



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2.45pm Tuesday 22 May 2007

John Fathers
ACTING CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.54pm The Presiding Member declared the meeting open.

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.

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

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

Present

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

Previously Approved Leave Of Absence

Cr J Mark	Town Ward
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There were no 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

The following Councillors requested leave of absence:

- Cr B Hollingworth for the period 5-14 July 2007 inclusive;
- Cr K Clements for the period 9-23 July 2007 inclusive;
- Cr K Forbes for the period 7-12 July 2007 inclusive; and
- Cr D Williss for the period 7-12 July 2007 inclusive.

COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Cameron:

That the following Councillors be granted leave of absence:

- **Cr B Hollingworth for the period 5-14 July 2007 inclusive;**
- **Cr K Clements for the period 9-23 July 2007 inclusive;**
- **Cr K Forbes for the period 7-12 July 2007 inclusive; and**
- **Cr D Williss for the period 7-12 July 2007 inclusive.**

CARRIED (8/0)

No. 180/07

Council Meeting - 10 July 2007

Discussion occurred regarding the Ordinary Meeting of the Council on 10 July 2007 when four (4) Councillors would be absent.

COUNCIL DECISION

Moved Cr M Skinner, seconded Cr D Williss:

THAT:

- (1) The Ordinary Meeting of the Council scheduled for 10 July 2007 be cancelled.**
- (2) The meeting cancellation in Part (1) be advertised.**

CARRIED (8/0)

No. 181/07

7 CONFIRMATION OF MINUTES

Moved Cr D Williss, seconded Cr J Cameron:

**That the Minutes of the Ordinary Meeting of the Council held 8 May 2007
be confirmed.**

CARRIED (8/0)

No. 182/07

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 10.05.07 – Cr K Forbes – Shire President, Cr D Williss – Deputy Shire President, Ms Nicole Selesnew – Manager Community Services, Mr Len Handasyde – Deputy Chief Bush Fire Control Officer, Mr David Burcham – Chief Bush Fire Control Officer met with Fire and Emergency Services Authority (FESA) to discuss 'Resource To Risk'.

Cr Forbes noted that it was a good meeting with FESA agreeing to the plan as is. Cr Forbes further noted that FESA accepted the need for a light duty fire unit particularly in the Mira Flores area of the Porongurup.

Woogenellup and Narpyn will remain as they are but it was noted that FESA took some convincing to keep the Narpyn Brigade as is. FESA will not put a light unit in at Narpyn and will not replace the three (3) trucks in Kendenup but have agreed to two (2) for Kendenup and one (1) for Narpyn.

A five (5) year review will be done to look at the Kendenup and Narpyn units before the final Kendenup truck needs replacing.

Cr Forbes has had confirmation back from FESA regarding the meeting and Resource To Risk.

Cr Forbes noted that the results are good with only one (1) heavy duty unit not up for replacement but we have picked up an extra light duty unit although not everyone is getting it all replaced as requested.

It appears that we should be getting at least one (1) new truck a year. The first few years may be made up with refurbished trucks until our truck ages are down. A priority list up to twelve has been made and we may receive one (1) new and one (1) refurbished truck each year.

- 10.05.07 – Cr Forbes, Cr Cameron and Mrs Skinner attended a Rainbow Coast Regional Council (RCRC) meeting in Denmark to discuss regional issues with a particular focus on the future supply of water.

The City of Albany gave a presentation on tourism.

- 11.05.07 – Cr Forbes made a short visit to Perth to meet with the Livestock Transporters Association and other saleyard representatives regarding a proposal to Minister Chance regarding the funding for Muchea and three (3) other regional sheep and cattle saleyards.
- 11.05.07 – Cr Forbes thanked Cr Williss for attending the budget breakfast in Albany and the One Community One College Traffic Management meeting.
- 14.05.07 – Cr Forbes attended a Transport Forum held in Cranbrook with operators from throughout the district and discussed general traffic issues. Ambulance and school bus representatives also attended. Cr Forbes gave a presentation on Timber Industry Road Evaluation Strategy (TIRES).

- 15.05.07 – Cr Forbes, Mr I Bartlett – Manager Works and Services and Ms Juliet Albany – Planning Officer attended a Western Power presentation at Frost Oval regarding the proposed Kojonup to Albany line.
- 16.05.07 – Mr Ron Penny – Executive Officer from the NSW Saleyards Association came for a visit and was very impressed with the design and standards of the Great Southern Regional Cattle Saleyards. Cr Forbes thanked Cr Skinner, Cr Williss and Mr John Fathers – Acting Chief Executive Officer for attending a social dinner with Mr Penny.
- 17.05.07 – Cr Forbes, Cr Cameron and Cr B Hollingworth attended a barbecue at the Depot with Volvo representatives to celebrate the arrival of new machinery.
- 22.05.07 – Cr Forbes, Mr Bartlett and Mr Fathers met with the Hon Matt Benson to view the Lowood Road crossing as he is preparing a report for the Hon Alannah MacTiernan. Mr Benson will be back to talk to community members. Cr Forbes suggested that Cr Skinner also speak with Mr Benson on the issue.
- 28.05.07 – Cr Forbes and Cr Williss will be attending a WALGA Zone meeting in Gnowangerup and noted that all Councillors were welcome to attend.
- 29.05.07 – Cr Forbes will be attending a Western Power Line Assessment Workshop in Cranbrook to discuss the Albany to Kojonup line.
- 01.06.07 – Mrs K Skinner – Executive Secretary, advised those present that Cr Forbes had been nominated for the Citizen of the Year Award in the category of Regional Development and that the winner would be announced at a Gala Dinner to be held in Perth.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 EXECUTIVE SERVICES REPORTS

9.1.1 COMMITTEE MINUTES

Location / Address:	N / A
Attachments: (5)	Committee Minutes
Name of Applicant:	N / A
File Reference:	CA/103/1; LP/103/1; ES/103/6; ES/103/7
Author:	Cherie Delmage - Administration Officer
Authorised By:	John Fathers - Acting Chief Executive Officer
Date of Report:	1 May 2007

Purpose

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

- Great Southern Regional Cattle Saleyards Committee – 24 April 2007
- Great Southern Regional Cattle Saleyards Committee – 8 May 2007
- Townscape Review Steering Committee – 3 May 2007
- Local Emergency Management Committee – 1 May 2007
- Bush Fire Advisory Committee – 2 May 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

Any 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 D Williss, seconded Cr B Hollingworth:

That the following Committee Minutes be received:

- **Great Southern Regional Cattle Saleyards Committee – 24 April 2007**
- **Great Southern Regional Cattle Saleyards Committee – 8 May 2007**
- **Townscape Review Steering Committee – 3 May 2007**
- **Local Emergency Management Committee – 1 May 2007**
- **Bush Fire Advisory Committee – 2 May 2007**

CARRIED (8/0)

No. 183/07

9.2 CORPORATE SERVICES REPORTS

9.2.1 FINANCIAL STATEMENTS – APRIL 2007

Location / Address:	N / A
Attachments: (1)	Financial Statements – April 2007
Name of Applicant:	N / A
File Reference:	FM/65/1
Author:	Ross MacDonald - Accountant
Authorised By:	John Fathers – Deputy Chief Executive Officer
Date of Report:	14 May 2007

Purpose

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 30 April 2007.

