skinner	East Ward
Cr J Cameron	Rocky Gully / West Ward (Withdrew 5:20pm, returned 5:22pm)
Cr J Moir	South Ward (Withdrew 3:34pm, returned 3:37pm)
Cr K Clements	Town Ward
Cr B Hollingworth	Town Ward (Withdrew 5.20pm, returned 5.22pm)
Cr J Mark	Town Ward
Mr J Byrne	Acting Chief Executive Officer
Mr S Bell	Executive Director Technical and Development Services
Ms D Baesjou	Manager Development Services (Withdrew 4:19pm)
Mrs K Skinner	Executive Secretary (Withdrew 4:19pm)
Ms C Delmage	Administration Officer Minutes and Agenda (Withdrew 4:19pm)

Three (3) members of the public were present.

One (1) member of the media was present.

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Apologies

Cr K Forbes Rocky Gully / West Ward

Previously Approved Leave Of Absence

Cr Keith Hart 12 to 16 September 2005 inclusive

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

Nil

### **4 PUBLIC QUESTION TIME**

Nil

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

Nil

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

Councillor Hollingworth requested leave of absence for the period 23 September to 8 October 2005 inclusive.

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

**That Councillor Hollingworth be granted leave of absence for the period 23 September to 8 October 2005 inclusive.**

**CARRIED (7/0)**

**No. 259/05**

### **7 CONFIRMATION OF MINUTES**

**Moved Cr M Skinner, seconded Cr J Mark:**

**That the Minutes of the Ordinary Meeting of the Council held 16 August 2005 be confirmed.**

**CARRIED (7/0)**

**No. 260/05**

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

- Four (4) Disclosures of Interest for Item 9.3.1 – Cattle Saleyards Irrigation; three (3) Financial and one (1) proximity.
- 5-6 September 2005 - The Shire President, Deputy Shire President and Cr B Hollingworth attended the cabinet meeting in Albany which appeared to be beneficial for our shire. Cr K Forbes had a good meeting with Hon Alannah MacTiernan MLA. Cr Forbes and Cr D Willis met with the Hon Judy Edwards MLA over the Stirling Range Fire Advisory Committee. A meeting of the Committee has been planned for the 20 September 2005 which is a good outcome.
- 15 September 2004 – Various members of the Local Emergency Management Committee (LEMC) including representatives from the ambulance, fire and ranger services as well as bush fire brigade members will attend a mock fuel truck accident at a service station in Katanning.

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

### **9.1 EXECUTIVE SERVICES REPORTS**

#### **9.1.1 COMMITTEE MINUTES - ENTERPRISE BARGAINING NEGOTIATION COMMITTEE – 4 AUGUST 2005; GREAT SOUTHERN REGIONAL CATTLE SALEYARDS ADVISORY COMMITTEE – 16 AUGUST 2005**

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (2)</b>	<b>Minutes – Enterprise Bargaining Negotiation Committee – 4 August 2005; Minutes – Great Southern Regional Cattle Saleyards Advisory Committee – 16 August 2005</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>CA/103/1; PE/103/2</b>
<b>Author:</b>	<b>Cherie Delmage – Administration Officer Minutes and Agenda</b>
<b>Authorised By:</b>	<b>John Byrne – Executive Director Corporate and Community Services</b>
<b>Date of Report:</b>	<b>19 August 2005</b>

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#### **Purpose**

The purpose of this report is to receive the following Committee Minutes:

- Enterprise Bargaining Negotiation Committee – 4 August 2005
- Great Southern Regional Cattle Saleyards Advisory Committee – 16 August 2005.

#### **Policy Implications**

There are no policy implications for this report.

#### **Financial Implications**

There are no financial implications for this report.

#### **Strategic Implications**

There are no strategic implications for this report.

#### **Officer Comment**

Any issues or recommendations arising from these Minutes will be the subject of a separate report to the Council.

#### **Voting Requirements**

Simple Majority



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Committee Minutes – Enterprise Bargaining Negotiation Committee – 4 August 2005; Great Southern Regional Cattle Saleyards Advisory Committee – 16 August 2005 (Cont.)

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr B Hollingworth, seconded Cr J Mark:**

**That the following Committee Minutes be received:**

- **Enterprise Bargaining Negotiation Committee – 4 August 2005**
- **Great Southern Regional Cattle Saleyards Advisory Committee – 16 August 2005.**

**CARRIED (7/0)**

**No. 261/05**

**9.1.2 HOME AND COMMUNITY CARE (HACC) - LOCATION**

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>CP/50/3</b>
<b>Author:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>31 August 2005</b>

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**Purpose**

The purpose of this report is to advise the Council with regard to the relocation of the Home and Community Care (HACC) Service and the creation of a Multi Purpose Service (MPS) and to seek Council authority to utilise land adjacent to the Lesser Hall in Muir Street for HACC purposes.

**Background**

Councillors will recall that in January 2003, the Minister for Health approved the establishment of a Plantagenet / Cranbrook MPS.

Since that time, numerous meetings have been held with various health and community representatives to ensure the smooth transition from a Council sponsored HACC Service to the MPS.

Redman House in Lord Street, Mount Barker had been selected as the site for the new MPS and the Council had resolved to make Redman House available for this purpose.

Architectural drawings were commissioned and funding sought.

Unfortunately, the Lotteries Commission withdrew funding late in the process necessitating an urgent rethink regarding Redman House. This has caused community consternation, especially among seniors in Plantagenet.

The Regional Director for the Great Southern Health Region, Mr Keith Symes, noted that without the significant funding of the Lotteries Commission it would be necessary to develop the MPS at an alternative location on hospital grounds. Again, some sections of the community advised the Council that this was not considered to be an optimum solution and alternative sites were investigated.

Subsequently, Councillors Forbes and Clements and the Chief Executive Officer met with Mr Symes on 22 June 2005 in Albany. At this meeting it was suggested that the land directly to the north of the existing Lesser Hall in Muir Street could possibly be utilised for the construction of the MPS structure such that it would be adjacent to the HACC facilities in the Lesser Hall.

Consequently, Mr Symes has been investigating this possibility and is presently seeking quotations from building companies prior to making a formal proposal to the Council.

This would necessitate the Council leasing the subject land to the Great Southern Health Service.

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**Statutory Environment**

Section 3.58 of the Local Government Act 1995 authorises a Council to dispose of land through leasing.

Nevertheless, Section 3.58 will not apply when land is disposed of to the Crown in right of the State or Commonwealth. Local Government (Functions and General) Regulations 1996 – Regulation 30(2)(c)(i).

**Consultation**

As noted above, this matter has been discussed with Mr Symes and Councillors Forbes and Clements.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

The Council's Strategic Plan at Key Result Area 3 (Community Services) notes the Council's aim to deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural wellbeing of the community. Further, the Council's Strategic Plan notes that it will evaluate different options for providing community services and facilities.

**Officer Comment**

The potential relocation of the MPS to the hospital site has been seen by many as inappropriate for many reasons including:

- Distance from town centre;
- Proximity to 'hospital' type services; and
- Insufficient space for social activities.

The HACC facilities at the Lesser Hall had been noted for a number of years to be lacking in certain areas including space, toilets, counselling areas and 'quiet' areas.

The construction of new facilities adjacent to the existing facilities would address these issues through the creation of adequate toilet facilities, creation of activity space but with the ability to utilise the substantial kitchen facility in the existing Lesser Hall.

It would also mean that users of the HACC / MPS facilities would be closer to the townsite and would be inflicted with minimum change.

It should be further noted that the offer by the Council for the RSL to lease the Lesser Hall will not be taken up by the RSL and therefore the utilisation by the MPS adjacent to the Lesser Hall has certain advantages.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That the Lower Great Southern Health Service be advised that the Shire of Plantagenet would be pleased to make available the Council owned property immediately to the north and adjacent to the existing Lesser Hall in Muir Street, Mount Barker for the purposes of construction of a Multi Purpose Service through leasing at notional rent only and authorises the Chief Executive Officer to further such outcome.**

**CARRIED (7/0)**

**No. 262/05**

**9.1.3 LOT 105 FIRST AVENUE, KENDENUP - PURCHASE OF LAND FOR  
KENDENUP BUSH FIRE BRIGADE**

<b>Location / Address:</b>	<b>Lot 105 First Avenue, Kendenup</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>RV/182/3036; ES/151/3</b>
<b>Author:</b>	<b>John Byrne - Executive Director Corporate and Community Services</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>6 September 2005</b>

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**Purpose**

The purpose of this report is to endorse the actions of the Chief Executive Officer and the Shire President in affixing the Common Seal of the Council to the Transfer of Land Document between Mr KW and Mrs SE Smithson and the Shire of Plantagenet for the purchase of Lot 105 First Avenue, Kendenup.

**Background**

At its meeting held on 23 November 2004, the Council resolved by an absolute majority (8/0) No. 363/04:

*'THAT:*

- (1) The Kendenup Bush Fire Brigade be advised that the Shire of Plantagenet is prepared to contribute a maximum amount of fifty percent (50%) to a maximum total of \$3,750.00 of the total purchase price of Lot 105 First Avenue, Kendenup with the remaining portion to be funded by the brigade.*
- (2) The Shire of Plantagenet be noted as the registered owner of Lot 105 First Avenue Kendenup on the Certificate of Title.*
- (3) The Shire's contribution towards the purchase of Lot 105 First Avenue Kendenup be considered during the quarterly budget review.'*

Discussions took place between John Byrne representing the Shire and Paul De Pledge, Secretary, Kendenup Bush Fire Brigade, regarding the joint purchase. The Kendenup Bush Fire Brigade has agreed to meet the difference between the Shire's contribution and the purchase price plus settlement costs.

Negotiations took place between Mr Byrne, Mr De Pledge and the current owners, Kevin and Susan Smithson and an agreed price of \$7,500.00 was achieved, subject to all settlement costs being met by the purchaser.

An 'offer and acceptance' form was completed and has been forwarded to Amity Settlements who have now prepared the necessary Transfer of Land documentation. In order to expedite the process and achieve settlement, the forms were signed and affixed with the Common Seal of the Council and returned to the Settlement Agent.

**Statutory Environment**

Transfer of Land Act 1893  
Local Government Act 1995  
Settlements Agents Act 1981

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**Consultation**

Consultation has occurred during the purchase process with members of the Kendenup Bush Fire Brigade, Kendenup Town Ward Councillor Keith Hart and the vendors Mr and Mrs Smithson.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

The purchase costs of \$3,750.00 will need to be identified within the quarterly budget review process.

**Strategic Implications**

The Council's Strategic Plan is silent on issues relating to bush fire initiatives. However, the purchase of this property will ensure the provision of parking for volunteer bush fire brigade members, access to the rear of the existing fire shed and give rise to the potential for future expansion of the emergency services located at the site such as volunteer ambulance.

**Officer Comment**

The actions taken to purchase Lot 105 First Avenue, Kendenup are pursuant to a resolution of the Council. The recommendation seeks to obtain the Council's endorsement of the affixing of the Common Seal to complete the purchase.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr J Cameron, seconded Cr B Hollingworth:**

**That the actions of the Chief Executive Officer and the Shire President in affixing the Common Seal of the Council to the Transfer of Land Document between Mr KW and Mrs SE Smithson and the Shire of Plantagenet, for the purchase of Lot 105 First Avenue, Kendenup, be endorsed.**

**CARRIED (7/0)**

**No. 263/05**

**9.1.4 WARDS AND REPRESENTATION - REVIEW**

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (2)</b>	<b>Reviewed Boundaries Kendenup Ward Reviewed Boundaries Rocky Gully / West Ward</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>GO/25/2</b>
<b>Author:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>31 August 2005</b>

**Purpose**

The purpose of this report is to advise the Council that by letter dated 30 June 2005, the Chairman of the Local Government Advisory Board, Cr Charlie Gregorini OAM JP, advised that it was the opinion of the Board that the Shire of Plantagenet had one or more wards with councillor to elector ratios greater than twenty percent (20%) above or below the average ratio for the district as a whole.

Accordingly, Cr Gregorini advised that: ‘...you are therefore required to carry out a review of wards and representation by 30 June 2006.’

This report will also recommend a course of action for the Council with regard to this direction from the Local Government Advisory Board.

**Background**

The Shire of Plantagenet last undertook a review of its wards and representation prior to the May 2001 elections.

At that time the Council advertised its intention to review its wards and representation and called for submissions. As a result the Council’s present representation of wards and Councillors was adopted.

The Council’s present ward configuration and representation is:

<b>WARD</b>	<b>REPRESENTATION</b>
Town	3 Councillors
Kendenup	1 Councillor
South	1 Councillor
East	2 Councillors
Rocky Gully / West	2 Councillors

The 2001 review also reduced the number of councillors from twelve (12) to nine (9).

**Statutory Environment**

Schedule 2.2 of the Local Government Act 1995 requires at Section 6 that:

‘A local government the district of which is divided into wards is to carry out reviews of:

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**Wards And Representation – Review (Cont.)**

- (a) its ward boundaries; and
- (b) the number of offices of councillor for each ward,

from time to time so that not more than eight (8) years lapse between successive reviews.'

Further, Section 7 requires that:

'Before carrying out a review a local government has to give local public notice advising:

- (a) that the review is to be carried out; and
- (b) that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than six (6) weeks after the notice is first given.'

