



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council held in the
Frost Park Pavilion, McDonald Avenue, Mount Barker
2:45pm Tuesday 25 October 2005

Rob Stewart
CHIEF EXECUTIVE OFFICER

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
4	PUBLIC QUESTION TIME	2
5	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE	2
7	CONFIRMATION OF MINUTES.....	2
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	2
9	REPORTS OF COMMITTEES AND OFFICERS.....	4
9.1	CORPORATE SERVICES REPORTS	4
9.1.1	LIST OF PAYMENTS - SEPTEMBER 2005	4
9.1.2	MONTHLY FINANCIAL STATEMENTS - SEPTEMBER 2005	5
9.1.3	BUDGET RE-ALLOCATIONS - 30 SEPTEMBER 2005	7
9.2	TECHNICAL SERVICES REPORTS.....	9
9.2.1	CHILLINUP ROAD, CHILLINUP – ROAD REALIGNMENT AND REINSTATEMENT OPTIONS.....	9
9.3	DEVELOPMENT SERVICES REPORTS	19
9.3.1	LOT 31, 3 WEBSTER STREET, MOUNT BARKER - FAMILY CHILD CARE	19
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	24
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING	24
12	CONFIDENTIAL	25
13	CLOSURE OF MEETING	25

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

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

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

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

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

Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Williss	Deputy Shire President - East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr J Moir	South Ward
Cr B Hollingworth	Town Ward
Cr J Mark	Town Ward
Cr K Hart	Kendenup Ward
Mr R Stewart	Chief Executive Officer
Mr S Bell	Executive Director Technical and Development Services
Ms D Baesjou	Manager Development Services
Mrs K Skinner	Executive Secretary
Miss C Delmage	Administration Officer – Minutes and Agenda

There were no members of the public present.

There were no members of the media present.

Apologies

Cr M Skinner East Ward

Previously Approved Leave Of Absence

Cr K Clements 25 October 2005

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

Nil

7 CONFIRMATION OF MINUTES

Moved Cr J Cameron, seconded Cr J Mark:

That the Minutes of the Ordinary Meeting of the Council held 11 October 2005 be confirmed.

CARRIED (7/0)

No. 301/05

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 13 October 2005 – The Shire President and Deputy Shire President attended a One Community, One College Site and Transport Committee meeting. An architect is still to be appointed and until then there will be no further meetings of the Committee.
- 15 October 2005 – The Deputy Shire President attended the Mount Barker Volunteer Fire Brigade presentation night as the Council's representative.
- 19 October 2005 – The Shire President, Deputy Shire President, Cr B Hollingworth and Mr S Bell, Executive Director Technical and Development Services (EDTDS), attended the Timber Industry Roads Evaluation Strategy (TIRES) meeting held at the Great Southern Development Commission (GSDC) in Albany to discuss the direction that Councils need to take in developing proposals to present to Main

Roads Western Australia (MRWA) in view of the expected allocation of Ministerial funds in November / December 2005. A figure of \$300,000.00 was suggested for the Shire of Plantagenet as a guide to submit a program for.

- 22 October 2005 – Fire and Emergency Services Authority (FESA) held a very successful workshop for pre-season fire issues at Frost Park Pavilion. Approximately thirty (30) volunteers, including four (4) Councillors attended. Mapping, radio operation, weather reading and fire sectorisation was discussed and all who attended found the workshop very beneficial.
- 24 October 2005 – The first Town Planning Scheme workshop was held at Porongurup Hall. The Shire President, Deputy Shire President, Cr Moir, Ms D Baesjou, Manager Development Services (MDS) and Mrs C McLean, Administration Officer attended along with 24 members of the public. It was a very positive meeting with very little directional change required.
- 26 October 2005 – The Deputy Shire President will chair the 2:30pm Town Planning Scheme workshop which is being held at the Mount Barker Town Hall. The Shire President encouraged as many Councillors as possible to attend these workshops.
- 27 October 2005 – The Deputy Shire President and Mr R Stewart, Chief Executive Officer, (CEO) will endeavour to attend a Public Hearing for the WA Centre for Rural and Remote Medicine in Gnowangerup.
- 27 October 2005 – A performance test of Boontech NLIS (National Livestock Identification Scheme) Scanning System will take place at the Great Southern Regional Cattle Saleyards to determine whether the system will be kept or replaced.
- 28 October 2005 – The Pastoralists and Graziers Association (PGA) of Western Australia will be holding an evening on Agricultural Chemicals: Your Health and Your Business. This evening is by invitation only and the Shire President, Deputy Shire President, Mr R Stewart, CEO and Mr E Howard, Environmental Health Officer (EHO) will be attending.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE SERVICES REPORTS

9.1.1 LIST OF PAYMENTS - SEPTEMBER 2005

Location / Address:	N / A
Attachments:	List of Payments - September 2005
Name of Applicant:	N / A
File Reference:	FM/65/3
Author:	Rayona Evans - Accounts Officer
Authorised By:	John Byrne - Executive Director Corporate and Community Services
Date of Report:	11 October 2005

Purpose

The purpose of this report is to advise the Council of the list of payments that were made during the month of September 2005.

