



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2.45pm Tuesday 12 June 2007

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.51pm 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 D Williss	Deputy Shire President – East
Cr M Skinner	East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr K Hart	Kendenu Ward
Cr J Moir	Narrakup 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 K Skinner	Executive Secretary

Mrs J MacLean Administration Officer
Ms C Delmage Administration Officer

Previously Approved Leave Of Absence

Cr J Mark Town Ward

There were two (2) members of the public present.
There was one (1) member of the media present.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

David Broadhurst & Lyn Heppell – Wilson Inlet Catchment Committee & Oyster Harbour Group Inc (EM/125/6 & EM/125/7)

Mr Broadhurst advised that he and Ms Heppell wanted to briefly update the Council regarding their work throughout the Shire and to also supply a budget report of funding raised and its breakdown since 2005. (Attachments 1 & 2).

Mr Broadhurst and Ms Heppell showed a map of local catchments and noted some joint projects being done with Shire support eg: the building of a community conservation shed at the depot and weed work.

It was noted that the flagship project between the Stirling and Porongurup Ranges was progressing but had been held up due to a lack of seed, lack of rain and the recent plague of locusts so that not all the desired planting may be achieved.

It was further noted that funding of \$1.687 million had been brought into the Shire for on-ground works eg: fencing of waterways, priority of lower catchment area and the launching of an upper catchment plan soon.

Direction for the next twelve months: as the current date of funding cut-off is June 2008, it is important that as many current contracts and existing projects are completed. We are also working on training as many as people as possible in chainsaw use, chemcert etc for assistance in projects.

They noted the mapping of bridal creeper rust allocations but advised that it was very difficult as bridal creeper is easily transported by rabbits, foxes etc. It would be a couple more months before they were able to determine how effective the rust allocations were working but at the moment, it does appear to be working well.

It was further noted that they are trying to isolate the infections and will hopefully map as much of the weeds as possible if they are able to get a work team together at the end of the year.

A Heritage Training course is being held soon (two (2) days in Mount Barker), aimed at people working in environmental areas and also to assist in raising awareness of sacred sites etc. The course will be open to the public and Lyn Heppell can be contacted for more information.

Mr Rob Stewart – Chief Executive Officer asked if all Shire assistance was working eg: car, accommodation, council staff.

Ms Heppell noted that everything is going well but that she would like to see more people access available information. Lyn further noted that Ms Juliet Albany – Planning Officer called in recently to meet them.

Mr Broadhurst noted that a Committee meeting was being held shortly and that all councillors are welcome to attend.

Cr Forbes – Shire President, thanked Mr Broadhurst and Ms Heppell for their presentation.

Cr Hollingworth noted that the organisation had increased from a budget of \$200,000.00 to \$3.5 million which was a very positive result.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Cameron requested leave of absence for the period 23 July 2007 to 4 September 2007 inclusive and Cr Hollingworth requested leave of absence for the period 1 September 2007 to 23 September 2007 inclusive.

Moved Cr K Hart, seconded Cr D Williss:

THAT:

- (1) Cr Cameron be granted leave of absence for the period 23 July 2007 to 4 September 2007 inclusive.**
- (2) Cr Hollingworth be granted leave of absence for the period 1 September 2007 to 23 September 2007 inclusive.**

CARRIED (8/0)

No. 200/07

7 CONFIRMATION OF MINUTES

Moved Cr J Cameron, seconded Cr B Hollingworth:

That the Minutes of the Ordinary Meeting of the Council held 28 May 2007 be confirmed subject to the following changes:

- (1) Page 4 – The words ‘Cr Williss,’ being removed from dot point 10.05.07**
- (2) Page 5 – The words ‘and Cr Williss’ being added to dot point 28.05.07**
- (3) Page 37 – Item 11 – The words ‘be dealt with as Item 13’ being added after the word ‘Centre’**

CARRIED (8/0)

No. 201/07

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 23.05.07 – Cr Forbes – Shire President and his wife attended a celebration at Gnowangerup Shire to commemorate Cr Jan Savage's twenty year service to the area.
- 28.05.07 – Cr Forbes and Cr D Williss – Deputy Shire President attended a WALGA Zone meeting at Gnowangerup and noted that there was still concern regarding purpose permits. Cr Forbes has been asked to contact Main Roads WA again and note our concerns.
- 29.06.07 – Cr Forbes, Cr Moir and Cr Hollingworth attended a Western Power Workshop regarding the proposed Kojonup to Albany power line. Cr Forbes noted that no representatives from the City of Albany attended. There was a strong consensus that the power lines be installed well west of the Mount Barker townsite to ensure that the Stirling and Porongurup Ranges are not affected. It was also noted that the power lines must not be too close to local wineries. Further meetings on the matter will be held at a later date.
- Cr Forbes noted that as a member of the Local Government Sustainability Committee, he had participated in two (2) teleconferences with service team members. The Sustainability Chief Consultant had indicated that the study / report will be completed by the end of August 2007.
- 01.06.07 – Cr Forbes and wife, Cr Williss and wife and Mrs Kaye Skinner and her husband attended the Foundation Day Citizen Of The Year Awards night in Perth. Cr Forbes noted that although he didn't win, it was good to get recognition of his efforts. Cr Forbes also noted that being nominated and receiving his certificate was very rewarding.
- Timber Towns Australia (TTA) – Cr Forbes noted that he had been participating in as many TTA teleconferences as possible. Cr Forbes noted that the TTA proposal had been presented to all local governments affected by plantations (approximately 180) with regards to forming TTA. A positive response had only been received from twenty-five local governments and as it was considered a minimum of sixty was required, the proposal will lapse.
- 06.06.07 – Cr Forbes attended the WALGA Zone meeting and WALGA Budget meeting in Perth. A proposal to develop a new local government house in Perth (to include local government insurance) will be raised at the annual WALGA Conference.
- 07.06.07 – Cr Forbes noted that the Shire's Budget Workshop had resulted in some good outcomes.
- 10.06.07 – Cr Forbes and wife, Cr Hart and Cr Hollingworth attended a presentation in Kendenup to display the works of UWA architectural students. The students presented approximately twenty concept plans for a club house facility. The presentation was interesting and well done.
- 16.06.07 – Cr Forbes and his wife will attend the Lions Club Changeover Dinner.
- 18.06.07 – Another workshop on purpose permits will be held at Gnowangerup Shire.
- 22.06.07 – Cr Forbes will conduct several naturalisations in the Council Chambers.
- 24.06.07 – Cr Forbes and his wife will attend the Rotary Club Changeover dinner.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 EXECUTIVE SERVICES REPORTS

Nil

9.2 CORPORATE SERVICES REPORTS

9.2.1 POLICY REVIEW - OP/HRP/1 - RECOGNITION OF COUNCILLORS AND STAFF

A Financial Interest was disclosed by Cr K Forbes for Item 9.2.1

Nature Of Interest: Councillor – Shire President – Rocky Gully / West Ward

A Financial Interest was disclosed by Cr D Williss for Item 9.2.5

Nature Of Interest: Councillor – Deputy Shire President – East Ward

A Financial Interest was disclosed by Cr M Skinner for Item 9.2.1

Nature Of Interest: Councillor – East Ward

A Financial Interest was disclosed by Cr J Cameron for Item 9.2.1

Nature Of Interest: Councillor – Rocky Gully / West Ward

A Financial Interest was disclosed by Cr K Hart for Item 9.2.1

Nature Of Interest: Councillor – Kendenup Ward

A Financial Interest was disclosed by Cr J Moir for Item 9.2.1

Nature Of Interest: Councillor – South Ward

A Financial Interest was disclosed by Cr K Clements for Item 9.2.1

Nature Of Interest: Councillor – Town Ward

A Financial Interest was disclosed by Cr B Hollingworth for Item 9.2.1

Nature Of Interest: Councillor – Town Ward

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 22 May 2007, giving permission for Cr K Forbes, Cr D Williss, Cr J Cameron, Cr M Skinner, Cr J Moir, Cr K Hart, Cr B Hollingworth, Cr K Clements and Cr J Mark to fully participate in discussion and vote on consideration of the Shire's policy relating to 'Recognition of Councillors and Staff' as follows:

'approval is only valid for the Ordinary Meeting of Council to be held on 22 May 2007 and/or 12 June 2007; and the monetary value of the gifts as contained in the policy does not exceed \$500.'

