



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2.45pm Tuesday 10 April 2007

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.47pm The Presiding Member declared the meeting open.

Working to Occupational Safety and Health Best Practices, Mr Rob Stewart - Chief Executive Officer, read aloud the emergency evacuation procedures for Councillors, staff and members of the public present in the Council Chambers.

Mr Stewart then read aloud the following disclaimer:

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

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

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

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

Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr M Skinner	East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr K Hart	Kendenupp Ward
Cr J Moir	South Ward
Cr K Clements	Town Ward
Cr B Hollingworth	Town Ward
Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Mr I Bartlett	Manager Works and Services
Ms N Selesnew	Manager Community Services
Ms J Albany	Planning Officer
Mrs J McLean	Administration Officer
Ms C Delmage	Administration Officer

Previously Approved Leave Of Absence

Cr D Williss Deputy Shire President - East Ward
Cr J Mark Town Ward

There were two (2) members of the public present.
There were no members of the media present.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

Moved Cr J Cameron, seconded Cr M Skinner:

That the Minutes of the Ordinary Meeting of the Council held 27 March 2007 be confirmed subject to:

Page 15 The Vote of Resolution No. 123/07 being recorded as (5/3).

CARRIED (7/0)

No. 126/07

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- Cr Kevin Forbes – Shire President attended a Landcorp meeting. Landcorp appears to show little interest in residential land but did know where Yerriminup was located.
- 29.03.07 – Cr Forbes, Cr Joan Cameron and Mr Rob Stewart – Chief Executive Officer attended a community meeting at the Forest Hill Hall. Twenty-six members of the public attended. Several issues were discussed namely:
 - Locality Boundaries
 - Pardelup Nature Reserve Name Change To Drage Nature Reserve
 - Pardelup Hill Name Change To Forest Hill (Original Name)
 - Renaming Of Denbarker Road (Often Confused With Denmark Road)
 - Road Safety Issues - No Double White Lines At Intersection Of Muirs Highway and Denbarker Road

Cr Forbes noted that two (2) of the above items ie: Locality Boundaries and Pardelup Nature Reserve name change were up for consideration at this Council meeting.

- 02.04.07 – Cr Forbes participated in the Great Southern teleconference which involved the sharing of some useful information. A lot of interest was shown and questions asked regarding what is happening in the area. Telstra provided free hook-up for the teleconference and it was noted that they are looking into cheaper options for holding teleconferences.
- 03.04.07 – Cr Forbes, Cr David Williss – Deputy Shire President and Mr Ian Bartlett – Manager Works and Services attended a Timber Industry Road Evaluation Strategy (TIRES) meeting. Cr Forbes suggested that funding go into the Narrikup Bypass. Cr Forbes noted that TIRES money is two (2) for one (1) funding. Other Councils at the meeting asked to discuss the matter further. The City of Albany and the Shire of Denmark advised that they are happy with the idea of using the money towards the bypass. The Shire of Cranbrook has not yet responded. At this stage it is a vote of seven (7) to one (1). By suggesting to the Minister that our priority is the Narrikup Bypass, it will require a large financial outlay by the Council but as there are no funding guarantees after next year it is important that we make the most of this opportunity.
- The Annual Fire Break Working Group met last week to discuss issues raised by the Bush Fire Advisory and the Resource To Risk Plan. These matters will be the subject of a report to the Council.
- Cr Forbes and his wife attended the opening of the Porongurup Art In The Park exhibition. Cr Forbes noted that there were approximately 50-60 in attendance. Cr Forbes also noted that it was the biggest display ever held (over forty pieces) with several very good pieces on view.

- 11.04.07 – Cr Forbes will fly to Broome for meetings with Western Australia Local Government Association representatives.
- 19.04.07 - Cr Forbes noted that as a result of the recent Great Southern Zone Teleconference, both he and Mr Stewart will be attending a meeting with Inspector Picton-King regarding the issue of low police numbers within the Great Southern area. It was noted that at least five local government authorities have inadequate numbers and the matter needs to be discussed so appropriate action can be taken. Cr Forbes further noted that our Ranger had recently rang the local police station on a Tuesday morning to be told that ‘no-one was on call to assist’.
- 20.04.07 – Cr Forbes and Mr Stewart will attend a WALGA Sustainability Conference in Perth.
- 23.04.07 – Mr Terry Redman MLA is organising a workshop on contaminated sites to be held at Frost Park for local government authorities and farmers. Hopefully this will help in identifying those who need to submit information regarding a contaminated site and who doesn’t. The workshop is currently generating a lot of interest throughout the region.
- Cr Forbes noted that recent site visits to the Great Southern Regional Cattle Saleyards have shown that the attempts to clean effluent have not been going well. The contract worker who was doing the work has moved on and it is hoped that someone else will soon be on the job. Cr Forbes noted that the Saleyards operations have been successful in drying the effluent and shifting it offsite but are having trouble putting it into bins.
- 25.04.07 – Cr J Moir will attend the ANZAC Day Memorial ceremony. Cr Forbes has been invited and hopes to attend. All Councillors are encouraged to participate in local ANZAC Day ceremonies.
- 26.04.07 – Cr Forbes will attend a meeting of the Bush Fire Capital Grants Committee in Perth.
- 27.04.07 – Representatives of Fire and Emergency Services Authority (FESA) will be here to go through our Resource to Risk Plan. Cr Forbes noted that he is also hoping to meet with the Honourable Minister MacTiernan whilst she is down this way for the opening of the Ring Road in Albany.
- 01.05.07 – The Annual Road Inspection for Councillors will occur. All Councillors are required to be at the Council Administration Building at 8.00am.
- 10.05.07 – A meeting of the Rainbow Coast Regional Council will be held.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 EXECUTIVE SERVICES REPORTS

9.1.1 MINUTES - ANNUAL GENERAL MEETING OF ELECTORS – 2005 / 2006

Location / Address:	N / A
Attachments: (1)	Minutes
Name of Applicant:	N / A
File Reference:	FM/19/1
Author:	Cherie Delmage - Administration Officer Minutes and Agenda
Authorised By:	John Fathers – Deputy Chief Executive Officer
Date of Report:	2 April 2007

Purpose

The purpose of this report is to receive the Minutes of the Annual General Meeting of Electors held on 27 March 2007.

Background

The Annual General Meeting of Electors for the Shire of Plantagenet was held on 27 March 2007 for the purpose of receiving the Shire's 2005 / 2006 Annual Report and to consider any general business.