Statutory Environment

Regulation 13 of the Local Government (Financial Management) Regulations 1996 defines the reporting requirements to the Council for the list of accounts.

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.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Hollingworth:

That the payment of accounts, covering electronic payments, cheques 34445 to 34536, totalling \$436,471.28, the payment of trust cheques 98 to 101, totalling \$3,422.00, and credit card transactions for the month of July 2005, totalling \$934.64, be noted.

CARRIED (7/0)

No. 302/05

9.1.2 MONTHLY FINANCIAL STATEMENTS - SEPTEMBER 2005

Location / Address:	N / A
Attachments:	Financial Statements – September 2005
Name of Applicant:	N / A
File Reference:	FM/65/1
Author:	David Blurton - Accountant
Authorised By:	John Byrne – Executive Director Corporate and Community Services
Date of Report:	17 October 2005

Purpose

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 30 September 2005.

Background

Recent amendments to the Local Government (Financial Management) Regulations 1996, gazetted on 31 March 2005 and effective from 1 July 2005 have repealed the former Regulations (34 and 35) relating to monthly and quarterly / annual financial reports. They have been substituted with a new Regulation 34 which only requires local governments to report on a monthly basis, although it is much more prescriptive as to what is required and its intention is to establish a minimum standard across the industry.

New Regulation 34 requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- (a) annual budget estimates;
- (b) budget estimates to the end of the month;
- (c) actual amounts of expenditure and revenue;
- (d) material variances between comparable amounts in (b) and (c) above; and
- (e) the net current assets at the end of the month to which the statement relates (ie: surplus / (deficit) position).

The statement is to be accompanied by: (a) explanation of the composition of net current assets, less committed assets and restricted assets; (b) explanation of the material variances; and (c) such other information considered relevant by the local government.

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.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Mark:

That the financial statements for the month ending 30 September 2005 be received.

CARRIED (7/0)

No. 303/05

9.1.3 BUDGET RE-ALLOCATIONS - 30 SEPTEMBER 2005

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	FM/65/1
Author:	David Blurton - Accountant
Authorised By:	John Byrne – Executive Director Corporate and Community Services
Date of Report:	17 October 2005

Purpose

The purpose of this report is to adjust the adopted 2005-2006 Annual Budget to recognise variations in actual income and expenditure. This is necessary to facilitate effective financial control and ensure that the Council's financial resources are allocated in the most effective manner.

Background

The 2005-2006 Annual Budget was adopted by the Council at its meeting on 12 July 2005.

Statutory Environment

There is no specific section of the Local Government Act (1995) that deals with the re-allocation of funds; however section 6.2(1) of the Local Government Act (Financial Management) Regulations 1996 governs budget requirements for Local Governments.

Regulation 33A now requires a Local Government to conduct a mandatory budget review between 1 January and 31 March each year.

Consultation

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

Policy Implications

There are no policy implications for this report.

Financial Implications

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

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Despite the Department of Local Government and Regional Development imposing a mandatory annual budget review only once per year, staff believe that quarterly reviews will ensure that financial resources are allocated in the most effective manner possible.

Budget Re-allocations - 30 September 2005 (Cont.)

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr J Moir:

That the 2005-2006 adopted budget be varied by:

<u>Account Description</u>	<u>Original Budget (\$)</u>	<u>New Budget (\$)</u>
Purchase Lot 105 First Ave, Kendenup - 510.3.137	0	(8,531)
Kendenup BFB Contribution - 510.4.146	0	4,781
Grants – Equalisation - 320.2.751	385,120	397,148
Grants – Roadworks (FAGS) - 320.2.752	604,534	601,080
Lease of Chillinup Landfill site – new	0	20,250
Chillinup Landfill Site disbursement to co-owners - new	0	(16,200)
Planning Telecomm. Expense - 1040.1.47	(400)	(2,154)
Frost Park Improvements - 1132.1.345	0	(1,700)
Saleyards Feed Purchases - 1380.1.157	0	(2,000)
Saleyards Utilities - 1380.1.34	(25,137)	(24,137)
Saleyards Marketing - 1380.1.170	(24,624)	(23,624)
Rental Expense 29 Oatlands Road - Manager Works - 1430.1.35	0	(7,500)
Staff Housing Rental Income - 1430.2.780	6,500	8,580

CARRIED (7/0)

No. 304/05

(Absolute Majority)

9.2 TECHNICAL SERVICES REPORTS

9.2.1 CHILLINUP ROAD, CHILLINUP – ROAD RE-ALIGNMENT AND RE-INSTATEMENT OPTIONS

Location / Address:	Chillinup Road, Chillinup
Name Of Applicant:	N / A
File Reference:	RO/50/14
Author:	Stephen Bell - Executive Director Technical and Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	18 October 2005

Purpose

The purpose of this report is to consider preliminary designs and costings on an alternative road alignment to bypass two (2) sections of Chillinup Road that are currently inundated by water as a result of the June long weekend flood event.