Further, the local government carrying out the review is to consider submissions made to it before the day fixed by the notice.

Section 9 requires that on completion of the review the local government is to make a report in writing to the Advisory Board and may propose to the Board the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit.

Any proposal made to the Board must be by resolution carried by Absolute Majority.

Sections 2.2, 2.3 and 2.18 of the Local Government Act 1995 relate to the division of a district into wards, the names of districts and wards and the fixing and changing of the number of councillors.

**Consultation**

The matter has been raised with the Shire President and Councillors on an informal basis. Further, the Shire President and the Chief Executive Officer met with Cr Gregorini and Mr Duncan Watson from the Department of Local Government and Regional Development on 30 August 2005 to discuss issues.

At that meeting Cr Gregorini advised that he could accept the changes suggested (see Officer Comment) but that as they were not of a minor nature, the process required in the Schedule should be complied with.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

Minimal except for advertising.

**Strategic Implications**

Key Result Area 1, aims to 'provide governance and administrative support to the Council, using appropriate technology, to facilitate decision-making'.

**Officer Comment**

It is apparent that the time period since the last review is four years and the legislation requires that a review should take place within eight (8) years. Nevertheless, the Advisory Board is obviously concerned that percentage deviations exceed the minimum deviation allowed.

Based on 2005 electoral enrolments the following ratios apply:



## Wards And Representation – Review (Cont.)

Ward	Number of Electors	Number of Councillors	Councillor / Elector Ratio	Percentage Deviation
East	766	2	1:383	-10.7
Kendenup	206	1	1:206	40.5
Mount Barker	1216	3	1:405	-17.1
South	356	1	1:356	-2.9
Rocky Gully / West	569	2	1:285	17.6
<b>TOTAL</b>	<b>3113</b>	<b>9</b>	<b>1:346</b>	

The obvious concerns for the Board are the deviations for Kendenup, Mount Barker and Rocky Gully / West. The Board advises that it would prefer to see no percentage deviation greater than twenty (20). Further, the Board would prefer to see representations across all the wards relatively similar such that most electors have votes of equal weighting.

The suggested new arrangements are to remove 102 electors from East Ward and add them to the Kendenup Ward and remove forty (40) electors from the Mount Barker Town Ward and add them to the Rocky Gully / West Ward.

Changes to ward boundaries can be viewed at Attachment One (1) and Attachment Two (2) of this report.

The proposed amendments will adjust ratios as follows:

Ward	Number of Electors	Number of Councillors	Councillor / Elector Ratio	Percentage Deviation
East	664	2	1:332	4.04
Kendenup	308	1	1:308	10.98
Mount Barker	1176	3	1:392	-13.29
South	356	1	1:356	-2.9
Rocky Gully / West	609	2	1:305	11.85
<b>TOTAL</b>	<b>3113</b>	<b>9</b>	<b>1:346</b>	

### Voting Requirements

- (a) Simple Majority for the review to be carried out (Sch 2.2(7))
- (b) Absolute Majority for proposal to Advisory Board (Sch 2.2(9))

**OFFICER'S RECOMMENDATION**

Moved Cr J Mark, seconded Cr K Clements:

**THAT:**

- (1) Pursuant to Schedule 2.2 of the Local Government Act 1995, a review of wards and representation be undertaken.
- (2) The Chief Executive Officer be authorised to undertake all necessary requirements pursuant to the legislation to effect the review referred to in (1) above.
- (3) The Chief Executive Officer report back to the Council on the conclusion of the statutory public submission period and no later than the meeting of the Council to be held on 13 December 2005.

**AMENDMENT**

Moved Cr J Cameron, seconded Cr M Skinner:

That the word 'effect' be replaced with the word 'initiate' in Part (2) of the recommendation.

**CARRIED (7/0)**

**No. 264/05**

**COUNCIL DECISION**

**THAT:**

- (1) Pursuant to Schedule 2.2 of the Local Government Act 1995, a review of wards and representation be undertaken.
- (2) The Chief Executive Officer be authorised to undertake all necessary requirements pursuant to the legislation to initiate the review referred to in (1) above.
- (3) The Chief Executive Officer report back to the Council on the conclusion of the statutory public submission period and no later than the meeting of the Council to be held on 13 December 2005.

**CARRIED (7/0)**

**No. 265/05**

## 9.2 CORPORATE SERVICES REPORTS

### 9.2.1 BUSH FIRE BRIGADES LOCAL LAW

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments:</b>	<b>Amendment To Bush Fire Brigades Local Law</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>LE/98/1</b>
<b>Author:</b>	<b>Donna Stevens - Senior Administration / Human Resources Officer</b>
<b>Authorised By:</b>	<b>John Byrne - Executive Director Corporate and Community Services</b>
<b>Date of Report:</b>	<b>8 September 2005</b>

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#### **Purpose**

The purpose of this report is to reconsider the item submitted to the Council on 10 May 2005 regarding the submission made by Mr John Tonkin from Fire and Emergency Services (FESA) to amend the Shire's Bush Fire Brigades Local Law.

#### **Background**

On the 24 November 2004 the Council resolved that:

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

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

Mr Tonkin's proposed amendments are outlined below:

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

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

- Amend section 2.4 of the First Schedule to allow the format of membership application forms to be varied from time to time. This would dispense of Appendices I, II and III.
- Amend section 5.4(1) of the First Schedule so that the quorum for a bush fire brigade meeting is 50% of elected officers.

All suggestions were considered by the Executive Director Technical and Development Services and a report was submitted to the Council on 10 May 2005 recommending that all Mr Tonkin's suggestions be adopted with exception to changes to the membership application forms. The approved amendments are detailed in Attachment 1.

At that meeting the Council resolved:

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

As directed the Bush Fire Advisory Committee reviewed the item and resolved;

*'That it be a recommendation to the Council:*

*THAT:*

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

**Statutory Environment**

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

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

**Consultation**

Consultation has occurred with Mr John Tonkin of FESA, Mr Stephen Bell, Executive Director Technical and Development Services and the Bush Fire Advisory Committee.

**Policy Implications**

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

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

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

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

Absolute Majority

**OFFICER'S RECOMMENDATION**

Moved Cr B Hollingworth, seconded Cr M Skinner:

**THAT:**

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

**AMENDMENT**

Moved Cr J Cameron, seconded Cr B Hollingworth:

That the following words be added to Part (1) of the Officer's Recommendation:

'subject to the words 'of brigade members' and 'in person' being removed from Part 5.4 (2) of the proposed Bush Fire Brigades Local Law'.

**CARRIED (7/0)****No. 267/05****COUNCIL DECISION****THAT:**

- (1) The Shire of Plantagenet's Bush Fire Brigades Local Law be amended in accordance with Attachment One (1) subject to the words 'of brigade members' and 'in person' being removed from Part 5.4 (2) of the proposed Bush Fire Brigades Local Law.
- (2) The proposed amendments to the Bush Fire Brigades Local Law be advertised in accordance with the requirements of Section 3.12(3) of the Local Government Act 1995.

**CARRIED (7/0)****No. 268/05****(Absolute Majority)**

**9.2.2 EMERGENCY SERVICES LEVY ADMINISTRATION**

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>FM/91/1</b>
<b>Author:</b>	<b>David Blurton - Accountant</b>
<b>Authorised By:</b>	<b>John Byrne – Executive Director Corporate and Community Services</b>
<b>Date of Report:</b>	<b>31 August 2005</b>

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**Purpose**

The purpose of this report is to affix the Common Seal of the Council to an Option B Agreement with FESA. This Agreement will significantly reduce the administration involved with collection of the Emergency Services Levy (ESL).

**Background**

At present the Council is operating under an Option A Agreement which requires staff to report and remit ESL collected on a monthly basis and perform a time consuming annual reconciliation of all levies raised, collected, any adjustments, interest and write offs which occurred during the year.

Under the Option A Agreement, ESL funds are remitted to the Fire and Emergency Services Authority (FESA) as they are collected, as opposed to Option B whereby Councils are to remit to FESA on a quarterly basis a portion of the total amount of ESL raised for the year, regardless of what has been collected.

**Consultation**

Consultation has occurred with John Byrne, Executive Director of Corporate and Community Services and Alan Jardine, Acting FESA Funding Co-ordinator.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

A condition of entering into this Agreement is that all uncollected ESL levies as at 30 June 2005 are paid to FESA. As at 30 June 2005, uncollected ESL amounts total \$9,853.18.

The total ESL levy raised for 2005-2006 was \$111,077.44 of which 30% will be payable in September, December and March with the final 10% payable in June 2006 under the Option B Agreement.

Any uncollected ESL funds at the end of 2005 will effectively become the Council's debt.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

It is considered that entering into an Option B Agreement will be far easier to administer and less demanding on available staff resources.

Most local governments have opted for Option B due to its simplicity.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

**Moved Cr B Hollingworth, seconded Cr M Skinner:**

**That authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the Emergency Services Levy (ESL) Administration – Option B Agreement between the Shire of Plantagenet and the Fire and Emergency Services Authority of Western Australia.**

**FORESHADOWED MOTION**

Cr K Clements advised of his intent to move the following motion should the motion before the chair be lost:

'That the Western Australian Local Government Association (WALGA) be requested to negotiate with the Fire and Emergency Services Authority (FESA) to establish an Option C, based on Option B without Council being responsible for any associated debt.'

The motion before the chair was then put and LOST (0/7)

**COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr J Cameron:**

**That the Western Australian Local Government Association (WALGA) be requested to negotiate with the Fire and Emergency Services Authority (FESA) to establish an Option C, based on Option B without Council being responsible for any associated debt.**

**CARRIED (7/0)**

**No. 269/05**

**9.2.3 PURCHASING AND TENDERING POLICY**

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>PS/120/4</b>
<b>Author:</b>	<b>Donna Stevens - Senior Administration / Human Resources Officer</b>
<b>Authorised By:</b>	<b>David Blurton - Accountant</b>
<b>Date of Report:</b>	<b>26 August 2005</b>

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**Purpose**

The purpose of this report is to adopt Policy F/FM/5 – Purchasing and Tendering.

**Background**

The objective of this policy is to provide clear guidelines to the Council and its officers for procuring goods or services through Direct Purchasing where the value is expected to be less than \$50,000.00 and through Public Tendering where the value is expected to be \$50,000.00 or more.

This policy is intended to provide a framework within legislative requirements and to further complement statutory requirements as outlined within the Local Government Act 1995.

The Policy is affixed as Attachment One (1).

**Statutory Environment**

Section 3.57 of the Local Government Act 1995 and Sections 11 to 24G of Functions and General Regulations are relevant to the procurement of goods and services where the value is expected to be \$50,000.00 or more.

**Policy Implications**

The adoption of the recommendation will result in a new policy for the Council.

**Financial Implications**

Adopting a Purchasing and Tendering Policy will ensure that the purchasing of goods and services is compliant with the Council's legislative requirements and will increase the Council's accountability in this area.

**Strategic Implications**

There are no strategic implications for this report.

**Voting Requirements**

Simple Majority



Purchasing And Tendering Policy (Cont.)**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr J Mark, seconded Cr M Skinner:

That it be a policy of the Council:

**POLICY NO: F/FM/5**

**PURCHASING & TENDERING POLICY**

<b>DIVISION</b>	<b>BUSINESS UNIT</b>	<b>RESPONSIBILITY AREA</b>
Corp. & Comm. Services	Finance	Financial Management

**OBJECTIVE:**

To provide clear guidelines to the Council and its officers (or Consultants acting on behalf of the Council) for procuring goods or services through Direct Purchasing where the value is expected to be less than \$50,000 and where the value is expected to be \$50,000 or more through Public Tender. This policy is intended to provide a framework within legislative requirements and to further complement statutory requirements.

**POLICY:**

The scope of this policy includes the procurement of goods or services pursuant to Section 3.57 of the *Local Government Act 1995*, where the value of the procurement is, or is expected to be, more than \$50,000 (excluding GST) and not exempted under Regulation.

The Chief Executive Officer will undertake to ensure that compliance with legislative requirements is maintained and that procedures implemented are capable of withstanding scrutiny and provide appropriate transparency of the Council's practices toward the procurement of goods or services.

The Chief Executive Officer will undertake to put in place competent practices to ensure best value for money, best practice in management, transparency, probity, environmental performance, and that appropriately qualified staff and resources, together with training, are provided in support of these practices.

1. **Procedure for the procurement of goods or services through direct purchasing**

The three categories where the value of procurement is, or is expected to be:

- Less than \$1,000 – one verbal quotation is required.
- Between \$1,001 and \$9,999 – at least two verbal or written quotations are required.
- Between \$10,000 and \$49,999 – at least three written quotations are required.

**(a). Less than \$1,000**

Where the value of procurement of goods or services does not exceed \$1,000, one verbal quotation is required to be obtained, however it is recommended to use professional discretion and occasionally undertake market testing to ensure best value is maintained. For the purchase of simple low value, low risk goods and services or "petty cash" type purchases under \$1,000, accountability is basically proof of purchase by way of a receipt.

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**Purchasing And Tendering Policy (Cont.)****(b). Between \$1,001 and \$9,999**

This category is for the procurement of goods or services where the value of such procurement ranges between \$1,001 and \$9,999. At least two verbal or written quotes (or both) are required (but where it is not practical, eg due to limited suppliers, it must be noted in the process).