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 J Cameron:

That the financial statements for the month ending 30 April 2007 be received.

CARRIED (8/0)

No. 184/07

9.2.2 LIST OF PAYMENTS – APRIL 2007

Location / Address: N / A
Attachments: (1) List of Payments – April 2007
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: 10 May 2007

Purpose

The purpose of this report is to present the list of payments that were made during the month of April 2007.

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 M Skinner, seconded Cr B Hollingworth:

That the payment of accounts for the month of April 2007 covering electronic payments, cheques 36807 to 36899, totalling \$701,919.78 and trust cheques 163 to 165 totalling \$1,240.00, be noted.

CARRIED (8/0)

No. 185/07

9.2.3 POLICY REVIEW - OP/HRS/3 - OCCUPATIONAL HEALTH AND SAFETY

Location / Address: N / A
Name of Applicant: N / A
File Reference: PE/120/6
Author: Megan Sounness – Safety Officer
Authorised By: John Fathers – Acting Chief Executive Officer
Date of Report: 23 April 2007

Purpose

The purpose of this report is to review Council Policy No. OP/HRS/3 – Occupational Health and Safety.

Background

Council Policy No. OP/HRS/3 – Occupational Health and Safety reads as follows:

OBJECTIVE: *The **Shire of Plantagenet** will provide a safe and healthy work environment, so far as practicable, for all employees, contractors and visitors.*

POLICY: *The Council has allocated responsibilities and accountabilities to all levels of persons within the Council to ensure the maintenance of the occupational safety & health program is optimal.*

Continuous improvement has been incorporated into the Occupational Safety and Health Management Plan aimed at achieving the Shire of Plantagenet safety objectives and targets.

The objectives of this policy are to achieve;

- An annual reduction of workplace injury and disease.*
- The provision and maintenance of a safe workplace, plant and systems of work.*
- The identification, elimination and control of workplace hazards.*
- The provision of information, supervision and training to employees to ensure work is performed safely and to a high standard*
- A safety culture where best practice initiatives are entrenched in daily business activities.*
- Compliance with the relevant Occupational Safety and Health legislation, Standards and Codes of Practice.*

The Shire of Plantagenet encourages a consultative process to improve safety within the workplace and will provide the time and resources required to minimise the risk of injury, harm or damage to the Council's employees and property.

Safety is considered a shared responsibility and the Council will strive to ensure the compliance and integrity of this policy is maintained.'

Statutory Environment

Occupational Safety and Health Act 1984
Occupational Safety and Health Regulations 1996

Consultation

Consultation has occurred between members of the Shire of Plantagenet Occupational Safety and Health Committee. Consultation has also occurred with Mr John Appleyard – Regional Risk Coordinator and Local Government Insurance Services (LGIS).

Policy Implications

This Policy is presented to the Council as part of its ongoing Policy Review Program.

Financial Implications

While there are no immediate financial implications for this report, it is important to note the financial implications and benefits that Occupational Safety and Health has had on the Shire of Plantagenet.

Each year the Shire of Plantagenet pays a percentage (premium) of the total wages of all employees to cover Workers Compensation Insurance. There has been a reduction in the Shire's premium in the last five (5) years. It was approximately at this time that the Shire joined the Regional Risk Group and ultimately acquired the services of Mr John Appleyard – Regional Risk Coordinator. The premium has decreased from 3.67% in 2002 / 2003 to 3.0% in 2006 / 2007. It is also envisaged that this will again decrease to 2.8% in the future provided that the current trend relating to lost days through injury is continued.

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 considered that the current policy is adequate and does not need amending.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Moir:

That Council Policy No. OP/HRS/3 – Occupational Health and Safety as follows:

OBJECTIVE: The Shire of Plantagenet will provide a safe and healthy work environment, so far as practicable, for all employees, contractors and visitors.

POLICY: The Council has allocated responsibilities and accountabilities to all levels of persons within the Council to ensure the maintenance of the occupational safety & health program is optimal.

Continuous improvement has been incorporated into the Occupational Safety and Health Management Plan aimed at achieving the Shire of Plantagenet safety objectives and targets.

The objectives of this policy are to achieve;

- (1) An annual reduction of workplace injury and disease.
- (2) The provision and maintenance of a safe workplace, plant and systems of work.
- (3) The identification, elimination and control of workplace hazards.
- (4) The provision of information, supervision and training to employees to ensure work is performed safely and to a high standard.
- (5) A safety culture where best practice initiatives are entrenched in daily business activities.
- (6) Compliance with the relevant Occupational Safety and Health legislation, Standards and Codes of Practice.

The Shire of Plantagenet encourages a consultative process to improve safety within the workplace and will provide the time and resources required to minimise the risk of injury, harm or damage to the Council's employees and property.

Safety is considered a shared responsibility and the Council will strive to ensure the compliance and integrity of this policy is maintained.'

be endorsed.

CARRIED (8/0)

No. 186/07

9.3 COMMUNITY SERVICES REPORTS

9.3.1 POLICY REVIEW - I/R/15 - ROAD VERGE BURNING

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/99/281
Author:	Nicole Selesnew - Manager of Community Services
Authorised By:	John Fathers – Acting Chief Executive Officer
Date of Report:	14 May 2007

Purpose

The purpose of this report is to review Council Policy No. I/R/15 – Road Verge Burning.

Background

Council Policy No. I/R/15 – Road Verge Burning was endorsed by the Council on 22 August 2006 following a number of requests received by property owners wishing to burn their road verges. The Policy reads as follows:

'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:

- *Roadside burning should only be carried out if no other options for fire hazard management are available;*
 - *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);*
 - *The applicant complies with all requirements of the Bush Fires Act 1954;*
 - *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) adhered to;*
 - *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;*
 - *The burning of the roadside will not cause any direct or indirect damage to declared rare flora or fauna;*
-

Policy Review – I/R/15 – Road Verge Burning (Cont.)

- *No damage is caused to fences, roads, road furniture, drainage structures, public utilities or other property in the vicinity;*
- *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;*
- *A maximum 2,000m strip may be burnt per year;*
- *The applicant installs the appropriate traffic warning devices;*
- *No obstruction of roadways or drainage channels by fallen trees or other debris occurs; and*
- *Consideration should be given to the potential for smoke pollution.*

The Chief Executive Officer is delegated the authority to approve Road Verge Burning applications, in accordance with this Policy'

Statutory Environment

The following legislation and guidelines were 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

The Bush Fire Advisory Committee reviewed the Policy at its meeting held 2 May 2007.

Policy Implications

This Policy is presented to the Council as part of its ongoing Policy Review Program.