Statutory Environment

Pursuant to Section 5.27 of the Local Government Act 1995, a General Meeting of the Electors of a district is to be held once every financial year.

Further, pursuant to Section 5.32 of the Act, copies of the Minutes are to be made available for inspection by members of the public before the Council meeting at which decisions made at the electors meeting are first considered.

Further, pursuant to Section 5.33 of the Act all decisions made at an Electors Meeting are to be considered at the next Ordinary Meeting of the Council where practicable.

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

There were no decisions made at the Electors Meeting needing consideration by the Council.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr K Hart:

That the Minutes of the Annual General Meeting of Electors of the Shire of Plantagenet held on 27 March 2007 be received.

CARRIED (7/0)

No. 127/07

9.1.2 COMMITTEE APPOINTMENT - SOUTHERN AGCARE

Location / Address: N / A
Name of Applicant: N / A
File Reference: CS/103/13
Author: Kaye Skinner - Executive Secretary
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 29 March 2007

Purpose

The purpose of this report is to seek an additional Council representative to Southern Agcare.

Background

At a Special Meeting of the Council held 10 May 2005 the Council resolved:

'That Cr B Hollingworth be appointed as the Council's representative on the Southern AgCare Committee.'

Consultation

Consultation has occurred with Cr Hollingworth and the Chief Executive Officer. Councillor Hollingworth has advised that he has been unable to attend meetings of Southern Agcare since April 2006.

Officer Comment

It would be appropriate to appoint an additional elected representative to the Committee.

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 B Hollingworth, seconded Cr J Cameron:

That in addition to the appointment of Cr B Hollingworth as the Council's representative to the Southern Agcare Committee, a further Councillor representative be appointed should Cr Hollingworth be unable to attend future meetings.

CARRIED (7/0)

No. 128/07

FURTHER MOTION

Moved Cr J Cameron, seconded Cr B Hollingworth:

That Cr B Hollingworth be authorised to arrange for another Councillor to attend as his deputy in the instance that Cr Hollingworth is unable to attend a meeting of the Southern Agcare Committee.

CARRIED (7/0)

No. 129/07

9.1.3 HASSELL STREET, MOUNT BARKER – PROPOSED OBSTRUCTION TO PREVENT VEHICULAR MOVEMENT

Location / Address:	N / A
Attachments: (2)	Summary of Responses Plan D4
Name of Applicant:	N / A
File Reference:	RO/99/39
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	2 April 2007

Purpose

The purpose of this report is to advise of the results from the statutory advertising for the placement of barricades in Hassell Street, Mount Barker and to recommend the installation of the barricades.

Background

At its meeting held on 13 February 2007 the Council resolved:

'THAT:

- (1) Pursuant to Section 3.50 (1a) of the Local Government Act 1995 local public notice be given of the proposal to close Hassell Street Mount Barker to the passage of vehicles for a period of 5 (five) years as shown on Plan D4 and that each person who is prescribed for the purposes of Section 3.50 be given written notice of the proposal and that submissions be invited for a period of twenty eight days.*
- (2) A further report be prepared for the Council's consideration at the conclusion of advertising and no later than 27 March 2007.'*

During the advertising period letters were forwarded to all owners involved as well as Main Roads WA, Telstra, St John Ambulance, Water Corporation, Mount Barker Fire and Rescue Service and Synergy Power. Three (3) submissions were received. A summary of these submissions is attached.

Statutory Environment

Section 3.50 of the Local Government Act 1995 relates to the closing of certain thoroughfares to vehicles.

Subsection (1a) provides that:

'A Local Government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding four (4) weeks.

Local Government (Functions and General) Regulations 1996 Part 2 Thoroughfares, also apply.

The order can be revoked by the Minister or the Council.

Consultation

Prior to making an order pursuant to Section 3.50, the Council must give local public notice, and give written notice to certain persons and organisations as set out in the regulations. These persons include adjacent occupiers, utility providers, emergency service providers and owners.

Local public notice was published in the edition of the Albany Advertiser published on 6 March 2007.

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

At the conclusion of the submission period three (3) responses were received. Two (2) would like to see Hassell Street remain open, especially as there are two (2) proposed subdivisions on Warburton Road, Mount Barker (Delegated Authority and a Scheme Amendment Request). If approved there is a possibility of approximately forty-five blocks being released and this will have an impact on Martin Street. With Hassell Street remaining open, dual access would be available to Warburton Road.

As the portion of Hassell Street in question was only recently 'opened' as a result of fuel load reduction, it is thought appropriate to proceed with the erection of bollards that would prevent the through traffic of vehicles from the corner of Warburton Road and Hassell Street at the southern end of Hassell Street and at a point some 200m north of that intersection, as shown on Plan D4.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Moir:

THAT:

- (1) After considering all submissions in relation to the proposal that portion of Hassell Street, Mount Barker as shown on Plan D4 be wholly closed to the passage of vehicles for a period of five (5) years pursuant to Section 3.50 (1a) of the Local Government Act 1995, that closure is now ordered.**
- (2) Local public notice of the order referred to in (1) above be given.**
- (3) All prescribed persons relating to the proposal pursuant to Section 3.50 of the Act be notified of the order.**

CARRIED (7/0)

No. 130/07

9.2 CORPORATE SERVICES REPORTS

9.2.1 CHANGE OF NAME - RESERVE 23171

Location / Address: N / A
 Name of Applicant: N / A
 File Reference: GR/97/69
 Author: Donna Stevens - Senior Administration / Human Resources Officer
 Authorised By: John Fathers - Deputy Chief Executive Officer
 Date of Report: 26 March 2007