The Chief Executive Officer may, at his discretion, waive the requirements to obtain two quotes providing that written, justifiable reasons for such waiver are provided by the officer responsible, and file noted accordingly.

**(c). Between \$10,000 and \$49,999**

For the procurement of goods or services where the value exceeds \$10,000 but is less than \$49,999, it is required to obtain at least three written quotes (but where it is not practical, eg due to limited suppliers, it must be noted in the process).

The Chief Executive Officer may, at his discretion, waive the requirements to obtain three written quotes providing that written justifiable reasons for such waiver are provided by the officer responsible and file noted accordingly.

Evaluation of quotes must be undertaken at least by a group of two persons and reviewed by a person holding a position not less than Executive Director. For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, state of the art technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

**(d). Notes**

- The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any audit and/or record keeping requirements.
- Where practicable, file notes for verbal quotes are recommended.
- As far as practicable, the price should not be the only criterion for selection of a quote.

**2. Procedure for the procurement of goods or services through public tendering.**

The preferred 'best practice' tendering processes for procurement of goods or services are detailed in the Western Australian Local Government Association's Purchasing and Tender Guide.

**ADOPTED:****LAST REVIEWED:****AMENDMENT**

Moved Cr K Clements, seconded Cr B Hollingworth:

That the words 'verbal or' be removed from (1), second dot point and (1) (b) of the Policy.

**CARRIED (7/0)****No. 270/05**

**COUNCIL DECISION**

That it be a policy of the Council:

**POLICY NO: F/FM/5**

**PURCHASING & TENDERING POLICY**

<b>DIVISION</b>	<b>BUSINESS UNIT</b>	<b>RESPONSIBILITY AREA</b>
Corp. & Comm. Services	Finance	Financial Management

**OBJECTIVE:**

To provide clear guidelines to the Council and its officers (or Consultants acting on behalf of the Council) for procuring goods or services through Direct Purchasing where the value is expected to be less than \$50,000 and where the value is expected to be \$50,000 or more through Public Tender. This policy is intended to provide a framework within legislative requirements and to further complement statutory requirements.

**POLICY:**

The scope of this policy includes the procurement of goods or services pursuant to Section 3.57 of the *Local Government Act 1995*, where the value of the procurement is, or is expected to be, more than \$50,000 (excluding GST) and not exempted under Regulation.

The Chief Executive Officer will undertake to ensure that compliance with legislative requirements is maintained and that procedures implemented are capable of withstanding scrutiny and provide appropriate transparency of the Council's practices toward the procurement of goods or services.

The Chief Executive Officer will undertake to put in place competent practices to ensure best value for money, best practice in management, transparency, probity, environmental performance, and that appropriately qualified staff and resources, together with training, are provided in support of these practices.

**1. Procedure for the procurement of goods or services through direct purchasing**

The three categories where the value of procurement is, or is expected to be:

- Less than \$1,000 – one verbal quotation is required.
- Between \$1,001 and \$9,999 – at least two written quotations are required.
- Between \$10,000 and \$49,999 – at least three written quotations are required.

**(a). Less than \$1,000**

Where the value of procurement of goods or services does not exceed \$1,000, one verbal quotation is required to be obtained, however it is recommended to use professional discretion and occasionally undertake market testing to ensure best value is maintained. For the purchase of simple low value, low risk goods and services or "petty cash" type purchases under \$1,000, accountability is basically proof of purchase by way of a receipt.

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**Purchasing And Tendering Policy (Cont.)****(b). Between \$1,001 and \$9,999**

This category is for the procurement of goods or services where the value of such procurement ranges between \$1,001 and \$9,999. At least two written quotes are required (but where it is not practical, eg due to limited suppliers, it must be noted in the process).

The Chief Executive Officer may, at his discretion, waive the requirements to obtain two quotes providing that written, justifiable reasons for such waiver are provided by the officer responsible, and file noted accordingly.

**(c). Between \$10,000 and \$49,999**

For the procurement of goods or services where the value exceeds \$10,000 but is less than \$49,999, it is required to obtain at least three written quotes (but where it is not practical, eg due to limited suppliers, it must be noted in the process).

The Chief Executive Officer may, at his discretion, waive the requirements to obtain three written quotes providing that written justifiable reasons for such waiver are provided by the officer responsible and file noted accordingly.

Evaluation of quotes must be undertaken at least by a group of two persons and reviewed by a person holding a position not less than Executive Director. For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, state of the art technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

**(d). Notes**

- The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any audit and/or record keeping requirements.
- Where practicable, file notes for verbal quotes are recommended.
- As far as practicable, the price should not be the only criterion for selection of a quote.

**2. Procedure for the procurement of goods or services through public tendering.**

The preferred 'best practice' tendering processes for procurement of goods or services are detailed in the Western Australian Local Government Association's Purchasing and Tender Guide.

**ADOPTED:****LAST REVIEWED:****CARRIED (7/0)****No. 271/05**

**9.2.4 HEALTH (REFUSE SITE) RATE WRITE OFF - 2005**

<b>Location / Address:</b>	<b>Various</b>
<b>Name of Applicant:</b>	<b>Various</b>
<b>File Reference:</b>	<b>RV/182/2335, RV/182/3945, RV/182/2279, RV/182/60, RV/182/2126, RV/182/996, RV/182/4715, RV/182/4197, RV/182/196, RV/182/809, RV/182/4127, RV/182/959, RV/182/2279</b>
<b>Author:</b>	<b>David Blurton - Accountant</b>
<b>Authorised By:</b>	<b>John Byrne – Executive Director of Corporate and Community Services</b>
<b>Date of Report:</b>	<b>1 September 2005</b>

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**Purpose**

The purpose of this report is to present a list of properties that qualify for the \$50.00 Health (Refuse Site) Rate exemption.

**Background**

These properties are owned and / or operated in identical name or names and are neither commercially rented nor habitable and as such meet the criteria for Health (Refuse Site) Rate exemption which the Council adopted during its 2005-2006 budget process.

As part of the budget adoption process for 2005-2006, the Council adopted a Health (Refuse Site) Rate with a minimum charge of \$50.00 respectively for all rateable properties. As a rate, rather than a levy or a service charge, the charge is applied to all separately rated properties within the local government area.

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

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

**Statutory Environment**

The Health (Refuse Site) Rate has been adopted by the Council pursuant to Section 40 of the Health Act (1911). Pursuant to Section 6.12 (2) of the Local Government Act 1995, local governments may write off an amount which is owed to the local government.

**Consultation**

Consultation has occurred with Colin Molloy – Rates / Finance Officer.

**Policy Implications**

There are no policy implications in this instance.

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**Financial Implications**

Write offs total \$650.00 which will be reversed from the Health (Refuse Site) Rate Income account 1010.2.797.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

Every effort is made to identify these properties during the rates raising process however, due to its nature, the Health (Refuse Site) Rate write off can be difficult to identify in some circumstances.

**Voting Requirements**

Absolute Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

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

- (1) Assessment 2335, 54 Seventh Avenue, Kendenup - Mr Stuart Wissing.**
- (2) Assessment 3945, Lot 29 Allenby Road, Kendenup – Mrs Sharon Keast.**
- (3) Assessment 4602, Loc 1222, Randell Road, Perillup – WR and CJ Dymock.**
- (4) Assessment 959, Location 1783 Rocky Gully Road, Rocky Gully – WR and CJ Dymock.**
- (5) Assessment 60, Lot 1 Boyup Road, Kendenup – Mr Terry Sampson.**
- (6) Assessment 2126, 64 Seventh Avenue, Kendenup – Mr Umberto Valenti.**
- (7) Assessment 996, Lot 4 Rocky Gully Road, Rocky Gully – Mrs Glenice Webb.**
- (8) Assessment 4715, Lot 44 Wyuna Heights, Narrikup – Mr Francis Carstein.**
- (9) Assessment 4197, Lot 300 Surrey Downs Road, Porongurup – Mr Alan Scott.**
- (10) Assessment 196, Lot 1 Wilson Road, Mount Barker – Mrs Francine Bennetts.**
- (11) Assessment 809, Lot 1 & 2 Boyup Road, Kendenup – Mr Rodney Drage.**
- (12) Assessment 4127, Lot 3 Porongurup Road, Mount Barker – Mr William Mcllwaine.**

**CARRIED (7/0)**

**No. 272/05**

**(Absolute Majority)**

### 9.3 TECHNICAL SERVICES REPORTS

#### 9.3.1 GREAT SOUTHERN REGIONAL CATTLE SALEYARDS IRRIGATION OPTIONS

A Financial Interest was disclosed by Cr J Cameron for Item 9.3.1

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 9.3.1

Extent Of Interest: Cattle Producer – 390 head of cattle.

A Financial Interest was disclosed by Cr J Moir for Item 9.3.1

Extent Of Interest: Cattle Farm

A Proximity Interest was disclosed by Cr B Hollingworth.

3:34pm Cr J Moir withdrew from the meeting.

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

The Acting Chief Executive Officer, Mr John Byrne, 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 Acting 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.

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

A copy of each letter is attached.

**Location / Address:** Lot 3, Location 4900 Albany Highway, Mount Barker

**Attachments: (1)** Truck Wash Usage Frequency

**Name of Applicant:** N / A

**File Reference:** CA/126/1

**Author:** Kate McCormack - Project Engineer

**Authorised By:** John Byrne - Executive Director Corporate and Community Services

**Date of Report:** 5 September 2005

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#### **Purpose**

The purpose of this report is to consider the recommendations of the Great Southern Regional Cattle Saleyards Advisory Committee for the disposal of waste water through irrigation at the Great Southern Regional Cattle Saleyards (GSCRS).

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**Great Southern Regional Cattle Saleyards Irrigation Options (Cont.)****Background**

In order to dispose of the treated waste water at the Great Southern Regional Cattle Saleyards site, it is proposed to irrigate the 10ha vacant land area to the west of the existing saleyards.

A number of options exist with respect to the type of irrigation system and the use of the land which is to be irrigated. Brief summaries of two (2) options which have been considered are included below:

Travelling irrigator over perennial grasses / crops

A travelling irrigator can readily be installed on the land area available for irrigation. Options for land use include perennial grasses maintained through minimal stocking rates, or the sowing of crops such as hay. The installation costs associated with a travelling irrigator are relatively low compared with a trickle irrigation system. Irrigation rates can readily be modified through changes to the nozzle size and / or run times.

Trickle irrigation over plantation trees

Trickle systems are an option for the irrigation of plantation trees such as blue gums. This method is used for the disposal of nutrient rich waste water by the Water Corporation at their tree farm opposite the Albany Airport. The infrastructure costs associated with installing a trickle system are relatively expensive compared to a travelling irrigation system. Trickle irrigation systems are recommended to include chlorination systems to prevent outlet blockages.

If it was decided to plant blue gums, a forestry manager would be required to manage the plantation. Based on discussions with TimberCorp, they do not currently manage or own any irrigated tree plantations and it would be unlikely they would be interested in such a development. The tree plantations owned by the Water Corporation are managed by the Forest Products Commission (FPC) under a fixed contract basis. The irrigation of the trees is managed by the Water Corporation.

Given the current pumping configuration, it will be necessary to prohibit use of the truckwash while the irrigator is in operation. A frequency analysis of users of the truckwash has been completed and is included as an attachment to this report. This analysis suggests that it may be appropriate to run the irrigator overnight, between 6:00pm and 6:00am on Monday, Tuesday and Friday nights (or on weekends).

**Statutory Environment**

There are no statutory implications for this report.

**Consultation**

A range of parties have been consulted in the development of the Nutrient and Irrigation Management Plan (NIMP) including the Department of Environment, the Department of Agriculture and an irrigation consultant.

In addition, a site visit to the Water Corporation Tree Farm was undertaken and a range of operational issues discussed with regard to the irrigation of nutrient rich waste water to tree plantations.

This matter was further considered by the Great Southern Regional Cattle Saleyards Committee and its recommendation is detailed below.



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**Great Southern Regional Cattle Saleyards Irrigation Options (Cont.)****Policy Implications**

There are no policy implications for this report.

**Financial Implications**

Dependent on the irrigation option selected for the disposal of waste water, there will be cost implications for infrastructure works required to install the system. Budget allocations have been made for environmental works at the saleyards in the 2005 / 2006 budget. Grant funding has been sought to help offset the cost of the works with the success of this application yet to be announced.

A second hand irrigator will cost approximately \$5,000.00.

**Strategic Implications**

Appropriate disposal and management of the waste water generated at the saleyards site is critical to ensuring the future approval and sustainability of saleyard operations.

**Officer Comment**

The irrigation of waste water in accordance with an approved NIMP is required in order to meet with the conditions of the current licence conditions issued by the Department of Environment. As it is anticipated that the quality of the water to be disposed of is likely to change in upcoming years, it is important that a degree of flexibility is inherent in the adopted irrigation system.

One recurrent comment from a range of parties emphasised that for the successful operation of any irrigation system, an ongoing commitment to maintenance is required.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr M Skinner, seconded Cr B Hollingworth:**

**THAT:**

- (1) The preferred method to dispose of treated waste water at the Great Southern Regional Cattle Saleyards be by travelling irrigator over perennial grasses / crops.**
- (2) The purchase and installation of a travelling irrigator and associated pipework for the disposal of waste water from the treatment ponds at the Great Southern Regional Cattle Saleyards be authorised to enable compliance with the Nutrient and Irrigation Management Plan approved by the Department of Environment.**
- (3) The Committee consult with Ridgeway Seeds to determine preferred perennial grass types and conduct soil tests for agricultural purposes.**

**CARRIED (6/0)**

**No. 273/05**

3:37pm Cr J Moir returned to the meeting.