The Chief Executive Officer read aloud the attached letter.

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	PE/120/3
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	John Fathers - Deputy Chief Executive Officer
Date of Report:	28 May 2007

Purpose

The purpose of this report is to review Council Policy No. OP/HRP/1 – Recognition of Councillors and Staff.

Background

Council Policy No. OP/HRP/1 – Recognition of Councillors and Staff reads:

'Objective: To provide guidelines for the approval and procedures for the recognition of service provided to the community by councillors and staff.

Policy: The Council will make the following payments / presentations to retiring councillors and staff:

Councillors

1.1 Service less than 4 years of office:

Certificate of Appreciation

1.2 Service greater than 4 years and up to 8 years of office:

Certificate of Service and gift up to the value of \$200.

1.3 Service greater than 8 years and up to 12 years of office:

Certificate of Service and gift to the value of \$300.

1.4 Service in excess of 12 years of office:

Certificate of Service and gift to a maximum value of \$400.

In the event that a retiring councillor has performed an extensive range of functions on behalf of the municipality which are beyond that normally associated with a councillor's day to day duties, the Council may, at its discretion: -

- (a) grant the title of "Honorary Freeman of the Municipality"; or*
(b) nominate the councillor for any awards (where applicable) associated with the: -

- Queen's Birthday Honours*
- Australia Day Honours*
- Local Government Association Honours*

1.5 Notwithstanding points 1.1 to 1.4 above, the Council may, at its discretion and by resolution, present a member with a gift greater than that contained in the policy, if the Council is of the opinion that such action is warranted having regard to the member's service to the community and/or Council.

Staff

2.1 Service 0-4 years

No action, but this does not negate any initiatives which may be facilitated by the staff.

2.2 Service more than 4 years and less than 10 years

With recommendation from the relevant Executive Director, a Certificate of Service and a gift to the value of \$200 which may be presented by the Shire President or a Councillor nominated by the Shire President.

2.3 *Service more than 10 years*

With recommendation from the relevant Executive Director, a Certificate of Service and a gift to the value of \$300 may be presented by the Shire President or a Councillor nominated by the Shire President. The value of the gift may be increased to a maximum of \$500 with the approval of the President, Deputy President and Chief Executive Officer.

The Chief Executive Officer is authorised to arrange a suitable function if deemed necessary.

This Policy has been made in accordance with Section 5.50 of the Local Government Act 1995.'

At the council meeting held 24 April 2007 all Councillors disclosed a financial interest in the review of this policy which resulted in a loss of quorum. The Minister has since granted permission for disclosing members to participate in the decision making process relating to this report.

Statutory Environment

It is a requirement under Section 5.50(1) of the Local Government Act 1995 (the Act) that:

- '(1) *A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out —*
- (a) *the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and*
 - (b) *the manner of assessment of the additional amount,*
and cause local public notice to be given in relation to the policy.'

The Department of Local Government and Regional Development (the Department) has advised that local governments should restrict the value of payments under such policies to \$500.00.

Consultation

Consultation has occurred with Mr Rob Stewart – Chief Executive Officer and Mr John Fathers - Deputy Chief Executive Officer.

Policy Implications

The review of this Policy is presented to the Council as part of its ongoing policy review cycle and recommends some minor changes.

Financial Implications

There are minimal financial implications for this report in the way of certificates, plaques and gifts.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

This policy only details the recognition of councillors and staff when they leave the organisation and there is no alternative policy that outlines recognition during employment or term of office.

To ensure that the Council's appreciation to long standing councillors and staff is recognised it is being recommended that this policy be amended to acknowledge councillors and staff during their time with the Shire of Plantagenet.

Minor changes have also been made to create consistency throughout the document and all references to the Executive Director being removed in line with our organisational structure.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That amended Council Policy No. OP/HRP/1 – Recognition of Councillors and Staff as follows:

OBJECTIVE: To provide guidelines for the approval and procedures for the recognition of service provided to the community by councillors and staff.

POLICY: The Council will make the following payments / presentations to councillors and staff for continuous periods of service:

1.0 Councillors – Upon Retirement

1.1 Up to and including four (4) years of office:

A Certificate of Appreciation

1.2 Greater than four (4) years and up to and including eight (8) years of office:

A Certificate of Service and gift up to the value of \$200.00

1.3 Greater than eight (8) years and up to and including twelve (12) years of office:

A Certificate of Service and gift to the value of \$300.00

1.4 Greater than twelve (12) years of office:

A Certificate of Service and gift to a maximum value of \$400.00

In the event that a retiring Councillor has performed an extensive range of functions on behalf of the municipality which are beyond that normally associated with a Councillor's day to day duties, the Council may, at its discretion:

- (a) grant the title of "Honorary Freeman of the Municipality"; or
- (b) nominate the Councillor for any awards (where applicable) associated with the:
 - (i) Queen's Birthday Honours;

Policy Review – OP/HRP/1 – Recognition Of Councillors & Staff (Cont.)

- (ii) Australia Day Honours; and / or
- (iii) Local Government Association Honours.

2.0 Staff – Upon Retirement**2.1 Less than four (4) years of service:**

Certificate of Appreciation

2.2 Greater than four (4) years but less than ten (10) years of service:

A Certificate of Service and a gift up to the value of \$200.00

2.3 Greater than ten (10) years of service:

A Certificate of Service and a gift to the value of \$400.00 may be presented by the Shire President or a Councillor nominated by the Shire President. The value of the gift may be increased to a maximum of \$500.00 with the approval of the President, Deputy President and Chief Executive Officer.

The Chief Executive Officer is authorised to arrange a suitable function if deemed necessary.

3.0 Councillors and Staff – During Office / Service**3.1 Councillors and staff will be presented with the following as recognition of their services to the Shire of Plantagenet while still in office or employed with the Shire of Plantagenet.**

- (i) During their tenth year of office / service:
Certificate of Recognition
- (ii) During their twentieth year of office / service:
A Plaque of Recognition
- (iii) During their thirtieth year of office / service:

A Gift of Recognition valued between \$50.00 and \$150.00.

The Chief Executive Officer is authorised to arrange a suitable function to present these tokens of appreciation.

3.2 Notwithstanding Clause 3.1 above, the Council may, at its discretion and by resolution, at any time, present a member of council or staff with a gift greater than that contained in the policy, to a maximum value of \$500.00, if the Council is of the opinion that such action is warranted having regard to that councillor's or staff member's service to the community and / or Council.

This Policy has been made in accordance with Section 5.50 of the Local Government Act 1995.'

be endorsed.

