



## **ORDINARY COUNCIL MEETING**

# **MINUTES**

Ordinary Meeting of the Council  
held in the Council Chambers  
2.45pm Tuesday 22 August 2006

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

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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

2:52 pm The Presiding Member declared the meeting open.

**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 K Clements | Town Ward                                 |
| Cr J Mark     | Town Ward                                 |
| Cr M Skinner  | East Ward                                 |
| Cr K Hart     | Kendenup Ward                             |
| Mr R Stewart  | Chief Executive Officer                   |
| Mr J Fathers  | Deputy Chief Executive Officer            |
| Mr I Bartlett | Manager Works                             |
| Mr P Duncan   | Manager Development Services              |
| Mr E Howard   | Environmental Health Officer              |
| Ms C Delmage  | Administration Officer                    |

Previously Approved Leave of Absence

Cr B Hollingworth 17 August – 23 November 2006 inclusive

There were sixteen (16) members of the public present.

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

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

Nil

**4 PUBLIC QUESTION TIME**

2.55pm Cr Forbes withdrew from the meeting and Cr Williss assumed the Chair.

Asked By: Mr Don Stevens – Locality Boundaries – RO/107/4

Mr Stevens noted that he had received a rather terse letter from Australia Post regarding the redirection of mail to Kendenup ie: that it would be redirected to Kendenup regardless of the address on the envelope. There is no indication from Australia Post or the Department of Land Information that the Shire has made any submissions. Mr Stevens asked 'Has the Shire made any submissions to Australia Post or the Department of Lands Information in relation to these changes?'

**Response By: Mr Rob Stewart – Chief Executive Officer**

Mr Stewart noted that the Council has written to both departments communicating Council Resolution No. 172/06 of 13 June 2006, advising that they were looking at locality boundaries and rural numbering. An item regarding one (1) portion of the Shire is included in today's Agenda.

2.58pm Cr Forbes returned to the meeting and resumed the Chair.

**Asked By: Mrs Jo Collins – Public Toilets – CP/99/19**

Mrs Collins stated that the public toilets adjacent to the Council Administration Centre were unattractive and would not encourage tourists to visit or stay.

**Response By: Cr K Forbes – Shire President**

Cr Forbes noted that the Council had previously had a lot of trouble with public toilets from vandalism and unsociable behaviour. Any toilet designed had to be something that could be kept open 24 hours and was vandal proof. The toilets also needed to be easy to clean and maintain.

**Asked By: Mrs Jo Collins – Public Toilets – CP/99/19**

Mrs Collins asked 'Is there a restroom?'

**Response By: Mr Rob Stewart – Chief Executive Officer**

Both toilets have change tables but no feeding areas.

**Asked By: Mrs Jo Collins – Public Toilets – CP/99/19**

Mrs Collins noted that the Tourist Bureau toilets are always open and do not get vandalised.

**Response By: Mr Rob Stewart – Chief Executive Officer**

Mr Stewart noted that the Tourist Bureau toilets were in fact, only open when the Tourist Bureau was open and when someone was in attendance.

## 5 PETITIONS / DEPUTATIONS / PRESENTATIONS

**Presentation – Elisabeth Braun – Weeds – EM/125/1**

Ms E Braun read aloud the following:

'Over the last two (2) months, the Shire of Plantagenet has given the Friends of the Porongurup Range (the Friends) tremendous support with clearing priority weeds along Yellanup Road.

The Friends hold a weeding day on the first Sunday of each month. With the help of Council this was continued on the following Mondays. The Council has assisted the Friends by making personnel and equipment available and by providing traffic management plans and signage. A lot still needs to be done, especially at the old Narrikup rubbish tip site which is located at the Yellanup Nature Reserve.

*"A weed is a plant growing in the wrong place."*

Sydney Wattle, Victorian Tea Tree and Tagasaste (Lucerne Tree) are some of the woody weeds the Friends of the Porongurup Range are targeting at the moment. These invasive species spread from the original rubbish tip site through most of the Reserve.

Throughout the Shire, road verges and reserves are under increasing pressure from introduced plants. Vegetation in road verges and reserves are important remnants of native vegetation. They also provide corridors and habitat for native fauna.

We ask the Council to adopt and implement a more active approach to eliminate weeds in road verges and Shire Reserves. Council can also assist by increasing community awareness and by integrating weed management in to its works programs.

Many opportunities exist to reduce the spread of, and to eradicate, priority weeds in the Shire of Plantagenet:

- (i) It may have been possible to eradicate Tagasaste within the Road Reserve during roadwork along Porongurup Road;
- (ii) Tagasaste, Golden Wattle seedlings and Victorian Tea Tree along O'Neill Road may have been easily removed after the standing trees were killed during the large wildfire in December 2000; and
- (iii) It may have been possible to remove Taylorina and Tagasaste along the road to the Great Southern Regional Cattle Saleyards when the road was constructed.

The Council can assist by making machinery available for rehabilitation work in reserves where soil and vegetation from work on roadsides or from cleaning drains were previously dumped. In many cases priority weeds are now spreading from these areas.

Minimising the removal of native vegetation along roadsides will further reduce the spread of weeds. Weeds readily take hold and cannot easily be controlled in areas where vegetation cover has been removed. Removing native vegetation cover for example along Woodlands Road can also lead to erosion along roadsides, causing washouts and silting up of drains, all of which place further strain on the Council's limited resources.

The Council can play an active part in making the Shire of Plantagenet and the Great Southern area free of priority weeds. This can be achieved by:

- (i) Developing and adopted a practical and achievable weed management strategy which integrates weed management into the Council's works programs;
- (ii) Developing partnerships with government agencies and community groups; and
- (iii) Exploring funding opportunities to assist with weed management in the Shire.

The Friends of the Porongurup Range are aware that the Council has many constraints on its time and budget. The Friends would be happy to work with the Council to find practical and achievable solutions to eradicate priority weeds within the Shire of Plantagenet.'

3.10pm Cr Forbes withdrew from the meeting and Cr Williss assumed the Chair.

Petition – Mr Brett Bell – Boundary Realignment Group – RO/107/4

Mr Bell noted that he was the 'unofficial' spokesman for landholders affected by the boundary changes. Mr Bell presented a petition with 61 signatures, which is approximately 80% of those affected. Some affected landholders are currently away and unable to sign. Mr Bell presented a map with a more logical boundary and asked the Council to seriously consider this option. Mr Bell noted that he had written on behalf of the group to Australia Post advising of the problems caused by these changes and asking them to hold off from issuing new postal route contracts until such time as the matter is sorted.

Mr Bell asked 'If there has been an item put on the agenda today for Forest Hill / Denbarker area, why not the Kendenup / Mount Barker area?'

'We the undersigned, being landowners or tenants of affected properties, hereby notify the Plantagenet Shire Council that we do not agree with the change to our locality from Mount Barker to Kendenup as recently advised in conjunction with the Rural Road Numbering Program.

We request that the Council formally reinstate Mount Barker as our locality to better reflect the community and the present views held by your petitioners.

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

**That the petition be received and that the Chief Executive Officer prepare a report on locality boundaries of the Kendenup / Mount barker area for the Council meeting to be held on 11 September 2006.**

**CARRIED (7/0)**

**No. 233/06**

**Response By: Mr Rob Stewart – Chief Executive Officer**

Residents from affected areas made some specific suggestions regarding the Denbarker / Forest Hill boundary and as a consequence, a report was able to be included in this agenda.

As this petition presents similar information regarding boundaries, a report will be presented to the Council at their next council meeting.

3.15pm Cr Forbes returned to the meeting and resumed the Chair.

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

Councillor Skinner requested leave of absence for the period 1 to 15 September 2006 inclusive.

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

**That Councillor Skinner be granted leave of absence for the period 1 to 15 September 2006 inclusive.**

**CARRIED (8/0)**

**No. 234/06**

**7 CONFIRMATION OF MINUTES**

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

**That the Minutes of the Ordinary Meeting of the Council held 25 July 2006 be confirmed.**

**CARRIED (8/0)**

**No. 235/06**



## 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 10-11 July 2006 – Cr Forbes attended the Federal Rural Road Congress which had a good representation of approximately 400 delegates (seventy from Western Australia, fifteen from the Great Southern Zone). A very worthwhile forum for Local Government Australia wide to collectively pressure the Federal Government on transport and road funding issues. A five (5) point resolution was released.
- 25-26 July – Cr K Forbes and Mr W Lloyd – Manager Saleyards, attended the NSW Saleyards Operators Association Conference in NSW. This event gave a wide overview of the saleyard industry and its place in the livestock sales sector Australia wide. There are several Local Governments within New South Wales seriously considering building new facilities and the Forbes cattle selling centre built for \$9.8million was an eye-opener. With a throughput of 60,000 head of cattle, Cr Forbes questioned the repayments. At the moment, 45% of cattle in Australia are being sold through saleyards.

The conference was addressed by the President of the Saleyards Operators Association, the Mayor of Forbes, a representative for the Federal Minister for Agriculture, the Cattle Council of Australia, the Australian Veterinarian Association, the Chief Executive Officer of Ausmeat, Director of Meat and Livestock Australia (MLA). A tour of Forbes' selling complex also took place. The opportunity to talk to industry exhibitors at the conference was also very worthwhile and particularly gave Mr Lloyd the opportunity to speak face to face with several people that he had been dealing with by telephone. The importance of becoming a quality assured Saleyards was one clear message received. The NSW Saleyards Operators Association has also amended its constitution to become a federal body. I believe that with the issues of animal welfare, Worksafe, environment, Meat Standards Australia (MSA) and Quality Assurance (QA), it will be of benefit to support this initiative. Thank you all for the opportunity to attend.

- 31 July 2006 – Cr Forbes, Cr Williss and Mr Bartlett attended the Regional Roads Group meeting held in Mount Barker. Issues for the 2006 / 2007 and 2007 / 2008 were progressed. There is a slight increase in funding for 2006 / 2007 which means Shires on the 20% cap will receive \$540,254.00. This is allocated to Woogenellup and Spencer Roads this year. We will need to find a slightly larger matching component than was budgeted.
- 4-6 August 2006 – Cr Forbes attended the Local Government State Conference and, with his wife, attended the Governor's Reception on Thursday evening. Approximately fifty percent of Local Governments were in attendance. The Conference sessions on Saturday and Sunday were generally worthwhile with particular interest being placed on Sustainability of Local Government. Cr Forbes left the dinner at 10.30pm to go to Canberra but considered the night a great success.
- 6 August 2006 – A Zone Executive Meeting was held in Perth for the Great Southern Zone with eleven Councils and approximately thirty people in attendance.

- 7-8 August 2006 – Cr Forbes and Mr Dennis Sawers representing the Great Southern Timber Industry Road Evaluation Strategy (TIRES) group were in Canberra for meetings to lobby our case for Roads To Recovery (R2R) and Auslink project based funding for Local Government. We met with two (2) Western Australian Liberal Senators, three (3) Minister's advisors and two (2) government agencies. All meetings were very positive but the actual announcement will not be made until later in the calendar year.
- 12 August 2006 – Cr Forbes and his wife attended the Annual General meeting of the Mount Barker Apex Club. It is unclear whether they will continue into 2007 due to a lack of membership. The Apex state body is trying to assist.
- 15 August 2006 – Cr Forbes thanked all Councillors for their participation in the Chief Executive Officer Review which was successfully completed.
- 17 August 2006 – Cr Forbes attended a Fire and Emergency Services Authority (FESA) Capital Grants Committee Appeal in Perth. None of the operating or capital appeals were supported. Cr Forbes also met with the Western Australian Local Government Association (WALGA) to discuss some issues that have been raised by the Zone.
- 21 August 2006 – A meeting with the South Mount Barker Football Club and users was held. A report on this meeting has been handed out to all Councillors.
- 23 August 2006 – Cr Forbes, Mr Bruce Manning from the Great Southern Development Commission (GSDC) and Mr Dennis Sawyers from Albany Plantation Export Company (APEC) will be meeting with Minister Ebety (Federal Minister for Forestry) to further promote our TIRES funding application.
- 24 August 2006 – An attempt to form a locally based interagency group will take place. The police have requested the support and attendance of Cr Forbes.
- 27 August 2006 – Cr Forbes, Cr Williss, Cr Cameron and Mr R Stewart will be attending the Council of the Walpole Wilderness Management Plan in Walpole chaired by Minister McGowan.
- 2 September 2006 – Cr Forbes and his wife will be attending the Centenary of Narrikup celebrations.
- 5 September 2006 – Cr Forbes and Mr Stewart will be meeting with the Community Development and Justice Standing Committee in Albany to expand on our submission on Disaster Relief Funding including Local Government.
- 13-14 September 2006 – Timber Towns Victoria (TTV) will be visiting Western Australia and will be in Mount Barker on 14 September 2006 to meet with Local Governments to promote the formation of a Timber Towns Australia (TTA) group. This will be an interesting presentation and Cr Forbes encouraged all Councillors to attend.

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 COMMUNITY SERVICES REPORTS

#### 9.1.1 POLICY - ROAD VERGE BURNING

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>N / A</b>   |
| <b>Name of Applicant:</b>  | <b>N / A</b>   |
| <b>File Reference:</b>     | <b>RO/99/281</b>                                       |
| <b>Author:</b>             | <b>Nicole Selesnew - Manager of Community Services</b> |
| <b>Authorised By:</b>      | <b>Rob Stewart - Chief Executive Officer</b>           |
| <b>Date of Report:</b>     | <b>14 August 2006</b>                                  |

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#### **Purpose**

The purpose of this report is to establish a policy and guidelines for road verge burning within the Shire of Plantagenet.

#### **Background**

Several requests are received by the Shire each year from residents wishing to burn their road verges. Shire officers have been unable to provide guidance other than referring the requests on to local Brigades, due to the lack of a road verge burning policy or guidelines.

Consequently, several landowners have burnt roadsides without obtaining permission from the Shire or other relevant agencies.

#### **Statutory Environment**

There is a plethora of legislation and agency guidelines influencing the management of roadsides which has a direct bearing on what activities can be undertaken within a road reserve.

The following legislation and guidelines have been considered in the preparation of this policy:

- Bush Fires Act 1954;
- Environmental Protection (Clearing of Native Vegetation) Regulations 2004;
- 'Fire Management Planning for Roadsides – A Guide for Transport Corridor Managers, Fire Officers, Conservation Groups and Adjoining Landowners' prepared by Fire and Emergency Services Authority of Western Australia and the Roadside Conservation Committee; and
- 'Environmental Code of Practice for Road Construction and Maintenance Works' prepared by the Roadside Conservation Committee;

#### **Consultation**

Consultation has occurred with the following:

- Department of Environment - Ms Mieke Bourne  
The Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Item 3) prescribe that provided road verge burning is carried out within the guidelines of the Bush Fires Act 1954 (ie: burning does not occur during
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**Policy – Road Verge Burning (Cont.)**

the Restricted or Prohibited Burning Period) and the burning is conducted by the landowner, the burning is exempt from requiring a clearing permit.

A subclause of the Regulations advises that burning must be carried out in a manner so that long term damage to the environmental values of the vegetation is minimised.

- Department of Environment and Conservation - Mr Greg Broomehall  
Mr Broomehall has recommended that all verge burning applications be assessed by the Department of Environment and Conservation to ensure no Declared Rare Flora (DRF) is present. If a burn occurs without a DRF check and DRF is found to be damaged as a result of the burn, the Department of Environment and Conservation may proceed with an infringement or other legal action.
- Chief Bush Fire Control Officer (Mr David Burcham) and Deputy Chief Bush Fire Control Officer (Mr Len Handasyde)  
Both Mr Burcham and Mr Handasyde suggested that the length of road verge burning per application should be up to 2km, consideration be given to the type of traffic management signage required and how applicants can access the appropriate signs and recommended that a Fire Control Officer inspect each application and, if necessary, provide guidelines for the applicant on the application form.
- Bush Fire Advisory Committee (BFAC).  
Members of the BFAC endorsed the draft Road Verge Burning Policy at the meeting held on 2 August 2006, but asked that further consideration be given to the condition: 'Regenerative control burning is to be followed by appropriate weed control operations'.

Further consultation with Mr Rob Stewart - Chief Executive Officer and Mr Ian Bartlett - Manager Works, resulted in the deletion of this point from the draft document.

Mr Russell Gould from Fire and Emergency Services Authority suggested that applications for verge burning be considered at two (2) intervals per year, in particular if the burns were for large sections of road verge (for example Spring and Autumn annually). Mr Gould's comments were based on giving the Shire and associated agencies a reasonable amount of time to consider each application thoroughly.

While the consideration of applications at intervals throughout the year has merit, Shire officers and other BFAC members acknowledged that a majority of enquiries were from small land owners wanting to burn a small section of land and these enquiries / applications would be easier to manage on a case by case basis.

**Policy Implications**

This report is requesting the adoption of a new policy for the Council.

**Financial Implications**

While there are no financial implications relating to the adoption of the Road Verge Burning Policy, there will be financial implications for the Shire with the realisation of road verge burning practices.

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**Policy – Road Verge Burning (Cont.)**

The Shire road verge clearing and spraying program will need to be reviewed and possibly increased in areas where verge burning has occurred, in order to control potential weed growth which may occur as a result of the burn.

**Strategic Implications**

The Shire of Plantagenet Strategic Plan Key Result Area 1 addresses the adoption and revision of all policies, procedures and delegations to ensure internal consistency and convergence.