**9.3.2 CHILLINUP ROAD, CHILLINUP – FLOOD DAMAGE RESTORATION**

<b>Location / Address:</b>	<b>Chillinup Road, Chillinup</b>
<b>Name of Applicant:</b>	<b>Technical Services</b>
<b>File Reference:</b>	<b>RO/125/1</b>
<b>Author:</b>	<b>Stephen Bell - Executive Director Technical &amp; Development Services</b>
<b>Authorised By:</b>	<b>Robert Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>5 September 2005</b>

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**Purpose**

The purpose of this report is for the Council to determine the most practical and cost-effective method of draining and repairing a section of Chillinup Road at Chillinup. The subject section of Chillinup Road Location 1 is located approximately 900 metres east of the intersection of Chester Pass Road and has been under water for several months.

**Background**

During the months April to June 2005, heavy and consistent rainfall was experienced throughout the Shire. The rainfall caused widespread flood inundation and damage to both private and public property. The parts of the Shire hardest hit by the flooding and damage to private and public property were the districts of Mount Barker, Kendenup, Narrikup, Porongurup, Woogenellup, Chillinup and Takalarup.

In the Takalarup and Chillinup areas floodwaters have not yet abated due to the topography and waterlogged nature of the landform. Further, as roads generally follow the natural contour of the land there is nowhere for the water to discharge as the adjacent landform is considerably higher than the road. Therefore, water tends to pond and rise as rainfall in the area continues.

Chillinup Road is a Regional Road that is of strategic importance to the heavy haulage industry and for access to the Chillinup CBH bin. During the above rainfall events, Chillinup Road was affected as follows:

**1. Chillinup Road (Location 1)**

There is water over the road approximately 900 metres east of the Chester Pass Road intersection. The water is approximately 1.2 metres in depth at the road centreline and 2.2 metres in depth within the adjacent privately property. The water level continues to rise each time the Takalarup / Chillinup district experiences rainfall and there is little hope that the water levels will recede before the Christmas / New Year period without human intervention or prolonged periods of dry weather. The total length of Chillinup Road currently affected by floodwater is approximately 500 metres.

Figure 1 shows the location of the site and Figure 2 shows the extent of floodwater inundation.

Chillinup Road, Chillinup – Flood Damage Restoration (Cont.)

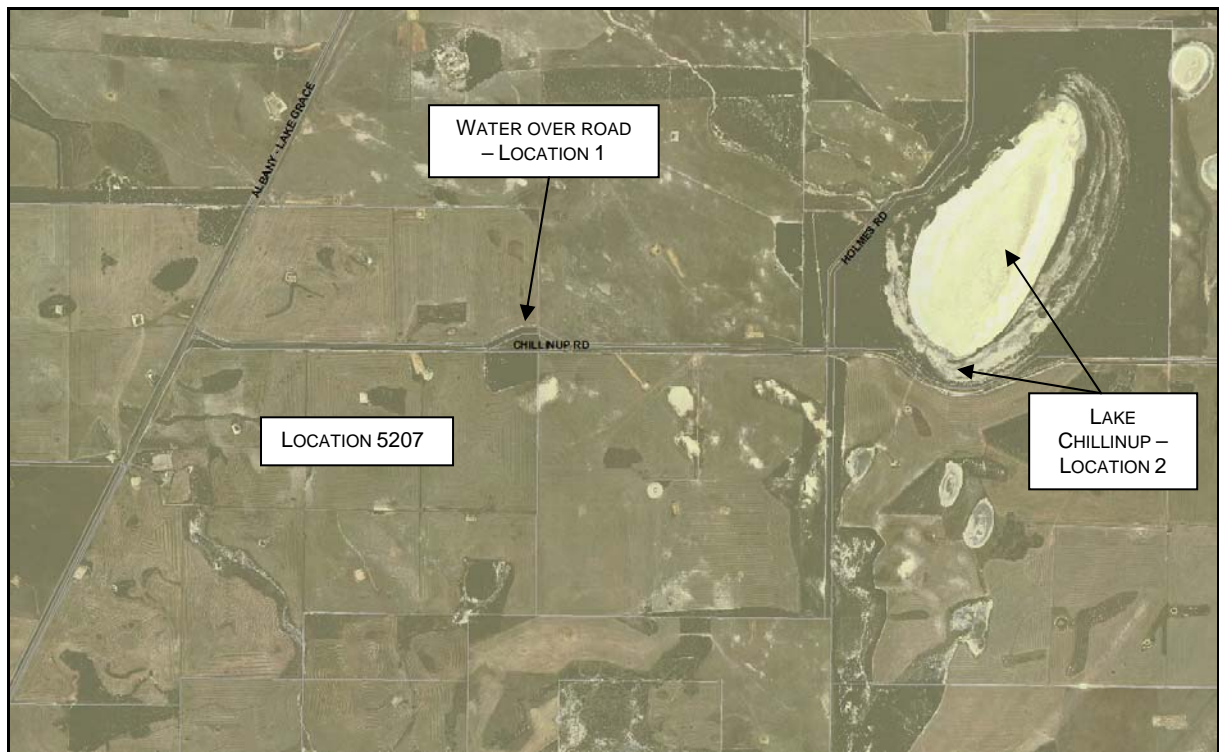


Figure 1 - Chillinup Road Locality Map



Figure 2 - Chillinup Road (Western View)

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**Chillinup Road, Chillinup – Flood Damage Restoration (Cont.)****2. Chillinup Road (Location 2)**

Chillinup Road has been cut off by floodwater at Lake Chillinup. The total length of road inundated by water is approximately 1.0 kilometre and the depth of water varies along the 1.0 kilometre length (typically 500 to 600mm high).

Approximately four (4) years ago, the Department of Environment installed a low flow pipe (140mm diameter Rib Loc) to enable saline water from Lake Chillinup to be discharged to the Kalgan River. On the current rate of discharge, Lake Chillinup is unlikely to subside for several months thereby limiting the Shire's ability to repair the road pavement and bitumen seal. Figure 3 and 4 show the extent of Chillinup Road currently inundated by water.



**Figure 3 - Chillinup Road at Lake Chillinup (Western View)**



**Figure 4 - Chillinup Road at Lake Chillinup (Western View)**

**Chillinup Road, Chillinup – Flood Damage Restoration (Cont.)****3. Chillinup Road (Location 3)**

Up until about one (1) month ago, there was water over Chillinup Road approximately 1.0 kilometre east of the Palmdale Road intersection. The water was approximately 500 millimetres in depth at the road centreline and covered a total length of about 80 metres.

Due to the topography, there was no practical way to drain the area without placing great strain on the Council's financial resources. To enable Chillinup Road to be used by the travelling public and heavy haulage industry the road levels were lifted as an interim measure. During the summer period, the road pavement will be reconstructed and bitumen sealed at the new road level once water levels recede.

The objective of this report is for the Council to consider available options and costs for the draining and repair of Chillinup Road at Location 1.

The site identified at Location 2 (Lake Chillinup) will be the subject of a future report to the Council. This will occur once more information is known about the extent of undermining and damage to the existing road pavement.

**Statutory Environment**

The Local Government Act 1995 provides the Shire of Plantagenet with the authority to undertake road and drainage works within land vested for that purpose under its care and control. Further, the Shire has a duty of care to ensure that the public is safe, as far as practicable, when travelling on the local road system.

With regards to the construction of drainage systems within privately owned land, the Local Government Act prescribes that the local authority must consult with affected landowners prior to initiating any works. In addition, such drainage systems should be located within an easement registered on a Certificate of Title to protect the asset and enable the local government to have unrestricted access to the drainage system when maintenance is required.

**Consultation**

There has been consultation with the elected members of the Council, Chief Executive Officer, Technical and Development Services personnel and officer's from Main Roads Western Australia, the Department of Environment and Department of Agriculture.

Adjacent property owners have been consulted in relation to the construction of a drain through privately owned land. The owner of Plantagenet Location 5207, Mr Mal Williss, is amenable to the Shire undertaking works upon his land if required.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

For ease, the estimated cost of each option is tabulated below:

Option	Estimate of Cost
1	\$ 105,000
2	\$ 333,000
3	\$ 200,000
4	\$ 180,000
5	Not costed

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**Chillinup Road, Chillinup – Flood Damage Restoration (Cont.)**

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The storm events that occurred during April, May, and June 2005 have been classified by the State Government as a Natural Disaster. Accordingly, the Shire of Plantagenet is eligible to claim 75% of the total reinstatement cost for flood damaged roads. The remaining 25% will need to be funded by the Shire from its general fund. Where urgent works are required to protect the public or open up a road following a storm event, these costs can be recouped to 100% of the total cost.

Due to the magnitude of the flood damage in the Shire, the Council needs to exercise extreme caution in the way it tackles the repair of its road and drainage system to ensure that the repair bill does not adversely impact the annual budget or send the budget into over draft. At this stage the total cost of the flood damage is still being assessed (particularly in the eastern part of the Shire as a result of the June rainfall event), however indications are that the damage could be in the order of \$800,000 to \$1,000,000 depending on the treatments selected to repair the road and drainage asset. The exact cost of the flood damage will be the subject of a future report to the Council.

**Strategic Implications**

The provision of engineering services is highlighted in the Shire of Plantagenet Strategic Plan under Key Result Area 2 – Infrastructure.

**Officer Comment**Drainage And Road Reinstatement Options**Option 1 – Do Nothing**

Council Officers have undertaken calculations to determine the magnitude of the rainfall event that occurred in late March / early April 2005. The calculations suggest that the flood was greater than a 1 in 40 year event for the 12 hour duration (1 April) and 1 in 200 year event for the 72 hour duration (30 March to 1 April inclusive). Therefore, the rainfall that occurred in late March / early April 2005 was an extreme rainfall event and there was little that the Shire of Plantagenet could have done to prevent the flooding of roads and private and public properties.

Following the above rainfall event, heavy and consistent rainfall continued throughout the months of April, May, and June 2005 exacerbating an already waterlogged landscape. Consequently, water flowed more quickly to the lower reaches of the catchment resulting in prolonged periods of flooding and where natural low points were formed in roads and/or private/public property, water tended to pond without overland relief. Hence, roads such as Chillinup Road and Palmdale Road were inundated by floodwater with little prospect of relief without human intervention.

It could reasonably be argued that the rainfall experienced during the months of March to June inclusive was an *'Act of God'* and that the Shire of Plantagenet should simply wait for the water to subside before embarking on any road repair works in the Chillinup and Takalarup area. After all, many longstanding residents of the Chillinup/Takalarup district have publicly stated that they have not seen some of the roads and adjacent parcels of land flood for some 30 to 40 years, if at all.

The 'Do Nothing' option is feasible provided alternative road access is available for the local community, tourists, and heavy haulage industry. Such access is available when using the Syred Road, Palmdale Road (between Syred Road and Chillinup Road), and Chillinup Road (east of Palmdale Road) network. If the Do Nothing was adopted however, the Shire would need to maintenance grade the gravel roads more

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**Chillinup Road, Chillinup – Flood Damage Restoration (Cont.)**

frequently and to a higher standard to account for the increased traffic volumes on the local road system as a result of Chillinup Road being closed.

The Do Nothing option is the most cost effective alternative as only the road pavement and bitumen seal will require rectification after the water level has subsided. The major problem however is the inconvenience that is caused through the loss of road access, particularly for the adjacent land owners and school bus operators, who will need to travel further to get to their destination. In addition, the loss of road access is likely to affect the ability of local farmers to have their properties serviced by heavy haulage (i.e. movement of grain to the CBH bin and livestock to the Katanning saleyards and Great Southern Regional Cattle Saleyards etc) and the provision of other goods and services.

It should be noted that the Do Nothing option represents a major impediment to local traffic and heavy transport accessing Chillinup Road from either the Chester Pass Road or Palmdale Road end. Whilst there are some heavy haulage operators and non-locals who have attempted to cross the flooded section of Chillinup Road (refer to Figure 5 below), the majority of motorists avoid the area.



**Figure 5 – Stranded Vehicle at Chillinup Road (Location 1)**

If Chillinup Road at Location 1 was drained and the pavement repaired, there would be pressure on the Council to permit vehicles to utilise Chillinup Road at Lake Chillinup. The opening up of Location 1, if adopted by the Council, would not automatically result in the section of Chillinup Road at the Lake being open to traffic due to the extent of undermining, road pavement damage, and unsafe nature of the road side environment.

The estimated cost to reinstate the subject section of Chillinup Road to pre-flood conditions is \$105,000. However, reinstatement of the road would only be undertaken after the water subsided below the existing pavement level. In addition, Chillinup Road from Chester Pass Road to Palmdale Road would remain permanently closed

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**Chillinup Road, Chillinup – Flood Damage Restoration (Cont.)**

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to traffic until that time. At a best guess, it could take some six (6) months or more for the water levels to subside depending on climatic conditions.

**Option 2 – Construction of Drainage Channel**

In July and August 2005, Technical Services personnel undertook engineering survey and prepared a preliminary design to ascertain the practicality of constructing a drainage channel through Plantagenet Location 5207. In addition, test holes were excavated to determine whether rock was present in the sub-strata at various locations along the alignment of the channel.