Financial Implications

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

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

A change to the numbering format is the only amendment. The following Road Verge Burning Policy is recommended for endorsement.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr D Williss:

That amended Council Policy No. I/R/15 – Road Verge Burning Policy as follows:

'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:

- (1) 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:
 - (a) Roadside burning should only be carried out if no other options for fire hazard management are available;
 - (b) 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);
 - (c) The applicant complies with all requirements of the Bush Fires Act 1954;
 - (d) 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) adhered to;
 - (e) 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;
 - (f) The burning of the roadside will not cause any direct or indirect damage to declared rare flora or fauna;
 - (g) No damage is caused to fences, roads, road furniture, drainage structures, public utilities or other property in the vicinity;
 - (h) 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;
 - (i) A maximum 2,000m strip may be burnt per year;
 - (j) The applicant installs the appropriate traffic warning devices;

Policy Review – I/R/15 – Road Verge Burning (Cont.)

- (k) No obstruction of roadways or drainage channels by fallen trees or other debris occurs; and
 - (l) 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.'

be endorsed.

CARRIED (8/0)

No. 187/07

9.3.2 POLICY REVIEW – RS/FP/3 – BUSH FIRE - PERMITS TO BURN

Location / Address: N / A
Name of Applicant: N / A
File Reference: RS/FP/3
Author: Nicole Selesnew - Manager of Community Services
Authorised By: John Fathers – Acting Chief Executive Officer
Date of Report: 14 May 2007

Purpose

The purpose of this report is to review Council Policy No. RS/FP/3 – Bush Fire – Permits to Burn.

Background

Council Policy No. RS/FP/3 was endorsed by the Council at its meeting held 22 October 2002, to guide bush fire control officers about conditions to be applied when issuing 'Permits To Burn' during Restricted and Prohibited Burning times. The Policy reads as follow:

'BUSHFIRE – PERMITS TO BURN:'

OBJECTIVE: *To direct bush fire control officers about conditions to be applied to the issue of permits to burn during prohibited burning times and restricted burning times.*

POLICY: *The Council will, pursuant to the Bush Fires Act 1954, regulation 15A, which authorises a local government to issue directions to a bush fire control officer as to the manner in which or the conditions under which permits to burn shall be issued by that officer, direct that:*

- 1. Protective burning around buildings as prescribed in Section 23 of the Bushfires Act be permitted throughout the prohibited burning time during the hours of 6pm - 12 midnight, upon receipt of a permit to burn.*
- 2. Permits to burn on Sunday shall not be issued during the Prohibited Burning Times;*
- 3. Permits to burn on Christmas Day or Good Friday shall not be issued;*
- 4. Permits to burn bush on land growing subterranean clover for the purpose of harvesting subterranean clover shall not be issued during the Prohibited Burning Times except by the Chief Bush Fire Control Officer, the Deputy Fire Weather Officer or the CEO, as appointed and gazetted clover burning officers by the Shire of Plantagenet;*
- 5. Permits issued by clover burning officers during the Prohibited Burning Times to burn on land growing subterranean clover pursuant to sections 24 and 24A of the Bush Fires Act 1954 shall not be for areas exceeding seventy five (75) hectares.*

6. *Roadside burning shall be done as a brigade burn in consultation with the Shire of Plantagenet and must be covered by a permit during the restricted burning period. Traffic signage is required.*

Statutory Environment

Bush Fires Act 1954

Consultation

Consultation has occurred with the Bush Fire Advisory Committee (the Committee) which has requested that two (2) amendments be made as follows:

- (1) Point four be amended from ‘...except by the Chief Bush Fire Control Officer the Deputy Fire Weather Officer or the CEO...’ to read ‘...except by the Chief Bush Fire Control Officer, the Fire Weather Officer, Deputy Fire Weather Officer or the CEO...’.
- (2) Point Six be deleted as this requirement is addressed in Council Policy No. I/R/15 – Road Verge Burning.

Policy Implications

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

Financial Implications

There are no financial implications relating to this report.

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

With the Committee’s recommendations taken into consideration and some format and syntax changes, the following Bushfire – Permits to Burn Policy is recommended for adoption.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr D Williss:

That amended Council Policy No. RS/FP/3 – Bushfire – Permits to Burn as follows:

‘BUSHFIRE – PERMITS TO BURN

OBJECTIVE:

To direct bush fire control officers about conditions to be applied to Permits To Burn during Prohibited Burning and Restricted Burning times.

POLICY:

The Council will, pursuant to the Bush Fires Act 1954 - Regulation 15A, which authorises a local government to issue directions to a bush fire control officer

as to the manner in which or the conditions under which permits to burn shall be issued by that officer, direct that:

- (1) Protective burning around buildings as prescribed in Section 23 of the Bush Fires Act 1954 be permitted throughout the Prohibited Burning Time during the hours of 6.00pm – 12.00am, upon receipt of a permit to burn.
- (2) Permits To Burn for Sunday shall not be issued during the Prohibited Burning Time.
- (3) Permits To Burn shall not be issued for Christmas Day or Good Friday.
- (4) Permits To Burn bush on land growing subterranean clover for the purpose of harvesting subterranean clover shall not be issued during the Prohibited Burning times except by the Chief Bush Fire Control Officer, the Fire Weather Officer, the Deputy Fire Weather Officer or the Chief Executive Officer.
- (5) Permits issued by clover burning officers during the Prohibited Burning times to burn on land growing subterranean clover pursuant to Sections 24 and 24A of the Bush Fires Act 1954 shall not be for areas exceeding seventy-five hectares.'

be endorsed.

CARRIED (8/0)

No. 188/07

9.3.3 POLICY REVIEW - RS/FP/1 – BUSH FIRE – MOVEMENT DURING VEHICLE BANS AND RS/FP/2 – BUSH FIRE GUIDELINES – VEHICLE MOVEMENT BANS

Location / Address: N / A
Name of Applicant: N / A
File Reference: RS/FP/2
Author: Nicole Selesnew - Manager of Community Services
Authorised By: John Fathers – Acting Chief Executive Officer
Date of Report: 11 May 2007

Purpose

The purpose of this report is to review Council Policy No. RS/FP/1 – Bushfire – Movement During Vehicle Bans and Council Policy No. RS/FP/2 – Bushfire Guidelines – Vehicle Movement Bans.

Background

A Harvest and / or Vehicle Movement Ban may be set by the Local Government or a Fire Control Officer (the Shire of Plantagenet appoints a Fire Weather Officer) when weather conditions including relative humidity, wind direction, wind strength, temperature and daily forecast meet a certain threshold.

Both Policies refer to activities which may take place during a Harvest and Vehicle Movement Ban and read as follows:

Council Policy No. RS/FP/1

'BUSHFIRE - MOVEMENT DURING VEHICLE BANS

OBJECTIVE:

POLICY: *That operators of extensive piggeries be authorised to attend to stock on days when a ban on movement of vehicles is imposed on the condition that the vehicle attending to stock carry a minimum of 400 litres of water and a serviceable pump at all times.'*

Council Policy No. RS/FP/2

'BUSHFIRE GUIDELINES - VEHICLE MOVEMENT BANS

OBJECTIVE: *Bushfire guidelines for vehicles and machinery movement bans including bans on the operation of internal combustion engines on farms*

POLICY: *The following document identifies the impact of the imposition of Bans on farm activities and is a set of guidelines developed to permit the delivery and removal of produce on farms when harvest and vehicle movement bans are imposed by the Local Authority.*

It should be noted that Local Authorities are not compelled to adopt the guidelines but if adopted the Local Authority should advertise the agreed standards in their fire break notice and a local newspaper.