COUNCIL DECISION

Moved Cr J Cameron, seconded Cr D Williss:

That amended Council Policy No. OP/HRP/1 – Recognition of Councillors and Staff as follows:

OBJECTIVE: To provide guidelines for the approval and procedures for the recognition of service provided to the community by councillors and staff.

POLICY: The Council will make the following payments / presentations to sitting and / or retiring councillors and staff for continuous periods of service:

1.0 Councillors – Upon Retirement

1.1 Up to and including four (4) years of office:

A Certificate of Appreciation

1.2 Greater than four (4) years and up to and including eight (8) years of office:

A Certificate of Service and gift up to the value of \$200.00

1.3 Greater than eight (8) years and up to and including twelve (12) years of office:

A Certificate of Service and gift to the value of \$300.00

1.4 Greater than twelve (12) years of office:

A Certificate of Service and gift to a maximum value of \$400.00

In the event that a sitting or retiring Councillor has performed an extensive range of functions on behalf of the municipality which are beyond that normally associated with a Councillor's day to day duties, the Council may, at its discretion:

- (a) grant the title of "Honorary Freeman of the Municipality"; or
- (b) nominate the Councillor for any awards (where applicable) associated with the:
 - (i) Queen's Birthday Honours;
 - (ii) Australia Day Honours; and / or
 - (iii) Local Government Association Honours.

2.0 Staff – Upon Retirement

2.1 Less than four (4) years of service:

Certificate of Appreciation

2.2 Greater than four (4) years but less than ten (10) years of service:

A Certificate of Service and a gift up to the value of \$200.00

2.3 Greater than ten (10) years of service:

A Certificate of Service and a gift to the value of \$400.00 may be presented by the Shire President or a Councillor nominated by the Shire President. The value of the gift may be increased to a maximum of \$500.00 with the approval of the President, Deputy President and Chief Executive Officer.

The Chief Executive Officer is authorised to arrange a suitable function if deemed necessary.

3.0 Councillors and Staff – During Office / Service

3.1 Councillors and staff will be presented with the following as recognition of their services to the Shire of Plantagenet while still in office or employed with the Shire of Plantagenet.

(i) During their tenth year of office / service:

Certificate of Recognition

(ii) During their twentieth year of office / service:

A Plaque of Recognition

(iii) During their thirtieth year of office / service:

A Gift of Recognition valued between \$50.00 and \$150.00

The Chief Executive Officer is authorised to arrange a suitable function to present these tokens of appreciation.

3.2 Notwithstanding Clause 3.1 above, the Council may, at its discretion and by resolution, at any time, present a member of council or staff with a gift greater than that contained in the policy, to a maximum value of \$500.00, if the Council is of the opinion that such action is warranted having regard to that councillor's or staff member's service to the community and / or Council.

This Policy has been made in accordance with Section 5.50 of the Local Government Act 1995.'

be endorsed.

AMENDMENT

Moved Cr J Moir, seconded

That Points (i) and (ii) of Point 1.4 (b) be removed from the Motion.

MOTION LAPSED FOR WANT OF A SECONDER

COUNCIL DECISION

THE SUBSTANTIVE MOTION WAS PUT TO THE VOTE.

CARRIED (8/0)

No. 202/07

Reason For Change

Councillors agreed that the words 'sitting and / or retiring' needed to be added to the Policy to ensure that a Councillor need not 'retire' to receive the recognition.

9.2.2 LOT 144 WARBURTON ROAD, MOUNT BARKER – SUBDIVISION – ROAD NAMING

Location / Address:	N / A
Attachments: (1)	Site Plan
Name of Applicant:	N / A
File Reference:	RO/107/1
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	John Fathers - Deputy Chief Executive Officer
Date of Report:	15 May 2007

Purpose

The purpose of this report is to consider a road name proposal for the unnamed road within the subdivision of Lot 144 Warburton Road, Mount Barker.

Background

A road name proposal has been received from Trencoast Pty Ltd for the new road reserve within the Lot 144 Warburton Road subdivision.

It has been proposed that:

- 'Bloomfield Rise' be applied to the cul-de-sac providing access to lots 4, 5, 6 and 7 of the subdivision.

Attachment 1 is a plan showing the proposed name.

The Geographic Names Committee's definition of Rise is 'a roadway going to a higher place or position'. Contour Maps of the area suggest that there is a slight rise.

Bloomfield was selected from the Shire of Plantagenet's Road Name Register.

Statutory Environment

The Land Administration Act 1997 governs the road naming process.

CONSULTATION

Consultation has occurred between Ms Donna Stevens - Senior Administration Officer and Mr Bryan Bullock - Trencoast Pty Ltd.

Policy Implications

Section 5 of Council Policy No. I/RR/1 – Future Street and Reserve Names states that:

'No road shall be named until it is constructed, except where construction by Main Roads (WA) is scheduled and the Department of Land Information has requested naming and the project involves the extension of existing named roads.'

Although this road is still in the process of being constructed this report is seeking Council approval to begin the road naming process.

Should approval be given then the proposed name will be advertised for a two (2) week period to allow for submissions. If no submissions are received then the

Lot 144 Warburton Road, Mount Barker – Subdivision – Road Naming (Cont.)

proposal will not be forwarded to the Geographic Names Committee until such time as the road is constructed. If submissions are received a second report will be forwarded to the Council for consideration.

As a road name is not formally allocated until such time as it has the approval of the Geographic Names Committee beginning this process prior to completion will just shorten the time taken after construction to apply a name.

Financial Implications

All costs associated with advertising and signage are the responsibility of the Developer.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr B Hollingworth:

THAT:

- (1) The proposal to name the cul-de-sac in the Lot 144 Warburton Road, Mount Barker subdivision 'Bloomfield Rise' be advertised for public comment.**
- (2) Subject to no objections being received during the advertising period, the proposal to name the cul-de-sac in the Lot 144 Warburton Road, Mount Barker subdivision 'Bloomfield Rise' be forwarded to the Geographic Names Committee for endorsement once the road is constructed to Council specifications.**

CARRIED (8/0)

No. 203/07

9.2.3 PARDELUP HILL - RENAMING

Location / Address:	N / A
Attachments: (1)	Map of Pardelup Hill Location
Name of Applicant:	N / A
File Reference:	RO/107/1
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	John Fathers - Deputy Chief Executive Officer
Date of Report:	15 May 2007

Purpose

The purpose of this report is to consider renaming Pardelup Hill to Forest Hill.

Background

At a public meeting held 29 March 2007 at the Forest Hill Hall, residents requested that Pardelup Hill be renamed Forest Hill.

The historical background pertaining to the renaming has been provided to the Council by Mr Darrel Drage and Mr Len Handasyde. According to the information they provided Pardelup Hill was originally named Forest Hill by the Muir Family who settled in the area in 1851. The Muir family later sold their property to the Western Australian Government in 1927 at which time it was made into the Pardelup Prison Farm. It was around this time that the hill was named Pardelup Hill.

Pardelup Hill is located off Denbarker Road on Reserve 24485.

Statutory Environment

There are no statutory requirements for this report.

Consultation

Consultation has occurred between Mr Rob Stewart – Chief Executive Officer and residents who attended the 29 March 2007 Forest Hill public meeting.

Policy Implications

There are no policy implications for this report.

Financial Implications

To advertise the renaming for public consultation and again if approved, will cost approximately three hundred dollars (\$300.00).