The construction of a drainage channel would enable the water currently trapped on Chillinup Road and within private property to be discharged to a tributary that feeds the Kalgan River. Plantagenet Location 5207 is currently owned by Mr Mal Willis who is amenable to a drainage channel being constructed upon his land provided the channel is appropriately fenced.

In theory, it is feasible to construct a drainage channel through Plantagenet Location 5207. In doing so however, the Council should be aware of the following constraints:

- (a) Officers from the Department of Environment and Department of Agriculture has verbally advised that they would not support the construction of a drainage channel and/or consent to the discharge of water from Chillinup Road to the Kalgan River due to salinity concerns. It may be however that in order to gain acceptance of the proposal that extensive groundwater testing may be required to convince the above departments otherwise;
- (b) The total length of channel required to allow the water from Chillinup Road to be discharged to an existing tributary within Plantagenet Location 5207 is about 1220 metres (1.22 kilometres);
- (c) At its deepest point, the drainage channel would be 4.5 metres high and this depth would occur for several hundred metres along the length of drainage channel. The depth of the channel would pose some construction problems in that it would be difficult to get batter slopes to stand up in a predominantly sandy environment.
- (d) The cross sectional profile of the drainage channel would ideally comprise a 1.0 metre wide base with 2:1 side slopes. Using this cross sectional profile, the width of drain would be approximately 10.0 metres. However, if there was difficulties in getting the 2:1 batter slopes to stand up then the cross sectional profile may be wider than 10 metres.
- (e) The total volume of material to be excavated from the drainage channel is 35,000 cubic metres (no bulking factor applied – the bulking factor is typically 15%). For cost effectiveness, the material would need to be spread on site rather than carted off-site by truck.
- (f) The base of the channel and batter slopes would need to be protected against erosion given the predominantly sandy / gravely substrata;
- (g) Both sides of the drainage channel would need to be fenced to ensure that livestock and workers are protected from the man-made hazard;
- (h) Several pipe crossings would need to be installed to enable the landowner and his / her workers, machinery, and livestock to traverse the drain during cropping operations and/or sheep production;



Chillinup Road, Chillinup – Flood Damage Restoration (Cont.)

- (i) A drainage easement will need to be acquired to enclose the drainage channel. The provision of a drainage easement may result in the Shire of Plantagenet paying compensation to the landowner for loss of prime agricultural land.
- (j) Investigations have revealed the presence of rock approximately two-thirds along the drainage channel alignment.

The estimated cost to construct the drainage channel is \$228,000. This estimate is relatively high as it assumes a worst case scenario that all of the excavated material will be taken off site by truck and rock removed at various locations along drainage channel. If the excavated material could be deposited within Plantagenet Location 5207 (or nearby) then the above cost estimate would be significantly less. It has been assumed that the drainage channel would be constructed using an excavator (by Contract).

Once the drainage channel has been constructed and the water removed from Chillinup Road, the road pavement would be restored to pre-flood conditions. The total cost to restore Chillinup Road to pre-flood conditions is \$105,000.

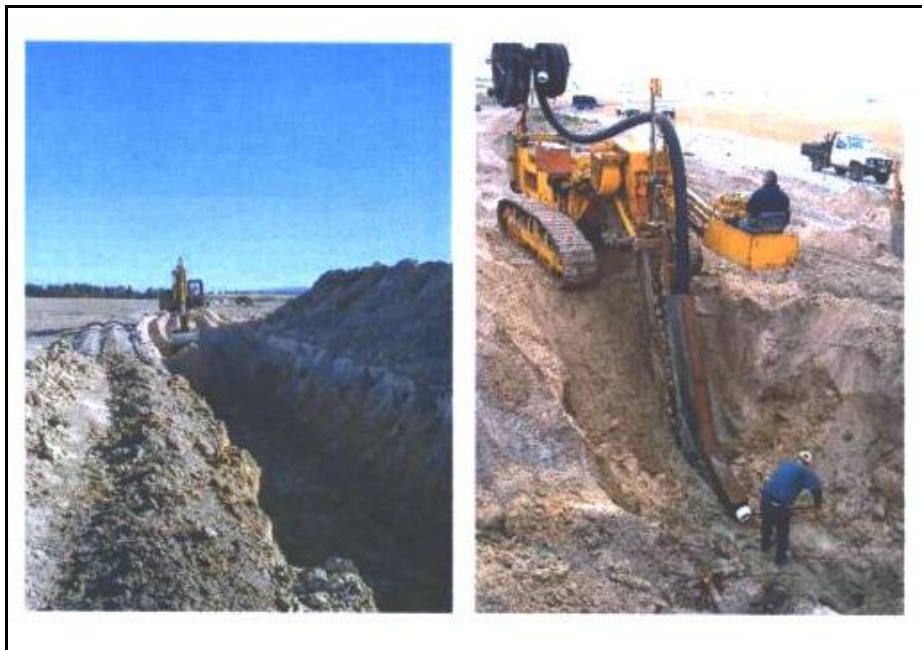
Summary of Estimated Costs

Drainage Channel Construction – Location 5207	\$228,000.00
Pavement Restoration	\$105,000.00
<b>Total Estimated Cost</b>	<b>\$333,000.00</b>

**Option 3 – Construction of underground pipe system**

Approximately four (4) years ago, the Department of Environment / Department of Agriculture approved the installation of a low flow pipe (140 mm diameter) to enable water from Lake Chillinup to be discharged at relatively low flow rates to the Kalgan River. The pipe was installed to reduce water and salinity levels in Lake Chillinup. The work was undertaken using Natural Heritage Trust funding and constructed by an earthmoving contractor.

The low flow pipe was constructed using direct burying methodology, that is, using plant and equipment specifically designed for pipe laying (refer to Figure 6 below). The plant is equipped with a laser guided chain digger to ensure that the pipe is constructed to the correct alignment and depth.



**Figure 6 - Pipe Laying Plant and Equipment**

The low flow pipe can be installed without the need to construct an excessively wide trench which is costly and time consuming and shoring where the trench depth exceeds 1.5 metres. In addition, the extent of earthworks is significantly reduced as is the number of plant and equipment required to perform the construction task.

The benefits of the low flow drainage system are:

- (a) The pipe can be laid up to 2.1 metres below the natural surface level without the need for costly trench excavation (i.e. shoring, benching, disposal of material etc);
- (b) The pipe can be laid relatively quickly as the extent of trench excavation and backfill is minimal where the depth to invert is less than 2.1 metres;
- (c) No material is carted off site. The material excavated from the pipe trench is used as backfill material;
- (d) After the pipe has been installed, the trench is backfilled. This allows the land to be returned to its previous condition and lessens the Shire's exposure to risk as there is no man-made hazard traversing the property;
- (e) There will be a permanent low flow drainage system in place at Chillinup Road to drain the trapped low point;
- (f) The installation of a low flow drainage system will ensure than flow rates to the Kalgan River are controlled. The causeway at Syred Road periodically washes out, therefore it is vital that water from Chillinup be suitably controlled to ensure that the frequency of washout is not increased; and
- (g) The Department of Environment and Department of Agriculture have verbally advised that they would in principally support the construction of a low flow pipe similar to that installed at Lake Chillinup. From discussions, the low flow pipe is less likely to affect salinity.

The disadvantages of the low flow pipe are:

Chillinup Road, Chillinup – Flood Damage Restoration (Cont.)

- (a) The maximum pipe size that can be installed using the pipe laying equipment is 140 millimetres (internal diameter). Therefore, this pipe size will limit how quickly the water will subside;
- (b) As the pipe size is relatively small, there is a high probability that the pipe system will block from silt and / or debris over time. When the pipe system requires cleaning, this will impact the Council's annual maintenance vote;
- (c) The total length of pipe to be installed is about 1220 metres. For cleaning purposes, inspection pits or openings will need to be placed at regular intervals (typically every 80 to 100 metres).
- (d) The design levels indicate that the pipe will need to be installed to a maximum depth of 4.5 metres to enable water from Chillinup Road to be drained. Therefore, the initial 2.4 metres of the natural surface profile will need to be removed (by excavator or dozer) prior to installation of the low flow pipe at the design level.
- (e) Investigations have revealed the presence of rock approximately two-thirds along the alignment of the piped drainage system. If the rock is excessively hard this may result in the full depth of the drainage trench having to be excavated so that the rock can be removed. The laser guided chain digger is not equipped to excavate through hard rock.

Estimated outflow of the 140 millimetre diameter pipe

Based on the height of water above a 140 millimetre diameter pipe, the estimated outflow rates are as tabulated below:

Height of Water (m)	Outflow (L/s)	Outflow (m <sup>3</sup> /s)	Comments
0.2	20 litres / sec	0.020 m <sup>3</sup> / sec	Water level at top of pipe
0.4	50 litres / sec	0.025 m <sup>3</sup> / sec	
0.6	60 litres / sec	0.030 m <sup>3</sup> / sec	
0.8	70 litres / sec	0.040 m <sup>3</sup> / sec	
1.0	80 litres / sec	0.045 m <sup>3</sup> / sec	
1.2	90 litres / sec	0.050 m <sup>3</sup> / sec	
1.4	100 litres / sec	0.055 m <sup>3</sup> / sec	
1.5	110 litres / sec	0.060 m <sup>3</sup> / sec	Water level at Chillinup Road

Based on the estimated outflow rates for a 140 millimetre diameter pipe, the number of days until the water level on Chillinup Road subsides is tabulated below:

Height of Water (m)	Flow Rate (m <sup>3</sup> /s)	Days to Subside (No.)
0.2	0.020	104.2
0.4	0.025	83.3
0.6	0.030	69.4
0.8	0.040	52.1
1.0	0.045	46.3
1.2	0.050	41.7
1.4	0.055	37.9
1.5	0.060	34.7

Estimate of Cost

The estimated cost to construct the low flow drainage pipe is \$95,000.00; however this would need to be firmed up once the detailed design has been completed and

Chillinup Road, Chillinup – Flood Damage Restoration (Cont.)

further investigations undertaken to determine the hardness of the rock. Once the drainage system has been constructed and the water removed from Chillinup Road, the road pavement will be restored to pre-flood conditions. The total cost to restore Chillinup Road to pre-flood conditions is \$105,000.00.

Summary of Estimated Costs

Drainage system construction	\$ 95,000.00
Restoration of Chillinup Road	\$105,000.00
<b>Total Estimated Cost</b>	<b>\$200,000.00</b>

**Option 4 – Raise Chillinup Road**

There is opportunity for Chillinup Road to be raised such that the new road pavement and bitumen seal above the current water level. If the Council endorses this approach, the road centreline would be raised approximately 1.7 metres above the existing road centreline at the deepest point. Approximately 500 metres of Chillinup Road would require reconstruction to suit the new road centreline levels.

The advantages and disadvantages of this option are:

- (a) Due to the depth of the water (ie: about 1.2 metres at the road centreline), levee banks (or coffer dams) would need to be constructed along each side of Chillinup Road. The water between the levee banks would then be pumped out prior to the importation of select fill. This process would enable the sub-grade and subbase / base course layers to be properly prepared / compacted without ingress of water into the pavement layers, thereby minimising the risk of settlement and/or pavement failure over time;
- (b) The new road centreline level would be approximately 0.5 metres (desirable) above the current water level. Water would continue to pond on respective sides of Chillinup Road as the road is located in a unrelieved low point;
- (c) There is a chance that the water on Chillinup Road may not subside but remain as a permanent water body. A potential road side hazard would be created due to the depth of water adjacent Chillinup Road (ie: 1.2 metres deep);
- (d) If the water body on either side of Chillinup Road does not subside over time, there is a chance that water levels could rise; and
- (e) Raising the road obviates the need to construct an open drain or underground drainage system through privately owned land. The funds saved from this activity could be expended on rectifying Chillinup Road.

Estimate of Cost

The estimated cost to raise Chillinup Road above the current water level is \$180,000.00. Approximately 500 metres of Chillinup Road would be affected by the adjustment to the road centreline. In addition, a fair proportion of the road embankment on either side of Chillinup Road would need to be rock armoured to protect the road against scour.

**Option 5 – Series of Pumps**

This option would allow the water on Chillinup Road to be pumped to a tributary of the Kalgan River using a series of pumps and hoses. This method has recently been used by the Shire of Lake Grace to successfully drain an area inundated by floodwater.

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**Chillinup Road, Chillinup – Flood Damage Restoration (Cont.)**

For this option to be effective, several high capacity pumps would need to be acquired to reduce the water level at a relatively fast rate. In addition, several kilometres of hose and associated fittings would be required.

Whilst this option is achievable, it is considered impractical for the following reasons:

- (a) At least three (3) high capacity pumps and approximately 3.6 kilometres of hose (3 pumps times 1.2 kilometre hose length) would be required;
- (b) The pumps would be in operation 24 hours / 7 days a week until such time as the water on Chillinup Road was reduced to a manageable level;
- (c) The pumps would need to be appropriately secured / housed to minimise the risk of theft or vandalism, especially when the pumps would be located on private property with little or no surveillance;
- (d) The pumps would require regular maintenance, oiling, and fuelling which is labour intensive and expensive given the current upwards movement in fuel and oil prices;
- (e) There is a noise emission issue associated with the operation of diesel pumps. The operation of the pumps 24 hours / 7 days a week may cause inconvenience to adjacent land owners depending on the prevailing wind conditions at the time;
- (f) The use of pumps to move small bodies of water is advantageous. However, there is more than 240,000 cubic metres (m<sup>3</sup>) of water at Chillinup Road which makes the pumping option less attractive.