DEFINITIONS

The following definitions shall apply to the guidelines on the ban of vehicle and machinery movement and the operation of internal combustion engines under Regulation 78A and 38B of the Bush Fires Act.

Laneway/Roadway (non gazetted)

A laneway/roadway is defined as having a trafficable surface, free of all inflammable material, a minimum of four metres wide. Overhanging vegetation has to be pruned back so as not to come into contact with parts of a vehicle.

Registered On and Off Loading area

A Registered On and Off Loading area is defined as an area free of inflammable material, save live standing trees to a radius of 50 metres from the centre of the area.

Mobile fire fighting unit

A mobile fire fighting unit is defined as having a minimum water carrying capacity of four hundred (400) litres, fitted with a minimum of twenty (20) metres of nineteen (19) millimetre diameter fire fighting hose and pump capable of delivering water through an adjustable nozzle in the spray and jet configurations.

Harvest Ban

A ban on the operation of all grain harvesting machines within a Shire or part of a Shire and during a time, as specified in a notice or broadcast (Reg 38A).

A Ban on the Movement of all Vehicles and Machines and the Operation of Internal Combustion Engines

A ban on the movement of all vehicles and machinery and the operation of internal combustion engines within a Shire or part of a Shire and during a time as specified in a notice or broadcast (Reg 38A & B) with the exception of the movement of vehicles and machinery on made gazetted roads, laneways and yards. The following activities are permitted provided these comply with specified conditions.

Regulated Activities

- 1. Loading and offloading of grain, fertilizer and feed is only permitted on sites which are approved and registered by Council on an annual basis and which are clear of all inflammable material save live standing trees to a radius of at least 50 metres. A mobile fire fighting unit shall be in attendance at all times the site is in use during the ban period (Please note that an owner or occupier of a site may appeal to the Chief Bush Fire Control Officer in cases where approval was not granted or granted subject to additional conditions).*

Policy Review - RS/FP/1 – Bush Fire – Movement During Vehicle Bans & RS/FP/2 – Bush Fire Guidelines – Vehicle Movement Bans (Cont.)

2. *Water carting for stock and domestic purposes provided a mobile fire-fighting unit accompanies it, or alternatively, the water-carting vehicle acts as the mobile fire-fighting unit and meets minimum specifications (this also requires the retention of 400litres of water at all times).*
3. *All necessary travel to and from and within piggeries, sheep or cattle feed lots, provided this is undertaken in a mobile fire-fighting unit.*
4. *All necessary carting of live stock, provided that a mobile fire-fighting unit accompanies such a vehicle.*
5. *Activities, which received specific exemptions from Council or a CBFCO.*

All other activities or operations may only be undertaken during Total Vehicle and Machinery Movement Bans and Bans on the Operation of Internal Combustion Engines after approval has been granted by Council. Approval has to be sought on an individual basis. Approval may be subject to specified Conditions. It should be noted that approval may not be granted. (28/11/95)

Statutory Environment

The Bush Fires Act 1954

Shire of Plantagenet Annual Firebreak Notice

Consultation

Consultation has occurred with the Bush Fire Advisory Committee (the Committee) which has requested that an amendment be made to the definition of Harvest Ban in Council Policy No. RE/FP/1 – Bushfire Guidelines – Vehicle Movement Bans. The current definition of a Harvest Ban is ‘*a ban on the operation of all grain harvesting machines within a Shire or part of a Shire and during a time, as specified in a notice or broadcast (Reg 38A).*’ The Committee has requested that the word ‘grain’ be removed from the above definition to reflect other harvest operations such as timber harvesting.

The information contained within the Annual Firebreak Notice is reviewed annually by the Annual Firebreak Notice Review Group which currently comprises Cr Kevin Forbes, Cr David Williss, Cr Keith Hart, Mr David Burcham - Chief Bush Fire Control Officer, Mr Len Handasyde - Deputy Chief Bush Fire Control Officer and Fire Weather Officer and Mr John Russell - Captain – Porongurup Bush Fire Brigade.

Policy Implications

This policy is presented to the Council as part of its ongoing Policy Review Program.

Financial Implications

There are no financial implications relating to this report.

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.

Policy Review - RS/FP/1 – Bush Fire – Movement During Vehicle Bans & RS/FP/2 – Bush Fire Guidelines – Vehicle Movement Bans (Cont.)**Officer Comment**

Council Policy No. RS/FP/2 Bushfire Guidelines – Vehicle Movement Bans was based on a proforma policy prepared by the Fire and Emergency Services Authority of Western Australia.

The definitions of a Harvest Ban and Vehicle Movement and Operation of Combustion Engine Ban have been reviewed and updated over time, which has been reflected in the Annual Firebreak Notice, but not the Policy document. It is proposed that the definitions of both bans within the Annual Firebreak Notice be incorporated into Policy RS/FP/2. This action will also address the concerns raised by the Committee.

Point (1) of the Regulated Activities allows for owners / occupiers of a site to appeal to the Chief Bush Fire Control Officer (CBFCO) in cases where permission was not granted for the use of on / off loading sites during a ban.

It is recommended that this paragraph be deleted as the CBFCO should not have the authority to overrule a local government decision.

There are also a number of other 'generic' statements within Policy RS/FP/2 which may be removed as they are superfluous to the intent of the Policy.

Council Policy No. RS/FP/1 – Bushfire – Movement During Vehicle Movement Bans specifies activities that may occur at extensive piggeries when a ban on the movement of vehicles is imposed. This Policy can be incorporated into Policy RS/FP/2 – Bushfire Guidelines – Vehicle Movement Bans and consequently, Policy RS/FP/1 can be repealed.

With the above recommendations taken into consideration and some format and syntax changes, amended Policy 'Bushfire Guidelines – Vehicle Movement Bans' is recommended for adoption.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr D Williss:

THAT:

- (1) Amended Council Policy No. RS/FP/2 – Bushfire Guidelines – Vehicle Movement Bans as follows:

'BUSHFIRE GUIDELINES – VEHICLE MOVEMENT BANS

OBJECTIVE:

The objective of this Policy is to provide clear guidelines on activities that may occur during a Harvest Ban and / or Vehicle Movement / Operation of Combustion Engines Ban.

DEFINITIONS:**Constructed Gazetted Road**

A constructed gazetted road is defined as having a trafficable surface, free of all inflammable material and a minimum of four metres wide. Overhanging

Policy Review - RS/FP/1 – Bush Fire – Movement During Vehicle Bans & RS/FP/2 – Bush Fire Guidelines – Vehicle Movement Bans (Cont.)

vegetation has to be pruned back so as not to come into contact with parts of a vehicle.

Registered On and Off Loading Area

A Registered On and Off Loading Area is defined as an area free of inflammable material, except live standing trees to a radius of fifty metres from the centre of the area.