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr D Williss:

THAT:

- (1) The renaming of 'Pardelup Hill' to 'Forest Hill' be advertised for public comment.**
- (2) Subject to no objections being received during the advertising period, the proposal to rename 'Pardelup Hill' to 'Forest Hill' be forwarded to the Geographic Names Committee for endorsement.**

CARRIED (8/0)

No. 204/07

9.2.4 LAND ACQUISITION BY MAIN ROADS WA - LOT 105 ALBANY HIGHWAY AND LOT 302 MUIRS HIGHWAY, MOUNT BARKER

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CP/176/1
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	John Fathers - Acting Chief Executive Officer
Date of Report:	5 June 2007

Purpose

The purpose of this report is to consider a compensation proposal from Main Roads WA (MRWA) for Lot 105 Albany Highway and Lot 302 Muirs Highway, Mount Barker.

Background

In order to construct the Mount Barker Northern Bypass, MRWA issued a Taking Order with the Department of Land Information (DLI) to facilitate the taking of 4.7933ha and 1.5590ha of land from Lot 3063 and Lot 880 from the Shire of Plantagenet.

These portions of land have now been issued with separate titles and have become Lot 105 Albany Highway (Attachment 1) and Lot 302 Muirs Highway (Attachment 2).

As the owner of these properties the Shire is entitled to make a claim for compensation. The claim should be based on the market value of the land as at the date of registration of the Taking Order, being 21 December 2006. This claim must be made by 21 June 2007.

On behalf of MRWA, Landgate has provided the Shire with a valuation for consideration. This valuation is outlined below:

Lot 105 Albany Highway:

Land 1.5590ha	\$55,000.00
---------------	-------------

Lot 302 Muirs Highway:

Land 4.7933ha	\$85,000.00
Injurious Affection	\$40,000.00
Total	<u>\$125,000.00</u>

Injurious Affection is an allowance that recognises the future management difficulties in splitting Lot 3063 into two (2) separate lots.

The total assessed compensation equals \$180,000.00.

An independent valuation was sought from Albany Valuation Services. Their valuation is based on Lots 105 and 302 as separate lots and not as portions of the original Lots 880 and 3063. Given this, no allowance for injurious affection or severance is necessary.

The valuation supplied by Albany Valuation Services is detailed below:

Lot 105 Albany Highway:

Land	\$110,000.00
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Land Acquisition By Main Roads WA – Lot 105 Albany Highway and Lot 302 Muirs Highway, Mount Barker (Cont.)

Lot 302 Muirs Highway:

Land \$240,000.00

Statutory Environment

A Taking Order is issued in accordance with the Land Administration Act 1997.

Consultation

Consultation has occurred with representatives of Albany Valuation Services, MRWA and Complex Land Solutions.

Policy Implications

There are no policy implications for this report.

Financial Implications

There is potential to increase the Council's return on the taking of this land should it wish to negotiate the compensation amount. It is recommended that a claim based on the valuation supplied by Albany Valuation Services be lodged in the first instance. It is anticipated that a negotiated amount can be reached or the matter may be decided by an arbiter.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That in relation to the Main Roads WA Taking Order for Shire of Plantagenet owned land required in the construction of the Mount Barker Northern Bypass:

- (1) The Council submit a claim for compensation with Main Roads WA for Lot 105 Albany Highway and Lot 302 Muirs Highway, Mount Barker.
- (2) That the claim for compensation be set as follows:
 - (a) Lot 105 Albany Highway, Mount Barker - \$110,000.00; and
 - (b) Lot 302 Muirs Highway, Mount Barker - \$240,000.00.

Land Acquisition By Main Roads WA – Lot 105 Albany Highway and Lot 302 Muirs Highway, Mount Barker
(Cont.)

COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

That in relation to the Main Roads WA Taking Order for Shire of Plantagenet owned land required in the construction of the Mount Barker Northern Bypass:

- (1) The Council submit a claim for compensation with Main Roads WA for Lot 105 Albany Highway and Lot 302 Muirs Highway, Mount Barker.
- (2) The claim for compensation be negotiated based on a minimum of \$180,000.00 as per the Main Roads WA offer or the independent valuation whichever is the larger.

CARRIED (8/0)

No. 205/07

Reason For Change

Councillors noted that the valuation needed to be made on the blocks as a group and not separately.

9.3 COMMUNITY SERVICES REPORTS

9.3.1 POLICY REVIEW – A/PA/10 - USE OF A CIRCUS VENUE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CP/174/10
Author:	Nicole Selesnew - Manager of Community Services
Authorised By:	John Fathers – Acting Chief Executive Officer
Date of Report:	29 May 2007

Purpose

The purpose of this report is to review Council Policy No. A/PA/10 – Use of a Circus Venue.

Background

At its meeting held 13 May 2003, the Council endorsed Policy No. A/PA/10 - Use of a Circus Venue to provide clear guidelines for groups planning to host a circus within the Plantagenet Shire. The policy reads as follows:

'USE OF A CIRCUS VENUE

OBJECTIVE: *To provide guidelines for the use of facilities in Mount Barker as a circus venue.*

POLICY:

The Council will, with regard to a circus venue in Mount Barker, permit the use of Frost Oval (north) for such purposes subject to:

- 1. All normal charges and bonds being paid in advance;*
- 2. Evidence of a Public Liability Insurance Cover to the sum of \$10m being sighted to the satisfaction of the Chief Executive Officer;*
- 3. The circus performance not clashing with any other scheduled event at Frost Oval (north);*
- 4. Any damage to Frost Park be repaired by the circus operators at their expense.'*

Statutory Environment

There are no statutory implications in relation to this report.

Consultation

Consultation has occurred with Mr Eric Howard - Environmental Health Officer and Mr Alan Watkins - Principal Building Surveyor.

Policy Implications

The review of 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

The existing Use of a Circus Venue policy refers to 'Frost Oval (north)' as the appropriate location for a circus. Frost Oval (north) refers to the area surrounded by the shared equine facility, immediately north of the football oval, and has been stipulated to ensure the football oval turf is protected from any damage related to circus activities.

The desire to protect the football oval is acknowledged, however the area that the oval encompasses is ideal for a circus venue due to the close proximity to the toilets, Frost Pavilion, oval lighting, water and power outlets and car parking areas.

Therefore, it is recommended that references to Frost Oval (north) be replaced with Frost Park and that Council Officers be able to determine the appropriate area for a circus within Frost Park depending on the other uses of the facility at that point in time.

Consultation with both Mr Watkins and Mr Howard has identified a number of approvals and permits required for a circus event to be staged. An additional clause has been incorporated into the policy to highlight the need for such approvals / permits prior to a performance occurring.

These amendments, combined with some format changes, form the following policy recommended for adoption.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr J Cameron, seconded Cr D Williss:

That amended Council Policy No. A/PA/10 – Circus Venue – Mount Barker as follows:

'CIRCUS VENUE – MOUNT BARKER

OBJECTIVE: To provide guidelines on the appropriate venue for a circus in Mount Barker.

POLICY: The Council will, with regard to a circus venue in Mount Barker, permit the use of Frost Park for such purposes subject to:

- (1) All normal charges and bonds being paid in advance.**
- (2) Evidence of a Public Liability Insurance Cover to the sum of \$10 million being sighted to the satisfaction of the Chief Executive Officer.**
- (3) The circus performance not clashing with any other scheduled event at Frost Park.**
- (4) Any damage to Frost Park being repaired by the circus operators at their expense.**

- (5) Circus organisers obtaining all necessary permits and approvals prior to the event.'

be endorsed.