The two (2) sections of Chillinup Road identified for realignment are located approximately 900 metres east of the Chester Pass Road and in the vicinity of Lake Chillinup.

Background

At its meeting held on 13 September 2005, the Council resolved 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.'*

Chillinup Road, Chillinup – Road Re-alignment And Re-instatement Options (Cont.)

Figure 1 shows the sections of Chillinup Road inundated by water and Figures 2 and 3 show the extent of flood inundation at Lake Chillinup. Since the photographs were taken, the water level has risen by a further 150 millimetres.

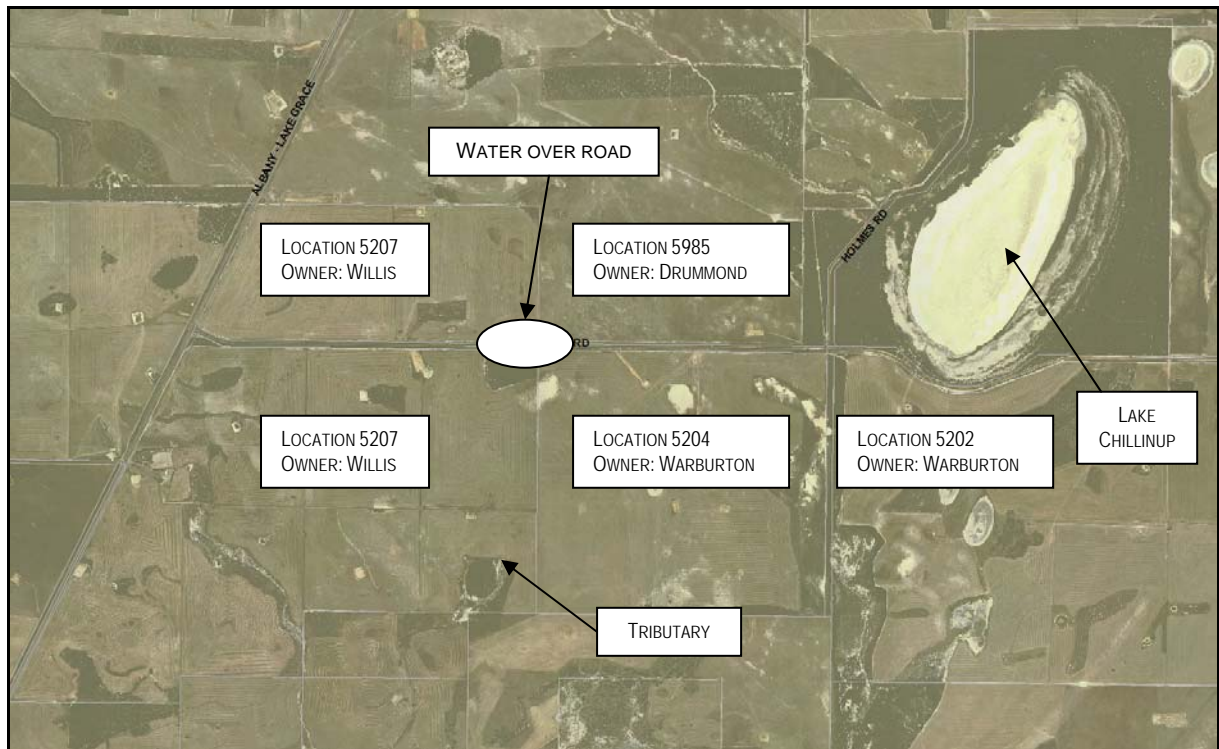


Figure 1 - Chillinup Road Locality Map

Chillinup Road, Chillinup – Road Re-alignment And Re-instatement Options (Cont.)



Figure 2 - Chillinup Road at Lake Chillinup (Western View)



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

Statutory Environment

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

With regards to the undertaking of works 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, if a road is earmarked for realignment through privately owned land, such a road must be wholly located within a dedicated road reservation.

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.

The owner of Location 5202 and 5204, Mr Michael Warburton, is amenable to the Shire undertaking works upon his land provided the extent of land required to facilitate the new road alignment is kept to a minimum. This consultation occurred 18 October 2005.

The owner of Location 5207, Mr Mal Williss, has previously been consulted about the possibility of constructing an open drain on his land to remedy the flood situation on Chillinup Road. However, discussions in relation to the resumption of land to accommodate a new road alignment have not occurred at this stage.

Policy Implications

There are no policy implications for this report.

Financial Implications

The storm events that occurred during April, May, and June 2005 have been classified 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 open up a road following a storm event, these costs can be recouped to 100% of the total cost.