**Officer Comment**

In developing a Road Verge Burning Policy consideration must be given to land owners' concerns about fire hazard and the effective management of the conservation values of bushland remnants on roadsides.

The following extracts from 'Fire Management Planning for Roadsides – A Guide for Transport Corridor Managers, Fire Officers, Conservation Groups and Adjoining Landowners' are worth noting:

- A major threat to the ecology of road side vegetation communities is invasion by weeds. Many weeds are better at recovering after fire than native vegetation. Verge burning can trigger a non-conductive cycle where weeds contribute to the fuel load, which carries more fires, which helps more weeds to grow...
- While many natural bushland areas are adapted to fire and may need periodic burning to regenerate, too frequent or inappropriate burning can quickly degenerate roadside remnants or well conserved vegetation. Decisions on burning should be made on a case by case basis.
- Burning should not be encouraged in areas where native vegetation is under siege by encroaching weeds or where the area is almost completely covered by native vegetation.

*The proposed Road Verge Burning Policy addresses these issues within conditions 1 and 5.*

While preparing the proposed Policy, Mr David Burcham - Chief Bush Fire Control Officer, strongly recommended that each application be considered by an authorised Fire Control Officer. An inspection and input from a Fire Control Officer would ensure that:

- (1) The proposed road verge to be burnt is not a well conserved or semi conserved bush area and the surrounding land type would not cause a potential hazard;
- (2) Recommendations such as particular weather conditions or fire management resources are adequate prior to a burn taking place; and
- (3) Local Brigades were aware of burns that would be taking place.

*The proposed Road Verge Burning Policy addresses this request in condition 4.*

The Bush Fires Act 1954 provides the governance for Fire Control Officers to issue permits (and stipulate instructions on the permits) and details specific periods within which burning is not permitted. *The proposed Road Verge Burning Policy addresses these requirements in conditions 2, 3 and 4.*

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**Policy – Road Verge Burning (Cont.)**

Liaison with Mr Greg Broomehall from the Department of Environment and Conservation has resulted in the inclusion of condition 6 within the proposed policy, the applicant will be responsible for checking for Declared Rare Flora with the Department of Environment and Conservation as part of the application process.

With the above recommendations taken into consideration, the following proposed Road Verge Burning Policy has been developed.

**ROAD VERGE BURNING POLICY****OBJECTIVE:**

The objective of this Policy is to provide clear guidelines for the burning of road verges throughout the Plantagenet Shire.

**POLICY:**

The burning of vegetative matter on any roads, streets or ways under the care and control of the Shire of Plantagenet must be authorised by the Council (under delegation to the Chief Executive Officer). Authorisation will be conditional upon the following:

- (1) Roadside burning should only be carried out if no other options for fire hazard management are available;
- (2) Burning is only to be permitted at the conclusion of the Restricted Burning Period (unless a permit has been authorised by a Shire of Plantagenet authorised Fire Control Officer);
- (3) The applicant complies with all requirements of the Bush Fires Act 1954;
- (4) All applications must be inspected by a Shire of Plantagenet Bush Fire Brigade Fire Control Officer (FCO) and, if necessary, any requirements detailed by the FCO (recorded on the application form) are adhered to;
- (5) The applicant ensures the protection of standing timber and complies with the Council's policy to protect and preserve natural vegetation on road reserves wherever possible. No burning of well-conserved or semi-conserved bush areas may occur without authorisation from the Council;
- (6) The burning of the roadside will not cause any direct or indirect damage to declared rare flora or fauna;
- (7) No damage is caused to fences, roads, road furniture, drainage structures, public utilities or other property in the vicinity;
- (8) If an application has been received by a resident / land owner, road verge burning may only occur adjacent to the resident / land owner's property;
- (9) A maximum 2,000m strip may be burnt per year;
- (10) The applicant installs the appropriate traffic warning devices;
- (11) No obstruction of roadways or drainage channels by fallen trees or other debris occurs; and
- (12) Consideration should be given to the potential for smoke pollution.

**Voting Requirements**

Absolute Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr D Williss, seconded Cr K Hart:

**THAT:**

- (1) The Road Verge Burning Policy as detailed below, be adopted:

**ROAD VERGE BURNING POLICY**

**OBJECTIVE:**

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- (4) All applications must be inspected by a Shire of Plantagenet Bush Fire Brigade Fire Control Officer (FCO) and, if necessary, any requirements detailed by the FCO (recorded on the application form) are adhered to;
- (5) The applicant ensures the protection of standing timber and complies with the Council's policy to protect and preserve natural vegetation on road reserves wherever possible. No burning of well-conserved or semi-conserved bush areas may occur without authorisation from the Council;
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- (8) If an application has been received by a resident / land owner, road verge burning may only occur adjacent to the resident / land owner's property;
- (9) A maximum 2,000m strip may be burnt per year;
- (10) The applicant installs the appropriate traffic warning devices;
- (11) No obstruction of roadways or drainage channels by fallen trees or other debris occurs; and

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Policy – Road Verge Burning (Cont.)

- (12) Consideration should be given to the potential for smoke pollution.
- (2) The Chief Executive Officer is delegated the authority to approve Road Verge Burning applications, in accordance with this Policy.

**CARRIED (8/0)**

**No. 236/06**

**(Absolute Majority)**



**9.1.2 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS 2006 / 2007**

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>N / A</b>   |
| <b>Name of Applicant:</b>  | <b>N / A</b>   |
| <b>File Reference:</b>     | <b>ES/15/1</b>   |
| <b>Author:</b>             | <b>Nicole Selesnew - Manager of Community Services</b> |
| <b>Authorised By:</b>      | <b>Rob Stewart - Chief Executive Officer</b>           |
| <b>Date of Report:</b>     | <b>14 August 2006</b>                                  |

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**Purpose**

The purpose of this report is to:

- (1) Appoint the Shire of Plantagenet Bush Fire Control Officers for 2006 / 2007, pursuant to Section 38 of the Bush Fires Act 1954;
- (2) Appoint the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer, pursuant to Section 38 of the Bush Fires Act 1954;
- (3) Appoint the Fire Weather Officer and Deputy Fire Weather Officer, pursuant to Section 38 of the Bush Fires Act; and
- (4) Appoint the Base Radio Operator and Deputy Base Radio Operator.

**Background**

The Shire of Plantagenet appoints delegates to the abovementioned positions annually.

**Statutory Environment**

Section 38 of the Bush Fires Act details the appointment and duties of Bush Fire Control Officers, Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Fire Weather Officer and Deputy Fire Weather Officer.

The role of the Base Radio Operator is defined in the Shire of Plantagenet Strategic Bush Fire Management Plan.

**Consultation**

Minutes of the Shire of Plantagenet Bush Fire Advisory Committee meeting of 3 May 2006 confirmed nominations for the appointment of the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Fire Weather Officer, Deputy Fire Weather Officer, Base Radio Operator and Deputy Base Radio Operator.

Minutes of the Shire of Plantagenet Bush Fire Advisory Committee meeting of 2 August 2006 confirmed nominations for the appointment of the Bush Fire Control Officers for the following Bush Fire Brigades: Denbarker; Forest Hill; Kendenup; Middle Ward; Narrikup; Perillup; Porongurup; South Porongurup; Rocky Gully; Woogenellup; Mount Barker Fire and Rescue Brigade; and the Shire of Plantagenet.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

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## Appointment Of Bush Fire Control Officers 2006-2007 (Cont.)

**Strategic Implications**

The Shire of Plantagenet Strategic Bush Fire Management Plan makes reference to the appointment and duties of Bush Fire Control Officers, the Chief Bush Fire Control Officer, Fire Weather Reporting Officer and the Base Radio Operator.

**Officer Comment**

Nominations for the appointment of Bush Fire Control Officers for the Shire of Plantagenet for 2006 / 2007 are as follows:

| <b>Shire of Plantagenet<br/>Bush Fire Brigade</b> | <b>Fire Control Officer Nominee</b> |
|---|-------------------------------------|
| Denbarker   | Simon Grylls                        |
|   | Gavin Smith                         |
|   | Norm Handasyde                      |
|   | Michael Jenkins                     |
|   | Simon Jenkins                       |
| Forest Hill                                       | Michael Lanigan                     |
|   | Brian Bailey                        |
|   | Matt Candy                          |
|   | Len Handasyde                       |
|   | Murray McLean                       |
| Kendenup  | David Burcham                       |
|   | Robert Lally                        |
|   | Brian Harwood                       |
|   | Keith Hart                          |
|   | Wayne Davis                         |
|   | Geoff DePledge                      |
|   | Stan Hall                           |
|   | Stephen Beech                       |
|   | Ken Frost                           |
|   | Phillip Webb                        |
| Middle Ward                                       | Bill Sounness                       |
|   | Peter Stevens                       |
|   | Ian Mackie                          |
| Narrikup  | Bill Bentley                        |
|   | Tom Rouse                           |
|   | Graeme Frusher                      |
|   | Warren Forbes                       |
| Perillup  | Bill Hollingworth                   |
|   | Robin Ditchburn                     |
| Porongurup  | John Russell                        |
|   | Brad Cluett                         |
|   | Ray Williams                        |
|   | Ron Thomas                          |

## Appointment Of Bush Fire Control Officers 2006-2007 (Cont.)

|  |                     |
|--|---------------------|
| Rocky Gully                                    | Ian Higgins         |
|  | Lachlan Cameron     |
| South Porongurup                               | Phillip Rule        |
|  | Kelvin Ridgway      |
|  | Richard Stan-Bishop |
| Woogenellup                                    | Grant Cooper        |
|  | Trevor Pieper       |
|  | Phillip Trent       |
|  | Barry Pearce        |
| Mount Barker Volunteer Fire and Rescue Brigade | Ray Drage           |
|  | Cliff Rosman        |
| Shire of Plantagenet                           | Kevin Forbes        |
|  | Ray Parry           |

The Shire of Plantagenet Bush Fire Advisory Committee has nominated the following:

| Designated Position                    | Officer         |
|--|-----------------|
| Chief Bush Fire Control Officer        | David Burcham   |
| Deputy Chief Bush Fire Control Officer | Len Handasyde   |
| Fire Weather Reporting Officer         | Len Handasyde   |
| Deputy Fire Weather Reporting Officer  | Rod Stan-Bishop |
| Base Radio Operator                    | Vern Drage      |
| Deputy Base Radio Operator             | Len Handasyde   |

### Voting Requirements

Simple Majority

### OFFICER'S RECOMMENDATION

THAT:

- (1) All previous appointments for the position of Bush Fire Control Officer for the Shire of Plantagenet be cancelled.
- (2) The following be appointed as Bush Fire Control Officers, within the designated Bush Fire Brigade area, for the Shire of Plantagenet for 2006 / 2007:

|   |                              |
|---|------------------------------|
| Shire of Plantagenet<br>Bush Fire Brigade | Fire Control Officer Nominee |
| Denbarker                                 | Simon Grylls                 |
|   | Gavin Smith                  |
|   | Norm Handasyde               |
|   | Michael Jenkins              |
|   | Simon Jenkins                |
| Forest Hill                               | Michael Lanigan              |
|   | Brian Bailey                 |
|   | Matt Candy                   |
|   | Len Handasyde                |
|   | Murray McLean                |
| Kendenup                                  | David Burcham                |

## Appointment Of Bush Fire Control Officers 2006-2007 (Cont.)

|  |                     |
|--|---------------------|
|  | Robert Lally        |
|  | Brian Harwood       |
|  | Keith Hart          |
|  | Wayne Davis         |
|  | Geoff DePledge      |
|  | Stan Hall           |
|  | Stephen Beech       |
|  | Ken Frost           |
|  | Phillip Webb        |
| Middle Ward                                  | Bill Sounness       |
|  | Peter Stevens       |
|  | Ian Mackie          |
| Narrakup                                     | Bill Bentley        |
|  | Tom Rouse           |
|  | Graeme Frusher      |
|  | Warren Forbes       |
|  | Bill Hollingworth   |
| Perillup                                     | Robin Ditchburn     |
| Porongurup                                   | John Russell        |
|  | Brad Cluett         |
|  | Ray Williams        |
|  | Ron Thomas          |
| Rocky Gully                                  | Ian Higgins         |
|  | Lachlan Cameron     |
| South Porongurup                             | Phillip Rule        |
|  | Kelvin Ridgway      |
|  | Richard Stan-Bishop |
| Woogenellup                                  | Grant Cooper        |
|  | Trevor Pieper       |
|  | Phillip Trent       |
|  | Barry Pearce        |
| Mount Barker Volunteer Fire & Rescue Brigade | Ray Drage           |
|  | Cliff Rosman        |
| Shire of Plantagenet                         | Kevin Forbes        |
|  | Ray Parry           |

- (3) The Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Fire Weather Reporting Officer, Deputy Fire Weather Reporting Officer, Base Radio Operator and Deputy Base Radio Operator for the whole of the Shire of Plantagenet be:

| Designated Position                    | Officer       |
|--|---------------|
| Chief Bush Fire Control Officer        | David Burcham |
| Deputy Chief Bush Fire Control Officer | Len Handasyde |

## Appointment Of Bush Fire Control Officers 2006-2007 (Cont.)

|                                       |                 |
|---------------------------------------|-----------------|
| Fire Weather Reporting Officer        | Len Handasyde   |
| Deputy Fire Weather Reporting Officer | Rod Stan-Bishop |
| Base Radio Operator                   | Vern Drage      |
| Deputy Base Radio Operator            | Len Handasyde   |

**COUNCIL DECISION**

Moved Cr D Williss, seconded Cr J Moir:

THAT:

- (1) All previous appointments for the position of Bush Fire Control Officer for the Shire of Plantagenet be cancelled.
- (2) The following be appointed as Bush Fire Control Officers, within the designated Bush Fire Brigade area, for the Shire of Plantagenet for 2006 / 2007:

| Shire of Plantagenet<br>Bush Fire Brigade | Fire Control Officer Nominee |
|---|------------------------------|
| Denbarker                                 | Simon Grylls                 |
|   | Gavin Smith                  |
|   | Norm Handasyde               |
|   | Michael Jenkins              |
|   | Simon Jenkins                |
| Forest Hill                               | Michael Lanigan              |
|   | Brian Bailey                 |
|   | Matt Candy                   |
|   | Len Handasyde                |
|   | Murray McLean                |
| Kendenup                                  | David Burcham                |
|   | Robert Lally                 |
|   | Brian Harwood                |
|   | Keith Hart                   |
|   | Wayne Davis                  |
|   | Geoff DePledge               |
|   | Stan Hall                    |
|   | Stephen Beech                |
|   | Ken Frost                    |
|   | Phillip Webb                 |
| Middle Ward                               | Bill Sounness                |
|   | Peter Stevens                |
|   | Ian Mackie                   |
| Narrakup                                  | Bill Bentley                 |
|   | Tom Rouse                    |
|   | Graeme Frusher               |
|   | Warren Forbes                |
|   | Bill Hollingworth            |

## Appointment Of Bush Fire Control Officers 2006-2007 (Cont.)

|   |                            |
|---|----------------------------|
| <b>Perillup</b>   | <b>Robin Ditchburn</b>     |
| <b>Porongurup</b>                                       | <b>John Russell</b>        |
|   | <b>Brad Cluett</b>         |
|   | <b>Ray Williams</b>        |
|   | <b>Ron Thomas</b>          |
| <b>Rocky Gully</b>                                      | <b>Ian Higgins</b>         |
|   | <b>Lachlan Cameron</b>     |
| <b>South Porongurup</b>                                 | <b>Phillip Rule</b>        |
|   | <b>Kelvin Ridgway</b>      |
|   | <b>Richard Stan-Bishop</b> |
| <b>Woogenellup</b>                                      | <b>Grant Cooper</b>        |
|   | <b>Trevor Pieper</b>       |
|   | <b>Phillip Trent</b>       |
|   | <b>Barry Pearce</b>        |
| <b>Mount Barker Volunteer Fire &amp; Rescue Brigade</b> | <b>Ray Drage</b>           |
|   | <b>Cliff Rosman</b>        |
| <b>Shire of Plantagenet</b>                             | <b>Kevin Forbes</b>        |
|   | <b>Ray Parry</b>           |

- (3) The Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Fire Weather Reporting Officer, Deputy Fire Weather Reporting Officer, Base Radio Operator and Deputy Base Radio Operator for the whole of the Shire of Plantagenet be:

| <b>Designated Position</b>                    | <b>Officer</b>         |
|---|------------------------|
| <b>Chief Bush Fire Control Officer</b>        | <b>David Burcham</b>   |
| <b>Deputy Chief Bush Fire Control Officer</b> | <b>Len Handasyde</b>   |
| <b>Fire Weather Reporting Officer</b>         | <b>Len Handasyde</b>   |
| <b>Deputy Fire Weather Reporting Officer</b>  | <b>Rod Stan-Bishop</b> |
| <b>Base Radio Operator</b>                    | <b>Vern Drage</b>      |
| <b>Deputy Base Radio Operator</b>             | <b>Len Handasyde</b>   |

- (4) That a further report be presented to the Council noting the Officers of Narpyn, Kojaneerup and South Stirling Brigade as per their recent Annual General Meetings.

**CARRIED (8/0)**

**No. 237/06**

Reason For Change

An alternative motion was carried requesting a further report regarding Kojaneerup and South Stirling Brigades relating to dual appointments of fire officers. Councillors also noted the Narpyn Bush Fire Brigade had not yet held its Annual General Meeting.