Purpose

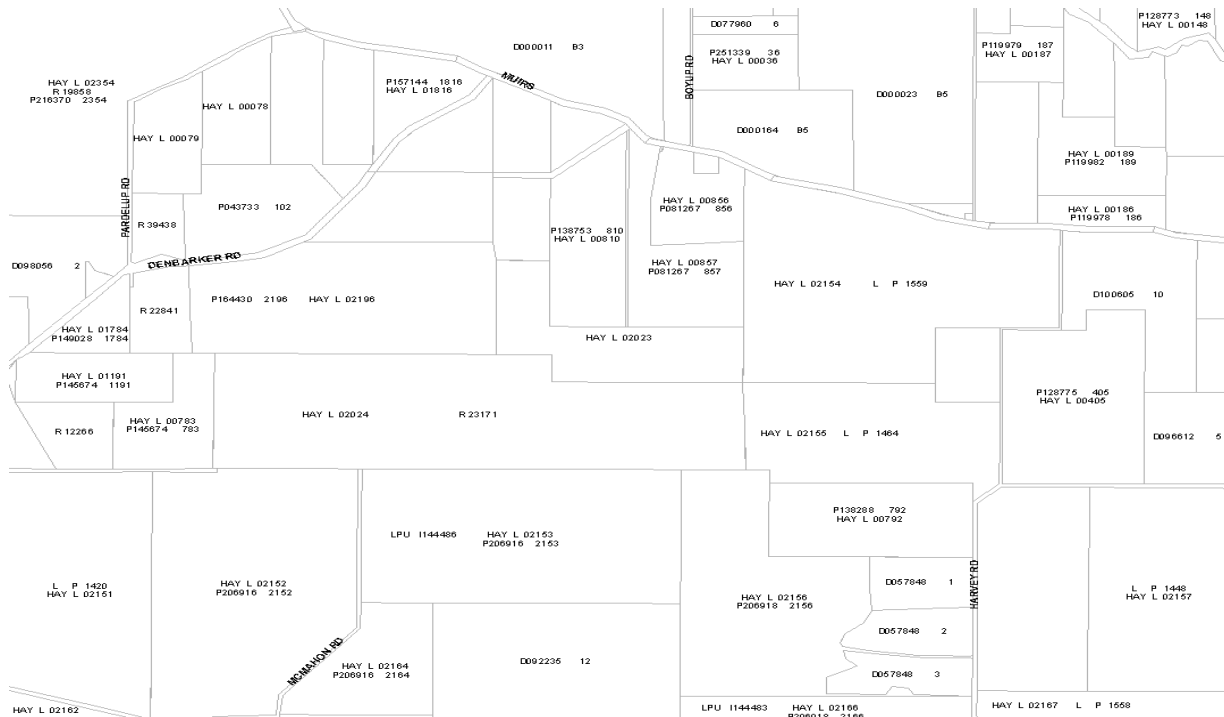
The purpose of this report is to consider the renaming of the Pardelup Nature Reserve 23171.

Background

The Council received correspondence from Terry Redman MLA outlining his intention to support a request received from Mr Basil Drage to rename the Pardelup Nature Reserve 23171 the ‘Drage Nature Reserve’, providing there is no significant objection for local residents.

It was outlined by Mr Drage that his family has had a continuous link with the site over many years, including managing the site as a pastoral lease many years ago.

The Pardelup Nature Reserve is vested with the National Parks and Nature Conservation Authority and consists of Hay Locations 2023 and 2024. Shown on the map below the Reserve is located south of Muirs Highway and east of Denbarker Road.



Change Of Name – Reserve 23171 (Cont.)**Statutory Environment**

This report is not subject to legislative requirements.

Consultation

There has been no consultation in relation to this report.

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

A meeting of residents was held at the Forest Hill Hall on 29 March 2007 to discuss locality boundaries.

At this meeting the issue of changing the name of the Reserve was raised. Attendees suggested either Drage Nature Reserve or Drage's Nature Reserve.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr K Hart:

THAT:

- (1) **The Geographic Names Committee be requested to change the name of Pardelup Nature Reserve 23171 to Drage Nature Reserve to reflect the association of the Reserve with the Drage family.**
- (2) **Mr Terry Redman MLA and Mr Basil Drage be advised of the terms of (1) above.**

CARRIED (7/0)

No. 131/07

9.2.2 POLICY REVIEW - INJURY MANAGEMENT AND REHABILITATION

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RM/124/1
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	John Fathers - Deputy Chief Executive Officer
Date of Report:	30 March 2007

Purpose

The purpose of this report is the review Council Policy No. OP/HRS/1 – Injury Management and Rehabilitation.

Background

It is a mandatory requirement of WorkCover WA that the Council has in place an injury management process that provides a systematic approach to dealing with injury management and rehabilitation within the work place.

The policy presently adopted by the Council is based on the model provided by the Local Government Insurance Services and meets the requirements of WorkCover WA.

Statutory Environment

The Workers' Compensation and Injury Management Act establishes the requirement for an employer to implement return to work programs for its employees.

Consultation

Consultation has occurred with Mr John Fathers – Council's Injury Management Coordinator.

Policy Implications

This report recommends no policy changes.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Hollingworth:

That Council Policy No. OP/HRS/1 – Injury Management and Rehabilitation as follows:

OBJECTIVE:

To introduce a systematic approach to injury management and rehabilitation.

POLICY:

The Council will:

- (a) Make provision for the injury management and rehabilitation of all workers who have sustained a compensable work related illness, injury or disability;
- (b) Treat all workers with dignity and respect;
- (c) Guarantee that all information is treated with sensitivity and confidentiality; and
- (d) Return the injured worker to the fullest capacity for gainful employment of which they are capable.

The 'Key Principles of Injury Management', as identified by WorkCover, will be adopted. They are:

- (1) Recognition that employers and injured workers are the primary stakeholders within the workers' compensation system;
- (2) Maintenance in or a safe return to work is the expected outcome;
- (3) Medical practitioners and employers play a central decision making role in the return to work of injured workers;
- (4) The focus of all services should be workplace based;
- (5) The injury management process should be transparent, cost efficient and effective;
- (6) Early intervention and pro-active injury management is critical in achieving return to work goals; and
- (7) When vocational rehabilitation is required, all parties are involved in a process that is transparent and requires joint decision making.

To assist in the timely and effective injury management of employees, the Chief Executive Officer will appoint an employee to the role of Workplace Injury Management Coordinator as part of their duties, to implement and monitor the injury management and rehabilitation procedures.'

be endorsed.

CARRIED (7/0)

No. 132/07

9.3 COMMUNITY SERVICES REPORTS

Nil

9.4 TECHNICAL SERVICES REPORTS

9.4.1 TENDER – C07-0607 – OUTRIGHT PURCHASE OF MERCEDES RUBBISH TRUCK

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	PS/165/16
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	22 March 2007

Purpose

The purpose of this report is to reconsider the outcome of the sale of the Mercedes Rubbish Truck originally incorporated in Tender C07-0607 – Outright Purchase – Items Surplus to Requirements due to the withdrawal of the successful Tenderer from the contract.