The pumping option has not been thoroughly costed by staff. If directed however, the pumping option will be further investigated if the Council considers this option to be of greater benefit than the other alternatives identified above.

**Summary**

If the Council resolves to drain and repair the road pavement at Chillinup Road (Location 1 - Options 2 to 5), there will be pressure on the Council to permit light vehicles and heavy transport to utilise the road. The opening up of Chillinup Road at Location 1, if adopted by the Council, would not automatically result in the entire length of Chillinup Road being open to traffic due to the depth of water, extent of undermining, road pavement damage, and unsafe nature of the road side environment at Lake Chillinup. Even if repaired at Location 1, Chillinup Road will remain closed to all traffic between Lake Chillinup and Palmdale Road until such time as the water level recedes and pavement repaired.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

That in respect of the flooded sections of Chillinup Road located approximately 900 metres east of the Chester Pass Road intersection and in the vicinity of Lake Chillinup, that the following actions be endorsed:

- (1) Chillinup Road between Chester Pass Road and Palmdale Road being temporarily closed to all vehicular traffic until such time as the water level recedes approximately 900 metres east of the Chester Pass Road intersection and in the vicinity of Lake Chillinup.

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**Chillinup Road, Chillinup – Flood Damage Restoration (Cont.)**

- (2) The temporary road closure and timetable for the reinstatement of Chillinup Road between Chester Pass Road and Palmdale Road being publicly advertised in the local print media.
- (3) Following recession of the water level on Chillinup Road, that the damaged sections between Chester Pass Road and Palmdale Road be repaired as a matter of priority.

**ALTERNATIVE MOTION**

**Moved Cr M Skinner, seconded Cr J Cameron:**

**THAT:**

- (1) The Council requests the Executive Director Technical and Development Services to develop preliminary design and costs on an alternative route on the southern side of the two (2) flooded sections (swamp and lake) of Chillinup Road as a matter of urgency.
- (2) These costings include land acquisition and construction of a gravel road capable of carrying road train traffic on Chillinup Road.
- (3) The Shire President and Vice President be authorised to negotiate with Main Roads WA and if necessary, the Minister for Planning and Infrastructure to attain opening up funding (100%) or at worst a 75% / 25% split funding for these roadworks.
- (4) Further funding based on the normal 67% / 33% split be negotiated for sealing of this new road within two (2) years.

**AMENDMENT**

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

**THAT:**

- (1) The words 'on the southern side' be removed from Part (1) of the motion.
- (2) A further two parts be added to the motion as follows:
  - (a) Chillinup Road between Chester Pass Road and Palmdale Road being temporarily closed to all vehicular traffic until such time as the water level recedes approximately 900 metres east of the Chester Pass Road intersection and in the vicinity of Lake Chillinup.
  - (b) The temporary road closure and timetable for the reinstatement of Chillinup Road between Chester Pass Road and Palmdale Road being publicly advertised in the local print media.

**CARRIED (7/0)**

**No. 275/05**

**COUNCIL DECISION****THAT:**

- (1) The Council requests the Executive Director Technical and Development Services to develop preliminary design and costs on an alternative route of the two (2) flooded sections (swamp and lake) of Chillinup Road as a matter of urgency.**
- (2) These costings include land acquisition and construction of a gravel road capable of carrying road train traffic on Chillinup Road.**
- (3) The Shire President and Vice President be authorised to negotiate with Main Roads WA and if necessary, the Minister for Planning and Infrastructure to attain opening up funding (100%) or at worst a 75% / 25% split funding for these roadworks.**
- (4) Further funding based on the normal 67% / 33% split be negotiated for sealing of this new road within two (2) years.**
- (5) Chillinup Road between Chester Pass Road and Palmdale Road being temporarily closed to all vehicular traffic until such time as the water level recedes approximately 900 metres east of the Chester Pass Road intersection and in the vicinity of Lake Chillinup.**
- (6) The temporary road closure and timetable for the reinstatement of Chillinup Road between Chester Pass Road and Palmdale Road being publicly advertised in the local print media.**

**CARRIED (7/0)**

**No. 276/05**

Reasons For Change

- (i) The options in the original Officer's Recommendation do not open up Chillinup Road.
- (ii) Chillinup Road needs to be open for harvest or Syred and Palmdale Roads will be destroyed.
- (iii) There is a big chance that the swamp on Chillinup Road will not dry out for two (2) years.
- (iv) Discussion with the Manager of Main Roads WA Albany has indicated that any practical option is worth pursuing whether it fully complies with funding criteria or not.

## 9.4 DEVELOPMENT SERVICES REPORTS

### 9.4.1 LOT 18, 8 MONDURUP STREET, MOUNT BARKER - PROPOSED SHOP AND OPEN AIR DISPLAY

<b>Location / Address:</b>	<b>Lot 18, 8 Mondurup Street, Mount Barker</b>
<b>Attachments (3):</b>	<b>Locality Plan Site Plan Site Plan (with contours)</b>
<b>Name of Applicant:</b>	<b>Christopher Steers for David Holmes (owner)</b>
<b>File Reference:</b>	<b>RV/182/4541</b>
<b>Author:</b>	<b>Joe O'Keefe - Town Planner</b>
<b>Authorised By:</b>	<b>Delma Baesjou - Manager Development Services</b>
<b>Date of Report:</b>	<b>30 August 2005</b>

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#### **Purpose**

The purpose of this report is to consider an application to develop Lot 18, 8 Mondurup Street, Mount Barker as a Shop and Open Air Display (Handyman and Skip Hire Service)

#### **Background**

The subject land is 1,824m<sup>2</sup> in area and is zoned Service Industrial under the Shire of Plantagenet Town Planning Scheme No. 3. The lot frontage is approximately 38m and the lot depth is approximately 48m.

The lot is currently undeveloped, apart from fill which has been placed on the northern portion of the site. The natural slope of the land is west to east.

The proposed 81m<sup>2</sup> shed, including verandahs, is 9m x 9m. The steel framed shed is proposed to be clad in off white colorbond®. Proposed setbacks are: front: 18m, side: 3m and rear: 21m.

The site plan indicates 390m<sup>2</sup> of landscaping and 540m<sup>2</sup> of car parking area.

Shire records show the registered owner to be David John Holmes. Shire records indicate the property to be Lot 251 Mondurup Street, Mount Barker, however, a title search shows the property to be Lot 18 Mondurup Street, Mount Barker.

#### **Statutory Environment**

Town Planning and Development Act (1928) as amended; affected by: Shire of Plantagenet Town Planning Scheme No. 3, which zones the subject land Service Industrial.



## SCHEDULE IV; ZONE DEVELOPMENT TABLE

ZONE DEVELOPMENT TABLE									
ZONED	MINIMUM LOT AREA	MINIMUM DEFFECTIVE FRONTAGE	MAXIMUM PLOT RATIO	MINIMUM BOUNDARY SETBACKS			MINIMUM CAR PARKING SPACE	MINIMUM LANDSCAPING (% of site)	MAXIMUM ADVERTISING (m <sup>2</sup> )
				FRONT (m)	REAR (m)	SIDES (m)			
Service Industrial	1000	20	0.5	9	5	5 on one side	1 per 100m <sup>2</sup> gross floor area or display area	20	5
				7.5 (where boundary abuts Residential Zone)					

The proposed 'Hire Business: Handyman and Mini Skips' is consistent with the use classes of 'Shop' and 'Open Air Display'. Both are listed as AA uses within the Service Industrial Zone, which means that the Council may, at its discretion, permit the development.

### Consultation

Discussions have occurred with the applicant regarding levels of land fill, vehicle entry point, separation of pedestrian and vehicular traffic, distance to watercourses and highest known water level from base of any future wastewater system.

The applicant has stated he intends to attend the Council meeting to discuss the application.

### Policy Implications

There are no policy implications for this report.

### Financial Implications

There are no financial implications for this report.

### Strategic Implications

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

### Officer Comment

Connection to the reticulated sewerage system is not available as the closest sewerage main (approximately 100m east in Mitchell Street) is a pumping main which cannot be connected into. The applicants proposal, 'Toilet will be connected to septic sewerage when business is fully functional' is not supported as wastewater management is an issue of concern on low-lying lots without reticulated sewerage connection.

Proposed setbacks, parking, landscaping areas all comply with the development table for the Service Industrial Zone.

The proposed parking area (540m<sup>2</sup>) is greater than the one (1) bay required for the 81m<sup>2</sup> shop and one (1) bay required for every 100m<sup>2</sup> of Open Air Display (skip

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**Lot 18, 8 Mondurup Street, Mount Barker – Proposed Shop And Open Air Display (Cont.)**

storage area). It is recommended that customer car parking bays be marked in a location separate from the manoeuvring and parking area required for trucks / service vehicles.

Fill is recommended in the south-west corner of the lot to achieve the minimum 2m clearance from the base of effluent system to the highest known groundwater level. The proponent is prepared to fill the lot to ensure minimum vertical distances can be achieved.

A retaining wall may be required to ensure fill across the lot cannot erode onto adjacent lots or to downstream areas.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That planning consent be granted in respect of Application No. 27/05 for Lot 18 Mondurup Street, Mount Barker to be developed for the purpose of Shop and Open Air Display (Handyman and Skip Hire) subject to the following conditions:**

- (1) Access to the site being provided by an approved crossover designed and constructed in accordance with the Shire of Plantagenet specifications for construction of a vehicle crossover.**
- (2) The sealed access way and parking areas being installed in accordance with the approved plan.**
- (3) The crossover, access way and vehicle parking area being funded and maintained by the proponent to the satisfaction of the Council.**
- (4) All stormwater runoff being contained on-site and disposed of to the satisfaction of the Executive Director of Technical and Development Services.**
- (5) The development being connected to an approved on-site wastewater disposal system, with a minimum 2m vertical separation distance between to the highest known groundwater level.**
- (6) Any on-site fill being suitably retained to ensure no off site impacts.**
- (7) Landscaping areas totalling 390m<sup>2</sup> being planted and maintained to the satisfaction of the Council.**
- (8) No development (including parking or storage of skips bins) being within 7.5m of the Residential zone adjoining the rear lot boundary.**
- (9) The development being connected to a reticulated water supply.**
- (10) Any on-site signage being in accordance with clause 5.6 of the Shire of Plantagenet Town Planning Scheme No. 3.**

**ADVICE NOTES**

- (i) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development, in particular the Building Code of Australia.**
- (ii) Advertising signage is limited to 5m<sup>2</sup> in total and shall be located within lot 18 and not in the adjacent road reserve.**
- (iii) It is recommended that the front gate (entry system) distinguish between vehicular and pedestrian access using different surface treatments.**

**CARRIED (7/0)**

**No. 277/05**

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**9.4.2 LOT 300 (47) INGOLDBY STREET, MOUNT BARKER - PROPOSED  
REDUCED SETBACK FOR HOUSE**

<b>Location / Address:</b>	<b>Lot 300 Ingoldby Street, Mount Barker</b>
<b>Attachments (4):</b>	<b>Locality Plan Site Plan Subdivision Guide Plan – Rural Residential Zone 3 Proponents Supporting Letter</b>
<b>Name of Applicant:</b>	<b>Gordon and Carol Thomson</b>
<b>File Reference:</b>	<b>RV/182/1466</b>
<b>Author:</b>	<b>Joe O'Keefe - Town Planner</b>
<b>Authorised By:</b>	<b>Delma Baesjou - Manager Development Services</b>
<b>Date of Report:</b>	<b>30 August 2005</b>

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**Purpose**

The purpose of this report is to consider an application to vary the setback to a proposed house at Lot 300 Ingoldby Street, Mount Barker, from 15 metres to 11 metres.

**Background**

The subject land is zoned Rural Residential (Area 3) under the Shire of Plantagenet Town Planning Scheme No. 3. Specific controls set out in Schedule V of the Town Planning Scheme apply to individual Rural Residential Zones. The Scheme contains the following objective for Area 3:

*'The purpose of the Mt Barker Townsite East Rural Residential area is to retain the semi-rural character of the lower lying land adjacent to the Mt Barker residential area and to minimise the export of nutrients and encourage revegetation of cleared areas and areas adjacent to wetlands.'*

The Subdivision Guide Plan applicable to this area was approved on 27 February 1996. A copy is enclosed.

This proposal is for a Dwelling House 11m from eastern lot boundary. A relaxation of the 15m minimum setback is requested.

Shire records show the registered owners to be GB and CA Thomson.

**Statutory Environment**

Town Planning and Development Act 1928 (as amended), effected by the Shire of Plantagenet Town Planning Scheme No. 3: Rural Residential Zones. In particular Schedule V Provisions Relating to Specified Areas: 3. Mount Barker Townsite East, Clause 5.3 Building Design and Setbacks which sets out:

*'Houses and outbuildings shall be set back a minimum of 15 metres from any boundary of a lot unless otherwise approved by Council. In approving any setback relaxation, Council shall take into account the topography, lot shape and vegetation on the site.'*

**Consultation**

There has been no consultation regarding this report. The applicant's letter (attached) gives the proponents' reasons for the application.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

Promoting development as far south as possible on these lots maximises the separation distance to the Waste Water Treatment Plant located on R26367.