Mobile Fire Fighting Unit

A mobile fire fighting unit is defined as having a minimum water carrying capacity of four hundred litres, fitted with a minimum of twenty metres of nineteen millimetre diameter fire fighting hose and pump capable of delivering water through an adjustable nozzle in the spray and jet configurations.

Harvest Ban

Any operation of machinery involved in harvesting seed crops / timber and / or other produce must come to a complete stop in paddocks when a ban is in place.

Vehicle Movement / Operation of Combustion Engines Ban

No vehicles to be driven unless on a constructed gazetted road and / or front entrance of property residences when the ban is in place and no combustion engines are to be operated.

POLICY:

The following regulated activities may take place when a Harvest Ban and / or Vehicle Movement / Operation of Combustion Engines Ban is in place:

- (a) Loading and offloading of grain, fertiliser and feed is only permitted on sites which are approved and registered by the Council on an annual basis and which comply with the definition of a Registered On and Off Loading area. A mobile fire fighting unit shall be in attendance at all times the site is in use during the ban period.
- (b) Water carting for stock and domestic purposes, provided a mobile fire fighting unit accompanies the vehicle being used for water carting purposes, or alternatively, the water carting vehicle acts as the mobile fire fighting unit and meets the requirements as detailed in the definition of a mobile fire fighting unit (including the retention of 400 litres at all times).
- (c) All necessary travel to, from and within piggeries (both intensive and extensive), sheep or cattle feed lots, provided this is undertaken in or is accompanied by a mobile fire fighting unit.
- (d) All necessary carting of livestock, provided that a mobile fire fighting unit accompanies such a vehicle.
- (e) Activities which received specific exemptions from the Shire or the Chief Bush Fire Control Officer.
- (f) All other activities or operations may only be undertaken during Harvest Bans and / or Vehicle Movement / Operation of Combustion Engines Bans after approval has been granted by the Council. Approval must be

Policy Review - RS/FP/1 – Bush Fire – Movement During Vehicle Bans & RS/FP/2 – Bush Fire Guidelines – Vehicle Movement Bans (Cont.)

sought on an individual basis and if granted, may be subject to certain conditions.’

be endorsed.

- (2) That Council Policy No. RS/FP/1 – Bushfire – Movement During Vehicle Bans as follows:

‘BUSHFIRE - MOVEMENT DURING VEHICLE BANS

OBJECTIVE:

POLICY: That operators of extensive piggeries be authorised to attend to stock on days when a ban on movement of vehicles is imposed on the condition that the vehicle attending to stock carry a minimum of 400 litres of water and a serviceable pump at all times.’

be repealed.

CARRIED (8/0)

No. 189/07

9.3.4 POLICY ADOPTION – RS/ES/1 - NATURAL DISASTER RELIEF

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CM/118/2
Author:	Nicole Selesnew - Manager of Community Services
Authorised By:	John Fathers – Acting Chief Executive Officer
Date of Report:	14 May 2007

Purpose

The purpose of this report is to establish a policy to assist victims of a natural disaster by the donation of Building Licence Fees.

Background

The Council has undertaken a number of different forms of assistance to people that have been affected by significant events, for example waiving property rates for a family at Kendenup following a fire which burnt their house down and the property clean-up program following the February 2007 Porongurup Fire.

The Natural Disaster Relief Policy is the formalisation of a relief assistance package to victims of a natural disaster. Cr David Williss presented the following proposal to the Council at its Meeting held 27 March 2007:

'For genuine natural disaster victims, eg: fire, flood, storm, plans to the Council to replace a building on the same site and of a similar size and structure to buildings damaged and / or destroyed, that Building Licence fees be by Chief Executive Officer donation. Further, that Building Permits be approved with minimum delays.'

Statutory Environment

There are no statutory implications in relation to this report.

Consultation

Consultation has occurred with the Porongurup Fire Recovery Group and the Local Emergency Management Committee.

Policy Implications

This report requests the adoption of a new Council Policy.

Financial Implications

The Natural Disaster Relief Policy aims to assist victims of a natural disaster by the donation of Building Licence Fees for the replacement of buildings irreparably damaged by the disaster. It is proposed that Building Licence fees be covered from within the Chief Executive Officer's donation account.

Building Licence fees include statutory and Council fees and comprise a Builders Registration Board fee, a Building Construction Industry Training Fund levy (only applicable for structures valued at more than \$20,000.00) and a Council fee. The minimum Building Licence fee is \$40.00.

Policy Adoption – RS/ES/1 - Natural Disaster Relief (Cont.)

The cost of the Disaster Relief donation is difficult to determine as natural disasters are unplanned and the size and impact of the natural disaster is affected by many variables. The structural damages occurring from the recent Porongurup fire amounted to one (1) house, two (2) sheds and numerous car ports and outbuildings. However, other natural disasters, for example an earthquake, could devastate dozens (or more) houses, outbuildings, businesses etc.

Therefore, consideration should be given to limiting the financial donation to the replacement of a residential structure, for example a house, shed, patio or carport and the amount that can be donated should be capped.

If a limit is not placed on the type of structure or donation amount, the Council may commit to donating Building Licence fees for significant structures. For example, Building Licence fees for recent extensions to Fletcher's International abattoir cost \$3,856.20, an equine training centre situated on private property cost \$2,749.92 and total fees for the Montem Street development comprising twenty-six units cost \$21,000.00.

The average Building Licence fee for a single dwelling is \$752.28 and \$75.00 for a carport. It is proposed that \$750.00 be the maximum donation payable by the Chief Executive Officer.

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.

Key Result Area 3 promotes the evaluation of different options for providing community services and facilities.

Officer Comment

The formation of a Natural Disaster Relief Policy is a generous proposition and will provide assistance to communities during times of extreme need. Furthermore, the endorsement of a Policy provides guidance to Council Officers regarding the type of assistance that may be offered following a natural disaster.

In developing a Natural Disaster Relief Policy, consideration must be given to what constitutes a Natural Disaster. Emergency Services Minister Mr John Kobelke, has the authority to declare a Natural Disaster which is often determined by the cost of damages arising from the event. In some instances the impact of an event within the local community may be considerable, however the impact of the event may not be large enough to be declared a Natural Disaster by the Minister (eg: the February 2007 Porongurup Fire). Therefore, the Shire President should be authorised to determine what constitutes a Natural Disaster within the Shire of Plantagenet for the purpose of this Policy.

Further, a donation limit should be stated within the Policy which in turn, may be reviewed by the Shire President in the event of an increase in Building Licence statutory charges or an increase in the average cost of housing.

With the above recommendations taken into consideration, the following proposed Natural Disaster Relief Policy is recommended for adoption.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr K Hart:

That Council Policy No. RS/ES/1 – Natural Disaster Relief as follows:

'NATURAL DISASTER RELIEF

OBJECTIVE:

The objective of this Policy is to provide assistance to victims of a natural disaster which has occurred within the Shire of Plantagenet.