### 9.1.3 GREAT SOUTHERN RECREATION ADVISORY GROUP - TERMS OF REFERENCE

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>N / A</b>   |
| <b>Attachments: (1)</b>    | <b>Terms Of Reference</b>                              |
| <b>Name of Applicant:</b>  | <b>Department of Sport and Recreation</b>              |
| <b>File Reference:</b>     | <b>CS/103/9</b>  |
| <b>Author:</b>             | <b>Nicole Selesnew - Manager of Community Services</b> |
| <b>Authorised By:</b>      | <b>Rob Stewart - Chief Executive Officer</b>           |
| <b>Date of Report:</b>     | <b>14 August 2006</b>                                  |

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#### **Purpose**

The purpose of this report is to seek the Council's endorsement of the attached 'Terms of Reference' for the Great Southern Recreation Advisory Group (GSRAG).

#### **Background**

The GSRAG is comprised of representatives from twelve (12) local governments from throughout the Great Southern Region and the Department of Sport and Recreation (Great Southern Branch). The group meets up to four (4) times a year with the following charter: to help create co-operation across local government municipal boundaries; providing a forum to share ideas; and provide advice and direction.

In recent years the group has developed both local (Shire specific) and a regional plan for community sport and recreation, discussed general issues and reviewed and provided comment for the annual Community Sport and Recreation Facilities Fund (CSRFF) grant scheme, administered by the Department of Sport and Recreation.

The Terms of Reference have been drafted by a sub-committee of the GSRAG. The working draft was finalised at a meeting of the GSRAG held on 11 May 2006. All Council's are now requested to endorse the Terms of Reference.

Cr Ken Clements and Ms Nicole Selesnew - Manager of Community Services, are the Council's representatives on the GSRAG.

#### **Statutory Environment**

There is no statutory legislation applicable to this item.

#### **Consultation**

Consultation has occurred amongst members of the GSRAG Committee.

#### **Policy Implications**

Key Result Area 3 of the Council's Strategic Plan includes the following initiatives:

- Evaluate different options for providing community services and facilities;
- Investigate best practice and benchmarking and apply to community services; and
- Assist junior and senior sporting clubs with, in partnership with those clubs, the provision of quality facilities.

These initiatives will be addressed, in part, within the scope of the GSRAG.

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**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

The GSRAG encourages close liaison with local governments throughout the Great Southern region which could be beneficial if seeking support and financial assistance for significant recreation based projects, for example the possible redevelopment of Sounness Park.

**Officer Comment**

The Terms of Reference for the GSRAG are attached to this report. It is suggested that the Council endorse the Terms of Reference and inform the Department of Sport and Recreation (Great Southern Branch) of the endorsement.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr M Skinner, seconded Cr K Clements:**

**THAT:**

- (1) The 'Terms of Reference' for the Great Southern Recreation Advisory Group, as attached, be endorsed; and**
- (2) The Department of Sport and Recreation, Great Southern Branch, be advised of the Council's decision to endorse the Terms of Reference for the Great Southern Recreation Advisory Group.**

**CARRIED (7/1)**

**No. 238/06**



**9.2 EXECUTIVE SERVICES REPORTS****9.2.1 COMMITTEE MINUTES - LOCAL EMERGENCY MANAGEMENT COMMITTEE – 1 AUGUST 2006; BUSH FIRE ADVISORY COMMITTEE – 2 AUGUST 2006; TOWNSCAPE REVIEW STEERING COMMITTEE – 10 AUGUST 2006**

**Location / Address:** N / A  
**Attachments: (3)** Committee Minutes  
**Name of Applicant:** N / A  
**File Reference:** ES/103/6; ES/103/7; LP/103/1  
**Author:** Cherie Delmage - Administration Officer  
**Authorised By:** John Fathers - Deputy Chief Executive Officer  
**Date of Report:** 7 August 2006

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**Purpose**

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

- Local Emergency Management Committee – 1 August 2006
- Bush Fire Advisory Committee – 2 August 2006
- Townscape Review Steering Committee – 10 August 2006

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

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

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

- Local Emergency Management Committee – 1 August 2006
- Bush Fire Advisory Committee – 2 August 2006
- Townscape Review Steering Committee – 10 August 2006

**CARRIED (8/0)**

**No. 239/06**

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## 9.2.2 LOCALITY BOUNDARIES

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>N / A</b>                                   |
| <b>Attachments: (1)</b>    | <b>Denbarker / Forest Hill Boundary Map</b>    |
| <b>Name of Applicant:</b>  | <b>N / A</b>                                   |
| <b>File Reference:</b>     | <b>RO/107/4</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>18 July 2006</b>                            |

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### Purpose

The purpose of this report is to propose that the Department of Land Information be requested to amend Locality Boundaries in the western part of the Shire to reflect historical and bush fire brigade boundaries.

### Background

At its meeting held on 9 April 2002 the Council resolved:

*'That a request be forwarded to the Geographic Names Committee to vary the localities within the Shire of Plantagenet by extending Narrikup to include all of Yellanup and portions of Porongurup, Mount Barker and St Werburghs and including the balance of St Werburghs into Mount Barker, as shown on the Locality Plan dated 2 April 2002.'*

With the introduction of Rural Numbering, the changes to locality boundaries were brought to the attention of people residing within the Shire, thereby highlighting the need for some change. Subsequently, and at its meeting held on 13 June 2006, the Council resolved:

*'That, as a matter of urgency and with regard to locality naming and postcodes within the Shire of Plantagenet, the Chief Executive Officer:*

- (1) Contact Australia Post seeking their concurrence to leaving postal runs in Plantagenet unchanged.*
- (2) Contact the Department of Land Information (DLI) requesting that:
  - (a) DLI leave the locality map as adopted by the Council in April 2002 unchanged;*
  - (b) DLI delay the implementation of address changes; and*
  - (c) Advise that not all affected landowners have received their Rural Road Number letters.**
- (3) Continue with the Rural Road Numbering Program.*
- (4) Liaise with Terry Redman MLA regarding Points (1) to (3) above.'*

### Statutory Environment

Schedule 3.1 – Powers Under Notices To Owners Or Occupiers of Land – of the Local Government Act 1995 provides at part 2 that a Council may require an owner or occupier of land to:

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**Locality Boundaries (Cont.)**

*'place in a prominent position on the land a number to indicate the address.'*

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

The bulk of submissions regarding the changes to localities have come from the Western part of the Shire (Denbarker / Forest Hill) and Kendenup (Sturdee Road).

This report will only deal with the western part of the shire and simply recommends that a request be made by the Shire to reassess locality boundaries for Denbarker and Forest Hill to reflect boundaries that are shown on the Council's Bush Fire Brigade maps, a representation of which is attached.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That the Department of Land Administration be requested to reassess locality boundaries in the western part of the Shire of Plantagenet to reflect those boundaries already recorded on brigade maps, especially in relation to Forest Hill and Denbarker.**

**CARRIED (8/0)**

**No. 240/06**

### 9.3 CORPORATE SERVICES REPORTS

#### 9.3.1 TENDER - CANTEEN LEASE 06/S1 - GREAT SOUTHERN REGIONAL CATTLE SALEYARDS CANTEEN

A Financial Interest was disclosed by Cr K Forbes for Item 9.3.1

Nature of Interest: Cattle Producer - 270 head of mixed cattle

A Financial Interest was disclosed by Cr M Skinner for Item 9.3.1

Nature of Interest: Cattle Producer – 400 head of mixed cattle

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

Nature Of Interest: Part Owner – Approximately 500 cattle

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

3.42pm Cr J Moir withdrew from the meeting.

#### **Authority To Participate Pursuant Section 5.62 (E) Local Government Act 1995**

Approval has been received from the Department of Local Government and Regional Development via letter dated 18 November 2005, giving permission for Cr K Forbes, Cr M Skinner, Cr J Cameron, Cr J Moir and Cr B Hollingworth to participate in matters relating to the Great Southern Regional Cattle Saleyards until 31 December 2006.

The Chief Executive Officer read aloud the attached letter.

**Location / Address:** N / A

**Name of Applicant:** N / A

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

**Author:** John Fathers - Deputy Chief Executive Officer

**Authorised By:** Rob Stewart - Chief Executive Officer

**Date of Report:** 14 August 2006

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#### **Purpose**

The purpose of this report is to consider the outcome of the tender process for the lease of the Canteen at the Great Southern Regional Cattle Saleyards (the Saleyards).

#### **Background**

The Saleyards canteen was leased to Mr Robert Laidler for a period of three (3) years commencing 10 March 2003. During that time, the lease was reassigned to Mr Peter Williams and Ms Bernadette Grundy. The lease was further reassigned to Mrs Sofica Valcan on 31 January 2005 for the remainder of the term.

The matter was raised at the meeting of the Saleyards Advisory Committee held on 14 February 2006. At that meeting the Committee recommended:

*'That the lease of the Great Southern Regional Cattle Saleyards canteen be advertised.'*

At the next Ordinary Meeting of the Council held on 28 February 2006, the Council considered the Committee's recommendation and resolved:

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**Tender – Canteen Lease O6/S1 – Great Southern Regional Cattle Saleyards Canteen (Cont.)**

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*‘THAT:*

- (1) The lease of the Great Southern Regional Cattle Saleyards Canteen be advertised.*
- (2) A further report be presented to the Council following the closure of advertising recommending a preferred lessee, determined in accordance with the following criteria:*
  - Ability to operate such a facility, including skills of staff / operators;*
  - Previous Experience of staff / operators and business success; and*
  - Price offered to lease and operate the premises.’*

The request for tender was advertised accordingly with tenders closing at 4.00pm Friday 31 March 2006. Two (2) tenders were received: one (1) from Mrs Sofica Valcan of Three Star Petrol and one (1) from Mrs Pauline Stevens of Tellrex Pty Ltd T/A BP Mt Barker Roadhouse.

Both tenders were deemed to be eligible tenders, satisfying the selection criteria. Following assessment of the received tenders and in consultation with the Saleyards Manager and the Acting Chief Executive Officer, the following recommendation to the Committee was made:

*‘That it be a recommendation to the Council that:*

- (1) The tender from Mrs Sofica Valcan for the lease of the Canteen at the Great Southern Regional Cattle Saleyards at a rate of \$56.44 per sale day (plus GST) and subject to annual consumer price index (CPI) increases, be accepted.*
- (2) Authority be granted for the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the lease of the Canteen at the Great Southern Regional Cattle Saleyards on Portion of Lot 3 Albany Highway, Mount Barker to Mrs Sofica Valcan.*
- (3) Mrs Pauline Stevens be given notice in writing of the Council’s decision to award the lease of the Canteen at the Great Southern Regional Cattle Saleyards to Mrs Sofica Valcan, in accordance with Regulation 19 of the Local Government (Functions and General) Regulations 1996.’*

At its meeting held on 11 April 2006, the Saleyards Advisory Committee formed the following recommendation:

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

*That no tender be accepted for the Canteen Lease O6/S1 of the Great Southern Regional Cattle Saleyards.*

*Reason For Change*

*The tenders submitted were not considered to be in the best interest of the Council’s Saleyards operations.’*

The Council subsequently resolved, at its meeting held on 26 April 2006:

*‘THAT:*

- (1) No tender be accepted for Canteen Lease O6/S1 of the Great Southern Regional Cattle Saleyards.*

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**Tender – Canteen Lease O6/S1 – Great Southern Regional Cattle Saleyards Canteen (Cont.)**

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- (2) *The tender selection criteria be reviewed by the Great Southern Regional Cattle Saleyards Advisory Committee with a view to re-tendering the Canteen Lease of the Great Southern Regional Cattle Saleyards.'*

At its meeting held on 23 May 2006, the Saleyards Committee established the following selection criteria for the tender:

*'That the intention of the Chief Executive Officer to re-tender the Great Southern Regional Cattle Saleyards Canteen inclusive of the following selection criteria:*

- *Experience in operating a similar business in the food industry;*
- *Comprehensive knowledge in the safe handling of food;*
- *Knowledge of requirements under the Food Hygiene Regulations and employed staff are educated with the knowledge of these requirements.*
- *Providing food of good quality and of a type expected for a cooked breakfast. The lunch menu would include foods such as hamburgers, sandwiches, pies and hot chips;*
- *Ability of maintaining the premises at a high standard of hygiene.*
- *Ability to efficiently process food orders.*
- *Providing a courteous and pleasant demeanour to patrons; and*
- *Price offered to lease and operate the premises.'*

Tenders closed on 14 July 2006 and no tenders were received.

**Statutory Environment**

Section 3.58 of the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996.

**Consultation**

Consultation has occurred with Mr Rob Stewart – Chief Executive Officer.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

Income for the lease of the Canteen at the Saleyards forms part of the adopted budget.

**Strategic Implications**

The management of the saleyards canteen to a high standard is very important in the overall marketing and presentation of the saleyards. The provision of quality foodstuffs in a clean and friendly environment is a critical factor to retaining and encouraging repeat business.

This is consistent with Key Result Area 4 – Marketing of the Great Southern Regional Cattle Saleyards Strategic Plan as adopted by the Saleyards Advisory Committee.

**Officer Comment**

The Council is able to negotiate a contract under the Local Government (Functions and General) Regulations 1996 if no tenders are received. Mrs Valcan has continued to operate the lease of the canteen on a weekly basis. As no tenders were received for the re-tendered lease, Mrs Valcan was requested to advise whether she would be prepared to continue operating canteen for a further twelve (12) months, whereupon

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**Tender – Canteen Lease O6/S1 – Great Southern Regional Cattle Saleyards Canteen (Cont.)**

---

she advised that she would be prepared to enter into a contract to continue under the existing arrangements for a further twelve (12) months.

During the deliberations on the previous tender, both tenderers indicated their ability to operate the canteen and previous experience of staff and business success. Mrs Stevens' tender was more comprehensive and indicates she has operated the BP Mt Barker Roadhouse for the past seventeen (17) years. Mrs Valcan has operated the Three Star Petrol roadhouse for the past three (3) years.

The tender from Mrs Sofica Valcan sought to continue her existing lease on the same terms and conditions with Mrs Valcan offering to pay \$56.44 (plus GST) per sale day and acknowledges annual Consumer Price Index (CPI) reviews. A number of items of plant and equipment at the canteen are owned or leased by her.

The tender from Mrs Pauline Stevens offered \$45.00 per sale day. Mrs Stevens was prepared to negotiate a higher price, subject to the Council replacing the bain marie, oven, fridge and freezer, installing a weather shelter over the rear entry door, new stainless steel kitchen benches and installing a door and roller grille to enable the kitchen to be secured. Mrs Stevens also sought additional approval to use the kitchen to conduct commercial baking of fine foods, marketed under the name of 'Vanilla Pods'. Mrs Stevens would install the necessary additional kitchen equipment to enable the commercial baking to take place.

She anticipated additional use of the kitchen for the commercial baking would be in the order of three to four (3 – 4) days per month. While this would have resulted in additional income from the lease of the Canteen above that currently budgeted, estimated costs of the requested capital items is likely to negate any 'return on investment' or additional income for the saleyards for up to two (2) years.

It is clear that Elected Members wish to improve the arrangements at Saleyards canteen. In view of the fact that no tenders have been received for the re-issued tender, it is suggested that the Council could approve the continuation of the existing arrangements for a period of twelve (12) months and give consideration to the what action needs to be taken to make the operation of the canteen more attractive to operators.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr M Skinner, seconded Cr D Williss:

**THAT:**

- (1) The contract with Mrs Sofica Valcan for Canteen Lease O6/S1 of the Great Southern Regional Cattle Saleyards on Portion of Lot 3 Albany Highway, Mount Barker be extended for a period of twelve (12) months expiring end August 2007.
- (2) Authority be granted for the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the extension of the lease referred to in Part (1) above.

**CARRIED (7/0)**

**No. 241/06**

3.44pm Cr J Moir returned to the meeting.



**9.3.2 FINANCIAL STATEMENTS – JULY 2006**

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>N / A</b>                                 |
| <b>Attachments: (1)</b>    | <b>Financial Statements – July 2006</b>      |
| <b>Name of Applicant:</b>  | <b>N / A</b>                                 |
| <b>File Reference:</b>     | <b>FM/65/1</b>                               |
| <b>Author:</b>             | <b>Ross MacDonald - Accountant</b>           |
| <b>Authorised By:</b>      | <b>Rob Stewart – Chief Executive Officer</b> |
| <b>Date of Report:</b>     | <b>14 August 2006</b>                        |

---

**Purpose**

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 July 2006.

**Statutory Environment**

Regulation 34 of the Financial Management Regulations (1996) 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 K Hart, seconded Cr K Clements:**

**That the financial statements for the month ending 31 July 2006 be received.**

**CARRIED (8/0)**

**No. 242/06**

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**9.3.3 LIST OF PAYMENTS – JUNE AND JULY 2006**

**Location / Address:** N / A  
**Attachments:** List of Payments – June and July 2006  
**Name of Applicant:** N / A  
**File Reference:** FM/65/3  
**Author:** Rayona Evans - Accounts Officer  
**Authorised By:** John Fathers – Deputy Chief Executive Officer  
**Date of Report:** 14 August 2006

---

**Purpose**

The purpose of this report is to present the list of payments that were made during the months of June and July 2006.