CARRIED (8/0)

No. 206/07

AMENDMENT

Cr M Skinner, seconded Cr B Hollingworth:

That the word 'north' be added after the word 'Park' in the Policy Description.

CARRIED (8/0)

No. 207/07

COUNCIL DECISION

That amended Council Policy No. A/PA/10 – Circus Venue – Mount Barker as follows:

'CIRCUS VENUE – MOUNT BARKER

OBJECTIVE: To provide guidelines on the appropriate venue for a circus in Mount Barker.

POLICY: The Council will, with regard to a circus venue in Mount Barker, permit the use of Frost Park (north) for such purposes subject to:

- (1) All normal charges and bonds being paid in advance.
- (2) Evidence of a Public Liability Insurance Cover to the sum of \$10 million being sighted to the satisfaction of the Chief Executive Officer.
- (3) The circus performance not clashing with any other scheduled event at Frost Park.
- (4) Any damage to Frost Park being repaired by the circus operators at their expense.
- (5) Circus organisers obtaining all necessary permits and approvals prior to the event.'

be endorsed.

CARRIED (8/0)

No. 208/07

9.4 TECHNICAL SERVICES REPORTS

9.4.1 POLICY REVIEW - I/PW/1 - PRIVATE WORKS

Location / Address: N / A
Name of Applicant: N / A
File Reference: RO/120/5
Author: Ian Bartlett - Manager Works and Services
Authorised By: John Fathers - Acting Chief Executive Officer
Date of Report: 15 May 2007

Purpose

The purpose of this report is to review Council Policy No. I/PW/1 – Private Works.

Background

Council Policy No. I/PW/1 – Private Works reads as follows:

POLICY: *That private works required by ratepayers be carried out at the convenience of Council's works organization at the discretion of the Chief Executive Officer and/or Manager of Works at full cost recovery inclusive of overheads, plant depreciation and administration at rates approved annually by Council, alternatively private works requests to be directed towards resident Plantagenet Shire contractors in order to assist in developing a Shire contractor pool.*

That at the discretion and authority of the Chief Executive Officer or as may be delegated to the Manager of Works providing that plant and equipment is not required by Council's workforce.

Plant and Equipment be hired on the following basis:

- (1) *To Local Community Organizations for community based work at the normal hire charge rate set by Council (wet hire includes Council operator/driver) with Council reserving the right to donate back all or part charges, after payment, at Council's total discretion.*
- (2) *Private Works Hire*
 - 2.1 *To other Local Authorities, Government Agencies or approved contractors at the normal hire charge rate set by Council.'*

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred between Mr Ian Bartlett – Manager Works and Services, Mr Jim Robertson – Engineering Technical Officer, Mr Wayne Griffiths – Works Supervisor, Mr Anthony Svanberg – Cadet Engineer and Ms Megan Sounness – Administration Officer, who have responsibility for this area.

Policy Implications

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

Financial Implications

There are no financial implications for this report.

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 in its intent, but has been rewritten to make it clearer and to update position titles. It should be noted also that an objective has been included in the policy as this was not previously stated.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr K Hart, seconded Cr J Cameron:

That amended Council Policy No. I/PW/1 – Private Works as follows:

OBJECTIVE: To provide clear guidelines regarding the carrying out of private works.

POLICY: That private works be carried out at the convenience of the Council at the discretion of the Chief Executive Officer and / or Manager Works and Services at full cost recovery inclusive of overheads, plant depreciation and administration at rates approved annually by the Council provided that plant and equipment is not required by the Council's workforce. Alternatively private works requests may be directed towards resident Plantagenet Shire contractors in order to assist in developing a Shire contractor pool.

Plant and Equipment is to be hired at the normal wet hire charge rate set by the Council plus 20% loading.

Local community organisations may apply to the Council for a donation of all or part of the charges, after payment has been made in full.'

be endorsed.

AMENDMENT

Moved Cr J Cameron, seconded Cr D Williss:

That the words 'Plant and Equipment is to be hired at the normal wet hire charge rate set by the Council plus 20% loading.' be removed from the Motion.

CARRIED (8/0)

No. 209/07

COUNCIL DECISION

That amended Council Policy No. I/PW/1 – Private Works as follows:

OBJECTIVE: To provide clear guidelines regarding the carrying out of private works.

POLICY: That private works be carried out at the convenience of the Council at the discretion of the Chief Executive Officer and / or Manager Works and Services at full cost recovery inclusive of overheads, plant depreciation and administration at rates approved annually by the Council provided that plant and equipment is not required by the Council's workforce. Alternatively private works requests may be directed towards resident Plantagenet Shire contractors in order to assist in developing a Shire contractor pool.

Local community organisations may apply to the Council for a donation of all or part of the charges, after payment has been made in full.'

be endorsed.

CARRIED (8/0)

No. 210/07

9.4.2 POLICY REVIEW - I/R/2 - ROAD RESUMPTIONS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/120/20
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	John Fathers - Acting Chief Executive Officer
Date of Report:	15 May 2007

Purpose

The purpose of this report is to review Council Policy No. I/R/2 – Road Resumptions.

Background

Council Policy No. I/R/2 – Road Resumptions reads as follows:

- POLICY:** *That Road Resumptions be based on negotiating the following priorities: -*
- (1) Land exchange if appropriate*
 - (2) Compensation based on agreed valuations, subject to Council resolution of authorization.*
 - (3) Compensation based on sworn valuation acceptable by landowners and Council, subject to Council resolution of authorization.*
 - (4) Other arrangements as may be appropriate, subject to endorsement.'*

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred between Mr Ian Bartlett – Manager Works and Services, Mr Jim Robertson – Engineering Technical Officer, Mr Wayne Griffiths – Works Supervisor, Mr Anthony Svanberg – Cadet Engineer and Ms Megan Sounness – Administration Officer, as they have responsibility for this area.

Policy Implications

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

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Strategic Plan Key Result Area 1, 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.

Policy Review – I/R/2 – Road Resumptions (Cont.)

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 in its intent, but has been amended to make it clearer. It should also be noted that an objective has been included in the Policy as this was not previously stated.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr K Hart:

That amended Council Policy No. I/R/2 – Road Resumptions as follows:

OBJECTIVE: To provide clear guidelines regarding priority on compensation arrangements for road resumptions.

POLICY: That Road Resumptions be based on negotiating priorities in the following order of preference:

- (1) Land exchange if appropriate.
- (2) Compensation based on agreed valuations, subject to Council authorisation.
- (3) Compensation based on sworn valuation acceptable by landowners and the Council, subject to Council resolution of authorisation.
- (4) Other arrangements as may be appropriate, subject to Council authorisation.'

be endorsed.

CARRIED (8/0)

No. 211/07

9.4.3 POLICY REVIEW - I/R/9 - RURAL ROADS - WIDENING

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/120/9
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	John Fathers - Acting Chief Executive Officer
Date of Report:	15 May 2007

Purpose

The purpose of this report is to review Council Policy No. I/R/9 – Rural Roads – Widening.

Background

Council Policy No. I/R/9 – Rural Roads – Widening reads as follows:

POLICY: That Council adopt as future policy, that widening of rural roads be undertaken to the best advantage for the preservation of roadside vegetation.'