Recent discussions with the Regional Manager of Main Roads Western Australia (Great Southern office) indicate that MRWA would be amenable to funding the realignment of Chillinup Road through the June flood damage claim. At this stage however, it is unclear whether Main Roads will fund the realignment of Chillinup Road up to 75% of the total cost of the works.

Strategic Implications

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

Chillinup Road, Chillinup – Road Re-alignment And Re-instatement Options (Cont.)

Officer Comment

(1) Chillinup Road At Lake Chillinup

Following the completion of preliminary investigations, Chillinup Road can be realigned to bypass the flooded section of road at Lake Chillinup and the realignment can be wholly contained within one (1) parcel of land, being Plantagenet Location 5202.

It is possible to provide an alignment (horizontal and vertical geometry) and carriageway width that will accommodate use by the heavy transport industry, particularly B-doubles and road trains, and safe for the travelling public. Drawings showing the horizontal and vertical alignment and cross sections will be tabled at the Council meeting, however for information purposes Figure 4 shows two (2) possible alignments developed for the realignment of Chillinup Road at Lake Chillinup.

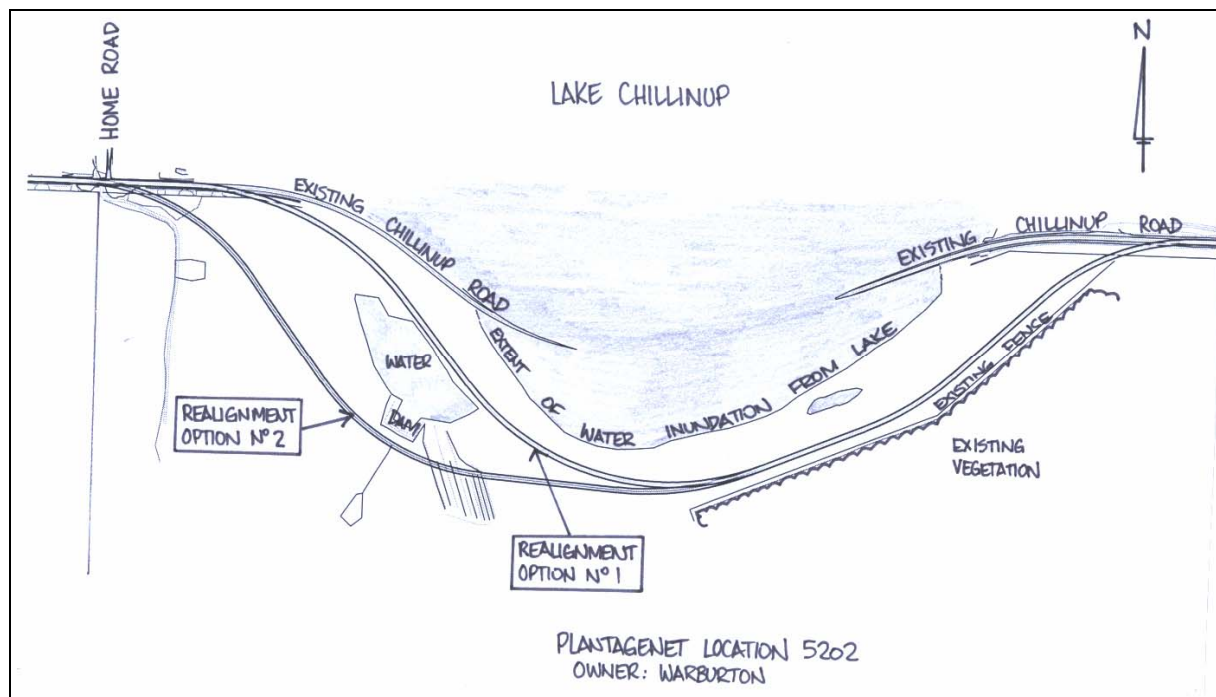


Figure 4 - Chillinup Road at Lake Chillinup: Realignment Options

Discussions were held with the owner of Plantagenet Location 5202 on 18 October 2005 to enquire whether the owner was amenable to the Shire acquiring land for road widening purposes. The owner, Mr Warburton, has given in-principal support to the realignment of Chillinup Road provided the road widening is kept to a minimum. Mr Warburton also supports realignment Option 1 which locates the road north of the existing dam and atop a natural high point (crest) within Plantagenet Location 5202.

The following is a summary of information relating to the realignment of Chillinup Road to the south of Lake Chillinup:

Total length of road realignment	About 2.2 kilometres (2200 metres)
Curve radii applied to new alignment	Min Radius 350 to Radius 500 Max
Alignment design speed	110km/hr

Chillinup Road, Chillinup – Road Re-alignment And Re-instatement Options (Cont.)