**Statutory Environment**

Regulation 13 of the Local Government (Financial Management) Regulations 1996 defines the reporting requirements to the Council of 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 D Williss, seconded Cr J Moir:

**THAT:**

- (1) The payment of accounts for the month of June 2006 covering electronic payments, cheques 35393 to 35571, totalling \$1,056,949.85 and the payment of trust cheques 125-127, totalling \$827.00, be noted; and
- (2) The payment of accounts for the month of July 2006 covering electronic payments, cheques 35567 to 35570 and 35572 to 35597, totalling \$530,044.75 and the payment of trust cheques 128-132, totalling \$1048.40, be noted.

**CARRIED (8/0)**

**No. 243/06**

**9.3.4 BAILS ROAD - CHANGE OF NAME**

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>N / A</b>   |
| <b>Name of Applicant:</b>  | <b>N / A</b>   |
| <b>File Reference:</b>     | <b>RO/107/1</b>  |
| <b>Author:</b>             | <b>Donna Stevens - Senior Administration / Human Resources Officer</b> |
| <b>Authorised By:</b>      | <b>John Fathers - Deputy Chief Executive Officer</b>                   |
| <b>Date of Report:</b>     | <b>25 July 2006</b>  |

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**Purpose**

The purpose of this report is to consider a request to change the name of Bails Road to Derna Lane.

**Background**

Mr and Mrs Ford of Hay River Holdings Pty Ltd have requested that Bails Road be renamed Derna Lane.

Bails Road is located approximately 3.5km south along Albany Highway from the Hannan Way, Narrikup townsite turnoff.

At its ordinary meeting held on 11 July 2006 the Council resolved:

*That prior to further administration action being taken regarding the proposed name change of Bails Road to Derna Lane, the applicants (Mr and Mrs Ford) be requested to provide the Council with supporting documentation relating to the original naming of Bails Road and the proposed name change to Derna Lane.'*

In response to this request Mr and Mrs Ford were able to provide the following information:

- Bails Road was gazetted in 1974;
- It was not until the 1970's that country roads were formally gazetted, and at this time no information on the origins of the names were recorded;
- The Department of Land Information's (DLI) geographic names database was updated in July 2002 with historical information supplied by Mr Harry Reeves;
- Mr Reeves' information suggests that the Bails family had a dairy and potato farm on this road;
- The farm was known as Derna Estate and was named so after the Battle of Derna in Egypt/Libya in 1941; and
- Bails Road was used to provide access to another Bail property on Spencer Road.

Further to the information received from Mr and Mrs Ford correspondence was received from Mr Colin Bail, a descendent from the original Bail family.

Mr Bail currently resides in Mount Barker along with a number of other descendants of the original Bail family and he is opposed to the proposed name change.

Mr Bail confirms that the land surrounding Bails Road was originally owned by Ernest Charles Bail, who took possession in 1951 under the land settlement scheme, the land was then passed down to his son in 1979.

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**Bails Road – Change Of Name (Cont.)**

Mr Ernest Bail was born in Narrikup in 1916. He served with the Australian Army between 1939 and 1944 was a Prisoner of War in Germany in 1941. He is buried in the Mount Barker Cemetery.

**Statutory Environment**

Land Administration Act 1997

**Consultation**

Consultation has occurred with the Department of Land Information, Mrs Ruth Ford, Mr Colin Bail and Greg Woods of Main Roads WA.

**Policy Implications**

Policy RS/RR/1 – Future Street and Reserve Names, details the Road Name Register as adopted by the Council on 14 December 2004.

Derna is not listed on the register.

**Financial Implications**

A \$200.00 service charge would be payable to the Department of Land Information should they decide that the road name change is not essential.

Advertising costs would also be applicable.

**Strategic Implications**

There are no strategic implications to this report.

**Officer's Comments**

The Geographic Names Committee requires that a proposed road name change conform to the Road Naming Guidelines, in that the proposal has broad community support and the majority support from affected residents. This means that the Council is required to provide some level of community consultation prior to submitting the proposal to the Minister for Lands.

Given that there are opposing arguments to the change of name, advertising and the seeking of submissions prior to making a decision to support or not to support would be advisable.

**Voting Requirements**

Simple Majority

---

Bails Road – Change Of Name (Cont.)

**OFFICER'S RECOMMENDATION**

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

**That prior to a decision being made on the proposal to change the name of Bails Road to Derna Lane, the proposal be advertised and all submissions be considered by the Council.**

**LOST (2/6)**

**FURTHER MOTION**

**Moved Cr J Moir, seconded Cr K Clements**

**That the name Bails Road, be retained.**

**CARRIED (8/0)**

**No. 244/06**

**9.3.5 VEHICLE REGISTRATION PLATES - POLICY REVIEW**

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>N / A</b>   |
| <b>Name of Applicant:</b>  | <b>N / A</b>   |
| <b>File Reference:</b>     | <b>PS/120/1</b>  |
| <b>Author:</b>             | <b>Donna Stevens – Senior Administration/Human Resources Officer</b> |
| <b>Authorised By:</b>      | <b>John Fathers - Deputy Chief Executive Officer</b>                 |
| <b>Date of Report:</b>     | <b>31 July 2006</b>  |

---

**Purpose**

The purpose of this report is to review Policy A/PA/12 Vehicle Registration Plates.

**Background**

Policy A/PA/12 currently reads:

*'That with respect to the issue of Vehicle Registration Plates PL. Number or Number.PL Council maintains a policy NOT to issue plates with a zero prefix.'*

**Statutory Environment**

There are no statutory implications for this report.

**Consultation**

No consultation has been carried out.

**Policy Implications**

This is a proposed amendment to Policy A/PA/12.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

When vehicle registration plates Number.PL were originally issued (approximately 10 years ago) they were auctioned to the community to the highest bidder. At the time of auction members of the public believed that these were the only numbers being released and bid for low numbered plates accordingly. It is considered that to later release lower plates would not be fair to those who originally purchased the plates they believed to be the lowest numbers.

Prior to Policy A/PA/12 being put in place a PL.Number with the prefix zero had been released (PL 01) and is currently still being used. This was not done as a special release, but was at the specific request of the vehicle owner. However, it is considered undesirable to allow any additional PL.Number plates with a zero prefix. Adopting such a policy could result in a proliferation of PL.Zero plates and possibly lead to potential confusion with standard plates.

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**Vehicle Registration Plates – Policy Review (Cont.)****Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That Council Policy A/PA/12 – Vehicle Registration Plates:**

**'That with respect to the issue of Vehicle Registration Plates PL. Number or Number .PL Council maintains a policy NOT to issue plates with a zero prefix.'**

**be endorsed.**

**CARRIED (8/0)**

**No. 245/06**

Note:

Cr Joan Cameron provided a brief history regarding the issuing of Vehicle Registration Plate No. PL 01.

Historically, it has been Council Policy not to issue the number plate PL 0 or any plate with PL 0 as a prefix. At the time of Mr Harvey Arnold retiring from the Presidency of the Shire Council, and from Council entirely, it was agreed that an appropriate memento for him would be a special number plate, this being PL 01. I understand that he still holds this number plate. The Policy relating to not issuing PL 0 was applied to the new range of number plates which were auctioned some years later, resulting in 0 PL not being available, nor any others in a 0 prefix PL range.

Records will show that there have been no further plates issued other than PL 01 with the '0' either prior to, or following the 'PL'.

## 9.4 TECHNICAL SERVICES REPORTS

### 9.4.1 40 KPH SPEED LIMIT FOR LOWOOD ROAD, MOUNT BARKER - SHOPPING PRECINCT

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>N / A</b>                                 |
| <b>Name of Applicant:</b>  | <b>N / A</b>                                 |
| <b>File Reference:</b>     | <b>TT/105/2</b>                              |
| <b>Author:</b>             | <b>Anthony Svanberg – Engineering Cadet</b>  |
| <b>Authorised By:</b>      | <b>Rob Stewart - Chief Executive Officer</b> |
| <b>Date of Report:</b>     | <b>10 July 2006</b>                          |

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#### **Purpose**

The purpose of this report is to consider a recommendation from the Townscape Review Steering Committee (TRSC) to reduce the speed limit of 50 kph to 40kph on Lowood Road between McDonald Avenue and Marion Street and in Langton Road from Lowood Road to Eaton Avenue.

#### **Background**

At its meeting held 16 May 2006, the TRSC resolved:

*‘That Main Roads (WA) be requested to implement a 40kph speed limit on Lowood Road between McDonald Avenue and Marion Street and in Langton Road from Lowood Road to Eaton Avenue.’*

#### **Statutory Environment**

Enforcement of speed limits comes under the Road Traffic Code 2000, which incorporates all other Western Australian road laws.

Main Roads WA (MRWA) is the controlling authority for allocating speed limits regardless of road ownership.

#### **Consultation**

There has been consultation with (MRWA) Great Southern and the Shire of Busselton which implemented a 40kph zone in central Busselton and in Yallingup in 1999.

#### **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.



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**40kph Speed Limit For Lowood Road, Mount Barker – Shopping Precinct (Cont.)**

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**Officer Comment**

There are commercial businesses on both sides of Lowood Road. As a consequence of this, pedestrian traffic is high. Achieving a lower speed for vehicles would be beneficial for pedestrian safety.

MRWA suggests that a proposed 40 kph restriction will not be achieved in circumstances where more than 15% of traffic exceeds the existing default speed limit of 50kph.

Traffic counts were conducted in August/September 2003 on Lowood Road. The average travelling speed for the majority [v85%] travelled in the range of 30kph to 60kph. Approximately 25% of vehicle movements were exceeding the posted speed limit of 50kph. In the section where the count took place, there were no traffic calming devices installed at the time.

Consultation with MRWA has suggested that physical traffic calming infrastructure is more effective than signage that presents a lower limit.

The new road topography incorporates lanes that are now narrower than they were previous to the recent realignment. Additionally, revised kerbing and a raised pedestrian crossing should considerably slow traffic. Lowood Road has angle parking which also restricts traffic flow. The installation of such traffic management should create lower speeds without the necessity for signage.

Officers from the Shire of Busselton were consulted regarding the implementation of a 40kph speed limit in the Busselton town centre which was implemented in 1999. A 40kph limit was also implemented in Yallingup in the same year, primarily due to public pressure. The central business district of Busselton is very busy with a large quantity of vehicular and pedestrian traffic. Yallingup townsite has very hilly terrain which needs speed control especially with downhill traffic.

With the addition of traffic calming features to the road network in the Busselton townsite, the majority of traffic now travels well below the posted limit. Busselton Shire staff believe that the traffic calming devices are responsible for the reduction in average travelling speed as opposed to the reduction in legal limit.

Overall it is suggested that a 40kph speed restriction in the Lowood Road Shopping precinct will be achieved with the planned traffic management devices without the need for regulatory restrictors.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That the default speed limit of 50kph continue to apply on Lowood Road between McDonald Avenue and Marion Street and in Langton Road from Lowood Road to Eaton Avenue in Mount Barker, as, in the opinion of the Council, there will be sufficient traffic management devices installed which will act as a sufficient deterrent to keep most traffic below 40kph.**

**CARRIED (8/0)**

**No. 246/06**

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## 9.5 DEVELOPMENT SERVICES REPORTS

### 9.5.1 LOT 700 (11) ALBANY HIGHWAY, MOUNT BARKER – SHOP AND CONSULTING ROOMS

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>Lot 700 (11) Albany Highway, Mount Barker</b>   |
| <b>Attachments: (2)</b>    | <b>Floor Plan<br/>Signage</b>                      |
| <b>Name of Applicant:</b>  | <b>Kerry Taylor</b>                                |
| <b>File Reference:</b>     | <b>RV/182/2072</b>                                 |
| <b>Author:</b>             | <b>Marta Osipowicz - Planning Officer</b>          |
| <b>Authorised By:</b>      | <b>Peter Duncan - Manager Development Services</b> |
| <b>Date of Report:</b>     | <b>4 August 2006</b>                               |

---

#### **Purpose**

The purpose of this report is to consider an application for planning consent for Shop and Consulting Rooms at Lot 700 (11) Albany Highway, Mount Barker following public advertising.

#### **Background**

At its meeting held 13 June 2006, the Council resolved:

*‘THAT:*

- (1) The application for Shop and Consulting Rooms (massage therapy) at Lot 700 (No. 11) Albany Highway, Mount Barker be advertised in accordance with Clause 6.2.3 (a), (b) and (c) of the Shire of Plantagenet Town Planning Scheme No. 3 for a period of twenty-one days.*
- (2) At the conclusion of the advertising period a further report be prepared for the consideration of the Council at its meeting to be held on 25 July 2006.’*

Due to publication deadlines the proposal was unable to be considered at the Council meeting held 25 July 2006. The Council was informed at its meeting 25 July 2006 the subject report would be presented at the next Council meeting to be held 22 August 2006.

---

**Lot 700 (11) Albany Highway, Mount Barker – Shop And Consulting Rooms (Cont.)**

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The Shire of Plantagenet owns the property which is currently on the real estate market for sale.

**Statutory Environment**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3)

Health Act 1911

Building Code of Australia 2006

**Consultation**

The subject proposal was advertised in accordance with the Council's resolution. The public consultation period ended on 18 July 2006. One (1) submission was received from the adjoining neighbour raising no objections to the proposed Shop and Consulting Rooms.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report regarding the land use.

**Strategic Implications**

The Shire of Plantagenet's Strategic Plan aims to:

*'Retain local business and encourage new businesses that will create long-term sustainable local employment'*.

The Strategic Plan notes the following new initiative that is of relevance to this proposal:

*'Encourage establishment of new businesses, which provide employment and / or service the tourist industry and contribute to the prosperity of Plantagenet'*.

**Officer Comment**

The application entails the establishment of a shop and consulting room (massage therapy). The proposed land uses are considered acceptable and are not detrimental to the amenity of the locality.

The Council has resolved to dispose of the subject property. Currently access to the subject lot is obtained through the Council's recreation reserve. The proponent will need to arrange independent access to the subject property and therefore will need to consult Main Roads WA (MRWA). Any future crossovers will need to be designed to the Shire's engineering standards.

The proponent will also be required to provide car parking on the subject lot. As there is no underlying zoning it is considered appropriate to apply the Commercial parking standards within Schedule 4 of TPS3 (ie: one (1) space per 40m<sup>2</sup> of floor area). In this instance the floor area of the building is 98.064m<sup>2</sup> and as such three (3) parking bays are required. The property is adequately landscaped.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr D Williss, seconded Cr K Hart:**

**That planning consent be granted in respect of Application No. 23/06 for a Shop and Consulting Rooms at Lot 700 (11) Albany Highway, Mount Barker in accordance with the plans dated 30 March 2006, subject to the following conditions:**

- (1) The crossover and access way to the lot being designed and installed in accordance with the Shire of Plantagenet specifications and standards, and being maintained by the proponent.**
- (2) The proponent providing three (3) clearly marked parking bays on the subject lot with adequate manoeuvring depth.**
- (3) Signage being in accordance with Schedule 10 of Town Planning Scheme No. 3 and having regard to the existing character of the building.**

**ADVICE NOTES:**

- (i) If the development, the subject of this approval, is not substantially commenced within a period of twenty-four months, the approval shall lapse and be of no further effect. Where approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.**
- (ii) With regards to Condition (1) the proponent is advised that consultation with Main Roads WA shall be required.**
- (iii) This planning approval is not an authorisation to commence construction. A building licence must be obtained from the Council's Building Services Department prior to commencing any work of a structural nature.**

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Lot 700 (11) Albany Highway, Mount Barker – Shop And Consulting Rooms (Cont.)

- (iv) It is advised that there is a right to apply for a review in accordance with Part 14 of the Planning and Development Act 2005 and any rules or Regulations made pursuant to the Act. Such an application must be lodged within twenty-eight days of the date of this decision.

CARRIED (8/0)

No. 247/06

**9.5.2 LOT 63 BOOTH STREET, MOUNT BARKER - TWO (2) GROUPED DWELLINGS**

|                            |   |
|----------------------------|---|
| <b>Location / Address:</b> | <b>Lot 63 Booth Street, corner Albany Highway, Mount Barker</b> |
| <b>Attachments: (5)</b>    | <b>Site Plan<br/>Elevations (2)<br/>Floor Plans (2)</b>         |
| <b>Name of Applicant:</b>  | <b>Edith Park Superannuation Fund</b>                           |
| <b>File Reference:</b>     | <b>RV/182/4608</b>  |
| <b>Author:</b>             | <b>Marta Osipowicz - Planning Officer</b>                       |
| <b>Authorised By:</b>      | <b>Peter Duncan - Manager Development Services</b>              |
| <b>Date of Report:</b>     | <b>4 August 2006</b>  |

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**Purpose**

The purpose of this report is to consider an application for two (2) grouped dwellings on Lot 63 (1) Booth Street, Mount Barker following public advertising.