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred between Mr Ian Bartlett – Manager Works and Services, Mr Wayne Griffiths – Works Supervisor, Mr Jim Robertson – Engineering Technical Officer, Mr Anthony Svanberg – Cadet Engineer and Ms Megan Sounness – Administration Officer as they have responsibility for this area.

Policy Implications

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

Financial Implications

There are no financial implications for this report.

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 this policy is guided by the Council's recently adopted Rural Road Hierarchy policy. The Rural Road Hierarchy policy clearly identifies the amount of clearing that should occur on the different classes of roads within the Shire ultimately affecting road widening in rural areas. It is therefore considered that the Rural Roads – Widening Policy be amended to reflect that rural road widening within the Shire of Plantagenet should be carried out according to specifications in the Council's Rural Road Hierarchy Policy, but taking into consideration the preservation of roadside vegetation wherever possible.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That amended Council Policy No. I/R/9 – Rural Roads – Widening as follows:

OBJECTIVE: To provide clear guidelines regarding the widening of rural roads within the Shire of Plantagenet.

POLICY: That rural road widening within the Shire of Plantagenet be carried out according to the specifications noted in Council Policy No. I/R/16 – Rural Road Hierarchy, but taking into consideration the preservation of roadside vegetation wherever possible.'

be endorsed.

COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Hollingworth:

That amended Council Policy No. I/R/9 – Rural Roads – Widening as follows:

OBJECTIVE: To provide clear guidelines regarding the widening of rural roads within the Shire of Plantagenet.

POLICY: That rural road widening within the Shire of Plantagenet be carried out according to the specifications noted in Council Policy No. I/R/16 – Rural Road Hierarchy, but taking into consideration the preservation of roadside vegetation by, wherever possible, clearing only one (1) side of the road.'

be endorsed.

CARRIED (8/0)

No. 212/07

Reason For Change

Councillors agreed it was important to note that the preference when clearing vegetation was to clear only one (1) side of the road where possible.

9.5 DEVELOPMENT SERVICES REPORTS

9.5.1 LOT 138 LOWOOD ROAD, MOUNT BARKER - SCHEME AMENDMENT REQUEST - REZONING - RURAL TO RESIDENTIAL - R15

Location / Address:	Lot 138 Lowood Road, Mount Barker
Name of Applicant:	Dykstra Planning on behalf of Nick Pagano & Pleasant Holdings Pty Ltd
File Reference:	LP/181/19
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 Scheme Amendment Request (SAR) to rezone Lot 138 Lowood Road, Mount Barker from Rural to Residential R15.

Background

Lot 138 Lowood Road is within the Townsite boundaries according to Town Planning Scheme No. 3.

The SAR was submitted in February 2007 and in accordance with Council Policy No. TP/SDC/6 copies were forwarded to the Department for Planning and Infrastructure, Department of Water and Department of Environment and Conservation for comment.

Two (2) agencies have provided comments on the SAR.

The Department for Planning and Infrastructure (DPI) offered the following comment:
'DPI has would support the proposed rezoning subject to reticulated sewerage being provided and the usual assessments verifying the suitability of the site.'

The Department of Environment and Conservation offered the following comment:
'This office has examined this proposal and has no objections to it proceeding.'

Shire records show the owners of Lot 138 Lowood Road to be Ian and Andrea Preece.

Statutory Environment

Planning and Development Act 2005
Town Planning Regulations 1967
Shire of Plantagenet Town Planning Scheme No. 3 (TPS3)

Consultation

The SAR has been referred to three (3) government agencies in accordance with the Council's SAR policy to obtain early feedback.

Policy Implications

Council Policy No. TP/SDC/6 – Scheme Amendment Requests applies.

Lot 138 Lowood Road, Mount Barker – Scheme Amendment Request – Rezoning - Rural To Residential – R15 (Cont.)

Financial Implications

The fee of \$550.00 has been paid.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

According to the Residential Design Codes of Western Australia the density coding of Residential R15 allows an average of 666m² lots.

In accordance with Council Policy No. TP/SDC/6, the Council can decide to seek community feedback on the SAR if the application warrants it. In this case as the concept is significant it is considered worthwhile to advertise the proposal to gain input before the Council makes a decision on whether the proposal proceeds to the detailed Scheme Amendment stage or not. A sixty day advertising period is appropriate and notification should involve letters to adjoining property owners, a sign erected in a prominent location and notices in the press and on the Council's notice board.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

THAT:

- (1) The Scheme Amendment Request for Lot 138 Lowood Road, Mount Barker be advertised to seek public feedback for a period of sixty days.**
- (2) At the conclusion of advertising a further report be prepared for the consideration of the Council at a meeting to be held no later than 14 August 2007.**

CARRIED (8/0)

No. 213/07

9.5.2 LOT 8 (23) LANGTON ROAD, MOUNT BARKER - HOME OCCUPATION - RELAXATION MASSAGE CLINIC

Location / Address:	Lot 8 (23) Langton Road, Mount Barker
Attachments: (2)	Locality Plan Floor Plan
Name of Applicant:	Celia Magnus
File Reference:	RV/182/1352
Author:	Juliet Albany - Planning Officer
Authorised By:	John Fathers - Acting Chief Executive Officer
Date of Report:	23 May 2007

Purpose

The purpose of this report is to consider an application for a Home Occupation (Relaxation Massage Clinic) which, as an 'AA' use, the Council may permit at its discretion.

Background

The application is for a Home Occupation Relaxation Massage Clinic. However under the TPS3 Schedule 1 Interpretations a Masseur is included in the interpretation for Consulting Rooms which are an SA use in a residential zone and require advertising.

The applicant has submitted details of her qualifications including a TAFEWA Diploma in Remedial Massage (2005); an Accreditation from and Membership of the Australian Natural Therapists Association and evidence certified by a Justice Of The Peace 8394 (UK) to the effect that she is a registered general nurse and midwife trained in the UK.

The applicant proposes to use a front room at 23 Langton Road, Mount Barker as a Massage Clinic. The subject site on Langton Road faces a relatively busy major road that is fronted by a number of businesses including various retail outlets towards the town, a medical centre, dental centre, hospital to the west and a petrol station opposite.

The subject site is zoned R12.5-R20 under the Town Planning Scheme No.3 (TPS3) and as such consideration should be given to the possible impact on neighbours and of car parking. Two (2) parking bays are required for the residence and a further two (2) for clients would be advisable. The Council has no guide on parking requirements on this matter.

The site has a long gravel driveway on the western boundary capable of parking four (4) vehicles or more in tandem. In addition it is possible that a vehicle could be parked on the front lawn. The applicant advises that she encourages clients to park on site. A site inspection shows that clients of the medical centre and occasionally the other medical / dental facilities use the roadway to park. Langton Road is a wide road and traffic though constant is not generally heavy.

The proposal is for opening times between 9.00am to 5.00pm Monday to Friday and arranged weekend appointments. The applicant advises that times will be flexible due to her primary occupation (at the hospital) and shift work. She will handle appointments of up to forty-five minutes or more than forty-five minutes with a fifteen

minute turn around between appointments. Only one (1) client will be on the premises at any one time with her.

At most this would mean seven to eight clients a day.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No.3 – Zoned Residential R12.5-20.

Consultation

Consultation has occurred with Mr Eric Howard – Environmental Health Officer.

As consulting rooms are an SA Use, advertising is required by the TPS3 as detailed in Clause 6.2 Advertising of Applications and 6.2.3 requires one or more forms of advertising.