Formation width	9.0 metres (excluding shift and lane widening at the superelevated curves)
Bitumen seal width	7.0 metres
Land area required for road widening	20.5 hectares or 51.25 acres
Estimated cost of construction	\$610,000 (includes amount for contingencies)

(2) Chillinup Road 900 metres east of Chester Pass Road

(a) Realignment of Chillinup Road

Two (2) preliminary designs were undertaken at the flooded section of Chillinup Road located approximately 900 metres east of the Chester Pass Road. In this regard, a design was undertaken to accommodate realignment to the north and south of the existing water body. Drawings showing the horizontal and vertical alignment and typical cross sections will be tabled at the Council meeting, however for diagrammatic purposes Figure 5 shows the two (2) preliminary realignment options developed for Chillinup Road.

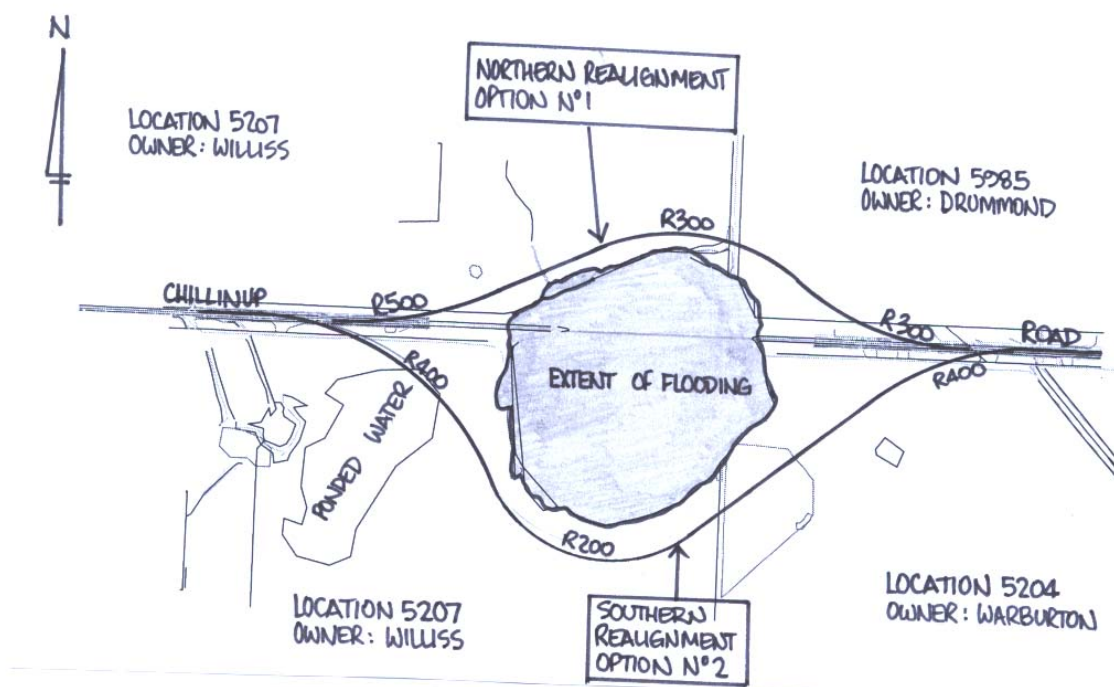


Figure 5 - Chillinup Road 900m east of Chester Pass Road: Realignment Options

The section of Chillinup Road inundated by water is approximately 400 metres in length. The water extends into privately owned land approximately 130 metres to the north and 300 metres to the south. The road reserve and privately owned land that is inundated by water is heavily vegetated and the new road alignment will need to avoid the vegetation to gain acceptance by the Department of Environment.

Whilst it is possible to realign the road to the north or south of the water body, the alignments would not be conducive for use by heavy haulage due to the tight curve

Chillinup Road, Chillinup – Road Re-alignment And Re-instatement Options (Cont.)

radii and insufficient length between straights to appropriately develop superelevation into and out of each horizontal curve. Further, the realignment to the north or south of the existing Chillinup Road formation would involve extensive negotiations with two (2) property owners for the purpose of acquiring road widening. Reaching agreement over the amount of land to be resumed and compensation to be paid, if any, would take some time to reach.

It is the opinion of Council Officers that Chillinup Road should not be realigned at the subject location as it will be costly to implement, produce an inferior and unsafe road alignment for heavy haulage and the travelling public, and place an abrupt 'kink' in Chillinup Road. Further, the design speed of Chillinup Road would need to be limited to 70 to 80 kilometres an hour (depending on the alignment adopted) at the tight horizontal curves to enhance road safety.

