



## **ORDINARY COUNCIL MEETING**

# **MINUTES**

Ordinary Meeting of the Council  
held in the Council Chambers  
2:45 pm Tuesday 11 September 2007

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

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:45pm The Presiding Person 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 Ward        |
| Cr M Skinner  | East Ward                                 |
| Cr K Hart     | Kendenu Ward                              |
| Cr J Moir     | South Ward                                |
| Cr J Mark     | Town Ward                                 |
| Cr K Clements | Town Ward                                 |
| Cr J Cameron  | Rocky Gully / West Ward                   |
| Mr R Stewart  | Chief Executive Officer                   |
| Ms N Selesnew | Manager Community Services                |
| Mr P Duncan   | Manager Development Services              |
| Mrs K Skinner | Executive Secretary                       |

There were nine (9) 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**

#### Mount Barker Tourist Bureau - Scott Drummond

Mr Drummond thanked the Council for its support over the past twelve months and advised that the Annual General Meeting of the Tourist Bureau would be held on 17 September 2007.

He also advised that they will again be participating in the Caravan Camping expo in Perth. A new permanent part time Manager would be starting shortly.

Mr Drummond thanked all retiring and non retiring members of Council for their efforts over the years.

#### Chicken Composting Facility (Item 9.4.1) – proposed Upgrade - Terence Stephens

Mr Stephens spoke against the upgrading of the Chicken Composting Facility at Narrikup. His main concerns were odour, contamination and the potential increase in vermin.

#### **Response by:** Peter Duncan – Manager Development Services

Mr Duncan advised that Department of Environment and Conservation (DEC) approval was only needed if in excess of 1,000 tonnes.

#### Lyn Heppal and Mr Paul Hout

Ms Heppal spoke in favour of the Chicken Composting Facility. The process should be applauded. Mr Hout advised that he was controlling the odour by layering the offal with sawdust.

#### Lot 102 Spencer Road - Ian Reynolds

Mr Reynolds also spoke against the upgrade, and advised that he had never been advised by OPUS.

Lot 102 Spencer Road - Maria Reynolds

Questioned that if the works approval has been withdrawn then the item cannot be voted on.

**Response by:** Cr Forbes advised that Council staff would be undertaking regular inspections.

Transmission line between Kojonup and Albany – Cr Jeff Moir

Cr Moir advised that a letter dated 21 August 2007 to Hon. Wilson Tuckey MP from Western Power advised that the transmission line between Kojonup and Albany would examine the viability of relocation with one of the existing two lines.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Councillor Hart requested leave of absence for the period 10 October to 22 October 2007 inclusive.

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

**That Councillor Hart be granted leave of absence for the period 10 October to 22 October 2007 inclusive.**

**CARRIED (8/0)**

**No. 301/07**

**7 CONFIRMATION OF MINUTES**

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

**That the Minutes of the Ordinary Meeting of the Council held 28 August 2007 be confirmed.**

**CARRIED (8/0)**

**No. 302/07**

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

- Crs Forbes and Hollingworth representing the residents of the western side of the Shire met with Western Power representatives in Perth on 30 August 2007 regarding the placing of the transmission line between Kojonup and Albany. Crs Forbes and Hollingsworth also met with an officer from Minister Chance's office to look at where the line will probably go and the point being made that there is no compensation for loss of land value only compensation for loss of income. Cr Forbes will be speaking with the Minister again on 12 September 2007 on this matter.

- Cr Forbes and Mr Duncan attended a workshop on 3 September 2007 at Forest Hill to discuss future land use and size of lots in that area. This is being done as part of the Town Planning Scheme Review.
- Cr Forbes attended a One Community One College meeting on 4 September 2007. Funding issues still very much in the air.
- Cr Forbes attended a meeting of the Systemic Sustainability Study Services Expert Team on 7 September 2007. The first draft has now been received and it is becoming evident that amalgamation is not the preferred option in most examples.
- Cr Forbes will be attending a Regional Saleyards Strategy Group Meeting on 12 September 2007 with Minister Chance.
- Cr Forbes will be participating in a Teleconference for the Services Expert Team Meeting on 14 September 2007.
- Cr Forbes will be attending an Interagency Meeting in Mount Barker on 19 September 2007.