**Officer Comment**

The proposal has been assessed using the following aspects:

Future Subdivision: A battle axe access leg (BAL) is depicted central to 'former Lot 255' (now lots 300 and 301). The applicant may not be aware of possible future subdivision, which would involve a BAL of 8m to 10m width. An advice note to the applicants is recommended.

Amenity: The landowner of neighbouring Lot 301 to the east of this lot is the subject of an application to the Council

Lot Shape: The lot is approximately 3ha in size and includes a potential rear lot of 2ha, requiring a battle axe access leg (BAL) adjacent to proposed house.

Topography: The lot slopes northwards, land at the south (front) of the lot is more capable of development than lower-lying land to the north.

Vegetation: Whilst the Subdivision Guide Plan depicts a small belt of vegetation crossing the subject land, there is no impact upon vegetation from the proposed house location.

The proposed setback relaxation is considered to be acceptable and approval is recommended.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That planning consent be granted in respect of Application No. 26/05 for Lot 300 Ingoldby Street, Mount Barker, to be developed for the purpose of House with reduced setback of 11 metres in accordance with plans dated 16 August 2005.**

**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) This boundary setback relaxation is granted in the knowledge that, in the event of subdivision based on the approved Subdivision Guide Plan, a future battle axe access leg would be from 1 to 3 metres from the dwelling the subject of this approval.
- (iii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:
  - The Building Code of Australia 2004
  - Building Regulations 1989.

CARRIED (7/0)

No. 278/05

**9.4.3 LOT 301 (53) INGOLDBY STREET, MOUNT BARKER - PROPOSED  
REDUCED SETBACK FOR DOMESTIC SHED**

<b>Location / Address:</b>	<b>Lot 301 Ingoldby Street, Mount Barker</b>
<b>Attachments</b>	<b>Locality Plan Site Plan Subdivision Guide Plan – Rural Residential Zone 3 Proponents Supporting Letter</b>
<b>Name of Applicant:</b>	<b>Russell and Denise Poett</b>
<b>File Reference:</b>	<b>RV/182/4618</b>
<b>Author:</b>	<b>Joe O'Keefe - Town Planner</b>
<b>Authorised By:</b>	<b>Delma Baesjou - Manager Development Services</b>
<b>Date of Report:</b>	<b>30 August 2005</b>

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**Purpose**

The purpose of this report is to consider an application to vary the setback for a domestic shed at Lot 301 Ingoldby Street, Mount Barker from 15 metres to 5 metres.

**BACKGROUND**

The subject land is zoned Rural Residential (Area 3) under the Shire of Plantagenet Town Planning Scheme No. 3. Specific controls set out in Schedule V of the Town Planning Scheme apply to individual Rural Residential Zones. The Scheme contains the following objective for Area 3:

*'The purpose of the Mt Barker Townsite East Rural Residential area is to retain the semi-rural character of the lower lying land adjacent to the Mt Barker residential area and to minimise the export of nutrients and encourage revegetation of cleared areas and areas adjacent to wetlands.'*

The Subdivision Guide Plan applicable to this area was approved on 27 February 1996. A copy is enclosed.

The site contains a dwelling house, approved by the Shire of Plantagenet in 2003 (Building Licence 2207).

This proposal is for a domestic shed 5m from eastern lot boundary. A relaxation of the 15m minimum setback is requested.

Shire records show the registered owners to be Russell and Denise Poett.

**STATUTORY ENVIRONMENT**

Town Planning and Development Act 1928 (as amended), effected by the Shire of Plantagenet Town Planning Scheme No. 3: Rural Residential Zones. In particular Schedule V Provisions Relating to Specified Areas: 3. Mount Barker Townsite East, Clause 5.3 Building Design and Setbacks which sets out:

*'Houses and outbuildings shall be set back a minimum of 15 metres from any boundary of a lot unless otherwise approved by Council. In approving any setback relaxation, Council shall take into account the topography, lot shape and vegetation on the site.'*

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## CONSULTATION

Consultation with the applicant has revealed that access will be gained via the existing crossover to the west of existing dwelling. The applicant's letter is attached; it offers to obtain letters of neighbours' approval, and states the reasons for the application.

## POLICY IMPLICATIONS

There are no policy implications for this report.

## FINANCIAL IMPLICATIONS

There are no financial implications for this report.

## STRATEGIC IMPLICATIONS

Promoting development as far south as possible on these lots maximises the separation distance to the Waste Water Treatment Plant located on R26367.

## OFFICER COMMENT

The proposal has been assessed using the following criteria:

Amenity Impact: Negligible amenity impact is perceived. The one affected neighbouring lot, to the east. This lot has an existing shed at its western end, abutting the subject land, it has potential housing sites located along its 140m frontage to Ingoldby Street.

Lot Shape: The subject land is oriented north-south. There is no reason to require the proposed shed be placed 15m west of the eastern boundary, if 5m can be achieved without amenity impacts on neighbouring lots.

Topography: The lot slopes northwards. Land at the south (front) of the lot is more capable of development than lower-lying land to the north.

Vegetation: There is little vegetation on the subject land. No land clearing is required to accommodate the shed where it is proposed.

The proposed setback relaxation is considered to be acceptable.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr K Clements:

**That planning consent be granted in respect of Application No. 29/05 for Lot 301 Ingoldby Street, Mount Barker, to be developed for the purpose of Dwelling House (Domestic Outbuilding) with a reduced side setback in accordance with plans dated 19 August 2005.**

## 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.**



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Lot 301 (53) Ingoldby Street, Mount Barker – Proposed Reduced Setback For Domestic Shed (Cont.)

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

- The Building Code of Australia 2004
- Building Regulations 1989.

CARRIED (7/0)

No. 279/05

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**9.4.4 LOT 5711 WATERMANS ROAD, MOUNT BARKER - PROPOSED GRAVEL EXTRACTION**

<b>Location / Address:</b>	<b>Lot 5711 Watermans Road, Mount Barker</b>
<b>Attachments (5):</b>	<b>Locality Plan Site Plans x 3 Letter from Applicant (3 pages)</b>
<b>Name of Applicant:</b>	<b>Great Southern Sand and Landscaping Supplies on behalf of Mr G Nicol</b>
<b>File Reference:</b>	<b>RV/182/411</b>
<b>Author:</b>	<b>Joe O'Keefe - Town Planner</b>
<b>Authorised By:</b>	<b>Delma Baesjou - Manager Development Services</b>
<b>Date of Report:</b>	<b>5 September 2005</b>

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**Purpose**

The purpose of this report is to consider an application for an Extractive Industry on Lot 5711 Watermans Road, Mount Barker.

**Background**

It is proposed to extract approximately 79,000m<sup>3</sup> of gravel over an area of approximately 13ha on the southern part of this 338 ha lot.

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

The lot has been used for agriculture and has cleared paddocks and areas of remnant vegetation. There is no house constructed on the lot.

Two gravel extraction sites are proposed, (shown on attached plans).

A: 7.520ha Stages 1-4 (4 Stages)

B: 5.664ha Stages 5-7 (3 Stages)

Total: 13.164ha

The proposed depth of excavation is 500mm – 600mm.

Access for trucks is proposed at the far south-western corner of the lot; to maximise line-of-sight along Watermans Road for any vehicular traffic from the east (approximately 250m line-of-sight). Line-of-sight to the west is greater and is not regarded as a problem.

Rehabilitation will be based on seven (7) stages, averaging 2ha each.

The landowner will get a suitable house site and access road via the proposal.

**Statutory Environment**

Town Planning and Development Act (1928) as amended. The proposal falls within the definition of Extractive Industry contained in the Shire of Plantagenet Town Planning Scheme No. 3 and is listed as an SA use in the Rural Zone. This means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with Clause 6.2.

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Local Government Act 1995, Section 3.5 to 3.17: Local Laws Shire of Plantagenet Extractive Industries Local Law (1999) – relevant extracts and summaries:

### **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) evidence that a datum peg has been established.
- (e) requires certification from a licensed 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 2000m<sup>2</sup>; and*
- (b) the extracted material is not to exceed 2000m<sup>3</sup>;*

*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 of the proposed excavation for twenty one (21) days, providing it complies with Clause 7.

#### **Consultation**

There has been consultation with the proponent, Great Southern Sand and Landscaping Supplies. A site visit with representatives of that company was undertaken on 16 August 2005.

#### **Policy Implications**

There are no policy implications for this report.

#### **Financial Implications**

There are no financial implications for this report.

#### **Strategic Implications**

The draft Shire of Plantagenet Rural Strategy documents provide relevant soil capability information for the subject land' two soil types of the Ke (Kent) system occur:

SYSTEM	DESCRIPTION	SUBSYSTEMS WITHIN THE SHIRE
<b>254 WARREN-DENMARK SOUTHLAND ZONE</b>		
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 paperback heath.	<b>Caldyanup</b> , Camballup, Collis, Kidman, Morande, <b>Mallawillup</b> , Naypundup, Perillup Plain, Quindabellup, Minor Valleys, Sidcup

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

The Mallawillup subsystems covers some 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 Mallawillup subsystem rates 'Moderately High' (ie: 50% to 70% of the subsystem is susceptible to this form of land degradations):

- Wind Erosion

The Caldyanup subsystem covers a greater portion of the subject land. For one category of Relative Susceptibility Land Degradation, it rates Low:

- Water erosion

For the following categories, the subsystem is rated Moderate:

- Salinity Risk
- Subsurface Acidification
- Subsurface Compaction
- Wind erosion.

One category rates High (ie: over 70% of the subsystem is susceptible to this form of land degradation):

- Water logging

There are strategic land management implications for wind erosion, and waterlogging if development is too close to drainage lines. Salinity risk, subsurface acidification and subsurface compaction can be managed via rehabilitation techniques.

#### **Officer Comment**

The proposed plan has been developed from an initial concept forwarded by Great Southern Sand and Landscaping Supplies in July 2005. The plans and documentation received on 12 August 2005 aim to comprehensively address Local Law requirements:

7 (1) (a) Site Plan

The proposed site plan addresses points (i) to (x) of Section 7(1)(a) of the Local Law. One remaining *(xii) other details as the local government may require*; can be added prior to advertising the proposal.

7 (1) (b) Works And Excavation Program

The proposed works and excavation program, involving a three to four year period, addresses most requirements except for:

*(xii) a report of an acoustic consultant verifying that the various plant, machinery and operational noise levels will comply with the requirements of the Environmental Protection (Noise) Regulations 1997;*

The proponent may wish to address this prior to the proposal being advertised for public comment.

Impact on local amenity is minimal due to large lots.

There are no small lots within the immediate vicinity.

This issue to be could be re-examined by the Council following advertising.

7 (1) (c) Rehabilitation And De-Commissioning Program

The proposal addresses this via the following statements set out in the application letter of August 2005:

- *The excavated gravel will be stockpiled in the centre of the excavation site.*
- *The top soil will be stored around the perimeter of the excavation site until used for rehabilitation.*

Rehabilitation Program

- *The topsoil or overburden will be spread back over the excavation site. The site will then be used as grazing land for livestock.*
- *The rehabilitation process will be done progressively. eg: As Stage 1's excavations is completed it will be rehabilitated, and so on.*
- *The batter of the excavation site will be 6:1 Grade and recovered with topsoil.*
- *The topsoil will be pushed back into place by bulldozer. The hard seeded nature of the pasture will allow fast regrowth of the pasture back to its natural state.*
- *The area will naturally re-vegetate under normal climatic conditions. The rehabilitation process will be undertaken during appropriate seasonal conditions eg: Autumn, Winter or Spring.'*

This method, (with stages of 2ha average) should be successful in limiting erosion and rehabilitating good grazing land. No topsoil is proposed to be brought on to the site.

The proposal to undertake rehabilitation in 'Spring, Winter and Autumn' is supported as most practical. Stockpiled topsoil may have to be covered in summer months to prevent wind erosion.

7 (1) (d) Datum Peg

No datum peg has been established on-site.

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Lot 5711 Watermans Road, Mount Barker - Proposed Gravel Extraction (Cont.)

7 (1) (e) Surveyor Certification

Surveyor Certification of land area has not occurred. It is recommended that this requirement be deferred until after advertising.

7 (1) (f) Requirements Of 9 (a) And (b)

It is not clear which of the five (5) sub clauses of clause 9 that 7(1)(f) is intended to refer to. If it is payment of fees as listed in 9(4)(a) and (b) then these issues can await final determination. If it is 9(5)(a) and (b), these site design aspects can be imposed on any approval, to be considered following advertising as conditions of planning approval, and / or excavation licence.

7 (1) (g) Copies Of All Land Use Planning Approvals

The Town Planning and Extractive Industry licence processes are being undertaken in parallel, so this requirement is unachievable.

7 (1) (h) Consent Of Landowner To Application

Owner is the applicant to planning application and the Extractive Industry Licence application.

7 (1) (i) Overall Strategy And Management Plan

The maps, plans and documentation supplied is not in the format envisaged (see 7(1)(i)). It is considered that the information supplied (and given preliminary assessment earlier in this report) to address the other requirements can, if rewritten to another format, comprise an overall staging and management plan.

Council could ask for this information to be re-formatted to meet clause 7(1)(i), however the advantages of this are not apparent.