Background

A report regarding Tender C07-0607 – Outright Purchase – Items Surplus to Requirements went to the Council at its meeting of 13 February 2007. The recommendation made to the Council in regards to Item No. 3 – Mercedes Rubbish Truck was to award the Tender to PW & D Johnston at a price of \$7,500.00 (inc GST).

This recommendation was endorsed by the Council and a contract then entered into when a letter stating the outcome of the Tender for Item No. 3 was sent to PW & D Johnston.

Statutory Environment

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Consultation

Consultation has occurred between Mr Ian Bartlett – Manager Works and Services, Ms Megan Sounness – Administration Officer Works and Services and an officer from the Western Australian Local Government Association (WALGA) to determine the appropriate course of action.

Consultation also occurred between Mr Ian Bartlett and Mr Luke Dawson from Great Southern Sands in relation to their offer (being the next highest behind PW & D Johnston) for the Mercedes Rubbish Truck.

Policy Implications

The Council's Policy No. F/FM/5 – Purchasing and Tendering Policy applies to this report.

Financial Implications

The financial implications for this report will be that the expected income would have been \$900.00 greater had PW & D Johnston not withdrawn from the contract. This amount is the difference between the offer from PW & D Johnston and the offer from Great Southern Sands (the next highest offer).

Strategic Implications

There are no strategic implications for this report.

Officer Comment

A letter was received on 20 March 2007 from PW & D Johnston in relation to their successful Tender for the purchase of the Council's Mercedes Rubbish Truck, incorporated in Tender C07-0607. This letter advised the Council that due to unforeseen circumstances, PW & D Johnston were no longer able to proceed with the purchase of the Mercedes Rubbish Truck.

The Manager Works and Services investigated possible courses of action in relation to this matter by speaking with an officer from WALGA. It was advised to proceed with the next highest Tender for the item, subject to that Tenderer still wishing to purchase the Truck.

Great Southern Sands originally tendered the next highest offer for the Mercedes Rubbish Truck, being an amount of \$6,600.00 (Inc GST) and upon consultation in relation to the matter, would still be willing to purchase the item on offer.

It is therefore the opinion of the Manager Works and Services that the sale of the Mercedes Rubbish Truck to Great Southern Sands is the best outcome for the Shire of Plantagenet.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr J Moir:

That the outright purchase of Item 3 from Tender C07-0607, Mercedes Rubbish Truck be awarded to Great Southern Sands for the price of \$6,600.00 (Inc GST).

CARRIED (7/0)

No. 133/07

9.4.2 POLICY REVIEW - VEHICLE TENDERING

Location / Address:	N / A
Attachments: (1)	Vehicle Specifications
Name of Applicant:	N / A
File Reference:	PS/120/7
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	21 March 2007

Purpose

The purpose of this report is to review Council Policy No. I/FM/1 – Vehicle Tendering.

Background

Council Policy No. I/FM/1 – Vehicle Tendering reads as follows:

POLICY: That arrangements for the calling of tenders be annually or at 40,000km for vehicles subject to sales tax after 2 years or 40,000km for sales tax exempt vehicles

Arranged for multiple trades where possible.

That all existing PL registration plates be retained at changeover.

That the full private use of vehicles be available only to employees where negotiated as a condition of contract of employment.

That all other vehicles be pool vehicles available for use by Council employees and Councillors at all times when required for Council purposes.

That the guidelines for vehicle purchases and usage be as attached.'

Statutory Environment

Local Government Act 1995

Local Government (Functions and General) Regulations 1996.

Consultation

Consultation has occurred between Mr Ian Bartlett – Manager Works and Services, Mr Rob Stewart – Chief Executive Officer and Ms Megan Sounness – Administration Officer Works and Services. Other Shire Councils were also consulted.

Policy Implications

The review of this Policy is presented as part of the ongoing Council policy review cycle.

A separate Council Policy No. CE/CS/2 – Motor Vehicle Use – Shire President, covers motor vehicle usage by the Shire President.

Financial Implications

There are no financial implications for this report. The review of this Policy will however, assist Council Officers with budget allocations for the 2007 / 2008 Budget.

Policy Review – Vehicle Tendering (Cont.)**Strategic Implications**

The Council's Strategic Plan Key Results Area, New Initiative 1.4 provides the following:

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

To achieve this we will:

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

Officer Comment

It is believed that the current Policy does not provide sufficient information to Council Officers in relation to Vehicle Tendering. The reason for this is that the policy does not clearly identify technical specifications of vehicles for those officers allocated a vehicle (when to purchase, what to purchase etc.). It does not outline the different types of usage such as unrestricted private, restricted private, commuter use etc. There are also important issues such as accidents / incidents, theft from vehicles, servicing, smoking and others that are not covered.

Therefore it is the opinion of the Manager Works and Services that this policy be revoked and replaced with two (2) new separate policies: Vehicle Usage and Vehicle Specifications (also see attached Vehicle Specifications table). These Policies together cover all of the abovementioned issues, thus providing clear guidelines to staff regarding all aspects of light vehicle purchase (including specifications and usage) for the Shire of Plantagenet.

Further, the Western Australian Local Government Association (WALGA) is presently negotiating with the Department of Local Government and Regional Development (DLGRD) relating to possible legislation changes for vehicles used by elected representatives. Accordingly the Policies now under review only relate to vehicles available to staff.

When further information is available from WALGA, another report will be prepared for the Council's consideration.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) Council Policy No. I/FM/1 – Vehicle Tendering be revoked.
- (2) Council Policy No. I/FM/2 – Vehicle Specifications and Council Policy No. I/FM/3 – Vehicle Usage as follows:

Council Policy No. I/FM/2 – Vehicle Specifications

OBJECTIVE:

To provide clear guidelines to staff regarding the specifications of new vehicles purchased by the Shire of Plantagenet and when these vehicles should be replaced.

Policy Review – Vehicle Tendering (Cont.)**POLICY:****THAT:**

- (1) Arrangements for the calling of tenders and / or quotes as applicable for the replacement of the Council's light fleet vehicles be at 50,000km unless vehicles are under other contractual arrangements for purchase / changeover.
- (2) All existing PL registration plates shall be retained at changeover.
- (3) Passenger vehicles shall have a 4 star Australian New Car Assessment Program (ANCAP) rating or better.
- (4) Only vehicles available at a Government price shall be purchased.
- (5) Specifications for light fleet vehicles for the Shire President, Chief Executive Officer, Managers and other relevant staff members be as attached, unless negotiated otherwise.'

Council Policy No. I/FM/3 – Vehicle Usage

OBJECTIVE:

To provide clear guidelines regarding the use of Shire of Plantagenet fleet vehicles.