## 9 REPORTS OF COMMITTEES AND OFFICERS

### Order of Agenda – Amendment

The Presiding Member directed that Item 9.4.1 Lot 859 Healy Road Narrikup – Composting Facility Upgrade be immediately considered, subject to no objections from members being received.

### 9.4 DEVELOPMENT SERVICES REPORTS

#### 9.4.1 LOT 859 HEALY ROAD, NARRIKUP - COMPOSTING FACILITY UPGRADE

|                            |   |
|----------------------------|---|
| <b>Location / Address:</b> | <b>Lot 859 Healy Road, Narrikup</b>   |
| <b>Attachments: (5)</b>    | <b>Location Plan<br/>Site Plan<br/>Site Details<br/>Layout Plan<br/>Summary of Submissions<br/>Plan Showing Buffers</b> |
| <b>Name of Applicant:</b>  | <b>Paul Hoult</b>   |
| <b>File Reference:</b>     | <b>RV/182/364</b>   |
| <b>Author:</b>             | <b>Peter Duncan - Manager Development Services</b>  |
| <b>Authorised By:</b>      | <b>Rob Stewart - Chief Executive Officer</b>  |
| <b>Date of Report:</b>     | <b>29 August 2007</b>   |

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#### **Purpose**

The purpose of this report is consider submissions received following the advertising of a development application for an extension of an existing noxious industry (a Chicken Composting Facility) by way of 'composting facility upgrade'.

#### **Background**

In June 2003 following public advertising the Council approved an application for a Noxious Industry (Chicken Composting Operation of up to 1,000 tonne capacity) in accordance with plans dated 7 March 2003 and subject to a range of 9 conditions.

The first five conditions relate to the then Department of Environment standards and were imposed by the Council on advice from that Department, because the Department only licences Compost facilities of 1,000 tonnes and over. The conditions related to the compost facility being protected from the weather for initial stages of composting and upon a hard stand, stormwater runoff, containment of contaminated water, no nutrient export, exotic pests being satisfactorily addressed.

- Conditions 6 – 9 relate to fire breaks, access ways and crossovers, on site signage and finally '*total production shall not exceed 1000 tonnes of organic material per year.*'

At that time in 2003, the then owner of Lot 860 (G.J. Barber) was supportive and advised he would be building on Lot 860 in the near future.

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**Lot 859 Healy Road, Narrikup - Composting Facility Upgrade (Cont.)**

On 17 March 2006 the Shire received a copy of a letter from the Department of Environment and Conservation (DEC) Albany Office, to Paul Hault (the owner) regarding results of an inspection that raised the following concerns:

*'The facility is not constructed on an impermeable surface that minimises the infiltration of leachate from the compost into the ground. This could result in leachate from the compost contaminating the soil, groundwater or nearby surface waters.'*

*'There is no drainage system to control runoff from the compost areas. This could result in contaminated runoff entering the surrounding soils and groundwater, nearby surface waters and damaging local native vegetation.'*

On 19 June 2006 the Shire received a copy of a letter from the DEC to Paul Hault in response to a request for an upgrade of the Composting facility to over 1,000 tonnes of compost per year. This letter reiterated the need for impermeable clay liner for the composting facility and stormwater and wastewater control and leachate pond.

On 9 March 2007 the DEC advised the Council that it was advertising a proposal for compost manufacturing and soil blending at Lot 859 Healy Road Narrikup as the proponent proposed to exceed 1000 tonnes per annum.