POLICY:

To assist people that are genuine natural disaster victims, Building Licence fees shall be donated by the Chief Executive Officer for the replacement of buildings on the same site and of a similar size and structure to buildings irreparably damaged or destroyed during the natural disaster.

This Policy will only be applicable when the Shire President has determined that the event is a natural disaster.

Building Licence fees may only be donated to a maximum of \$750.00 for any one (1) building.'

be endorsed.

CARRIED (7/1)

No. 190/07

9.4 TECHNICAL SERVICES

Nil

9.5 DEVELOPMENT SERVICES REPORTS

9.5.1 LOT 8 MUIRS HIGHWAY, ROCKY GULLY - REQUEST TO WAIVE CONDITION - ASBESTOS CLADDING

Location / Address:	Lot 8 Muirs Highway, Rocky Gully
Attachments: (2)	Locality Plan Letter from Applicant
Name of Applicant:	Carol Dymock
File Reference:	RV/182/2057
Author:	Cobie MacLean - Administration Assistant
Authorised By:	John Fathers - Acting Chief Executive Officer
Date of Report:	10 May 2007

Purpose

The purpose of this report is to consider a request from Mrs Carol Dymock to waive Condition (2) of the Decision on Application for Planning Consent.

Background

On 27 February 2007 a report was submitted to the Council requesting permission to place a relocated dwelling on Lot 8 Muirs Highway, Rocky Gully.

The Council resolved:

'That Planning Consent be granted for Application 13/07 for a relocated dwelling at Lot 8 Muirs Highway, Rocky Gully in accordance with the plans dated 30 January 2007 subject to:

- (1) The payment of a refundable bond of \$5,000.00 prior to the issue of a building licence.*
- (2) The asbestos wall sheeting material being removed and replaced to the satisfaction of the Council.*
- (3) The vehicle crossover being constructed, drained and sealed to the satisfaction of the Manager Works and Services.*
- (4) All stormwater being contained on site and disposed of to the satisfaction of the Manager Works and Services.*

ADVICE NOTES

- (i) This Planning Consent is not an authorisation to commence construction. A building licence must be obtained from the Council's Building Surveyor prior to commencing work.*
 - (ii) The \$5,000.00 bond will only be refunded when the dwelling is completed to an acceptable standard both structurally and aesthetically.*
 - (iii) This planning consent only applies to the house and not any other proposed structures such as a garage and garden shed.*
 - (iv) If the development, the subject of this approval, is not substantially commenced within a period of twenty-four months, the approval shall lapse*
-

Lot 8 Muirs Highway, Rocky Gully – Request To Waive Condition – Asbestos Cladding (Cont.)

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.'

Mrs C Dymock has written to the Shire to waive condition (2) because *'I would like to request to keep the existing wall cladding on Lot 8 Muirs Hwy. Reasons being that it is in an excellent condition. I will be repainting the existing cladding therefore bringing it up to an adequate standard.'*

Statutory Environment

Planning and Development Act 2005

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

Zoning: Residential

Density: R10

The Residential Design Codes of Western Australia (2002)

Consultation

Mr Duncan – Manager Development Services has been in consultation with Mrs Dymock.

Policy Implications

Council Policy No. TP/SDC/5 – Housing – Second Hand Houses requires (for houses more than twelve years old), various conditions to be imposed including a \$5,000.00 bond, engineer's certification and removal of asbestos cladding if being brought into the Shire.

Financial Implications

A \$5,000.00 bond has been received and is being held in a trust account by the Shire of Plantagenet.

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

Planning Consent for Lot 8 Muirs Highway, Rocky Gully was granted on 27 February 2007 (Resolution No. 73/07). The applicant is asking the Council to reconsider Condition (2) and allow her to leave the asbestos on the dwelling as it is in excellent condition.

Mr Watkins – Building Surveyor is satisfied for the applicant to repaint the asbestos prior to habitation of the dwelling.

Council Policy No. TP/SDC/5 requires, amongst other things, a Condition that asbestos cladding be removed before entry into the Shire. As the building was previously located in Webster Street, Mount Barker which is within the Shire boundaries, this Condition would not ordinarily apply however, it is always considered preferable for asbestos to be removed from dwellings if at all possible.

As the applicant is committed to repainting the dwelling hence resealing the asbestos product and the asbestos being in good condition, it is appropriate for the Council to

Lot 8 Muirs Highway, Rocky Gully – Request To Waive Condition – Asbestos Cladding (Cont.)

allow the material to remain in this instance. Condition (2) of the approval dated 2 March 2007 can therefore be replaced with:

‘The Asbestos wall sheeting materials being repainted prior to habitation of the dwelling to the satisfaction of the Building Surveyor.’

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Condition (2) of Planning Consent (Resolution No. 73/07) for a relocated dwelling at Lot 8 Muirs Highway, Rocky Gully be modified to read:

‘(2) The Asbestos wall sheeting materials being repainted prior to habitation of the dwelling to the satisfaction of the Building Surveyor.’

ALTERNATIVE MOTION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr M Skinner:

That the applicant be advised that Condition (2) of Planning Consent (Resolution No. 73/07) for a relocated dwelling at Lot 8 Muirs Highway, Rocky Gully will remain unchanged and read as follows:

‘(2) *The asbestos wall sheeting material being removed and replaced to the satisfaction of the Council.*’

CARRIED (8/0)

No. 191/07

Reason For Change

Councillors agreed it was important to encourage residents to ensure that their residences were of a high quality and standard.

Councillors further agreed it was important for Rocky Gully not to be considered an acceptable location for ‘lesser’ quality housing.

**9.5.2 LOT 155 MOUNT BARKER ROAD, MOUNT BARKER - WAPC NO. 134306 -
SUBDIVISION INTO THIRTY-TWO LOTS**

Location / Address:	Lot 155 Mount Barker Road, Mount Barker
Attachments: (2)	Locality Plan Site Plan
Name of Applicant:	Dykstra Planning on behalf of M & N Hill
File Reference:	LP/158/90, RV/182/1287
Author:	Juliet Albany - Planning Officer
Authorised By:	John Fathers - Acting Chief Executive Officer
Date of Report:	14 May 2007

Purpose

The purpose of this report is to request consideration of an application for a thirty-two lot subdivision on Lot 155 Mount Barker Road, Mount Barker.

Background

The lot is zoned R5/15, has an area of 3.4828ha and currently accommodates a single house and sheds located in the south west corner facing Mount Barker Road. An application to subdivide the subject lot into two (2) lots, excising 8096m² with the existing house to allow the sale of the 2.6732ha balance separately is currently with Western Australian Planning Commission (WAPC) (WAPC No. 134306). This proposal also excises 8096m² with the existing house and sheds as the 32nd lot.

The subdivision design allows for future connectivity, within 18m road reserves to the adjoining Lot 156 to the north should it be subdivided and provides a new subdivision road connecting Lowood and Morpeth Roads.

The proposed lots are regular in shape with good street frontage and dimensioned to accommodate a wide range of house designs, only two lots are battleaxe lots. Lots range in size from 624m² to 1,103m², with an average of 697m². This meets the R15 requirements for minimum and average lot sizes with all lots having frontages greater than the 12m minimum required in R15 zones.