**Background**

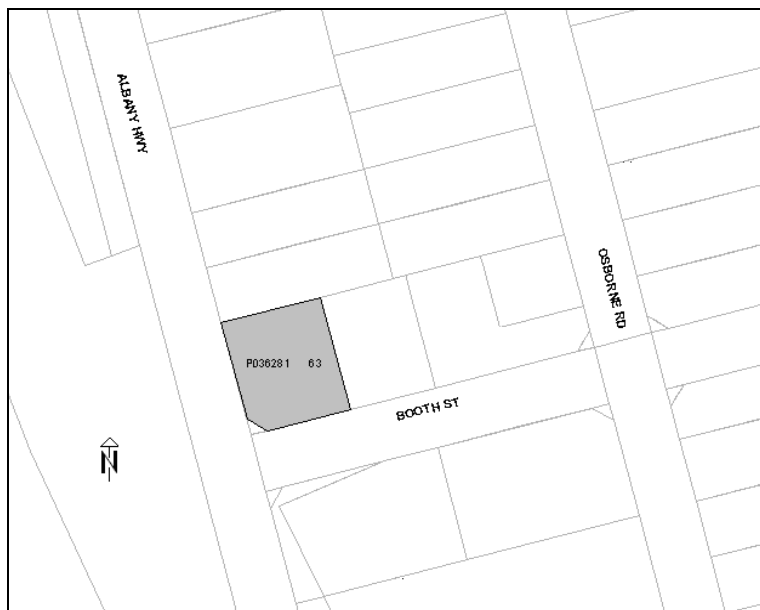
At its meeting held 13 June 2006, the Council resolved:

*'THAT:*

- (1) The application for Grouped Dwellings at Lot 63 (1) Booth Street, Mount Barker be advertised in accordance with Clause 6.2 of the Shire of Plantagenet Town Planning Scheme No. 3 stating that submissions may be made within twenty-one days from the date of the notice.*
- (2) At the conclusion of the advertising period a further report be prepared for the consideration of the Council at its meeting on 25 July 2006.'*

Due to publication deadlines the proposal was unable to be considered at the Council meeting held 25 July 2006. The Council was informed at its meeting 25 July 2006 that the subject report would be presented at the next Council meeting to be held 22 August 2006.

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**Lot 63 Booth Street, Mount Barker – Two (2) Grouped Dwellings (Cont.)**

Council records show the registered owner to be Edith Park Pty Ltd.

**Statutory Environment**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3

|          |             |
|----------|-------------|
| Zoning:  | Residential |
| Density: | R10/20      |

The Residential Design Codes of Western Australia (2002)

Health Act 1911

Building Code of Australia 2006

**Consultation**

The subject property was advertised in accordance with the Council's resolution. The public consultation period ended on 18 July 2006. There were no submissions received.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

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

**Officer Comment**

The proposed two grouped dwellings are generally acceptable. The siting of the rear unit has been altered which has improved surveillance in accordance with clause 3.2.4 of the Residential Design Codes.

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**Lot 63 Booth Street, Mount Barker – Two (2) Grouped Dwellings (Cont.)**

In accordance with Clause 3.3.1 of the Residential Design Codes the setback of the rear carport will need to be increased from 500mm to 1000mm – this will be marked on drawings in red. The applicants are prepared to shift the dwelling accordingly.

The dwellings satisfy density, setback and open space requirements for the R20 Code. It is recommended that the proposed two (2) grouped dwellings be conditionally approved.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr K Clements, seconded Cr J Mark:

That planning consent be granted in respect of Application No. 28/06 for development of two (2) Grouped Dwellings on Lot 63 Booth Street, Mount Barker in accordance with the plans dated 23 May 2006 and 27 July 2006, subject to the following conditions:

- (1) Revised drawings being submitted in conjunction with the building licence incorporating an increased eastern side carport setback from 500mm to 1000mm in accordance with Clause 3.3.1 of the Residential Design Codes.
- (2) Both dwellings being connected to reticulated sewerage.
- (3) Any required filling or excavation of the site shall be retained by embankments or walls, details of which are to be incorporated into the working drawings submitted in support of a building licence application.
- (4) Sealed crossovers and access ways to the lot and vehicle parking areas being installed and drained in accordance with the approved plan.
- (5) All stormwater runoff from the development being contained onsite and disposed of to the satisfaction of the Council.
- (6) A detailed landscaping plan being submitted in accordance with Clause 3.4.5 (A5) of the Residential Design Codes to the Council for assessment prior to commencement of development and landscaping being installed in accordance with the approved plan.
- (7) No person occupying the grouped dwellings until such time as the landscaping has been completed.
- (8) Any fencing forward of the building line not being of fibre cement sheet construction and not exceeding 1.2m in height unless otherwise approved by the Council and this will include the western boundary to Albany Highway.
- (9) The fence to the northern boundary being relocated on the boundary.
- (10) The height of any letterbox, electricity installation, fence, wall or hedge with 1.5m of any vehicle driveway where it meets a street or driveway alignment not exceeding the 0.75m limit imposed under the provisions of Clause 3.2.6 (A6) of the Residential Design Codes.



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Lot 63 Booth Street, Mount Barker – Two (2) Grouped Dwellings (Cont.)

- (11) Internal dividing fences visible from the driveway not being constructed of fibre cement sheeting.
- (12) External clothes drying facilities being provided for each dwelling in accordance with Clause 3.10.3 of the Residential Design Codes ensuring clothes drying areas are screened from view from any primary street or public area.

**ADVICE NOTES:**

- (i) If the development, the subject of this approval, is not substantially commenced within a period of twenty-four 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 planning approval is not an authorisation to commence construction. A building licence must be obtained from Council's Building Services Department prior to commencing work of a structural nature.
- (iii) The developer is encouraged to landscape to a high standard.
- (iv) It is advised that there is a right to apply for a review in accordance with Part 14 of the Planning and Development Act 2005 and any rules or Regulations made pursuant to the Act. Such an application must be lodged within twenty-eight days of the date of this decision.

**CARRIED (8/0)**

**No. 248/06**

**9.5.3 LOT 30 OATLANDS ROAD, MOUNT BARKER – ADDITIONS TO BUILDING AND USE AS RETAIL (SHOP) OUTLET**

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>Lot 30 Oatlands Road, Mount Barker</b>          |
| <b>Attachments: (2)</b>    | <b>Site Plans</b>                                  |
| <b>Name of Applicant:</b>  | <b>P Truphet</b>                                   |
| <b>File Reference:</b>     | <b>RV/182/1770</b>                                 |
| <b>Author:</b>             | <b>Marta Osipowicz - Planning Officer</b>          |
| <b>Authorised By:</b>      | <b>Peter Duncan - Manager Development Services</b> |
| <b>Date of Report:</b>     | <b>4 August 2006</b>                               |

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**Purpose**

The purpose of this report is to consider an application for additions to a building for its use as a Retail (Shop) Outlet at Lot 30 Oatlands Road, Mount Barker following public advertising.

**Background**

At its meeting held 13 June 2006, the Council resolved:

*THAT:*

- (1) *The application for a retail (shop) at Lot 30 Oatlands Road, Mount Barker be advertised in accordance with Clause 6.2 of the Shire of Plantagenet Town Planning Scheme No. 3 stating that submissions may be made within twenty-one days from the date of the notice.*
- (2) *At the conclusion of the advertising period a further report be prepared for the consideration of the Council at its meeting on 25 July 2006 relating to both components of the application.*
- (3) *The application for the carport component be presented to the Council at its meeting to be held 27 June 2006.*

Due to publication deadlines, the proposal was unable to be considered at the Council meeting held 25 July 2006. The Council was informed at its 25 July 2006 meeting that the subject report would be presented at the next Council meeting to be held 22 August 2006.

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**Lot 30 Oatlands Road, Mount Barker – Retail – Shop – Outlet (Cont.)**

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Council records show the registered owner to be P Truphet.

**Statutory Environment**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural Residential

**Consultation**

The subject proposal was advertised with the public consultation period ending on 18 July 2006. Three (3) submissions have been received expressing (a) no concern, (b) support and (c) objections to the proposal.

The submitter expressing support for the proposal did not provide any reasons for their support.

The objection raised is based on inconsistency of land use in the Rural Residential zone. The objectors suggest that retail should be encouraged within the Commercial zone of the Town Centre. There is concern a precedent would be set for further retail operations in the Rural Residential zone.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

Shire of Plantagenet Strategic Plan, Key Result Area 4 aims to:

*'Encourage and guide local development in accordance with the Strategic Plan and Town Planning Scheme No. 3'.*

*Additionally, to 'encourage establishment of new businesses, which provide employment and / or service the tourist industry and contribute to the prosperity of Plantagenet'.*

**Officer Comment**

The subject lot forms part of Rural Residential 3 (Mount Barker Townsite-East).

*'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 permitted (P) uses are:

- *'Single House*
- *Public Recreation'*

The discretionary uses (AA) are:

- *'Rural Uses*
- *Home Occupation*
- *Industry-Cottage*
- *Public Utility*
- *Horse Stables'*

*'Other incidental or non defined activities considered appropriate by Council which are consistent with the objective of the zone.'*

The proposal has been considered as an 'SA' use requiring public consultation due to its inconsistency with the zone. The applicant was made aware that the proposal was a departure from the intent of the zone yet no justification has been provided by the applicant.

The proposed use is inconsistent with the intent of the zone. Whilst the Bed and Breakfast and Restaurant are operating on the subject lot, retail should be encouraged within the Commercial zone of the Town Centre and not in Rural Residential areas. It is acknowledged that the Council supports business which enhances local employment and tourism however, businesses must be appropriately located.

Locating the proposed business within the Commercial zone would strengthen the economic viability through the concentration of retail outlets. A shop selling antiques, collectables, local products, paintings and other tourist related products would be of great benefit within the Commercial zone. The submitter's comments are supported in this instance.

The addition constitutes up to 177.39m<sup>2</sup> and setback 13.0m from the side boundary (15m required). The structure is adding considerable building bulk to the Rural Residential zone. The floor area proposed is more than double the existing floor area of the restaurant. It is considered the proposal is inconsistent with the purpose of the zone. It is recommended the proposed retail (shop) outlet be refused.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr J Moir, seconded Cr D Williss:

That planning consent be refused in respect of Application 26/06 for development of Retail (Shop) Outlet on Lot 30 Oatlands Road, Mount Barker for the following reasons;

- (1) The proposed land use is inconsistent with the objective of the zone.
- (2) The proposed structure does not meet the 15m side boundary setback required in the zone.
- (3) The proposed land use would set an undesirable precedent for other similarly zoned properties.

**ADVICE NOTES:**

- (i) The proposed land use should be located within the Commercial zone.
- (ii) It is advised that there is a right to apply for a review in accordance with Part 14 of the Planning and Development Act 2005 and any rule or Regulations made pursuant to the Act. Such an application must be lodged within twenty-eight days of the date of this decision.

**CARRIED (8/0)**

**No. 249/06**

**9.5.4 LOT 11 MOUNT BARKER - PORONGURUP ROAD, PORONGURUP - CHALET**

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>Lot 11 Mount Barker-Porongurup Road, Porongurup</b>         |
| <b>Attachments: (4)</b>    | <b>Site Plan<br/>Floor Plan<br/>Elevations<br/>Photographs</b> |
| <b>Name of Applicant:</b>  | <b>Peter Form</b>  |
| <b>File Reference:</b>     | <b>RV/182/3865</b>   |
| <b>Author:</b>             | <b>Marta Osipowicz - Planning Officer</b>                      |
| <b>Authorised By:</b>      | <b>Peter Duncan - Manager Development Services</b>             |
| <b>Date of Report:</b>     | <b>4 August 2006</b>   |

**Purpose**

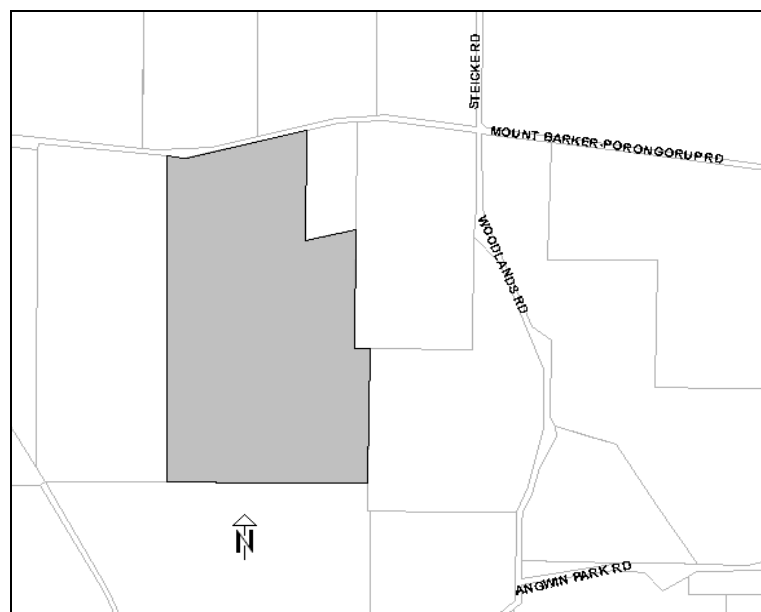
The purpose of this report is to consider an application to convert an existing outbuilding to a Chalet at Lot 11 Porongurup Road, Porongurup following public advertising.

**Background**

At its meeting held 11 July 2006, the Council resolved:

*'THAT:*

- (1) The application for Chalet at Lot 11 Mount Barker – Porongurup Road, Porongurup be advertised in accordance with Clause 6.2.3 (a) and (b) of the Shire of Plantagenet Town Planning Scheme No. 3 for a period of twenty-one days.*
- (2) At the conclusion of the advertising period a further report be prepared for the consideration of the Council at its meeting to be held on 22 August 2006.'*



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**Lot 11 Mount Barker-Porongurup Road, Porongurup – Chalet (Cont.)**

Shire records indicate the owner of the lot is Bjorn C Form. The proposed Chalet will be on Peter Form's land following finalisation of the boundary realignment.

**Statutory Environment**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural

**Consultation**

The subject proposal was advertised in accordance with the Council's resolution. The public consultation period ended on 9 August 2006. No submissions were received.

**Policy Implications**

The Council does not currently have a policy to guide tourist development. An increasing number of people are enquiring about developing tourist accommodation. An appropriate omnibus amendment to TPS3 and / or policies shall be required to address this into the future.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

Shire of Plantagenet Strategic Plan, Key Result Area 4 states:

*'Encourage establishment of new business, which provide employment and / or service the tourist industry and contribute to the prosperity of Plantagenet.'*

**Officer Comment**

The proposed Chalet provides additional tourist accommodation within the Porongurup area. The Chalet is located on the same property as a restaurant and bamboo nursery. The existing and proposed land uses are compatible. There is no potential conflict with adjoining Rural land uses due to the small scale nature of the proposal. Any additional expansion would require further consideration.

The proposed design is generally acceptable except for the workshop which is not compatible with a Chalet. The owner should provide a separate area in which to store equipment and the like. It is recommended that the Chalet be conditionally approved.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That planning consent be granted in respect of Application 31/06 for development of a Chalet on Lot 11 Mount Barker-Porongurup Road, Porongurup in accordance with the plans dated 30 May 2006, subject to the following conditions:**

- (1) The workshop being deleted from the proposed chalet design, with working drawings being submitted in conjunction with the Building Licence to reflect this requirement.**

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Lot 11 Mount Barker-Porongurup Road, Porongurup – Chalet (Cont.)

- (2) The method of effluent disposal will be designed so that it has no detrimental impact upon the immediate environment of the site or neighbouring properties, ie: pollution of water courses, springs, soaks, creek and / or dams etc.
- (3) The chalet will require a source of potable water to a capacity of 92,000L.
- (4) External building materials must be compatible with the site's surroundings.

**ADVICE NOTES:**

- (i) If the development, the subject of this approval, is not substantially commenced within a period of twenty-four months, the approval shall lapse and be of no further effect. Where approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.
- (ii) This planning approval is not an authorisation to commence construction. A building licence must be obtained from Council's Building Services Department prior to commencing work of a structural nature.
- (iii) It is advised that there is a right to apply for a review in accordance with Part 14 of the Planning and Development Act 2005 and any rule or Regulations made pursuant to the Act. Such an application must be lodged within twenty-eight days of the date of this decision.

**CARRIED (8/0)**

**No. 250/06**



### 9.5.5 LOT 669 CRADDOCK ROAD, MOUNT BARKER - WORKERS ACCOMMODATION

A Financial Interest was disclosed by Cr K Forbes for Item 9.5.5

Nature of Interest: Adjoining Landowner

4.12pm Cr Forbes withdrew and Cr Williss assumed the Chair.

**Location / Address:** Lot 669 Craddock Road, Mount Barker  
**Attachments: (1)** Site Plan  
**Name of Applicant:** John and Amanda English  
**File Reference:** RV/182/4474  
**Author:** Marta Osipowicz - Planning Officer  
**Authorised By:** Peter Duncan - Manager Development Services  
**Date of Report:** 4 August 2006

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#### Purpose

The purpose of this report is to consider an application for the construction of a second dwelling, for the purpose of housing volunteer workers at Lot 669 Craddock Road, Mount Barker following public advertising.

#### Background

At its meeting held 11 July 2006, the Council resolved:

*'THAT:*

- (1) *The application for Worker's Accommodation at Lot 669 Craddock Road, Mount Barker be advertised in accordance with Clause 6.2.3 (a) and (b) of the Shire of Plantagenet Town Planning Scheme No. 3 for a period of twenty-one days.*
- (2) *At the conclusion of the advertising period a further report be prepared for the consideration of the Council at its meeting to be held on 22 August 2006.'*



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Lot 669 Craddock Road, Mount Barker – Workers Accommodation (Cont.)

The above denotes the location of the subject lot. Shire records indicate the owners are John and Amanda English.