The Council at its meeting held on 24 July 2007 when considering the proposed upgrade of the facility resolved at resolution 262/07:

*'That the proposal to extend the existing noxious industry (Chicken Composting Facility) to a facility handling over 1,000 tonnes of compost a year and soil blending be advertised for a period of twenty-one days.'*

**Statutory Environment**

Shire of Plantagenet Town Planning Scheme No.3 (TPS3) – zoned Rural – A noxious industry is an 'SA' use and requires formal advertising.

Environmental Protection Act 1986

Environmental Protection Regulations 1987

Health Act 1911 (as Amended)

Health Local Laws part 9 Offensive Trades

Health (Poultry Manure) Regulations 2001

Contaminated Sites Act 2003

**Consultation**

The proposal was advertised for 21 days by way of a sign on site, notices in the press, letters to adjoining landowners and a notice on the Council's notice board. At the close of the advertising on 28 August 2007 a total of fourteen (14) submissions had been received and these are contained in the attached Summary of Submissions.

The matter has been discussed with the Council's Environmental Health Officer who is a neighbour of submitter number 8 in Youngs Siding.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

The necessary fee of \$100.00 has been paid.

Lot 859 Healy Road, Narrikup - Composting Facility Upgrade (Cont.)

### **Strategic Implications**

There are no strategic implications for this report.

### **Officer Comment**

The proponent is seeking to extend the operation as a chicken composting facility (noxious industry).

Under TPS3, Industry – Noxious – means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act 1911 (as amended). Twenty one (21) days advertising is required and this has been carried out.

The physical environment in which this facility operates is a low lying area, with seasonal intermittent swamp pans, it slopes west and north to Lake Eyrie (a fauna flora Conservation reserve).

Consultants employed by the proponent state that soil sampling undertaken in June 2006 showed the soils to be generally sandy silt to an average depth of 650mm over laterite or clay. Test pit 4 struck ground water at 1500mm. The composting waste pit is located approximately 500m from the lake edge and the composting area is approximately 700m from the lake edge.

The applicant has now applied to increase his capacity for composting to over 1,000 tonnes per annum, which requires a licence from the DEC.

During the advertising there were fourteen (14) submissions received of which seven (7) raised no objection and seven (7) objected to the expansion. Those who raised objection did so on the basis of odours, perceived health risk and flies during the summer months. Of those who raised no objection, some said they did not have problems with the odour issue.

With the upgrade works now proposed and the need for a works approval from the DEC, the chances of odours coming from the site should actually be reduced as importantly there is a licence condition requiring the covering of all material immediately with at least 150mm of cover material. The DEC issued its works approval for this facility on 26 July 2007.

With the upgraded facility there will be an impervious surface under the composting area and this will remove any question of potential site contamination from effluent leaching downwards into the groundwater as could be the situation in the existing facility. The proponent will need to clean up the former site.

It is considered appropriate to place an upper limit on the amount of compost material received to ensure the operation does not get too large when odours could become an issue in the future. The DEC works approval does refer to a design capacity of 1,200 tonnes per annum.

The opposing submissions raised environmental and health standards which will need to be monitored and controlled by the DEC as part of the works approval. Council staff will need to monitor and report any issues to the DEC.

Submission 8 refers to the DEC works approval as being withdrawn but as of 30 August 2007 this was not correct.

One issue which may be difficult to resolve is that of Lot 860 to the north purchased by the owners in April 2007. This does not have a house on it but should the owners

**Lot 859 Healy Road, Narrikup - Composting Facility Upgrade (Cont.)**

wish to erect a house then it will be within a 1,000m buffer required by the DEC for odour reasons. The buffer reduces to 750m for covered compost. Regardless of a DEC works approval or not, the facility is operating from this site and has been for some time. The enforcement of conditions is critical as is the covering of the compost after delivery of material.

It may be possible that the DEC could withdraw its works approval as officers have advised the Opus International environmental assessment did not contain full factual information in that it stated 'Paul Hoult has conducted public consultation by telephoning and speaking in person with the owners/occupiers of the surrounding properties to Lot 589 ... there have not been any complaints from neighbouring properties received by Mr Hoult in the past, and similarly there have been no objections raised in relation to the extension'. The owners of Lot 860 to the north (R Stephens and D Box) in their submissions (numbered 9 and 10 in the Summary of Submissions) do not favour the facility.