Connection to reticulated sewage is possible from Mitchell Street approximately 300m east. The land can be drained if necessary and detailed design is proposed at the time of subdivision to ensure the land is managed in accordance with water sensitive urban design principles.

Statutory Environment

Planning and Development Act 2006
Shire of Plantagenet Town Planning Scheme No.3 (TPS3)
State Planning Policy
Development Control DC1.1 Subdivision of Land – General Principles
DC 1.4 Functional Road Classification for Planning and
DC 2.2 Residential Subdivision

Consultation

There has been no consultation for 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

The subdivision meets with planning requirements and is well thought out for future connectivity.

The retention of existing rural buildings is pleasing for the rural ambience of the town.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr D Williss:

That the Western Australian Planning Commission be advised that the Council supports the application for a 32 Lot subdivision on Lot 155 Mount Barker Road, Mount Barker (WAPC No. 134306) subject to the following conditions being applied:

- (1) All lots being provided with access to a sealed road.**
- (2) The portion of Morpeth Street from Lowood Road to 40m west of the intersection with the internal subdivision road and Morpeth Street is to be constructed, drained and sealed to the satisfaction of the Manager Works and Services.**
- (3) All roads being constructed, drained and sealed with a minimum of 6m width seal to the satisfaction of the Manager Works and Services.**
- (4) Street lighting to the satisfaction of the Manager Works and Services.**
- (5) A landscaping plan being submitted detailing the appropriate planting and timing of planting of Street trees to the satisfaction of the Manager Works and Services.**
- (6) Semi mountable kerbs to all roads.**
- (7) Footpaths to be provided on one side of the subdivision roads and on one side of Morpeth Street to the satisfaction of the Manager Works and Services.**
- (8) Stormwater shall be contained on site, however, overflow can be directed to the district drainage system to the satisfaction of the Manager Works and Services.**
- (9) All cleared vegetation shall remain on site to be processed (mulched) and respread over disturbed areas within the site.**
- (10) The provision of reticulated water and sewage to all lots.**

Lot 155 Mount Barker Road, Mount Barker – WAPC No. 134306 – Subdivision Into Thirty-Two Lots (Cont.)

- (11) All new lots being provided with underground power.
- (12) A cash-in-lieu payment for 10% of the total site not given to Public Open Space is to be paid to the Council.
- (13) All new buildings having the necessary clearance from the new lot boundaries.
- (14) No access to Mount Barker Road is to be provided from any lot.

CARRIED (8/0)

No. 192/07

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 Clements, seconded Cr D Williss:

That new business of an urgent nature namely:

- Replacement Of Boontech Scanner – Great Southern Regional Cattle Saleyards
- Kendenup Community and Recreation Centre

Be dealt with as Item 11 and introduced into the meeting.

CARRIED (8/0)

No. 193/07

11.1 REPLACEMENT OF BOONTECH SCANNER – GREAT SOUTHERN REGIONAL CATTLE SALEYARDS

A Financial Interest was disclosed by Cr K Forbes for Item 11.1

Nature of Interest: Cattle Producer

Extent of Interest: 240 head of mixed cattle

A Financial Interest was disclosed by Cr M Skinner for Item 11.1

Nature of Interest: Cattle Producer

Extent of Interest: 400 head of mixed cattle

A Financial Interest was disclosed by Cr J Cameron for Item 11.1

Nature Of Interest: Cattle Producer

Extent of Interest: Part owner - approximately 500 cattle

A Financial Interest was disclosed by Cr J Moir for Item 11.1

Nature Of Interest: Cattle Producer and casual employee of Elders

Extent of Interest: Employee Of Elders and Cattle Producer

A Financial Interest was disclosed by Cr B Hollingworth for Item 11.1

Nature Of Interest: Adjacent landholder

Extent of Interest: Owner of Lots 1414 & 1415 Albany Highway, Mount Barker

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 21 May 2007, giving permission for Cr Forbes, Cr Cameron, Cr Skinner, Cr Hollingworth and Cr Moir to fully participate in discussion and vote in decisions relating to the replacement of the Boontech Scanner for the Great Southern Regional Cattle Saleyards that may lead to expenditures in excess of those indicated in the Business Plan.

This approval is only valid for one (1) meeting being the Ordinary Meeting of the Council held 22 May 2007.

The Acting Chief Executive Officer read aloud the attached letter.

Replacement Of Boontech Scanner – Great Southern Regional Cattle Saleyards (Cont.)

Location / Address: N / A
Name of Applicant: N / A
File Reference: CA/126/1
Author: John Fathers – Deputy Chief Executive Officer
Authorised By: John Fathers – Deputy Chief Executive Officer
Date of Report: 7 May 2007

Purpose

The purpose of this report is to consider making an application to the National Livestock Identification System Committee (NLISC) for a grant of seventy percent (70%) towards the replacement of the Boontech scanner at the Great Southern Regional Cattle Saleyards. Approval of such a grant would necessitate an unbudgeted payment of the balance.

Background

At the meeting of the Great Southern Regional Cattle Saleyards Committee held on 24 April 2007, the Saleyards Manager advised that he had attended a recent Meat Forum, where it was suggested that the Council may attract funds from the NLISC for improved scanning equipment.

Mr Lloyd proposed that the Council write to the NLISC requesting that the NLIS equipment at the Saleyards be improved to include the replacement of the Boontech Scanner with an Aleis Double Race Scanner plus an Aleis Bluetooth Hand Wand, to improve the accuracy and efficiency within the operation of the Saleyards.

Statutory Environment

There are no statutory implications for this report.

Consultation

There has been consultation with Mr Warren Lloyd - Manager Saleyards.

Policy Implications

There are no policy implications for this report.

Financial Implications

The following quotation has been obtained from the only supplier of Aleis scanning equipment:

Aleis 5002V	\$28,823.00
Aleis 8030BT& fixed wand connector (with RFID display)	\$ 2,863.00
Freight on 5002V estimated	\$ 3,500.00
Installation on 5002V estimated by Aleis	\$14,800.00
Total	<u>\$49,986.00</u>

The quote advises that that the last two (2) items should be considered worst case scenario. It is likely that another Saleyard will install equipment at the same time. This will reduce installation costs by approximately one third. It is therefore thought that the final cost will be likely in the region of \$45,000.00.

Replacement Of Boontech Scanner – Great Southern Regional Cattle Saleyards (Cont.)

Installation would be by qualified Aleis technicians. A lead time of up to six (6) weeks is required to allow for construction, freight time and installation.

Assuming a cost of \$45,000.00, the Council may be in a position to receive a grant of \$31,500.00 leaving a balance of \$13,500.00. The higher cost scenario is a cost of \$49,986.00 meaning a grant of \$34,990.00 leaving a balance of \$14,996.00.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The NLISC has advised that federal funding is available for 70% of the cost of upgrades to NLIS infrastructure and software at Saleyards. The procedure is to determine what equipment is required and obtain a quote, submit a quote for approval (subject to meeting the grant conditions and sufficient funds available for all requests). Following that, the Council would purchase the equipment with the 70% grant being reimbursed. It is advised that funds would be available, however everything must be finalised by 30 June 2007.