The following is a summary of information relating to the realignment of Chillinup Road east of the Chester Pass Road:

Northern Alignment

Total length of road realignment	About 1.1 kilometre (1100 metres)
Curve radii applied to new alignment	Min Radius 300 to Radius 400 Max
Alignment design speed	70km/hr
Formation width	9.0 metres (excluding shift and lane widening at the superelevated curves)
Bitumen seal width	7.0 metres
Land area required for road widening	About 7.0 hectares
Estimated cost of construction	\$298,000 (includes amount for contingencies)

Southern Alignment

Total length of road realignment	About 1.8 kilometres (1800 metres)
Curve radii applied to alignment	Min Radius 200 to Radius 500 Max
Alignment design speed	80km/hr
Formation width	9.0 metres (excluding shift and lane widening at the superelevated curves)
Bitumen seal width	7.0 metres
Land area required for road widening	About 60 hectares
Estimated cost of construction	\$488,000 (includes amount for contingencies)

(b) Pumping Option

As Councillors will recall, there was an item tabled at the Council's meeting of 13 September 2005 in regard to practical and cost effective options to drain and reinstate Chillinup Road 900 metres east of the Chester Pass Road. One of those options related to the pumping of the water to a tributary of the Kalgan River, located within Plantagenet Location 5207 (refer to Figure 1 for location of tributary). At the time of writing the initial report, pumps with the capacity to move high volumes of water quickly could not be sourced locally.

In recent times, Technical and Development Services has been able to locate a pump capable of discharging high volumes of water. In this regard, a quotation has been obtained from a hire company specialising in high capacity pumps used by the mining sector. Based on the quotation from the hire company, the total estimated cost to drain Chillinup Road is shown in Table 1.

Chillinup Road, Chillinup – Road Re-alignment And Re-instatement Options (Cont.)

Table 1 – Chillinup Road: 900m East Of Chester Pass Road

Volume Of Water	
Total volume of water (approx)	240,000 m ³
Pump output / hour	360 m ³
Pump output / day	8,640 m ³
Number of days to empty	27.8 days
Hire Of Pump	
200mm CP200	\$ 250.00
200mm x 12m (inlet hose)	\$ 39.60
200mm x 1200m high pressure lay flat hose (heavy duty)	\$ 1,572.00
Sub Total Hire / Day	\$ 1,861.60
Damage Waiver	\$ 232.70
Hire Tax	\$ 37.70
GST	\$ 213.20
Total Hire / Day	\$ 2,345.20
Total Hire Cost for 28 days	\$ 65,665.60
Shire of Plantagenet Costs	
Vehicle and manpower (to service the pump each day)	\$ 2,800.00
Pump running costs (Fuel and Oil)	\$ 9,408.00
Mobilisation and demobilisation	\$ 240.00
Total Shire	\$ 12,448.00
Total Cost to Pump Chillinup Road at Location 1	\$ 78,113.60

If the subject section of Chillinup Road was to be drained using a pump, the total cost to drain and reinstate the existing road pavement and bitumen seal would be:

Pump Hire (28 days min)	\$ 77,592.40
Restoration of Chillinup Road	\$ 105,000.00
Total Estimated Cost	\$ 183,113.60

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr D Williss, seconded Cr K Hart:

THAT:

- (1) Negotiations be initiated with the owner of Plantagenet Location 5202, Mr Warburton, to acquire land for the purposes of realigning a section of Chillinup Road to the south of Lake Chillinup;
- (2) Subject to the owner of Plantagenet Location 5202 agreeing to make available land to the Shire of Plantagenet for road widening purposes that Technical and Development Services commence work on the detailed design and construction of the Chillinup Road realignment to the south of Lake Chillinup;

Chillinup Road, Chillinup – Road Re-alignment And Re-instatement Options (Cont.)

- (3) The flooded section of Chillinup Road, located approximately 900 metres east of the Chester Pass Road, be drained by pumping the water to a tributary of the Kalgan River that is situated within Plantagenet Location 5207 and the road pavement and bitumen seal reinstated following the receding of the water level; and**
- (4) The costs associated with the realignment of Chillinup Road to the south of Lake Chillinup and the draining and reinstatement of Chillinup Road 900 metres east of the Chester Pass Road be included in the Shire's June flood damage claim to Main Roads Western Australia.**

AMENDMENT

Moved Cr J Moir,

That the words 'approximately 1.7 metres above the existing road centreline at the deepest point' be added to Point (3) after the word 'reinstated'.

AMENDMENT LAPSED FOR WANT OF A SECONDER

COUNCIL DECISION

THAT:

- (1) Negotiations be initiated with the owner of Plantagenet Location 5202, Mr Warburton, to acquire land for the purposes of realigning a section of Chillinup Road to the south of Lake Chillinup;**
- (2) Subject to the owner of Plantagenet Location 5202 agreeing to make available land to the Shire of Plantagenet for road widening purposes that Technical and Development Services commence work on the detailed design and construction of the Chillinup Road realignment to the south of Lake Chillinup;**
- (3) The flooded section of Chillinup Road, located approximately 900 metres east of the Chester Pass Road, be drained by pumping the water to a tributary of the Kalgan River that is situated within Plantagenet Location 5207 and the road pavement and bitumen seal reinstated following the receding of the water level; and**
- (4) The costs associated with the realignment of Chillinup Road to the south of Lake Chillinup and the draining and reinstatement of Chillinup Road 900 metres east of the Chester Pass Road be included in the Shire's June flood damage claim to Main Roads Western Australia.**