DEFINITIONS:

'Business Use' of Shire vehicles is defined as the use required to give effect to all of the Council's operational needs and services.

'Commuter Use' of Shire vehicles is defined as journeys directly between an Officer's place of residence and place of work.

'Restricted Private Use' of Shire vehicles is defined as private use other than commuter use within a radius set by the Council. The private use of a Council motor vehicle does not include that vehicle being used by the employee for the purpose of conducting a commercial business.

'Unrestricted Private Use' of Shire vehicles is defined as unrestricted private use within the State of Western Australia. The private use of Council motor vehicles does not include that vehicle being used by the employee for the purpose of conducting a commercial business.

'Use Outside of Western Australia' of Shire vehicles is defined as private use outside the State of Western Australia. This use on all occasions would require permission from the Council.

POLICY:**THAT:**

- (1) The full private use of vehicles be available only to employees where negotiated as a condition of their contract of employment.
- (2) Other officers may negotiate restricted private use or commuter use of Shire vehicles with the Chief Executive Officer.
- (3) All vehicles be pool vehicles available for use by Council employees and Councillors at all times when required for Council purposes.

Policy Review – Vehicle Tendering (Cont.)

- (4) A designated driver shall be an employee of the Shire of Plantagenet who:
 - (i) Has been assigned the vehicle as part of their contract of employment; and
 - (ii) Holds a current Western Australian C (Car) or CA (Car Automatic) driver's licence or equivalent; and
 - (iii) Is responsible for the care and management of the vehicle.
- (5) An authorised driver shall be:
 - (i) The holder of a current Western Australian C (Car) or CA (Car Automatic) driver's licence or equivalent; and
 - (ii) Any employee other than the designated driver on Shire of Plantagenet business who is required to drive the vehicle as part of their duties and responsibilities; or
 - (iii) The designated driver's spouse or partner; or
 - (iv) Any other person authorised in writing by the Chief Executive Officer; or
 - (v) Any other person provided a designated driver is physically present in the vehicle.
- (6) The designated regions for private use shall be unless otherwise set out in the Officer's contract of employment:
 - (i) For the Chief Executive Officer and Managers throughout Western Australia.
 - (ii) For all other Officers adjoining Shires and to Perth.
- (7) Private vehicle usage does not include annual leave or long service leave unless prior written approval is provided by the Chief Executive Officer, or as specifically written in the Officer's contract of employment.
- (8) Any personal items left in Council vehicles are not insured under the Council's insurance policy if stolen or damaged and are therefore solely the responsibility of the designated driver.

GENERAL CONDITIONS OF USE

The following general conditions are applicable to the use of a Council motor vehicle:

- (1) Smoking is strictly prohibited within Council motor vehicles at all times.
- (2) The motor vehicle shall be operated in a reasonable manner in accordance with all relevant acts, regulations and Council policies. The designated driver, his / her spouse / partner, or any other authorised person that drives the motor vehicle are financially responsible for any fines and/or infringements received during operation of the motor vehicle.
- (3) The Shire of Plantagenet will be financially responsible for the maintenance of the motor vehicle but it is the responsibility of the designated driver to ensure that the motor vehicle has a sufficient amount of fuel, oil / lubricant, water and correct tyre pressure in between scheduled servicing.
- (4) Where the motor vehicle has been equipped with a first aid kit or fire extinguisher, it is the responsibility of the designated driver to ensure that the first aid kit or fire extinguisher is adequately stocked or charged at all times or replacement stock ordered through the Council's Works and Services section when used / expired.

Policy Review – Vehicle Tendering (Cont.)

- (5) The authorised person shall comply with the following conditions in respect to the motor vehicle in his / her care:
- (i) Advise the Council's Works and Services section when scheduled servicing of the motor vehicle is due;
 - (ii) Wash, clean and vacuum the motor vehicle as often as required;
 - (iii) Drive the motor vehicle responsibly and legally, observing all road rules and traffic regulations;
 - (iv) Secure the motor vehicle when parked in public / private places;
 - (v) Examine the motor vehicle prior to use for any damage, operation of light and indicators, tyre pressure etc;
 - (vi) Report any motor vehicle accident immediately (or as soon as practicable) to the Chief Executive Officer or Manager Works and Services.
- (6) A Council motor vehicle used for any of the purposes outlined in this Policy shall be properly housed and secured at the place of residence of the designated driver, when appropriate.
- (7) Any designated driver or authorised driver shall immediately advise the Chief Executive Officer if his / her driver's licence is suspended or cancelled.
- (8) Any designated driver or authorised driver shall immediately surrender the motor vehicle to the Shire upon:
- (i) Cancellation or suspension of his / her driver's licence;
 - (ii) Leaving the employment of the Shire of Plantagenet.'

be endorsed.

COUNCIL DECISION

Moved Cr M Skinner, seconded Cr B Hollingworth:

THAT:

- (1) Council Policy No. I/FM/1 – Vehicle Tendering be revoked.**
- (2) Council Policy No. I/FM/2 – Vehicle Specifications and Council Policy No. I/FM/3 – Vehicle Usage as follows:**

Council Policy No. I/FM/2 – Vehicle Specifications

OBJECTIVE:

To provide clear guidelines to staff regarding the specifications of new vehicles purchased by the Shire of Plantagenet and when these vehicles should be replaced.

POLICY:

THAT:

- (1) Arrangements for the calling of tenders and / or quotes as applicable for the replacement of the Council's light fleet vehicles be at 50,000km unless vehicles are under other contractual arrangements for purchase / changeover.**
- (2) All existing PL registration plates shall be retained at changeover.**

Policy Review – Vehicle Tendering (Cont.)