This is a good opportunity for the Council to attract funds to replace substandard equipment. The Shire currently has an Aleis scanner for one (1) weighbridge and a Boontech scanner for the second weighbridge. Currently, both Elders and Primaries use the weighbridge with the Boontech scanner, making up about 70% of the throughput. The Boontech scanner causes a lot of problems with non-readings and double readings on the weighbridge. This results in significantly more hand scanning than should be necessary.

Investigations are currently being carried out on the possibility of selling the existing scanner and hand wand to partially recoup the costs of the Shire's contribution towards the new equipment. It is also considered that it may be opportune to review the Ship / Private Weigh Charge, which is currently set at \$1.64. Raising this charge to \$2.00 would generate approximately \$2,000.00 in additional revenue per year.

At this stage it is recommended that an application be made for the grant. It is concerning that very little time remains to conclude this matter within the stated timeframe, taking into consideration the lead time on installation and the requirement for some Elected Members to seek an exemption to consider this matter at a forthcoming Council meeting.

It was therefore recommended that an application be made to the National Livestock Identification System Committee (NLISC) for a grant of up to \$34,990.00, being seventy percent (70%) of the quoted cost for the supply and installation of an Aleis scanning system and hand held wand.

At its meeting held 8 May 2007, the Saleyards Committee resolved to recommend to the Council that:

- (1) An application be made to the National Livestock Identification System Committee (NLISC) for a grant of up to \$34,990.00, being seventy percent (70%) of the quoted cost for the supply and installation of an Aleis scanning system and hand held wand.
- (2) Subject to receiving the grant in Part (1) above, the quotation submitted by Livestock Solutions for the supply and delivery of an Aleis Scanning System , at a maximum cost of \$49,986.00 be accepted.

Replacement Of Boontech Scanner – Great Southern Regional Cattle Saleyards (Cont.)

- (3) The balance of funds required be met by the Council for the Aleis Scanning System to a maximum of \$14,996.00 and be allocated by the Council at the next budget review.

FURTHER INFORMATION

Following the Saleyards Committee meeting held 8 May 2007, a submission was put to the National Livestock Identification System Committee (NLISC) for a grant of up to seventy percent (70%) of the quoted cost for the supply and installation of an Aleis scanning system and hand held wand. This submission has been accepted however it has been recommended that the Council proceed as quickly as possible to ensure that funds remain available and that the equipment can be installed before 30 June 2007.

An amended quote has been received from Livestock Solutions who advise that the price for the Aleis 5002V is actually \$30,914.00 (plus GST), rather than \$28,823.00 (plus GST). It is recommended that the amended quote be received and that the cost to be borne by the Council (maximum of \$15,623.00), be reallocated from Budget Item Saleyards – Bitumen Repairs which has been under-expended by \$22,690.00.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

Moved Cr K Clements, seconded Cr B Hollingworth:

THAT:

- (1) On the basis of receiving a seventy percent (70%) grant from the National Livestock Identification System Committee (NLISC), the quotation submitted by Livestock Solutions for the supply and delivery of an Aleis Scanning System at a maximum cost of \$52,077.00 be accepted.**
- (2) The balance of funds required for the Aleis Scanning System, to a maximum of \$15,623.00, be reallocated from surplus funds in Budget Item 'Saleyards – Bitumen Repairs'.**

AMENDMENT

Moved Cr D Williss, seconded Cr J Cameron:

That a further point be added to the motion as follows:

- '(3) The current Boontech Scanner be advertised for sale and disposed of as soon as possible.'**

CARRIED (8/0)

No. 194/07

COUNCIL DECISION

THAT:

- (1) On the basis of receiving a seventy percent (70%) grant from the National Livestock Identification System Committee (NLISC), the quotation submitted by Livestock Solutions for the supply and delivery of an Aleis Scanning System at a maximum cost of \$52,077.00 be accepted.**
- (2) The balance of funds required for the Aleis Scanning System, to a maximum of \$15,623.00, be reallocated from surplus funds in Budget Item ‘Saleyards – Bitumen Repairs’.**
- (3) The current Boontech Scanner be advertised for sale and disposed of as soon as possible.**

CARRIED (8/0)

No. 195/07

12 CONFIDENTIAL

12.1 ENTERPRISE BARGAINING NEGOTIATIONS

An Impartiality Interest was declared by Cr J Moir for Item 12.1

Nature Of Interest: Casual employee of Elders in close proximity to Council staff

Location / Address: N / A
Name of Applicant: N / A
File Reference: PE/103/2
Author: John Fathers - Acting Chief Executive Officer
Authorised By: John Fathers - Acting Chief Executive Officer
Date of Report: 15 May 2007

Purpose

The purpose of this report is to seek agreement to the current state of play with the ongoing negotiations to develop a new Enterprise Agreement with staff at the Shire of Plantagenet.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr J Cameron, seconded Cr J Moir:

4.01pm That the meeting proceed behind closed doors.

CARRIED (8/0)
No. 196/07

MOTION TO PROCEED IN PUBLIC

Moved Cr B Hollingworth, seconded Cr J Moir:

4.14pm That the meeting proceed in public.

CARRIED (8/0)
No. 197/07

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Moir:

THAT:

- (1) Industrial Relations Consultant, Anne Lake be instructed to negotiate and draw up a Collective Workplace Agreement with staff at the Shire of Plantagenet to include the following points:
 - (a) A 9% increase (over the 11% above award base rate) in remuneration effective from 1 May 2007, plus national wage (fair pay) or other appropriate increases for the life of the agreement;

Enterprise Bargaining Negotiations (Cont.)

- (b) One agreement, rather than two separate agreements (subject to further discussion and negotiation);
 - (c) Hand digging of graves allowance to be kept;
 - (d) A \$50.00 per week emergency phone payment to be added;
 - (e) The nine (9) day fortnight would continue to apply in the same way as present;
 - (f) Commitment from the Construction Crew(s) to working an extra hour per day and the rostered day off over the summer period on the basis of penalty rates being applied;
 - (g) Commitment from the Works Crew to provide sufficient staff to make up one Construction Crew to work Saturdays when required to complete a job over the summer period, on the basis of penalty rates being applied;
 - (h) Commitment to continuous improvement; and
 - (i) Other matters remaining generally the same with no loss of other conditions.
- (2) The Enterprise Bargaining Staff Representative Committee be advised accordingly.

CARRIED (8/0)

No. 198/07

13 OTHER BUSINESS / MATTERS ARISING

13.1 KENDENUP COMMUNITY AND RECREATION CENTRE

COUNCIL DECISION

Moved Cr M Skinner, seconded Cr B Hollingworth:

That the Kendenup Community and Recreation Centre Committee be advised that the Council does not support a second Recreational Sporting Complex in the Shire of Plantagenet at this stage and therefore, their grant application for the feasibility study has not been successful.

CARRIED (8/0)

No. 199/07

14 CLOSURE OF MEETING

4.28pm The Presiding Member declared the meeting closed.

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