### **Statutory Environment**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural

### **Consultation**

The subject proposal was advertised in accordance with the Council's resolution. The public consultation period ended on 9 August 2006. One (1) submission was received from Mr Geoffrey Pearce which generally conveys no objection to two (2) workers but an objection to a greater number of workers or the conversion of the accommodation for tourists. The submitter considers Craddock Road too narrow and potentially a safety risk with additional residing people utilising the road.

### **Policy Implications**

Shire of Plantagenet Policy PB4 recognises that an additional dwelling on rural land may in some instances be appropriate, however no criteria are mentioned to detail these instances.

### **Financial Implications**

There are no financial implications for this report.

### **Strategic Implications**

Shire of Plantagenet Strategic Plan, under Key Result Area 4 – Development Services, aims to:

*'Encourage and guide local development in accordance with the Strategic Plan and Town Planning Scheme No. 3 (as amended)'* and also to,

*'Protect existing rural land from inappropriate land uses.'*

### **Officer Comment**

In this instance the applicant seeks accommodation for workers to assist in the operations of the Not-for-Profit organisation (Kangaroo Park for injured or orphaned animals). The applicant has submitted a Statutory Declaration declaring that the proposed structure will not be used for profit or financial gain but for workers to assist with the Not-for-Profit organisation.

In most instances it would be anticipated that any second residence would be located in close proximity to the existing dwelling. In this instance the proposed workers' accommodation is sited 190m north of the existing dwelling. This siting, whilst distant from the existing residence, allows for minimal clearing of vegetation and an already cleared area for waste disposal. This is a desirable outcome for the applicant given the nature of the organisation. Access to the proposed residence should be gained from the existing entrance with no new entrance or crossover permitted from Craddock Road. The applicant is satisfied with this concept as it allows for monitoring of internal traffic movement.

It is considered appropriate to restrict the floor area of the proposed residence. The applicant provided an indicative floor plan but has indicated that no decision has been made on the design layout. Discussions have occurred between the Shire's

Planning Officer and the applicant regarding the restriction of floor area. It is considered the size of the residence should be restricted to 90m<sup>2</sup>.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That planning consent be granted in respect of Application No. 35/06 for development of Workers Accommodation on Lot 669 Craddock Road, Mount Barker in accordance with the plans dated 19 June 2006, subject to the following conditions:

- (1) The proposed new residence being no greater than 90m<sup>2</sup>.
- (2) The proposed residence being occupied by people that provide assistance to the Not-for-Profit organisation.
- (3) Access to the proposed residence being gained through the existing entrance.

### **ADVICE NOTES:**

- (i) If the development, the subject of this approval, is not substantially commenced within a period of twenty-four months, the approval shall lapse and be of no further effect. Where approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.
- (ii) This planning approval is not an authorisation to commence construction. A building licence must be obtained from the Council's Building Services Department prior to commencing work of a structural nature.
- (iii) Subdivision of the subject lot will not be supported as a result of this approval for Workers Accommodation.
- (iv) It is advised that there is a right to apply for a review in accordance with Part 14 of the Planning and Development Act 2005 and any rules or Regulations made pursuant to the Act. Such an application must be lodged within twenty-eight days of the date of this decision.

### **COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr M Skinner:**

**That planning consent be refused in respect of Application No. 35/06 for development of Workers Accommodation on Lot 669 Craddock Road, Mount Barker:**

- (1) **The second house would be contrary to Council Policy TP/SDC/1 'Buildings – Town Planning Scheme – Rural Areas'.**
- (2) **The proposal would be contrary to the orderly and proper planning of the locality.**

### **ADVICE NOTES**

**It is advised that there is a right to apply for a review in accordance with Part 14 of the Planning and Development Act 2005 and any rules or Regulations made**

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Lot 669 Craddock Road, Mount Barker – Workers Accommodation (Cont.)

**pursuant to the Act. Such an application must be lodged within twenty-eight days of the date of this decision.**

**CARRIED (5/2)**

**No. 251/06**

Reason For change

The Council was concerned that the proposal for a second house on a 16.24ha Rural Zoned lot would be contrary to established policy regarding additional houses on Rural Zoned land.

Photo 1 & 2 – Siting of Workers Accommodation (Note no trees in this area)



Photo 3 – View to the south towards the existing residence



4.19pm Cr Forbes returned to the meeting and resumed the Chair.

### 9.5.6 LOCATION 3764 ST WERBURGHS ROAD, MOUNT BARKER - HOME OCCUPATION (BAKING)

Cr D Williss requested that prior to consideration of this item that Councillors note that as his wife no longer works for the applicant, he is not required to disclose a financial interest.

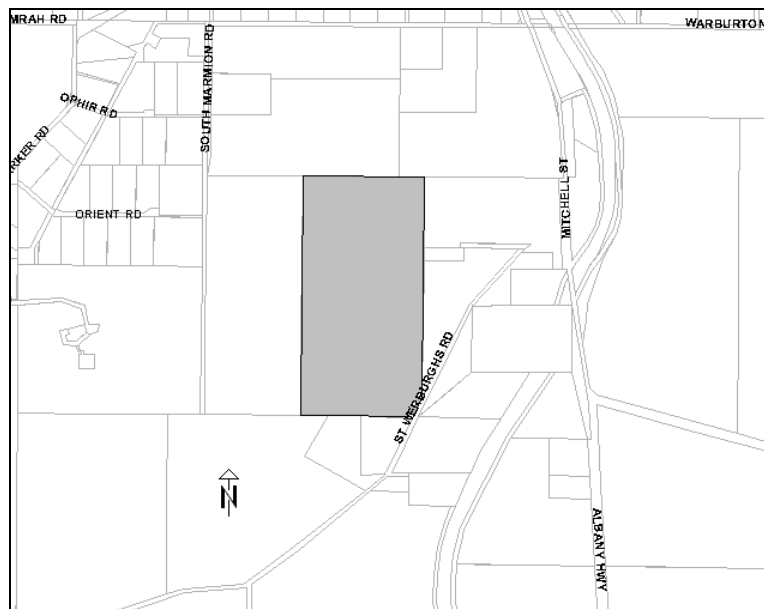
|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>Location 3764 St Werburghs Road, Mount Barker</b> |
| <b>Attachments: (2)</b>    | <b>Site Plan<br/>Floor Plan</b>                      |
| <b>Name of Applicant:</b>  | <b>Pauline Stevens</b>                               |
| <b>File Reference:</b>     | <b>RV/182/353</b>                                    |
| <b>Author:</b>             | <b>Marta Osipowicz - Planning Officer</b>            |
| <b>Authorised By:</b>      | <b>Peter Duncan - Manager Development Services</b>   |
| <b>Date of Report:</b>     | <b>10 August 2006</b>                                |

#### Purpose

The purpose of this report is to consider an application for Home Occupation (Baking) at Loc 3764 St Werburghs Road, Mount Barker.

#### Background

The application seeks to obtain approval to operate a Home Occupation from the subject property. The applicant produces flour based products for sale from commercial premises. Ms Pauline Stevens operates with Ms Dianne Enright under the banner of 'Vanilla Pods'.



Shire records show the registered owners to be Peter M & Pauline R Stevens.

#### Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3)

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Location 3764 St Werburghs Road, Mount Barker – Home Occupation (Baking) (Cont.)

|                 |                     |
|-----------------|---------------------|
| Zoning:         | Rural Small Holding |
| Use Class:      | Home Occupation     |
| Permissibility: | 'AA' use            |

The definition of Home Occupation within (TPS3) is as follows:

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

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but within limiting the generality of the foregoing) injury or prejudicial affection due to emission of noise, vibration, smell fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products;
- (b) does not entail the employment of any person not a member of the occupier's family, except in the case of a professional person;
- (c) does not occupy more than 20 square metres;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;
- (e) is restricted in advertisement to a sign not exceeding 0.2 square metres in area; and
- (f) will not result in the requirements of a greater number of vehicle parking facilities than normally required in the zone in which it is located and will not result in a substantial increase in the amount of vehicular traffic in the vicinity.'

Health Act 1911

### **Consultation**

Consultation has occurred between Mr Eric Howard - Environmental Health Officer and the applicant.

### **Policy Implications**

There are no policy implications for this report.

### **Financial Implications**

There are no financial implications for this report.

### **Strategic Implications**

The proposal indirectly contributes towards achieving the Shire of Plantagenet's Strategic Plan objective to '*encourage establishment of new businesses, which provide employment and / or service the tourist industry and contribute to the prosperity of Plantagenet.*'

### **Officer Comment**

The proposed use will be operated in conjunction with current 'Vanilla Pods' operations at Location 1293 Woogenellup Road, Mount Barker. The operators of 'Vanilla Pods' are now seeking "home occupation" approval for the subject premises for flexibility purposes. The production of goods will be appropriately managed between Location 1293 Woogenellup Road and Location 3764 St Werburghs Road.

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Location 3764 St Werburghs Road, Mount Barker – Home Occupation (Baking) (Cont.)

The proposed Home Occupation will not negatively impact adjoining neighbours. The floor area cannot be greater than 20m<sup>2</sup>. The plans indicate an area of 30m<sup>2</sup> however further to an inspection of the property by Mr Eric Howard - Environmental Health Officer, it has been determined that the floor area is actually 19m<sup>2</sup>. The proposed use



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**Location 3764 St Werburghs Road, Mount Barker – Home Occupation (Baking) (Cont.)**

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is unlikely to increase traffic volumes. Any advertising is limited in size to 0.2m<sup>2</sup> by the definition of home occupation.

The Shire's Environmental Health Officer has also noted that:

- The applicant intends to convert an outbuilding currently used as a games room into a kitchen;
- The kitchen will be location 40m from the dwelling house; and
- The application will provide additional stainless steel benches, wash tubs, hand basins and light covers.

The proposed Home Occupation is in accordance with TPS3 and conditional approval is recommended.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr K Clements, seconded Cr J Mark:

That planning consent be granted in respect of Application 39/06 for Loc 3764 St Werburghs Road, Mount Barker to be used for the purpose of Home Occupation (Baking) in accordance with plans dated 28 July 2006, subject to the following conditions:

- (1) This approval does not include the sale of goods from Location 3764 St Werburghs Road, Mount Barker.
- (2) The approval is limited an area no greater than 20m<sup>2</sup>.
- (3) The 0.2m<sup>2</sup> advertising sign allowed under the definition of Home Occupation being located on the subject land.
- (4) The approval period is twelve (12) months from the date of the Council's decision and subject to application for annual renewal thereafter.

**ADVICE NOTES:**

- (i) If the development, the subject of this approval, is not substantially commenced within a period of twelve (12) months, the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.
- (ii) Where, in the opinion of the Council, the Home Occupation is causing a nuisance or annoyance to neighbours or causing an adverse impact on the amenity of adjoining properties, the Council may not renew the Planning Consent and thereafter the business activities must cease.
- (iii) The definition of Home Occupation set out in Town Planning Scheme No. 3 and associated restrictions apply to this Home Occupation.
- (iv) It is advised that there is a right to apply for a review in accordance with Part 14 of the Planning and Development Act 2005 and any rules or Regulations made pursuant to the Act. Such an application must be lodged within twenty-eight days of the date of this decision.

**CARRIED (8/0)**

**No. 252/06**

### 9.5.7 LOCATION 2910 JONES ROAD, MOUNT BARKER - WAPC REF. 132014 - RURAL SUBDIVISION

A Financial Interest was disclosed by Cr K Forbes for Item 9.5.7

Nature of Interest: Adjoining Landowner

4.21pm Cr Forbes withdrew from the meeting and Cr Williss assumed the Chair.

**Location / Address:** Location 2910 Jones Road, Mount Barker

**Attachments: (1)** Subdivision Plan

**Name of Applicant:** Terrance & Rhonda Taylor

**File Reference:** LP/158/58

**Author:** Marta Osipowicz - Planning Officer

**Authorised By:** Peter Duncan - Manger Development Services

**Date of Report:** 10 August 2006

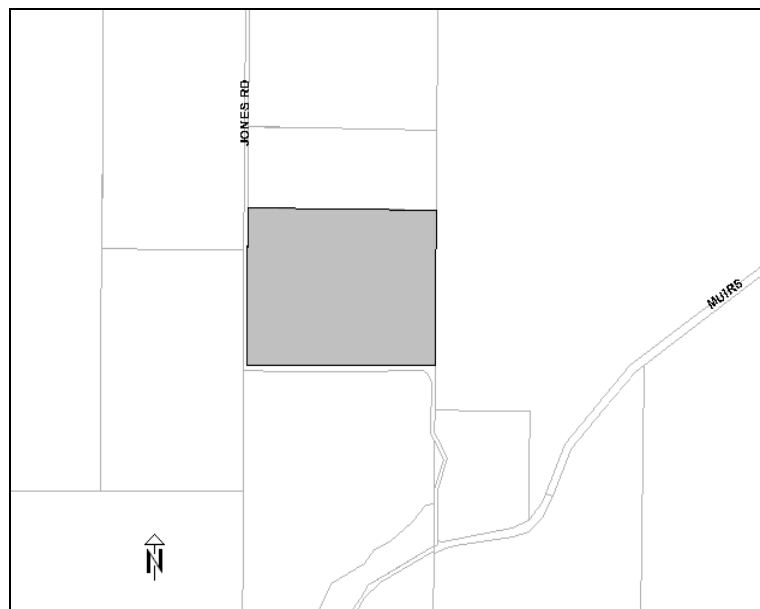
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#### Purpose

The purpose of this report is to consider an application for rural subdivision, referred by the Western Australian Planning Commission (WAPC) for Lot 2910 Jones Road, Mount Barker.

#### Background

An application for rural subdivision has been submitted to the WAPC. The subject application has been referred to the Council for its consideration.



Shire records show the registered owner to be Terrance M and Rhonda M Taylor.

#### Statutory Environment

- Planning and Development Act 2005
- Shire of Plantagenet Town Planning Scheme No. 3 (TPS3)

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Location 2910 Jones Road, Mount Barker – WAPC Ref. 132014 – Rural Subdivision (Cont.)

Zoning: Rural  
Proposed Lot A - 35ha  
Proposed Lot B - 44ha

- WAPC Policy:

*'SPP 2.5 'Agriculture and Rural Land Use Planning'  
DC 3.4 'Subdivision of Rural Land'*

*'3.1 There is a general presumption against subdivision of rural land unless it is specifically provided for in a town planning scheme, an endorsed local planning strategy or an endorsed local rural strategy.'*

### **Consultation**

There has been no consultation for this report.

### **Policy Implications**

Recommending approval to the WAPC would be contrary to that agency's policies.

### **Financial Implications**

There are no financial implications for this report.

### **Strategic Implications**

Shire of Plantagenet Strategic Plan, Key Result Area 4 aims to:

*'Encourage and guide local development in accordance with the Strategic Plan and Town Planning Scheme No. 3.'*

### **Officer Comment**

TPS3 has no specific objective relating to rural land or rural subdivision. Additionally, there are no specific requirements outlined within TPS3 and the Shire does not have a Local Planning Strategy or a Local Rural Strategy governing over the subject lot. This results in this rural subdivision being assessed purely within the context of the WAPC Policy DC 3.4 and SPP 2.5.

No justification has been provided by the applicant for the rural subdivision. It appears that there are two existing dwellings on the property and the subdivision would result in one (1) dwelling per proposed lot. The proposed rural subdivision does not conform to any statutory or strategic documentation therefore refusal is recommended as it would set an undesirable precedent for other similar properties.

### **Voting Requirements**

Simple Majority

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

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

**That the Western Australian Planning Commission be advised that the subdivision of Lot 2910 Jones Road, Mount Barker (WAPC Ref. 132014) dated 31 July 2006 is not supported for the following reasons:**

- (1) The subdivision is of a rural zoned lot.**
- (2) The subdivision represents the fragmentation of agricultural land.**

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Location 2910 Jones Road, Mount Barker – WAPC Ref. 132014 – Rural Subdivision (Cont.)

- (3) The subdivision would set an undesirable precedent for further subdivision of surrounding rural lots.
- (4) No Local Planning Strategy or Local Rural Strategy provides guidance on this form of subdivision in the subject locality.

**CARRIED (7/0)**

**No. 253/06**

4.23pm Cr Forbes returned to the meeting and resumed the Chair.

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**9.5.8 LOT 516 CARBARUP ROAD, KENDENUP – APPLICATION FOR A LICENCE TO KEEP AN APPROVED KENNEL ESTABLISHMENT**

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>Lot 516 Carbarup Road, Kendenup</b>               |
| <b>Attachments: (3)</b>    | <b>Locality Plan<br/>Site Plan<br/>Advertisement</b> |
| <b>Name of Applicant:</b>  | <b>Brian James McHardy</b>                           |
| <b>File Reference:</b>     | <b>RV/182/4565</b>                                   |
| <b>Author:</b>             | <b>Eric Howard – Environmental Health Officer</b>    |
| <b>Authorised By:</b>      | <b>Peter Duncan – Manager Development Services</b>   |
| <b>Date of Report:</b>     | <b>8 August 2006</b>                                 |

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**Purpose**

The purpose of this report is to consider an application for Planning Consent and the issuing of a licence to keep a kennel establishment at Lot 516 Carbarup Road, Kendenup.

**Background**

An application has been received from the owner / occupier seeking approval to keep a kennel establishment on Lot 516 Carbarup Road, Kendenup.

The applicant currently keeps his six (6) kelpie working dogs on the property within a constructed six (6) bay dog kennel located on the southern portion of the Carbarup Road property.