The Council has not received formal complaints about this facility since its approval in 2003.

The DEC buffer distances for a composting facility vary from 1,000m for outdoor uncovered to 750m and 500m for outdoor covered, and 250m for an enclosed facility and 150m for 'in-vessel' composting.

The odour matter is an issue which is difficult to monitor but Council must recognise this as a potential difficulty for Lot 860 to the north. As the compost is to be covered with 150mm of cover then it could be interpreted that a 750m buffer should apply. Attached is a plan showing the 750m and 1,000m buffer distances.

It is considered the most appropriate course of action for the Council is to support the proposal to relocate the compost to the correctly prepared area but limit the amount of composted material to 1,000 tonne per annum and require the odour to be constantly monitored. If the odour becomes an issue than the facility may need to be enclosed within an appropriate building.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr D Williss, seconded Cr M Skinner:**

**THAT:**

- (1) The proposal to extend the existing noxious industry (chicken composting facility) at Lot 859 Healy Road, Narrikup be approved subject to:**
  - (i) Development being in accordance with the application dated 18 June 2007 and the Opus International Environmental Assessment in respect to the design.**
  - (ii) The existing composting site being cleaned up and rehabilitated.**
  - (iii) The compost facility being limited to a maximum tonnage of 1,000 tonne of compost product per annum.**

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Lot 859 Healy Road, Narrikup - Composting Facility Upgrade (Cont.)

- (iv) The correct installation of the appropriate hardstand or impervious area.
  - (v) Appropriate management of stormwater runoff including any uncontaminated stormwater being diverted or channelled away from the operation.
  - (vi) Contaminated water should be directed to the lined leachate-holding dam.
  - (vii) The activity to be managed so as to not result in any nutrient export from the site or detriment to the environment.
  - (viii) Measures being taken to minimise and control/manage any potential problems with flies and exotic predators, including foxes, feral cats, rats and mice.
  - (ix) Appropriate management of odour impacts by the covering of the compost. Should odour impacts not be managed to the satisfaction of the Department of Environment and Conservation, the facility may need to be contained within an appropriate building.
  - (x) Installation of a fire break, not less than 5m wide, around the site.
  - (xi) The crossover and access ways are to be maintained by the developer.
  - (xii) Any on site advertising signage shall comply with Town Planning Scheme No. 3.
- (2) The Chief Executive Officer will require the Council's Environmental Health Officer to carry out monthly inspections of the site for a period of 12 months to monitor the development.

**Motion To Adjourn Question**

Moved Cr K Clements, seconded Cr J Mark:

That the question be adjourned until the next meeting of the Council to be held on 25 September 2007 pending inspection by Councillors.

CARRIED (8/0)

No. 303/07

## 9.1 COMMUNITY SERVICES REPORTS

### 9.1.1 MOUNT BARKER PUBLIC LIBRARY – HOURS OPEN TO THE PUBLIC

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>N / A</b>                                 |
| <b>Name of Applicant:</b>  | <b>N / A</b>                                 |
| <b>File Reference:</b>     | <b>CS/93/1</b>                               |
| <b>Author:</b>             | <b>Rob Stewart - Chief Executive Officer</b> |
| <b>Authorised By:</b>      | <b>Rob Stewart - Chief Executive Officer</b> |
| <b>Date of Report:</b>     | <b>3 September 2007</b>                      |

#### Purpose

The purpose of this report is to examine the Petition received by the Council at its meeting held on 28 August 2007 regarding Library hours.