- (3) **Passenger vehicles shall have a 4 star Australian New Car Assessment Program (ANCAP) rating or better.**
- (4) **Only vehicles available at a Government price shall be purchased.**
- (5) **Specifications for light fleet vehicles for the Chief Executive Officer, Managers and other relevant staff members be as follows, unless negotiated otherwise.**

Vehicle Specifications

Vehicle Type (or equivalent)	Ford Fairmont	Holden Commodore Sedan	Ford Territory	Toyota Ateva	4WD Dual Cab Utility	4WD Utility	2WD Utility
Officer	CEO	Deputy CEO	Manager Works & Services, Manager Development Services	Environment al Health Officer, Building Surveyor	Manager Community Services, Engineering Technical Officer, Works Supervisor, Ranger	Workshop Supervisor, Saleyards Manager	Maintenance Services, Storeman
Laminated, tinted Windscreen	YES	YES	YES	YES	YES	YES	YES
Factory air conditioning	YES	YES	YES	YES	YES	YES	YES
Mud flaps	YES	YES	YES	YES	YES	YES	YES
Standard CD Player / Radio	YES	YES	YES	YES	YES	YES	YES
Lockable fuel cap	YES	YES	YES	YES	YES	YES	YES
Headlight protectors	YES	YES	YES	YES	YES	YES	YES
Seat Covers (where possible)	ALL SEATS	ALL SEATS	ALL SEATS	ALL SEATS	ALL SEATS	ALL SEATS	ALL SEATS
Rubber floor mats	FRONT & BACK (Note 1)	FRONT & BACK	FRONT & BACK	FRONT & BACK	FRONT & BACK	FRONT & BACK	FRONT & BACK
Compliance plates	To match year of supply	To match year of supply	To match year of supply	To match year of supply	To match year of supply	To match year of supply	To match year of supply
Minimum 3 litre EFI petrol	YES	YES	YES	YES	YES	YES	YES
2.5 litre diesel turbo option	YES	NO	YES	NO	YES	YES	YES
Transmission	AUTOMATIC	AUTOMATIC	AUTOMATIC	AUTOMATIC	MANUAL (Note 2)	MANUAL	MANUAL
Power steering	YES	YES	YES	YES	YES	YES	YES
Tow bar / ball & electrics with 6 pin plug	YES	NO	YES	NO	YES	YES	YES
Bull bar	NO	NO	NO	NO	POLISHED ALUMINIUM	POLISHED ALUMINIUM	POLISHED ALUMINIUM
Doors	4 DOOR HATCH	4 DOOR WAGON	4 DOOR 4WD WAGON	4 DOOR SEDAN	4 DOOR DUAL CAB	2 DOOR CAB	2 DOOR CAB

Policy Review – Vehicle Tendering (Cont.)

Tray	N / A	N / A	N / A	N / A	STEEL OR DROP SIDE OR WELL BODY	STEEL OR DROP SIDE OR WELL BODY	STEEL OR DROP SIDE OR WELL BODY
Canopy	N / A	N / A	N / A	N / A	OPTIONAL	OPTIONAL	OPTIONAL
Hoist	N / A	N / A	N / A	N / A	NO	YES	NO (Note 3)
Immobiliser	APPROVED	APPROVED	APPROVED	APPROVED	APPROVED	APPROVED	APPROVED
Cruise Control	YES	YES	YES	YES	YES	YES	YES

Notes:

- (1) Carpet floor mats to be provided for CEO
- (2) Works Supervisor to have automatic transmission
- (3) Maintenance Services to have hoist

Council Policy No. I/FM/3 – Vehicle Usage**OBJECTIVE:**

To provide clear guidelines regarding the use of Shire of Plantagenet fleet vehicles.

DEFINITIONS:

‘Business Use’ of Shire vehicles is defined as the use required to give effect to all of the Council’s operational needs and services.

‘Commuter Use’ of Shire vehicles is defined as journeys directly between an Officer’s place of residence and place of work.

‘Restricted Private Use’ of Shire vehicles is defined as private use other than commuter use within a radius set by the Council. The private use of a Council motor vehicle does not include that vehicle being used by the employee for the purpose of conducting a commercial business.

‘Unrestricted Private Use’ of Shire vehicles is defined as unrestricted private use within the State of Western Australia. The private use of Council motor vehicles does not include that vehicle being used by the employee for the purpose of conducting a commercial business.

‘Use Outside of Western Australia’ of Shire vehicles is defined as private use outside the State of Western Australia. This use on all occasions would require permission from the Council.

POLICY:**THAT:**

- (1) The full private use of vehicles be available only to employees where negotiated as a condition of their contract of employment.
- (2) Other officers may negotiate restricted private use or commuter use of Shire vehicles with the Chief Executive Officer.
- (3) All vehicles be pool vehicles available for use by Council employees and Councillors at all times when required for Council purposes.

Policy Review – Vehicle Tendering (Cont.)

- (4) A designated driver shall be an employee of the Shire of Plantagenet who:
- (i) Has been assigned the vehicle as part of their contract of employment; and
 - (ii) Holds a current Western Australian C (Car) or CA (Car Automatic) driver's licence or equivalent; and
 - (iii) Is responsible for the care and management of the vehicle.
- (5) An authorised driver shall be:
- (i) The holder of a current Western Australian C (Car) or CA (Car Automatic) driver's licence or equivalent; and
 - (ii) Any employee or Councillor other than the designated driver on Shire of Plantagenet business who is required to drive the vehicle as part of their duties and responsibilities; or
 - (iii) The designated driver's spouse or partner; or
 - (iv) Any other person authorised in writing by the Chief Executive Officer; or
 - (v) Any other person provided a designated driver is physically present in the vehicle.
- (6) The designated regions for private use shall be unless otherwise set out in the Officer's contract of employment:
- (i) For the Chief Executive Officer and Managers throughout Western Australia.
 - (ii) For all other Officers adjoining Shires and to Perth.
- (7) Private vehicle usage does not include annual leave or long service leave unless prior written approval is provided by the Chief Executive Officer, or as specifically written in the Officer's contract of employment.
- (8) Any personal items left in Council vehicles are not insured under the Council's insurance policy if stolen or damaged and are therefore solely the responsibility of the designated driver.

GENERAL CONDITIONS OF USE

The following general conditions are applicable to the use of a Council motor vehicle:

- (1) Smoking is strictly prohibited within Council motor vehicles at all times.
- (2) The motor vehicle shall be operated in a reasonable manner in accordance with all relevant acts, regulations and Council policies. The designated driver, his / her spouse / partner, or any other authorised person who drives the motor vehicle is financially responsible for any fines and / or infringements received during operation of the motor vehicle.
- (3) The Shire of Plantagenet will be financially responsible for the maintenance of the motor vehicle but it is the responsibility of the designated driver to ensure that the motor vehicle has a sufficient amount of fuel, oil / lubricant, water and correct tyre pressure in between scheduled servicing.

Policy Review – Vehicle Tendering (Cont.)