In conclusion, the requirements of Clause 7 are sufficient to allow the proposal to be progressed. Clause 8 requires advertising for 21 days after Clause 7 has been completed. This requires the Council decision whilst Clause 9 indicates the proponent advertise the proposal. Advertising on behalf of the proponent is preferred, to be consistent with the Town Planning Scheme.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr B Hollingworth, seconded Cr J Mark:**

**THAT:**

- (1) The application for the development of Extractive Industry (Gravel Extraction) and for an extractive industry licence for Lot 5711 Watermans Road, Mount Barker be advertised as an SA use to obtain public input 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) That a further report be prepared at the conclusion of the advertising period for consideration of the Council at its meeting to be held 8 November 2005.**

**CARRIED (7/0)**

**No. 280/05**

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#### 9.4.5 LOTS 6380 - 6383, 67 SECOND AVENUE, KENDENUP - PROPOSED CARETAKER'S DWELLING - SERVICE INDUSTRIAL ZONE

<b>Location / Address:</b>	<b>Lots 6380 - 6383, 67 Second Avenue, Kendenup</b>
<b>Attachments (2):</b>	<b>Locality Plan Site Plan</b>
<b>Name of Applicant:</b>	<b>Christopher Lill</b>
<b>File Reference:</b>	<b>RV/182/243</b>
<b>Author:</b>	<b>Joe O'Keefe - Town Planner</b>
<b>Authorised By:</b>	<b>Delma Baesjou - Manager Development Services</b>
<b>Date of Report:</b>	<b>31 August 2005</b>

#### Purpose

The purpose of this report is consider an application for a dwelling on Service Industrial zoned land, involving three (3) lots owned by the applicant and one crown lot proposed to be purchased from the State Government.

#### Background

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

Lots 6381, 3682 and 6383 are group rated. Shire records show the registered owner to be CJ and JM Lill.

Details of the land, the subject of this application, listed from north (corner of De Garis Street) to south are as follows:

Lot	Size	Development	Current Owner
6383	1,003m <sup>2</sup>	Vacant	Mr CJ and Mrs JM Lill
6382	971m <sup>2</sup>	Engineering workshop straddles lot boundary. Approximately 220m <sup>2</sup> floor area, building setback 5.5m from Second Avenue, 22 m from rear lot boundary	Mr CJ and Mrs JM Lill
6381	962m <sup>2</sup>		Mr CJ and Mrs JM Lill
6380	1,022m <sup>2</sup>	Vacant	State Government
<b>Total</b>	<b>3,958m<sup>2</sup></b>		

An application for a dwelling was received in April 2005. The original proposal sited the dwelling on the southern boundary of Lot 6383 and 7.2m from the existing engineering workshop on Lots 6382 and 6381.

Officers were advised the applicant intended to purchase Lot 6380 and amalgamate it with the lots 6381, 6382 and 6383. With applicant's agreement, processing of that development application was deferred.

On 18 August 2005 the Department for Planning and Infrastructure provided the Shire of Plantagenet with a copy of the offer and acceptance for Lot 6380. Transfer is

Lot 6380-6383, 67 Second Avenue, Kendenup – Proposed Caretaker’s Dwelling – Service Industrial Zone (Cont.)

conditional upon amalgamation with Lot 6381. The applicant is prepared to amalgamate all four (4) lots, into one parcel of approximately 3,985m<sup>2</sup>.

The proposed dwelling is to be built at the southern end of the new lot. This provides a site for a caretaker’s dwelling, set further away from the existing engineering workshop.

### Statutory Environment

Town Planning and Development Act (1928) as amended; effected by: Shire of Plantagenet Town Planning Scheme No. 3, which zones the subject land Service Industrial.

### SCHEDULE IV; ZONE DEVELOPMENT TABLE

ZONE DEVELOPMENT TABLE									
ZONED	MINIMUM LOT AREA	MINIMUM DEFFECTIVE FRONTAGE	MAXIMUM PLOT RATIO	MINIMUM BOUNDARY SETBACKS			MINIMUM CAR PARKING SPACE	MINIMUM LANDSCAPING (% of site)	MAXIMUM ADVERTISING (m <sup>2</sup> )
				FRONT (m)	REAR (m)	SIDES (m)			
Service Industrial	1000	20	0.5	9	5	5 on one side	1 per 100m <sup>2</sup> gross floor area or display area	20	5
				7.5 (where boundary abuts Residential Zone)					

*‘Caretaker’s Dwelling means a house used by a person having the care of a building or plant situated upon the same lot or an industrial or commercial activity carried on upon the same lot.’*

Caretaker’s Dwelling is listed as an AA use in the Zoning Table, which means that the Council may, at its discretion, permit the use.

### Consultation

Officers have conferred with the applicant to discuss the proposal and ensure the development approval coincides with the Building Licence, amalgamation and land transfer processes.

The applicant has submitted a revised site plan showing caretaker’s dwelling on an amalgamated (3,958m<sup>2</sup>) lot. He is aware that amalgamation cannot be a condition of development approval.

As he has partly progressed the amalgamation of lots, it is considered acceptable practice to issue planning consent, with issue of the resultant building licence awaiting final certificate of title evidence that the four lot amalgamation is complete.

### Policy Implications

There are no policy implications for this report.

### Financial Implications

There are no financial implications for this report.



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Lot 6380-6383, 67 Second Avenue, Kendenup – Proposed Caretaker’s Dwelling – Service Industrial Zone (Cont.)

### **Strategic Implications**

The amalgamation of four (4) lots will provide a second lot of approximately 4,000m<sup>2</sup> for service industrial purposes. Lot 2 First Avenue is 4,047m<sup>2</sup>. There may be future opportunities to amalgamate another four (4) lots, to the south of the land subject to this application, and possibly four (4) lots to the north of De Garis Street, for larger (and therefore more capable) lots.

The Rural Zone abuts the subject lots’ western boundary, (the rear laneway is zoned Rural also). Lots opposite on Second Avenue are all zoned Residential.

### **Officer Comment**

The Caretaker’s Dwelling is considered to be an acceptable land use within the Service Industrial Zone. Less limitations on use of the land will result, than would if the house was 7.2m to workshop as originally proposed.

As lots to the south are also zoned Service Industrial, asking the applicant to locate the house as far south as possible on his amalgamated lot cannot be recommended, as these may be developed for Service Industrial uses in the future.

The amalgamated lot will be approximately 80m x 49m so there will be opportunities to maximise the distance of the house to the engineering workshop.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr J Mark, seconded Cr M Skinner:**

**That planning consent be granted in respect of Application No. 16/05 for Lots 6380, 6381, 6382 and 6383, 67 Second Avenue, Kendenup to be developed for the purpose of Caretaker’s Dwelling in accordance with the plans dated 30 August 2005, subject to the following conditions:**

- (1) The crossover, access way and vehicle parking areas being funded and maintained by the proponent to the Council’s adopted standards for crossovers.**
- (2) All stormwater runoff being contained on-site and disposed of to the satisfaction of the Executive Director of Technical and Development Services.**
- (3) The development being connected to an approved on-site wastewater disposal system, with a minimum 2m vertical separation distance between to the highest known groundwater level.**
- (4) A detailed landscaping plan being submitted and assessed prior to the issue of a Building Licence and all landscaping areas of approximately 790m<sup>2</sup> (20% of the site), being planted and maintained to the satisfaction of the Executive Director of Technical and Development Services.**
- (5) A detailed landscaping plan being submitted and assessed prior to the issue of a Building Licence.**

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Lots 6380 - 6383, 67 Second Avenue, Kendenup - Proposed Caretaker's Dwelling, Service Industrial Zone  
(Cont.)

- (6) Landscaping, sealed access ways and parking areas being installed in accordance with the approved plan.**
- (7) No development being within 7.5m of the Residential zone.**

#### **ADVICE NOTES**

- (i) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development, in particular the Building Code of Australia.**
- (ii) The applicant is advised that the proximity of the proposed house to the engineering workshop will potentially limit some 'service industrial' uses there.**
- (iii) The Amalgamation of Lots 6380, 6381, 6382 and 6383 into a single parcel of land is required prior to the issue of a Building Licence.**
- (iv) Minimum 3m clearance around all buildings, as required by the Council's Firebreak Notice.**

**CARRIED (7/0)**

**No. 281/05**

**9.4.6 LOT 94 BOOTH STREET, MOUNT BARKER - APPLICATION FOR TEMPORARY ACCOMMODATION**

<b>Location / Address:</b>	<b>Lot 94 Booth Street, Mount Barker</b>
<b>Attachments:</b>	<b>Site Plan Locality Plan</b>
<b>Name of Applicant:</b>	<b>Shirley and Roy Fazey</b>
<b>File Reference:</b>	<b>RV/182/1657</b>
<b>Author:</b>	<b>Eric Howard - Environmental Health Officer</b>
<b>Authorised By:</b>	<b>Stephen Bell - Executive Director Technical and Development Services</b>
<b>Date of Report:</b>	<b>2 September 2005</b>

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**Purpose**

The purpose of this report is to consider an application for temporary accommodation at Lot 94 Booth Street, Mount Barker.

**Background**

An application has been received from the owners of Lot 94 Booth Street, Mount Barker seeking approval to occupy a caravan located on Lot 94 Booth Street for a period of twelve (12) months during the construction of their class 1a dwelling also located at Lot 94 Booth Street.

A building licence (No. 2421) has been issued for the construction of a class 1a dwelling and a class 10 outbuilding. The outbuilding has been constructed at the rear of the lot and contains toilet, laundry and bathroom facilities, connected to the reticulated sewer by a licenced plumber.

The applicant has experienced acts of vandalism and theft of building materials and tools from the building site and therefore have commenced occupation of a caravan on the lot to prevent further acts of vandalism of their property.

The applicants now seek Council approval to occupy a caravan on Lot 94 Booth Street, Mount Barker, for a period of twelve (12) months, in accordance with the provisions of the Caravan Parks and Camping Ground Regulations 1997.

**Statutory Environment**

Caravan Parks and Camping Ground Regulations 1997 Section (11) (2) (c) (i) and (ii) states as follows:

- (2) *Written approval may be given for a person to camp on land referred to in subregulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (c) *despite paragraph (b), by the local government of the district where the land is situated —*
- (i) *if such approval will not result in the land being camped on for longer than 12 consecutive months; and*

- (ii) *if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'*

**Consultation**

This application has been discussed with Mr Alan Watkins, Principal Building Surveyor and Mr Joe O'Keefe, Town Planner.

**Policy Implications**

There are no policy implications for this application.

**Financial Implications**

There are no financial implications for this application.

**Strategic Implications**

There are no strategic implications for this application.

**Officer Comment**

The applicants are currently residing within a caravan on Lot 94 Booth Street, Mount Barker and were unaware they required the Council's approval to do so.

An inspection of the caravan and outbuilding has confirmed that the construction, electrical and plumbing works have been installed by licenced tradespersons and conform to health and safety standards required for this type of use.

The occupation of temporary accommodation at this location is not expected to adversely impact upon adjoining neighbours.

The applicants have formally agreed to comply with the requirements and conditions expressed in the Council's Application for Temporary Accommodation document.

The Council's approval to occupy temporary accommodation expires at the completion of twelve (12) months or may be cancelled at any time within the twelve (12) month approval period.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That approval be granted to S and R Fazey to occupy temporary accommodation at Lot 94 Booth Street, Mount Barker for a period of twelve (12) months subject to:**

- (1) Satisfactory progress being maintained with the construction of the class 1a dwelling.**
- (2) The approval to occupy temporary accommodation may be revoked at any time within the twelve (12) month approval period.**

**CARRIED (7/0)**

**No. 282/05**

**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 ENTERPRISE BARGAINING NEGOTIATIONS

**Location / Address:** N / A  
**Name of Applicant:** N / A  
**File Reference:** PE/103/2  
**Author:** Rob Stewart - Chief Executive Officer  
**Authorised By:** Rob Stewart - Chief Executive Officer  
**Date of Report:** 6 September 2005

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#### **Purpose**

The purpose of this report is to present to the Council an initiative, which if accepted, will bring the time consuming enterprise bargaining process to a satisfactory conclusion.

#### **MOTION TO PROCEED BEHIND CLOSED DOORS**

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

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

- (a) a matter affecting an employee or employees;**

**CARRIED (7/0)**

**No. 283/05**

Press and staff withdrew from the meeting at 4:19pm.

#### **OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr B Hollingworth, seconded Cr J Mark:**

**That the Shire of Plantagenet, in recognising the value of its staff to the organisation and to the community, authorises the Chief Executive Officer to implement remuneration increases to all staff other than contract staff, such that adjustments are implemented to reflect 11% over award payments, with staff responding to the Shire of Plantagenet Outside Workers Certified Enterprise Bargaining Agreement adjustment being applicable from the pay period commencing 22 September 2004 and all other staff affected adjusted in two (2) moities, the first payment from the pay period commencing 22 September 2005 and the second payment being made from the pay period commencing 21 September 2006.**

**CARRIED 4/3**

**No. 284/05**

**MOTION TO PROCEED IN PUBLIC**

Moved Cr M Skinner, seconded Cr K Clements:

5:23pm That the meeting proceed in public.

**CARRIED 7/0**

**No. 285/05**

**13 CLOSURE OF MEETING**

5:25pm The Presiding Member declared the meeting closed.

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