The applicant's dogs are registered with the Australian Working Dog Association and he was unaware that Council approval to keep this number of dogs on a rural property was also required. Following discussions and advice from the Council's Ranger Mr Ray Parry, the applicant now seeks the Council's approval to keep a kennel establishment on Lot 516 Carbarup Road, Kendenup to enable him to continue to keep his six (6) working sheepdogs with him on that property.

The subject lot is:

- owned by BJ & IE McHardy;
- 9.3 ha in area;
- zoned 'Rural' under the Shire of Plantagenet Town Planning Scheme No. 3; and
- located approximately 3km from the Kendenup town site.

This application does not include the provision of boarding dog kennel facilities.

**Statutory Environment**

- West Australian Dog Act 1976 – Part V - Keeping of Dogs  
*'Provision for Local Government to Make Local Laws to limit the number of dogs kept on premises unless licensed as an approved kennel establishment.'*
  - Shire of Plantagenet Local Laws Relating to Dogs 1999 – (the Local Laws)  
*'Part 4 – Limitation on the Keeping of Dogs.'*
-

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Lot 516 Carbarup Road, Kendenup – Application For A Licence To Keep An Approved Kennel Establishment (Cont.)

*Section 11(1) A person shall not keep on any premises more than –*

- (a) Two dogs over the age of 3 months and the young of those dogs under that age;*
  - (b) Four dogs over the age of 3 months and the young of those dogs under that age if the premise is situated outside the town site or comprise a lot in a special rural area having an area of 4 hectares or more.*
- (2) Unless the premises are licensed as an approved kennel establishment approved under the Town Planning Scheme.'*

*'Part 5 - Regulation of Dog Kennels.*

*Section 12. A person shall not keep a kennel establishment without having first obtained a licence under this local law and a planning approval under the Town Planning Scheme.*

*Section 13. An applicant for a licence to keep an approved kennel establishment shall-*

- (a) publish in a newspaper circulating in the district a notice of his intention to submit an application for a licence, being that of Form 1 of the Fourth Schedule, specifying that any interested person may within twenty one 21 days after the date of such publication object to or make representations in respect of the application in writing directly to the local government, and*
- (b) forward a notice, being that of Form 1 of the Fourth Schedule to the owners and occupiers of all adjoining land and premises upon which it is proposed to establish the kennels.'*

*'Section 15(2) The local government may, in respect of an application for a licence,*

- (a) refuse the application; or*
- (b) approve the application on such terms and conditions, if any, as it sees fit.'*

- Shire of Plantagenet Town Planning Scheme No. 3

*'Dog Kennel is an 'AA' use within a Rural Zone and Council may at its discretion permit the use.'*

### **Consultation**

Pursuant to Sections 13(a) and 13(b) of the Local Laws - Relating To Dogs, the applicant has provided formal notice of:

- (a) the intention to apply for a licence to keep an approved kennel establishment (Form 1) and that notice has been published in the Albany Advertiser (dated 4 July 2006) specifying that any interested person may within twenty-one days after the date of such publication, object or make representations in respect of the application in writing directly to the local government; and*
- (b) written notice (Form 1) to the owners and occupiers of all adjoining land and premises of his intention to make an application for a kennel licence pursuant to Section 13(b).*

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**Lot 516 Carbarup Road, Kendenup – Application For A Licence To Keep An Approved Kennel Establishment (Cont.)**

Following the twenty-one day advertising period, no representations or objections have been received in response to the application.

This application has been discussed with Ms Marta Osipowicz – Planning Officer and Mr Ray Parry – Shire Ranger

**Policy Implications**

There are no policy implications with this report.

**Financial Implications**

There are no financial implications with this report.

**Strategic Implications**

There are no strategic implications with this report.

**Officer Comment**

This matter has been brought to the attention of the Council as a result of routine surveillance duties carried out by the Council's Ranger. As a result, the owners and occupiers of Lot 516 Carbarup Road, Kendenup were advised of the need to receive Council approval to keep more than four (4) dogs on the rural premises and have subsequently applied for a licence to keep an approved kennel establishment on that Lot.

The Council's Ranger has advised that the existing kennel structure is well constructed and maintained in an exceptionally clean and tidy condition. Minor alterations will be required to ensure the kennel structure meets the required standards and specifications of the Local Laws Relating To Dogs and such details have been included within the applicant's building plan details. The kennel is located at distances greater than those required from dwellings, boundaries and roads as specified within the Local Laws Relating To Dogs.

The subject lot is bounded predominantly by larger rural lots with the nearest dwelling house located approximately 160m to the south west of the kennel structure.

The applicants were residing within a caravan on the lot at the time of the initial investigation and were also unaware of the Council's requirements for temporary accommodation approval. The applicants have subsequently received Council approval (Resolution No. 170/06) to occupy temporary accommodation within a caravan during the construction of their Class 1a dwelling. While the approved dwelling is to be located approximately 120m north of the existing caravan and dog kennel location, the dog kennel structure will remain at the current location.

Initial and subsequent inspections of the premises by the Council's Ranger and Environmental Health Officer have found the dogs to be well behaved, quiet and always secured within their respective kennels. There is no Council record or history of noise complaints attributed to the applicant's dogs.

The Local Laws require any person keeping dogs in numbers greater than four (4) within a rural area, shall receive both Planning Consent and a Licence to Keep an Approved Kennel Establishment.

An approved kennel establishment is solely registered and licensed to the owners or occupiers of the land as specified in the application for licence to keep an approved



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Lot 516 Carbarup Road, Kendenup – Application For A Licence To Keep An Approved Kennel Establishment (Cont.)

kennel establishment and is deemed null and void in the event of a change of ownership or occupier of the land on which the kennel establishment is located.

An approved kennel licence is valid for a period of twelve (12) months and shall be renewed annually.

The local government may refuse to renew the kennel licence if the licensee does not comply with or the kennel establishment is not kept in accordance with Part 18 of the Local Law, or for any reason relating to the conduct of the kennel being a nuisance to the neighbours by reason of noise, odour or any other cause.

### **Voting Requirements**

Simple Majority

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

Moved Cr D Williss, seconded Cr K Hart:

**THAT:**

- (1) Planning consent be granted in respect of Application Number 25/06 dated 24 April 2006 for approval to keep a kennel establishment on Lot 516 Carbarup Road, Kendenup.**
- (2) A licence be issued to BJ McHardy to keep an approved kennel establishment at Lot 516 Carbarup Road, Kendenup, subject to the approved kennel establishment being operated and maintained in accordance with the provisions of the:**
  - (a) West Australian Dog Act 1976 - Part V - Keeping of Dogs**
  - (b) Shire of Plantagenet Local Laws Relating To Dogs 1999**

**CARRIED (8/0)**

**No. 254/06**

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**9.5.9 PORTION OF RESERVE 10338 LOWOOD ROAD / MUIR STREET, MOUNT BARKER – DISPOSAL OF LAND SURPLUS TO RAILWAY OPERATIONAL REQUIREMENTS**

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>Portion of Reserve 10338 Lowood Road / Muir Street, Mount Barker</b>                              |
| <b>Attachments: (2)</b>    | <b>Location Plan<br/>Western Australian Government Railways<br/>Commission Plan showing building</b> |
| <b>Name of Applicant:</b>  | <b>Gray &amp; Lewis on behalf of Public Transport Authority</b>                                      |
| <b>File Reference:</b>     | <b>PR/9/7</b>  |
| <b>Author:</b>             | <b>Peter Duncan – Manager Development Services</b>   |
| <b>Authorised By:</b>      | <b>Rob Stewart – Chief Executive Officer</b>   |
| <b>Date of Report:</b>     | <b>14 August 2006</b>  |

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**Purpose**

The purpose of this report is to consider a request to dispose of 534m<sup>2</sup> of Reserve 10338 Lowood Road, Mount Barker by freehold title to the current tenant.

**Background**

Gray & Lewis on behalf to the Public Transport Authority (PTA) have written seeking the Council's support for the disposal of 534m<sup>2</sup> of Reserve 10338 Lowood Road by way of freehold title to the present tenant.

The PTA and the Western Australian Planning Commission have agreed that prior to subdivision to create a freehold title, the land use potential and appropriate zoning need to be considered.

Reserve 10338 is a Crown Railway Reserve with the railway line being located on the eastern side of the reserve. The reserve is some 61m in width.

Gray & Lewis suggest the section of the Railway Reserve fronting Lowood Road, north of Muir Street should be considered for other uses such as service / light industrial or commercial.

Westnet Rail which leases and operates the rail network, requires a 20m offset from the centreline of the operating track to the boundary of a development site. Gray & Lewis seek comment as to whether the Council supports the release of land from the Railway Reserve and if so confirmation of an appropriate classification in the Town Planning Scheme and suggest Commercial or Service Commercial.

**Statutory Environment**

Planning and Development Act 2005

Town Planning Scheme No. 3 – Local Scheme Reserve 'Railway'

Land Administration Act – Crown Reserve - Railway

**Consultation**

The matter has been discussed with Mr Rob Stewart - Chief Executive Officer.

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Lot 516 Carbarup Road, Kendenup – Application For A Licence To Keep An Approved Kennel Establishment (Cont.)

### **Policy Implications**

There are no policy implications for this report.

### **Financial Implications**

Should the land be vested in the Council, there may be financial implications if additional landscaping / tree planting was proposed.

### **Strategic Implications**

The Lowood Road redevelopment plans do not continue past the intersection of Muir Street except for two (2) verge trees and brick paving to the corner truncation.

### **Officer Comment**

The use of this area for service industrial or commercial type activities on freehold lot(s) is not supported. The area is a very important location in respect to the town centre redevelopment plans in that it is the northern entry to the redeveloped area. It would be preferable to landscape / tree plant the area fronting Lowood Road and keep the remainder of the area behind the planting for carparking facilities. The area further north on Lowood Road has been planted with trees and to continue this theme to Muir Street would be a preferable outcome.

Westnet Rail requires a 20m wide offset from the centre of the rail line to the boundary of a development site. The separation from the centre of the rail line to the Lowood Road reserve is approximately 30m and with the 20m offset taken out, then potential development lots would only be 10m deep. This is too shallow for a commercial type development with appropriate car parking facilities / landscaping and so on.

From the Western Australian Government Railways Commission plan attached, it can be seen how the existing building encroaches well into the 20m offset area and would likely be required to be removed to meet current standards.

The most appropriate outcome would be for the land to be vested in the Council as a reserve that will allow both carparking and landscaping. The area to be vested should extend some 150m north of Muir Street to take in the full extent of the already bitumised area.

### **Voting Requirements**

Simple Majority

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

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

**That Gray & Lewis on behalf of the Public Transport Authority be advised the Council does not support the proposed disposal of 534m<sup>2</sup> of railway land in Lowood Road north of Muir Street from Reserve 10338 as the Council wishes the area from Muir Street some 150m north be vested in the Council for carparking and landscaping purposes.**

**CARRIED (8/0)**

**No. 255/06**

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**9.5.10 RESERVE 1790 MCDONALD AVENUE, MOUNT BARKER - WASTEWATER REUSE SCHEME - FROST PARK SPORTING GROUND**

A Financial Interest was disclosed by Cr K Clements for Item 9.5.10

Nature of Interest: Adjoining Landowner

4.32pm Cr Clements withdrew from the meeting.

**Location / Address:** N / A  
**Name of Applicant:** N / A  
**File Reference:** WS/118/1, RV/182/812  
**Author:** Eric Howard - Environmental Health Officer  
**Authorised By:** Peter Duncan - Manager Development Services  
**Date of Report:** 15 August 2006

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**Purpose**

The purpose of this report is to consider the existing agreement between the Shire of Plantagenet and Hardy Wine Company Limited (HWC) (previously BRL Hardy Limited - BRLH), whereby BRLH agreed to deliver to the Shire, and the Shire agreed to receive, 25% of the annual quantity of treated wastewater (sewage and effluent) as supplied to Omrah Vineyards, Mount Barker by the WA Water Corporation (WAWC) from their Mount Barker Wastewater Treatment Plant.

It is recommended that approval be granted to continue the existing agreement with HWCL and initiate a regular and permanent wastewater reuse scheme for the irrigation of Frost Park Sporting Ground.

**Background**History

The WA Water Corporation (WAWC) has an existing agreement with Hardy Wine Company (HWC) for the supply of the total volume of wastewater treated at the Mount Barker Wastewater Treatment facility for the irrigation of grapevines at HWC's Omrah Vineyards, Omrah Road, Mount Barker.

The Plantagenet Shire Council subsequently entered into a separate perpetual agreement with HWC (contract signed and dated 1 January 2000) to receive a 25% portion of that annual wastewater volume supplied to Omrah Vineyards by WA Water Corporation, to be used by the Shire to supplement its irrigation scheme at the Frost Park Race Track and Sports Ground.

While the terms and conditions of the agreement with HWC obligate the Shire to receive 25% of the annual volume of wastewater supplied to Omrah Vineyards by WAWC, this arrangement has been flexible. Historically Omrah Vineyards have had sufficient on site storage capacity for the total annual volume of wastewater delivered by WAWC and as a result, wastewater has only been supplied to the Shire's Frost Park storage dam on an 'as required' basis, as requested by the Shire of Plantagenet Parks and Gardens staff.

This arrangement has served the Shire well in the past, having received substantially less than the nominated 25% of the required wastewater volume. Wastewater has

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**Reserve 1790 McDonald Avenue, Mount Barker – Wastewater Reuse Scheme – Frost Park Sporting Ground (Cont.)**

been delivered intermittently during the driest summer months and therefore storage and subsequent irrigation has not been a problem.

### Wastewater Volumes

The storage capacity of the Frost Park dam can only be estimated due to its irregular shape and depth and is believed to be between 5 and 6ML (ie: 5,000m<sup>3</sup> – 6,000m<sup>3</sup>).

Based on current wastewater volumes, Omrah Vineyards receive an annual wastewater volume of 80ML (80,000,000L or 80,000m<sup>3</sup>) and therefore should circumstances dictate, the Shire may be required to receive its obligatory 20ML (20,000m<sup>3</sup>) of wastewater per annum to meet its contractual arrangements with HWC.

It is most likely that wastewater would be diverted to the Shire's Frost Park storage dam at a time when Omrah Vineyards wastewater storage system was at capacity, typically during late spring to early summer following average to heavy winter rainfall. Accordingly, the Frost Park storage dam (the Shire's only storage system for wastewater) would most likely also be at capacity from winter rainfall and runoff.

The Department of Environment (DoE) has determined that the discharge of treated sewage into waters or on to land in excess of 100,000L per day will trigger the requirement for the issuing of a licence by that authority in accordance with Section 56 of the Environmental Protection Act 1986.

The storage or discharge of 20,000m<sup>3</sup> of wastewater (as per the HWC / Shire agreement) would trigger the requirement for the Shire to receive a licence with the DoE to discharge wastewater.

Past figures of wastewater volumes received by the Shire from HWC / Omrah Vineyards have been calculated by averaging the total volume received over a twelve (12) month period to achieve wastewater volumes below the threshold limits set by the DoE necessitating either registration or licensing.

The DoE has subsequently determined that 'averaging' of wastewater volumes is an inappropriate method for calculating wastewater discharge and therefore actual daily delivery volumes apply, thereby requiring registration or licensing.

As a reference, wastewater delivery rates from WAWC have been calculated to be in excess of 20kL (200,000L or 200m<sup>3</sup>) per day.

### Rationale

HWC has recently renewed its agreement with WAWC to continue to receive treated wastewater from the Mount Barker Wastewater Treatment Plant for a further period of five (5) years effective from 28 February 2007.

Consequently, the Hardy Wine Company Limited now seeks confirmation that the Shire of Plantagenet has sufficient available wastewater storage capacity capable of preventing the escape of effluent in any event, for a maximum volume of 20,000m<sup>3</sup> in accordance with the terms of the existing agreement between HWC and the Shire of Plantagenet.

To enable the Shire to meet the terms and conditions of the current agreement with HWCL, and confirm the ability to store the nominated 20ML of wastewater as requested, the Shire will need to receive a licence from the DoE to discharge waste in accordance with Schedule 1 of the Environmental Protection Regulations 1987.

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Reserve 1790 McDonald Avenue, Mount Barker – Wastewater Reuse Scheme – Frost Park Sporting Ground (Cont.)

### Proposal

An application for a licence to discharge waste will necessitate the production of an extensive and detailed Environmental Impact Assessment of the proposal including the development of a Nutrient Irrigation Management Plan (NIMP).

This plan will include in part, detailed wastewater quality and volume figures, provide soil nutrient status and capability figures, vegetation nutrient uptake figures, site hydrology, preliminary and ongoing environmental water sampling and monitoring programs.

To facilitate this process it will be necessary to engage the services of a qualified specialist Environmental Engineer to undertake this type of investigation and subsequent licence application on behalf of the Shire.

It is estimated that the Nutrient Irrigation Management Plan, including the detailed site investigation and the licence application process may cost up to \$10,000.00.

Additional capital costs that 'may' be associated with or 'shall' be required as a condition of licence to discharge waste include:

- (1) The expansion of the existing Frost Park storage dam (site works), capable of storing a capacity of 20,000m<sup>3</sup> at approximately \$30,000.00; or
- (2) The construction of a 'specific' wastewater storage dam at Frost Park capable of storing a capacity of 20,000m<sup>3</sup> at approximately \$40,000.00;
- (3) Lining of either storage dam to prevent leaching with either clay or impervious plastic, subject to detailed site investigation;
- (4) Water flow meter – to monitor wastewater delivery volumes at approximately \$1,000.00;
- (5) Fencing of the wastewater storage dam – public health and safety requirements at approximately \$17,000.00; and
- (6) On-going environmental monitoring – water and soil sampling programs for the life of the scheme at approximately \$3,000.00 per annum.
- (7) Annual Licence fee for the discharge of waste is unknown at this stage.