- (4) Where the motor vehicle has been equipped with a first aid kit or fire extinguisher, it is the responsibility of the designated driver to ensure that the first aid kit or fire extinguisher is adequately stocked or charged at all times or replacement stock ordered through the Council's Works and Services section when used / expired.
- (5) The authorised person shall comply with the following conditions in respect to the motor vehicle in his / her care:
- (i) Advise the Council's Works and Services section when scheduled servicing of the motor vehicle is due;
 - (ii) Wash, clean and vacuum the motor vehicle as often as required;
 - (iii) Drive the motor vehicle responsibly and legally, observing all road rules and traffic regulations;
 - (iv) Secure the motor vehicle when parked in public / private places;
 - (v) Examine the motor vehicle prior to use for any damage, operation of light and indicators, tyre pressure etc;
 - (vi) Report any motor vehicle accident immediately (or as soon as practicable) to the Chief Executive Officer or Manager Works and Services.
- (6) A Council motor vehicle used for any of the purposes outlined in this Policy shall be properly housed and secured at the place of residence of the designated driver, when appropriate.
- (7) Any designated driver or authorised driver shall immediately advise the Chief Executive Officer if his / her driver's licence is suspended or cancelled.
- (8) Any designated driver or authorised driver shall immediately surrender the motor vehicle to the Shire upon:
- (i) Cancellation or suspension of his / her driver's licence;
 - (ii) Leaving the employment of the Shire of Plantagenet;
 - (iii) No longer being an elected member of the Council.'

be endorsed.

CARRIED (7/0)

No. 134/07

Reason For Change

Councillors considered that:

- (1) The attachment should be integrated into the Policy.
- (2) Reference to the Shire President should be deleted as vehicle use for the Shire President is subject to another Policy.
- (3) Councillors needed to be acknowledged as being able to use Council vehicles for Council business.
- (4) Councillors should be noted as no longer being authorised to use a Council vehicle if no longer a Councillor.

9.5 DEVELOPMENT SERVICES REPORTS

9.5.1 LOT 2, LOCATION 5226 MOUNT BARKER-PORONGURUP ROAD, PORONGURUP - WINERY EXTENSION

Location / Address:	Lot 2, Location 5226 Mount Barker-Porongurup Road, Porongurup
Attachments: (4)	Location Plan Site Plan Elevations Letter from Senior Winemaker
Name of Applicant:	Plantagenet Sheds & Steel for Porongurup Winery PL
File Reference:	RV/182/3544
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	21 March 2007

Purpose

The purpose of this report is to consider proposed additions to the Porongurup Winery at Lot 2, Location 5226 Mount Barker-Porongurup Road, Porongurup.

Background

In 1998, the Environmental Protection Authority (EPA) issued a Works Approval for the winery on Lot 2 Mount Barker-Porongurup Road and the winery was constructed. Presently, effluent from the winery operation is piped into two (2) dams to the north and the EPA Works Approval recognised this method of effluent disposal.

The proposal now submitted is for an additional 649m² of winery extension together with a concrete hardstand area. To cater for additional effluent a third dam is proposed to be used and that dam was constructed in 2006. A letter from the senior winemaker detailing the expansion from 650 tonnes per annum to 800 tonnes per annum is attached.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Rural. A winery would fall into the category of Rural Industry which is permissible at the Council's discretion ('AA').

Environmental Protection Regulations 1987 – licensing requirements.

Consultation

As the proposal has an EPA Works Approval the application was referred to the Department of Environment and Conservation (DEC) for comment. The DEC responded advising:

'The Department of Environment and Conservation has recently been advised by the proponent that operations at Porongurup Winery do not include the discharge or irrigation of wastewater. The wastewater treatment pond system both current and proposed is fully self contained and therefore does not trigger licensing.'

Lot 2, Location 5226 Mount Barker-Porongurup Road, Porongurup – Winery Extension (Cont.)

In the event that wastewater volumes necessitate the irrigation of treated wastewater, Porongurup Winery will need to apply for a works approval for the construction of the irrigation area and then apply for licence prior to the discharge of liquid waste under

Any discharge of liquid waste to the environment not in accordance with a licence condition would constitute an offence under the Unauthorised Discharges Regulations 2004.'

Policy Implications

There are no policy implications for this report.

Financial Implications

The fee of \$920.00 has been paid.

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 (as amended).

Officer Comment

This proposal involves a substantial expansion of the winery building which reflects an increase in the production capacity from 650 tonnes per annum to 800 tonnes per annum. The DEC has responded in a positive way.

The building has been designed to match the existing structure and an additional dam to cater for an increase in effluent has been constructed.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr K Clements, seconded Cr B Hollingworth:

That Planning Consent for Application No. 04/07 for additions to the winery at Lot 2, Location 5226 Mount Barker-Porongurup Road, Porongurup be approved subject to:

- (1) Development being in accordance with the plans dated 12 February 2007.**
- (2) Any discharge of liquid waste to the environment not in accordance with the Environmental Protection Authority licence condition would constitute an offence under the Unauthorised Discharges Regulations 2004 and the Department of Environment and Conservation must be advised.**

AMENDMENT

Moved Cr J Moir, seconded Cr K Hart:

That Part (2) of the Motion be removed and included as an Advice Note and the Motion be re-cast accordingly.

CARRIED (7/0)

No. 135/07

COUNCIL DECISION

That Planning Consent for Application No. 04/07 for additions to the winery at Lot 2, Location 5226 Mount Barker-Porongurup Road, Porongurup be approved subject to development being in accordance with the plans dated 12 February 2007.

ADVICE NOTE

- (i) Any discharge of liquid waste to the environment not in accordance with the Environmental Protection Authority licence condition would constitute an offence under the Unauthorised Discharges Regulations 2004 and the Department of Environment and Conservation must be advised.**

CARRIED (7/0)

No. 136/07

9.5.2 LOT 283 SOUTH MARMION STREET, MOUNT BARKER - HORTICULTURE

Location / Address:	Lot 283 South Marmion Street, Mount Barker
Attachments: (3)	Location Plan Revised Site Plan Management Plan
Name of Applicant:	SJ & SP Mortimore
File Reference:	RV/182/3797
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	21 March 2007

Purpose

The purpose of this report is to consider an application for horticulture at Lot 283 South Marmion Street, Mount Barker.

Background

The site is zoned Rural Residential and a range of activities and uses are permitted at the discretion of the Council ('AA') and these include horticulture.

Shire records show the owners to be Stephen and Shirley Mortimore of Albany.