As a Home Occupation, no advertising is required but the Council may give notice of the application in accordance with TPS3 Clause 6.2.

In the instance of a massage clinic, that is also included in the Scheme as consulting rooms, it is advisable to advertise.

Policy Implications

There are no policy implications for this report although the Shire maintains a Register of Massage Establishments to which these premises should be added.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The applicant works for the hospital almost full-time. The consulting room is to be a part time endeavour and it is the applicant's intention to move the rooms to the new medical centre once they are built.

However, as an approval for a Home Occupation and / or Consulting Rooms runs with the land, it is advisable to ensure that the land is capable of supporting the proposed land use. There is ample on-site parking for the limited clients proposed (one (1) client per forty-five minutes with fifteen minute turnaround), with space for two (2) vehicles in addition to the two (2) required under the R codes for residential use.

There is no planning reason to not support the application.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr D Williss:

That in respect to Application No. DA 15/07 for a Home Occupation – Relaxation Massage Clinic to be located at Lot 8 (23) Langton Road, Mount Barker:

- (1) Advertising be approved in accordance with Clause 6.2.3(c) of the Shire of Plantagenet Town Planning Scheme No.3 by way of a sign on the land advertising the proposal for a period of twenty-one (21) days.**
- (2) At the conclusion of the advertising period a further report be prepared for the consideration of the Council at its meeting to be held on 24 July 2007.**

CARRIED (8/0)

No. 214/07

9.5.3 CONTAMINATED SITES LEGISLATION

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	GR/97/7
Author:	Eric Howard - Environmental Health Officer
Authorised By:	John Fathers - Acting Chief Executive Officer
Date of Report:	29 May 2007

Purpose

The purpose of this report is to provide a brief overview of the Contaminated Sites Legislation.

Background

The Contaminated Sites Act 2003 came into effect on 1 December 2006.

The purpose of the Act is to protect human health, the environment and environmental values by providing a system for the identification, recording, management and remediation of contaminated sites within Western Australia.

The Act defines a 'Contaminated Site' in relation to land, water or a site as having a substance present in or on that land, water or site above background concentrations that presents, or has the potential to present, a risk of harm to human health, the environment or any environmental value.

The Act requires that a contaminated site or suspected contaminated site shall be reported to the Chief Executive Officer (CEO) of the Department of Environment and Conservation (DEC) within twenty-one days, by:

- (a) The owner / occupier of a site;
- (b) A person who knows or suspects they have caused or contributed to the contamination of a site; or
- (c) An auditor engaged to investigate a potential site.

Failure to report a site carries a penalty of up to \$250,000.00 and daily penalty of up to \$50,000.00 for continuing offences.

The DEC imposed a six (6) month moratorium on prosecutions for failing to report a site from the commencement of the Act (1 December 2006).

Reported sites will be classified by the DEC as:

- (a) Report not substantiated;
- (b) Possibly contaminated;
- (c) Not contaminated;
- (d) Contaminated – restricted use; or
- (e) Decontaminated.

The CEO of the DEC will provide written notice of classification to:

- (a) The landowner;
 - (b) The occupier of the site;
 - (c) Any relevant public authority;
 - (d) The person reporting the site; and
-

Contaminated Sites Legislation (Cont.)

(e) Any other person whom the CEO considers necessary.

Statutory Environment

Contaminated Sites Act 2003
Contaminated Sites Regulations 2006

Consultation

Consultation has occurred with Mr Ian Bartlett – Manager Works and Services.

Policy Implications

There are no policy implications for this report.

Financial Implications

The financial implications for each site are impossible to determine. This will depend upon the site classification, current and proposed future land use and level of perceived contamination. It is estimated between \$10,000.00 and \$50,000.00 may be required to undertake a detailed site investigation and dependant upon levels of contamination similar sums to complete remediation for each site.

Strategic Implications

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

'Ensure the shires operational and legislative requirements with relation to appropriate health statutes are met.'

Officer Comment

The Act has the potential for far reaching ramifications for individuals and local government.

For instance, if the DEC classifies a site as 'Contaminated – remediation required' the site must be remediated by either the person causing or contributing to the contamination, the person proposing a land-use change, the land owner or possibly the State. Responsibility decisions will be made by the 'Contaminated Sites Committee'.

Likewise, an 'investigation notice' can be issued by the DEC which will require extensive investigation and assessment by qualified specialists and an accredited Auditor.

These investigations may include extensive earthworks, drilling and collection of soil and water (surface and ground) samples for chemical analysis over an extended period of time.

In order to comply with the provisions of the Act, the following sites vested with the Shire of Plantagenet have been reported to the CEO of the DEC by Mr Eric Howard – Environmental Health Officer:

- (1) Old Shire Depot Site – Menston Street – Contaminated Site
- (2) Current Shire Depot Site – Muirs Highway – suspected Contaminated Site
- (3) Great Southern Regional Cattle Saleyards – Albany Highway – suspected Contaminated Site
- (4) Old Livestock Yards – Woogenellup Road – suspected Contaminated Site

Contaminated Sites Legislation (Cont.)

- (5) Mount Barker Municipal Waste Site – O'Neill Road – suspected Contaminated Site
- (6) Woogenellup Municipal Waste Site – Woogenellup Road – suspected Contaminated Site
- (7) Porongurup Municipal Waste Site – Surrey Downs Road – suspected Contaminated Site
- (8) Kendenup Municipal Waste Site – Lake Matilda Road – suspected Contaminated Site
- (9) Rocky Gully Municipal Waste Site – Arbour Street – suspected Contaminated Site

The above sites, exclusive of the Old Shire Depot Site have been reported as suspected contaminated sites because the activities undertaken on those sites have been identified by the DEC as potentially contaminating activities.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr D Williss, seconded Cr K Clements:

That the action of Mr Eric Howard – Environmental Health Officer, in reporting the following sites under the care and management of the Shire of Plantagenet to the Chief Executive Officer of the Department of Environment and Conservation as known or suspected contaminated sites in accordance with Section 11 of the Contaminated Sites Act 2003:

- (1) Old Shire Depot Site – Lots 93, 95 and 411 – 414 Menston Street, Mount Barker.**
 - (2) Current Shire Depot Site – Lot 3036 Muirs Highway, Mount Barker.**
 - (3) Great Southern Regional Cattle Saleyards – Lot 3, Location 4900 Albany Highway, Mount Barker.**
 - (4) Old Livestock Yards – Lot 8066 Woogenellup Road, Mount Barker.**
 - (5) Mount Barker Municipal Waste Site – Lot 7546 O'Neill Road, Mount Barker.**
 - (6) Kamballup Municipal Waste Site – Reserve 4040 Woogenellup Road, Kamballup.**
 - (7) Porongurup Municipal Waste Site – Reserve 29792 Surrey Downs Road, Porongurup.**
 - (8) Kendenup Municipal Waste Site – Lot 1 Lake Matilda Road, Kendenup.**
 - (9) Rocky Gully Municipal Waste Site – Lot 134 Arbour Street, Rocky Gully.**
- be noted.**

AMENDMENT

Cr K Hart, seconded Cr B Hollingworth:

That the words 'and that other possible sites be investigated' be added after the word 'noted'.