Funding for capital costs associated with this project may be available through the Australian Government Water Fund - 'Community Water Grants program'.

### Irrigation Needs

Whilst irrigation water for the Frost Park Football Oval and Race Track is originally sourced from storm water catchment and runoff into the Frost Park dam, this collection system is topped up many times during the summer months with water sourced from the 'Government Dam' wetland system, located on the south eastern portion of the Frost Park Reserve.

Both the Frost Park football oval and race track are watered via an automated reticulated belowground irrigation system.

The Government Dam water source is also used to water Sounness Park Sporting Ground. This water is piped below ground to the oval and connected to an aboveground traveling impact sprinkler.

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**Reserve 1790 McDonald Avenue, Mount Barker – Wastewater Reuse Scheme – Frost Park Sporting Ground (Cont.)**

In addition, the Mount Barker Caravan Park also uses water from the Government Dam water supply for watering its camping ground and grassed areas, through a separate belowground irrigation system.

Weekly watering requirements for the Shire's sporting grounds are:

- (1) Frost Park Football Oval – 230,000L twice / week.
- (2) Frost Park Race Track – 360,000L twice / week
- (3) Sounness Park Sporting Ground – 230,000L twice / week.

Current annual watering figures for the Shire's sporting grounds are variable and subject to seasonal conditions and are therefore represented as 'wet' and 'dry' years respectively, and are estimated at:

- (1) Frost Park Football Ground – between 2.7ML and 4.7ML
- (2) Frost Park Race Track – between 3.5ML and 12ML
- (3) Sounness Park Sporting Ground – between 2.7ML and 4.7ML

There are no irrigation figures available for the Mount Barker Caravan Park, however will be subject to water availability and subsequent lawn condition.

It is estimated that the Shire's sporting grounds require a combined total of between 8ML and 22ML per annum, depending upon the season.

The above mentioned watering volumes are conservative and based on grass sustainability parameters and therefore actual watering volume potential may be higher if wastewater disposal was the primary function of irrigation.

### **Environmental Constraints**

The Shire's predominant source of irrigation water is the Government Dam.

This water body is an important natural and manmade constructed wetland area forming a valuable environmental and biological filtration system for both storm water runoff from within the urban area and the town Central Business District.

The Government Dam also collects natural subsurface drainage water from surrounding land prior to entry into the upper Kalgan River water catchment system.

Current climatic conditions and projected meteorological forecasts will require a greater awareness and consideration for the protection and utilisation of the town's most valuable and precious natural resource, in a responsible and sustainable manner.

The continued use and reliance on the Government Dam water supply as the primary source of irrigation water for the Shire has the potential to be environmentally unsustainable.

The Government Dam water source is open to the environment and therefore subject to contamination, degradation or depletion from a variety of internal and external sources or consequences and therefore should not be relied upon as the primary source of an unlimited irrigation water supply.

The reuse of treated wastewater onto the Shire's sporting grounds and race track is a valuable undeveloped resource currently available to the Shire.

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Reserve 1790 McDonald Avenue, Mount Barker – Wastewater Reuse Scheme – Frost Park Sporting Ground (Cont.)

### **Statutory Environment**

Environmental Protection Act 1986  
Environmental Protection Regulations 1997  
Western Australia Health Act 1911

### **Consultation**

Discussions relating to the concept of undertaking a permanent and regular wastewater reuse scheme for irrigation purposes on the Shire's sporting grounds and race track has occurred with the following officers:

- Mr Rob Stewart - Chief Executive Officer
- Mr Ian Bartlet - Manager Works
- Mr Peter Duncan – Manager Development Services
- Miss Marta Osipowicz – Planning Officer
- Administration Staff – Wastewater Management – Health Department
- Administration Staff - Department of Environment - Albany
- Senior Staff - WA Water Corporation - Albany
- Ms Kate McCormack - Environmental Engineer - ATA Environmental

### **Policy Implications**

There are no policy implications for this report.

### **Financial Implications**

It is anticipated that an unbudgeted expenditure of up to \$10,000.00 will be required to undertake the Environmental Impact Assessment (EIA) and associated Nutrient Irrigation Management Plan to enable an application for approval to discharge wastewater in accordance with the provisions of the Environmental Protection Regulations 1987.

Further unbudgeted funds will be required for on-ground works however the type and extent of such work will be subject to the findings of both the EIA and subsequent conditions of licence that may be imposed by the DoE and therefore can not be established at this time.

It is estimated that excavation work to either expand or construct a new 20,000m<sup>3</sup> wastewater storage dam if required, may cost up to \$40,000.00.

Public safety fencing around the storage dam has been estimated at \$17,000.00.

Routine water and soil sampling and analysis may cost up to \$3,000.00 per annum, together with an annual licence to discharge wastes may exceed \$500.00.

Australian Federal Government funding may be available for additional on-ground costs associated with this project through the 'Community Water Grants' program.

### **Strategic Implications**

There are no strategic implications for this report.

### **Officer Comment**

Under the current terms and conditions of the agreement between HWC and the Shire of Plantagenet, the Shire has agreed to receive 25% of the annual quantity of



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**Reserve 1790 McDonald Avenue, Mount Barker – Wastewater Reuse Scheme – Frost Park Sporting Ground (Cont.)**

treated wastewater as supplied to Omrah Vineyards by the WA Water Corporation from their Mount Barker Wastewater Treatment Plant.

This agreement has been flexible and to date, the Shire has received far less than its agreed 25% of wastewater to maintain Frost Park.

Should the Council wish to continue receiving wastewater for irrigation, it will be necessary to receive a licence from the DoE to discharge waste onto land.

The application process will include the production of an Environmental Impact Assessment together with a Nutrient Irrigation Management Plan. This will require the expertise of specialist Consultant Environmental Engineers.

The infrastructure for the storage of approximately 5ML of water for irrigation onto the Frost Park Sporting Ground and Race Track already exist.

Wastewater Reuse schemes require Health Department approval and will incorporate requirements and guidelines for wastewater irrigation, contact withholding periods, signage, routine sampling and general operational procedures.

Health legislation will require the construction of a 1.8m security fence around the existing storage dam perimeter together with additional warning signage throughout Frost Park.

Licence conditions imposed by the DoE, will include:

- (1) The installation of a wastewater flow meter;
- (2) Implement ongoing routine water and soil sampling for analysis; and
- (3) Annual reporting requirements.

The DoE may also require the lining of the existing storage dam or any other wastewater storage dam constructed on site, however this requirement will be subject to initial site investigations confirming leaching from the existing storage dam.

The discharge of offensive odours associated with the storage and irrigation of treated wastewater is possible, however the level of odour produced in this instance is considered to be negligible. The Shire has no record of odour complaints being received associated with either the past wastewater reuse at Frost Park or in fact from the Mount Barker Wastewater Treatment facility.

The proposed extension of the wastewater treatment plant later this year will further reduce wastewater odour potential at the treatment plant and accordingly at Frost Park.

Federal funding for this type of water utilisation initiative may be available through the Community Water Grants, however the application period for funding closes on 25 August 2006. It is unknown if 'Round 3' grants will be available in the future, however these funds will only cover on-ground costs associated with water conservation projects.

Irrigation figures suggest that Frost Park utilises on average, in excess of 600,000L per week to sustain the football oval and race track during peak summer weather patterns. The Frost Park storage dam capacity is sufficient for a maximum period of six (6) weeks watering supply, including loss to evaporation.

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**Reserve 1790 McDonald Avenue, Mount Barker – Wastewater Reuse Scheme – Frost Park Sporting Ground (Cont.)**

It is therefore reasonable to expect the Frost Park dam is 'topped-up' approximately every four (4) weeks with water sourced from the Government Dam.

The Government dam is the primary source of irrigation water for Sounness Park oval and the Mount Barker Caravan Park.

The Government Dam is also a valuable alternative source of water for the town's Fire and Emergency Services.

The use of treated wastewater has the potential to be a valuable and reliable source of nutrient laden irrigation water available for use on the Shire's sporting grounds and race track well into the future.

Future redevelopment of the Sounness Park Sporting Oval may also include the use of wastewater for irrigation purposes, subject to further detailed site specific investigations and subsequent approval from DoE.

The use of wastewater for irrigation onto sporting grounds is an approved and environmentally acceptable method for the disposal of treated wastewater.

### **Options**

While the proposal to continue to reuse wastewater for irrigation purposes may require significant capital resources and associated financial expenditure, the following options are available for consideration:

- (1) Retain the existing agreement and advise HWC of the Shire's inability to store 20ML of wastewater without possible loss to the environment (a wait and see approach).
- (2) Retain the existing agreement with HWC, confirm the ability to store 20ML of wastewater without loss to the environment, if delivered intermittently throughout the summer months, and initiate environmental investigations to support an application for a licence with DoE for the storage and discharge of treated wastewater at Frost Park through the existing irrigation system.
- (3) Retain the existing agreement with HWC, confirm the ability to store 20ML of wastewater without loss to the environment through the expansion of the existing storage dam to 20ML capacity and initiate the environmental investigations to support an application for a licence with DoE for the storage and discharge of treated wastewater at Frost Park through the existing irrigation system.
- (4) Retain the existing agreement with HWC, confirm the ability to store 20ML of wastewater without loss to the environment through the construction of a new specific 20ML wastewater storage dam and initiate the environmental investigations to support an application for a licence with DoE for the storage and discharge of treated wastewater at Frost Park through the existing irrigation system.
- (5) Retain the existing agreement with HWC, confirm the ability to store 20ML of wastewater without loss to the environment through the construction of a specific 20ML wastewater storage dam and initiate the environmental investigations required to support an application for a licence with DoE for the storage and discharge of treated wastewater at Frost Park through the existing

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Reserve 1790 McDonald Avenue, Mount Barker – Wastewater Reuse Scheme – Frost Park Sporting Ground (Cont.)

irrigation system and further, include provision for the future irrigation of Sounness Park with treated wastewater, or

- (6) Cancel the agreement with HWC and rely on Frost Park storm water catchment, the Government Dam and the reticulated mains water supply for all future irrigation and watering needs.

**Voting Requirements**

Absolute Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr D Williss, seconded Cr K Hart:

**THAT:**

- (1) At the quarterly financial review to be undertaken at the Council meeting to be held 24 October 2006, consideration be given for the unbudgeted expenditure of up to \$10,000.00 to engage the services of a suitably qualified Environmental Engineer to undertake detailed site investigations of the Frost Park Sports Ground for the operation of a regular Wastewater Reuse Scheme at Frost Park to:

  - (a) Develop an Environmental Impact Assessment and Nutrient Irrigation Management Plan for the proposed Frost Park Wastewater Reuse Scheme;
  - (b) Submit to the Department of Environment an application for a licence to store or discharge waste as part of the proposed Frost Park Wastewater Reuse Scheme, on behalf of the Shire of Plantagenet; and
  - (c) Provide technical support for the application for funding under the Australian Government Water Fund 'Community Water Grants' program for the investigation and implementation of the Frost Park Wastewater Reuse Scheme.
- (2) The Hardy Wine Company Limited be advised that the Council intends to continue with the current agreement to receive 25% of the annual wastewater volume delivered to Omrah Vineyards by WA Water Corporation, provided the Shire receives delivery of that wastewater intermittently throughout the summer months until such a time as a licence is received as per Part (1) above and then in accordance with the provisions and conditions of the licence.
- (3) A report being provided to the Council following advice from the Department of Environment detailing the operational conditions of licence for the Wastewater Reuse Scheme at Frost Park to:

  - (a) Consider the specific conditions of licence imposed by the Department of Environment; and
  - (b) Seek the Council's consideration for the implementation of the Frost Park Wastewater Reuse Scheme, in accordance with the conditions of licence.

**CARRIED (7/0)**

**No. 255/06**

4.57pm Cr Clements returned to the meeting.

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

Cr Moir has given notice pursuant to Clause 3.7 of Standing Orders that he intends to move:

'That the Chief Executive Officer be requested to begin the processes to rename the following roads in the Shire of Plantagenet and the City of Albany:

- Narrikup-Chorkerup Road to be renamed Narrikup Road; and
- Chorkerup Siding Road (City of Albany) to be renamed Siding Road.

Comment

Three (3) roads in clear proximity and intersecting with each other have the name Chorkerup which can be confusing and should be rationalised. (Map attached)

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

**That the Chief Executive Officer be requested to begin the processes to rename the following roads in the Shire of Plantagenet and the City of Albany:**

- **Narrikup-Chorkerup Road to be renamed Narrikup Road; and**
- **Chorkerup Siding Road (City of Albany) to be renamed Siding Road.**

**CARRIED (8/0)**

**No. 256/06**

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

Moved Cr J Mark, seconded Cr D Williss:

That new business of an urgent nature, namely:

- **South Mount Barker Football Club – Sounness Park**
- be introduced into the meeting

**CARRIED (8/0)**

**No. 257/06**

### **COUNCIL DECISION**

Moved Cr K Clements, seconded Cr K Hart:

**THAT:**

- (1) Subject to the South Mount Barker Football Club formally relinquishing any rights that the Club believes it has over infrastructure of any sort at Sounness Park and subject to such infrastructure being acknowledged as the property of the Shire of Plantagenet, the Council gives notice of its intention to create a Committee pursuant to Section 5.8 of the Local Government Act 1995 to oversee the use and development of Sounness Park and to make such recommendations to the Council as it sees fit in this regard.**
- (2) In recognition of the infrastructure referred to in Part (1) above being acknowledged as the property of the Shire of Plantagenet, the Shire will record that infrastructure as being full payment of outstanding moneys owed by the South Mount Barker Football club to the Council.**
- (3) No objections are raised for South Mount Barker Football Club memorabilia of significance to be displayed in the current Sounness Park clubrooms or future buildings located on Sounness Park.**
- (4) The name South Mount Barker Football Club will no longer be used by any combined sporting group.**
- (5) The South Mount Barker Football Club liquor licence be cancelled.**
- (6) All sporting clubs wishing to use Sounness Park and its facilities do so on a 'user pays' agreement with the Shire of Plantagenet.**
- (7) The Shire of Plantagenet investigates the provision of temporary changerooms to be used until the further development of Sounness Park takes place.**
- (8) A joint meeting of all interested user groups / sporting bodies be held at 6.00pm on 11 September 2006 in the Council Committee Room.**
- (9) The Chief Executive Officer be requested to draw up appropriate documentation for signing by the South Mount Barker Football Club and the Council.**

**CARRIED (8/0)**

**No. 258/06**

**12 CONFIDENTIAL****12.1 CHIEF EXECUTIVE OFFICER'S REVIEW - PERSONAL**

**Location / Address:** N / A  
**Name of Applicant:** N / A  
**File Reference:** PE/183/333  
**Author:** Donna Stevens - Senior Administration / Human Resources Officer  
**Authorised By:** Rob Stewart - Chief Executive Officer  
**Date of Report:** 15 August 2006

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**Purpose**

The purpose of this report is to endorse the Chief Executive Officer's performance review.

**MOTION TO PROCEED BEHIND CLOSED DOORS**

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

**5.34pm** That the Council move into 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 (8/0)**

**No. 259/06**

**MOTION TO PROCEED IN PUBLIC**

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

**6.00pm** That the meeting proceed in public.

**CARRIED (8/0)**

**No. 260/06**

Breaking Down Of Complex Question

Cr J Moir requested that the recommendation be broken down into three (3) motions in the order of 3, 2, 1.

Pursuant to Standing Order 9.4, the Presiding Member directed that Points (1), (2) and (3) be taken as separate motions as per Cr J Moir's request and renumbered accordingly.

**COUNCIL DECISION**

Moved Cr J Moir, seconded Cr J Cameron:

That the Chief Executive Officer's Performance Review undertaken by the Council on 15 August 2006 be endorsed and that the conditions of the renewal of the Chief Executive Officer's contract as renewed by Resolution of the Council on 28 June 2005 apply until the Chief Executive Officer's Annual Review on 2 July 2007.

**CARRIED (8/0)**

**No. 261/06**

Moved Cr J Moir, seconded Cr K Clements:

That the Chief Executive Officer's Performance Review undertaken by the Council on 15 August 2006 be endorsed and that the Council workshop the Quarterly Financial Statements and Budget Reviews and include Project and Works Progress Reports for information and direction of the Council at a future meeting.

**CARRIED (8/0)**

**No. 262/06**

Moved Cr D Williss, seconded Cr J Mark:

That the Chief Executive Officer's Performance Review undertaken by the Council on 15 August 2006 be endorsed and that the Chief Executive Officer ensures that:

- (a) Directives of the Council are implemented and reported on, in a timely manner, as per Performance Review Items 9 and 11;
- (b) Management of operations and staff be further developed to a higher professional level;
- (c) Customer satisfaction be promoted with all staff and return of correspondence be a priority;
- (d) The Council's objectives of concluding current projects be pursued in line with the Strategic Plan.

**CARRIED (7/1)**

**No. 263/06**



**13 CLOSURE OF MEETING**

6.05pm The Presiding Member declared the meeting closed.

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