An initial application for aquaculture and horticulture was considered by the Council at its meeting held on 23 January 2007 where it was resolved:

'THAT:

- (1) The application for aquaculture and horticulture at Lot 283 South Marmion Street be advertised to adjoining / nearby property owners by way of letters inviting comment within twenty-one days.*
- (2) At the conclusion of the advertising a further report be prepared for the consideration of the Council at its meeting to be held on 13 March 2007.'*

The necessary advertising was carried out and at the close of the advertising period on 19 February 2007, three (3) submissions had been received. Those submissions were considered by the Council at its meeting held on 13 March 2007 where following a presentation by Mr Mortimore, the Council resolved:

'That the question be adjourned to allow the proponent to supply an appropriate Management Plan and revised development plans.'

The proponent has now provided a revised application which involves only the horticultural component. The aquaculture, the purging shed and two of the three dams are no longer to be proceeded with. Accompanying the application is a management plan for the horticultural operation as required by this Rural Residential zone provisions. A copy of the management plan is attached.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural Residential (Mount Barker Hill) where horticulture is permitted at the discretion of the Council.

Consultation

Initial consultation with the Department of Water (DoW) was undertaken. The DoW responded and indicated support subject to adherence with water quality guidelines in a Water Quality Protection Note – Aquaculture. With aquaculture being removed from the proposal this is no longer relevant.

As the original proposal was quite extensive and the land is close to Residential (R2) land to the north, the Council considered it appropriate to write to nearby landowners to enable them to comment before the Council made a decision on the proposal.

Neighbours were written to and their comments were considered by the Council on 13 March 2007. This revised proposal has been referred to neighbours for comment. Any submissions received will be tabled at the meeting.

Policy Implications

Town Planning Scheme Policy No. 16 (Outbuildings) sets a maximum cumulative area for outbuildings in the Rural Residential zone at 150m². There is already one shed on the property of 200m² and a small shed of some 9m². The originally proposed purging shed is now not to be provided.

Financial Implications

The cost of advertising was met from the Town Planning Scheme Advertising Budget.

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 (as amended).'

Draft Shire of Plantagenet Mount Barker Townsite Strategy (2002) – the land to the north of this site is within a precinct identified as the Pearce Street Precinct where some closer residential subdivision may be possible. This draft Strategy has not been adopted by the Council.

Officer Comment

The revised proposal now involves a netted area of 3,325m² for hazelnut trees with a maximum netting height of 5m, a netted area of 3,000m² for blueberry bushes with a maximum netting height of 4m and one (1) dam.

The objective of this Rural Residential Zone is 'to provide for rural residential living and small scale rural and tourist uses providing they do not impact detrimentally on the environment or the amenity of adjoining property.'

Clause 4.4 of the Rural Residential Zone provisions requires approval of the Council for all dams and it states all dams are to be sited and designed to avoid visual impact from surrounding roads.

Clause 6.0 of the Zone relates to horticultural activities and requires a management plan to be submitted detailing fertiliser and spray use and prohibits the use of gas guns. The proposals are not to involve excessive use of nutrients. A management plan has now been submitted.

The revised proposal now being considered involves only the horticultural component and is considered to be acceptable.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Planning Consent for Application No. 58/06 for horticulture at Lot 283 South Marmion Street, Mount Barker be approved subject to:

- (1) Development being in accordance with the revised plans dated 22 March 2007.
- (2) The dam is not to impact on riparian rights.
- (3) Vehicular access to this site is to be from South Marmion Street.

COUNCIL DECISION

Moved Cr J Cameron, seconded Cr B Hollingworth:

That Planning Consent for Application No. 58/06 for horticulture at Lot 283 South Marmion Street, Mount Barker be approved subject to:

- (1) Development being in accordance with the revised plans dated 22 March 2007.**
- (2) Vehicular access to this site is to be from South Marmion Street.**

CARRIED (7/0)

No. 137/07

Reason for Change

The Council has no jurisdiction over riparian rights.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr K Hart, seconded Cr M Skinner:

That new business of an urgent nature namely:

- **Locality boundaries – Denbarker – Forest Hill**
be introduced into the meeting.

CARRIED (6/1)

No. 138/07

11.1 LOCALITY BOUNDARIES - DENBARKER - FOREST HILL

Location / Address:	N / A
Attachments: (1)	Map
Name of Applicant:	N / A
File Reference:	RV/182/804
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	5 April 2007

Purpose

The purpose of this report is to advise of the result of consultation with ratepayers and residents of Denbarker / Forest Hill with relation to locality boundaries and also the result of a public meeting held at the Forest Hill Hall on 29 March 2007.

Background

At its meeting held 13 March 2007, the Council resolved:

'That with regard to boundary adjustments of the localities of Forest Hill and Denbarker, the Chief Executive Officer be authorised to hold a public meeting at a date to be determined at the Forest Hill Hall in order that the question of locality boundary adjustments can be canvassed with those affected.'

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:

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

Locality Boundaries – Denbarker – Forest Hill (Cont.)**Consultation**

As noted above, letters had been sent to residents in the area to canvas their opinions and a public meeting was held on 29 March 2007 at the Forest Hill Hall.

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

Although 70% of those surveys returned agreed with the proposal, some comments were placed on the forms that were returned. For example, the following quote has been recorded: *'I believe there should be a public meeting to discuss the whole area and make changes. I believe that unless we can include Denbarker and Forest Hill as one, the life of Forest Hill Hall is doomed and we will lose the hall through lack of support from the whole area. Why should this decision be left to those living between the Muir Highway and the Fire Brigade boundary.'*

A further comment was: *'We wish to indicate not to agree or disagree but would certainly like to remain in the Perillup locality.'*

A further comment was: *'Could we hold off until January and have a public meeting in the Forest Hill Hall to discuss the above.'*

Although the proposal to endorse brigade boundaries came from those residents affected by the locality change, it would appear now that there is a desire to have a public meeting to discuss the matter further and this course of action is recommended.

At the public meeting held on 29 March 2007 (chaired by the Shire President Kevin Forbes) and this agreement that the locality boundaries should be changed as shown on the attached map represented by Brigade boundaries.

It should be noted that Crs Forbes and Cameron and the Chief Executive Officer attended this meeting.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr M Skinner:

That Landgate be advised that after consultation with members of the community affected by locality boundary changes, the majority would have preferred to have the Forest Hill / Denbarker locality boundaries changed as noted on the attached map to reflect fire brigade boundaries.

CARRIED (7/0)

No. 139/07

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

3.36pm The Presiding Member declared the meeting closed.

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