CARRIED (7/0)

No. 305/05

9.3 DEVELOPMENT SERVICES REPORTS

9.3.1 LOT 31, 3 WEBSTER STREET, MOUNT BARKER - FAMILY CHILD CARE

Location / Address:	Lot 31, 3 Webster Street, Mount Barker
Attachments:	Locality Plan Letter from applicant (3 August 2005 – 3 pages) Child Care Regulations summarised by Department of Community Development (3 pages)
Name of Applicant:	Ms GM Hayes
File Reference:	RV/182/1238
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	16 October 2005

Purpose

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

Background

Lot 31 (3) Webster Street is zoned Residential under the Shire of Plantagenet Town Planning Scheme No. 3.

Council records show the registered owner of the property to be Glenys May Hayes.

The subject land is 1,454m². The previous report to the Council on this matter indicated the lot was 1,600m². This was an error based on a submitted site plan which incorporated part of the road reserve into the lot.

A report on the proposed Family Day Care was considered by the Council at its meeting held 12 July 2005. The following resolution was adopted:

‘THAT:

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

A semi-circular driveway for one-way traffic, expressed as Point 2 of the Council resolution of 12 July 2005 is not achievable. The front curtilage of the house has proven to be 5m rather than 9m from the front of the house, so this design can not be accommodated.

Following receipt of literature from the Department of Community Development, the proposal was advertised in the Plantagenet News and the Albany Advertiser. Letters were sent to adjoining landowners inviting submissions on the proposal. Three (3) submissions were received.

The time taken to obtain documentation, redesign the site plan and undertake consultation meant that the proposal could not be considered at the Council meeting held 13 September 2005.

Statutory Environment

Town Planning and Development Act, 1928, effected by the Town Planning Scheme No. 3.

Scheme Objective 1.6.1: 'To encourage and control orderly development in the Scheme Area in such a way that will promote and safeguard the health, safety, convenience, and economic and general welfare of its' inhabitants and the amenities of the area.'

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

- (a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- (b) determine by absolute majority that the proposed use is consistent with the objectives and purpose of the zone and thereafter follow the 'SA' procedure of Clause 6.2 in considering an Application for planning consent.*

Community Development Act 1972

Child Care Services Regulations 1988

Consultation

There has been extensive consultation between the proponent, representatives from the Department of Community Development (DCD) and officers from the Shire.

- Meeting at the Shire offices – Glenys Hayes (Proponent), Sandy Burton (Department of Community Development's 'Wanslea', Albany), Stephen Bell (Executive Director Technical and Development Services), Jim Robertson (Engineering Technical Officer), Joe O'Keefe (Town Planner) on 2 August 2005.
- Childcare Regulations (summarised by Sandy Burton, Department of Community Development, 'Wanslea') were received on 9 August 2005.
- Revised details of Child Care Regulations (reviewed by Carol Thomas, Department of Community Development, Albany) were received 16 August 2005, summarised Childcare Regulations, are attached.
- Advertising of proposal with the summarised Child Care Regulations, and letter from proponent (dated 3 August 2005) sent to neighbouring landowners, and advertised in the 'Plantagenet News' and 'Albany Advertiser'. Advertising closed 8 September 2005.

Lot 31, 3 Webster Street, Mount Barker – Family Child Care (Cont.)

- Meeting at 3 Webster Street, Mount Barker with Department of Community Development Child Care Licensing officer – Ms Michelle Jarrett, proponent – Ms Glenys Hayes and Town Planner – Mr Joe O’Keefe.

The three (3) submissions received from residents in the vicinity of the proposal are summarised in the following table:

Schedule of Submissions			
Lot 31 Webster Street, Mount Barker – Proposed Family Day Care			
Sub. No.	Name	Address	Input
1	Edward and Christine Knight	24 Ormond Road, Mount Barker	<i>‘My wife and I are in agreeance with 3 Webster Street, Mount Barker being a Family Day Care Premises and support the application.’</i>
2	Glenn and Melissa Zani	11 Webster Street, Mount Barker	<i>‘Re-Proposed Day Care at 3 Webster Street, Mount Barker. We have no objections to the day care.’</i>
3	Thelma and Maurice Howe	34 Deane Street, Mount Barker	<p>(a) Has the Council considered that Webster Street, has school buses exiting and entering twice a day, Monday to Friday?</p> <p>(b) There are elderly residents, mainly on this end of the street, that would like their peace during the day before the school children come home from school to their respective households.</p> <p>(c) There is also the Plantagenet Day Care Centre to consider. It takes 5 minutes to get from our side of town to the other side to drop off children to a registered centre.</p> <p>(d) Does the town really need another family day care centre in Mount Barker?</p> <p>(e) This street gets quite busy at times</p> <p>(f) Thank you for letting us have our say.</p>

Policy Implications

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

The Western Australian Planning Commission issued ‘Planning Bulletin No. 72 – Child-Care Centres’ in June 2005. It nominates a range of issues, including lot shape, that Local Governments should consider.