CARRIED (8/0)

No. 215/07

COUNCIL DECISION

That the action of Mr Eric Howard – Environmental Health Officer, in reporting the following sites under the care and management of the Shire of Plantagenet to the Chief Executive Officer of the Department of Environment and Conservation as known or suspected contaminated sites in accordance with Section 11 of the Contaminated Sites Act 2003:

- (1) Old Shire Depot Site – Lots 93, 95 and 411 – 414 Menston Street, Mount Barker.
- (2) Current Shire Depot Site – Lot 3036 Muirs Highway, Mount Barker.
- (3) Great Southern Regional Cattle Saleyards – Lot 3, Location 4900 Albany Highway, Mount Barker.
- (4) Old Livestock Yards – Lot 8066 Woogenellup Road, Mount Barker.
- (5) Mount Barker Municipal Waste Site – Lot 7546 O'Neill Road, Mount Barker.
- (6) Woogenellup Municipal Waste Site – Reserve 4040 Woogenellup Road, Woogenellup.
- (7) Porongurup Municipal Waste Site – Reserve 29792 Surrey Downs Road, Porongurup.
- (8) Kendenup Municipal Waste Site – Lot 1 Lake Matilda Road, Kendenup.
- (9) Rocky Gully Municipal Waste Site – Lot 134 Arbour Street, Rocky Gully.

be noted and that other possible sites be investigated.

CARRIED (8/0)

No. 216/07

9.5.4 LOT 10 (31) LOWOOD ROAD, MOUNT BARKER - APPLICATION FOR A PERMIT TO CONDUCT AN OUTDOOR EATING FACILITY ON A PUBLIC THOROUGHFARE

Location / Address:	Lot 10 (31) Lowood Road, Mount Barker
Attachments: (1)	Site Plan
Name of Applicant:	Kevin and Evelyn Hanwell
File Reference:	RV/182/1273
Author:	Eric Howard - Environmental Health Officer
Authorised By:	John Fathers - Acting Chief Executive Officer
Date of Report:	23 May 2007

Purpose

The purpose of this report is to consider an application for a permit to conduct an Outdoor Eating Facility (Alfresco Dining) on a Public Thoroughfare adjacent to Lot 10, 31 Lowood Road, Mount Barker.

Background

The operators of Health 'n' Herbs food premises wish to locate two (2) small tables and seating for four (4) persons on the footpath directly in front of their store to enable customers to consume produce purchased from the store. Alfresco dining will be available during normal business hours from between 8.30am to 5.00pm Monday to Friday and 8.30am to 1.00pm Saturdays.

The alfresco dining area will occupy a floor area of approximately 1.5 metres wide and 3 metres long (4.5² metres), leaving an excess of 2.0 metre wide unobstructed accessible pathway for pedestrian access along the footpath between the tables and Lowood Road kerbside.

Statutory Environment

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2001 (Local Law) - Part 6 Division 3 – Outdoor eating facilities on public places
Health Act 1911

Health (Food Hygiene) Regulations 1993

Australia New Zealand Food Safety Standards 2000

Consultation

There has been no consultation for this report.

Policy Implications

Council officers have produced and utilise a 'Draft Information and Application Form' to enable application for approval.

The Council may consider the development and implementation of a policy for the application and approval of Outdoor Eating Facilities in Public Places, in accordance with the provisions of the Shire of Plantagenet, Activities in Thoroughfares and Public Places and Trading – Local Law 2001.

Financial Implications

There are no financial implications for this report.

Lot 10 (31) Lowood Road, Mount Barker – Application For A Permit To Conduct An Outdoor Eating Facility On A Public Thoroughfare (Cont.)

Strategic Implications

There are no strategic implications for this report.

Officer Comment

In determining this application, the Council may consider the following provisions of the Activities in Thoroughfares and Public Places and Trading Local Law 2001 (Local Law):

- (1) The operation of an outdoor eating facility does not conflict with or act prejudicially towards Plantagenet's retail base within the town centre;
- (2) The users of the facility will have access to suitable sanitary facilities. Public toilets are available and within 90 metres of the proposed facility;
- (3) The facility will not obstruct visibility or clear sight lines at the nearest road intersection; and
- (4) The facility will not unreasonably impede pedestrian access if conducted in accordance with the site plans as provided by the applicant.

Should the Council grant approval for a permit to operate an outdoor eating facility on a public thoroughfare, the following conditions may be imposed:

- (1) The permit is valid for a period of twelve (12) months or part thereof, effective from 1 July till 30 June the following year;
- (2) The permit holder shall apply in writing prior to expiry of the permit, for renewal for a further twelve (12) month period;
- (3) The permit is transferable, subject to approval by the Council;
- (4) The applicant providing proof of public risk insurance for the proposed trading area;
- (5) A statement of indemnity from the permit holder indemnifying the Local Government in respect to any injury to persons or damage to property which may occur in connection with the use of the public thoroughfare by the permit holder;
- (6) The permit holder shall temporarily remove the outdoor eating facility when instructed by a police officer or authorised person for a period as specified by that person; and
- (7) The permit may be cancelled if the permit holder does not comply with any conditions of the permit or any other written law related to activities regulated by the permit.

In addition to the above mentioned optional conditions, the permit holder shall

- (1) Ensure that the facility is conducted at all times in accordance with the provisions of this local law and any local law made under section 172 of the *Health Act 1911*;
- (2) Ensure that the eating area is kept in a clean and tidy condition at all times;
- (3) Maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times;

Lot 10 (31) Lowood Road, Mount Barker – Application For A Permit To Conduct An Outdoor Eating Facility On A Public Thoroughfare (Cont.)

- (4) Be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the Facility;
- (5) Be solely responsible for all rates and taxes levied upon the land occupied by the Facility;
- (6) Whenever, in the opinion of the local government, any work is required to be carried out to a Facility, the local government may give a notice to the permit holder for the Facility to carry out that work within the time limited by the notice; and

In clause (6), 'work' includes the removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a Facility.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr K Clements:

That in accordance with Part 7 of the Shire of Plantagenet - Activities in Thoroughfares and Public Places and Trading Local Law 2001, a permit be issued to K and E Hanwell to conduct an outdoor eating facility on a public thoroughfare adjacent to 'Health n Herbs' food premises, Lot 10 (31) Lowood Road, Mount Barker subject to:

- (1) The outdoor eating facility occupying a maximum of 4.5m² of public thoroughfare directly adjacent to 'Health n Herbs' in accordance with the site plan dated 14 May 2007;**
- (2) The facility being operated and maintained in accordance with the provisions of;**
 - (i) Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2001 (Local Law) - Part 6 Division 3 – Outdoor eating facilities on public places;**
 - (ii) Health Act 1911;**
 - (iii) Health (Food Hygiene) Regulations 1993; and**
 - (iv) Australia New Zealand Food Safety Standards 2000.**
- (3) The permit is valid for a period of twelve (12) months or part thereof, effective from 1 July 2007 until 30 June 2008;**
- (4) The permit holder shall apply in writing prior to expiry of the permit, for renewal for a further twelve (12) month period;**
- (5) The permit is transferable, subject to approval by the Council;**
- (6) The applicant providing proof of public liability insurance to the value of \$5,000,000.00 for the proposed trading area; and**
- (7) A statement of indemnity from the permit holder indemnifying the Council in respect to any injury to persons or damage to property which**

Lot 10 (31) Lowood Road, Mount Barker – Application For A Permit To Conduct An Outdoor Eating Facility On A Public Thoroughfare (Cont.)

may occur in connection with the use of the public thoroughfare by the permit holder.

CARRIED (8/0)

No. 217/07

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

4.29pm The Presiding Member declared the meeting closed.

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