Financial Implications

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

Strategic Implications

There are no strategic implications for the Council.

Officer Comment

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

The proposed hours of operation are 6:30am to 7:30pm, with the following qualification from the proponent 'I do not intend to operate for overnight care except in an emergency situation...' Days of operation are not nominated.

The proposed maximum number of children is seven (7), consistent with the maximum set by the Child Care Regulations. As Ms Hayes has one child of her own, the maximum number of children is six (6). The proponent has indicated that sibling groups would be targeted as clients, resulting in less than six (6) deliveries and six (6) pick ups each day.

The letter from Ms Hayes also proposes a 'six (6) month trial period' to enable her to monitor traffic parking. The following is an extract from the 'Parent Handbook', intended to be provided to all parents / clients, in her 'Family Day Care Parent Handbook':

Parking

When children are being delivered or picked up, parents / guardians are requested to park in either one of the two driveways to the property. Should both driveways be in use, cars should be parked on the side of the road. Drivers are to ensure that their vehicle is parked entirely on the property and not obstructing the footpath or road verge in any way.'

The input from the public included two (2) letters of support. It should be noted these are not adjoining neighbours to the subject land. It is recommended that these residents be thanked for their input.

Input from an adjacent land holder includes concerns about traffic safety and amenity in Webster Street. The development will result in additional traffic, turning and parking, however the potential impact is considered to be manageable. The proponent has done what is within her power to ensure parking is contained on Lot 31 Webster Street, given lot shape constraints. Client turning and parking behaviour could be monitored as she suggests, for a six (6) month trial period.

The submission also raises concerns about residential amenity from both an existing, and the proposed land use. The existing bus depot is a nonconforming use in the Residential zone. This matter has been discussed with the applicant, who suggested that the school buses often use the eastern entrance of Webster Street rather than the western entry to Deane Street. Options for possible relocation have been discussed with the owners of the bus depot, but this is a matter over which the Council has little control.

Comments in the objection concerning supply and demand for child care places are not matters that the Council can take into consideration when determining this application.

Concerns remain for traffic impact on the precinct. If the Council considers that the impact on amenity of nearby residents is acceptable, approval with conditions is suggested.

Voting Requirements

Absolute Majority (classified as an SA use)

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr D Williss:

That planning consent be granted in respect of Application No. 21/05 for Lot 31 (3) Webster Street, Mount Barker to be used for the purpose for Family Day Care (as defined in the Child Care Services Regulations 1988), in accordance with the plans dated 5 July 2005, subject to the following conditions:

- (1) On site car parking being provided in accordance with the approved site plan.
- (2) Visitors to the centre being advised by the proponent to park wholly within lot boundary of Lot 31, 3 Webster Street, Mount Barker and not across the verge.
- (3) The crossover, access way and vehicle parking areas being maintained by the developer.
- (4) The Fire Evacuation Plan being updated to show an assembly area on the front lawn near the existing letterbox.
- (5) The Fire Evacuation Plan prepared by the applicant being included in the 'Family Day Care Parent Handbook'.
- (6) Any on site advertising signage complying with Town Planning Scheme No. 3 and not exceeding 0.2m² in area.

ADVICE NOTES

- (i) If the development, the subject of this approval, is not substantially commenced within a period of 12 months the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.
- (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
Community Development Act 1972
Child Care Services Regulations 1988

CARRIED (7/0)
No. 306/05
(Absolute Majority)

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr J Cameron, seconded Cr B Hollingworth:

That new business of an urgent nature, namely:

- Mount Barker Swimming Pool 2005 / 2006 Season;
- The Kendenup Park Barbecue and the purchase of land for the Kendenup Bush Fire Brigade; and
- Kendenup speed limits

be introduced into the meeting.

CARRIED (7/0)

No. 307/05

11.1 MOUNT BARKER SWIMMING POOL (CP/174/11)

Moved Cr J Mark, seconded Cr J Cameron:

That a report on the fees and duration of the 2005 / 2006 season of the Mount Barker Swimming Pool be presented to the Council at its meeting to be held 8 November 2005.

CARRIED (7/0)

No. 308/05

11.2 SPEED LIMITS – KENDENUP (TT/105/2)

Moved Cr D Williss, seconded Cr B Hollingworth:

That the speed limits within and around the Kendenup area be investigated and brought to the attention of Main Roads Western Australia (MRWA) and that a further report be presented to the Council at its meeting to be held 13 December 2005.

CARRIED (7/0)

No. 309/05

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

4:20pm The Presiding Member declared the meeting closed.

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