#### Background

At its meeting held on 28 August 2007 the Council resolved, with regard to a Petition relating to Library hours:

*'That the Petition be received and that a report be prepared for the next meeting of the Council to be held on 11 September 2007.'*

The Petition refers to the Council's decision, at its meeting held on 24 July 2007:

*'THAT:*

- (1) *The open hours for the Mount Barker Library be reduced to 24.5 hours per week, with the following spread:*

| <i>Library Open Hours</i>                                |
|--|
| <i>Monday – closed</i>                                   |
| <i>Tuesday, Thursday &amp; Friday – 10.30am – 5.00pm</i> |
| <i>Wednesday – 2.00pm – 5.00pm</i>                       |
| <i>Saturday – 9.00am – 11.00am</i>                       |
| <i>Total Hours: 24.5 hours</i>                           |

- (2) *The new open hours for the Mount Barker Library be advertised locally for a period of four (4) weeks prior to the change taking place.'*

The Petitioners asked:

*'We, the undersigned, object to the Council cutting the Mount Barker Library hours by 19 hours which represents a cut of over 40% of the current operating hours.*

*Further, the proposed hours do not provide the opportunity for those who work fulltime and have sporting commitments on a Saturday the opportunity to access the library at hours outside of 9-5.*

*Whilst we appreciate that the need to cut costs may mean that the hours in the Library need to be reduced, we request that the council reconsider such severe cuts*

**Mount Barker Public Library – Hours open to the public (Cont'd)**

*and that they make allowances for those who work, play sport and have other commitments to be able to access the library outside business hours.'*

Signatures numbered 246. Not all were residents / ratepayers and the petition was not in the format required by Standing Orders.

**Statutory Environment**

The provision of library services in the Shire of Plantagenet is overseen by a framework agreement between the Minister for Culture and the Arts, the WA Local Government Association and the State Library of Western Australia.

The Library Board of Western Australia Act 1951 also applies.

**Consultation**

Although the Council resolution of 24 July 2007 required advertising to take place, this was not necessarily seen as a consultation period. Correspondence relating to the future increase in library hours has also been received at the Shire, with several letters and emails making reference to the lack of opening hours during the evenings.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

In proposing to reduce hours of the Library being open to the public, a number of cost savings are achieved. If Library hours are now extended, funding alternatives will need to be explored depending on the hours.

**Strategic Implications**

The Council's Strategic Plan at Key Result Area 3 – Community Services, initially 4.1 notes: 'Evaluate different options for providing community services and facilities'.

**Officer Comment**

Discussions with the Council's Officers and Manager of Community Services would indicate that at least some evening services would be beneficial.

Given the tight budgetary framework, any extension of hours would need to be saved elsewhere and it is possible for this to be accommodated without too much fuss.

Pursuant to the Council's resolution of July 2007 the following Library hours open to the public will take place from 10 September 2007.

| Days                      | Hours              |
|---------------------------|--------------------|
| Tuesday, Thursday, Friday | 10.30 am to 5.00pm |
| Wednesday                 | 2.00pm to 5.00pm   |
| Saturday                  | 9.00am to 11.00am  |
| Sunday                    | Closed             |
| Monday                    | Closed             |

This could be amended by implementing the following

| Days               | Hours             |
|--------------------|-------------------|
| Tuesday and Friday | 11.00am to 5.00pm |
| Wednesday          | 2.00 pm to 5.00pm |

**Mount Barker Public Library – Hours open to the public (Cont'd)**

|          |                   |
|----------|-------------------|
| Thursday | 11.00am to 6.30pm |
| Saturday | 9.00am to 11.00am |
| Sunday   | Closed            |
| Monday   | Closed            |

Both scenarios involve 24.5 hours open to the public. Should the Council wish to alter the hours as adopted in July it could look at the second option and go some way in addressing the concerns of the Petitioners.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr K Clements, seconded Cr K Hart:

**THAT:**

- (1) Notwithstanding Council resolution 250/07 the hours of operation of the Mount Barker Library be:

| Library Open Hours                     |
|--|
| Tuesday and Friday – 11.00am to 5.00pm |
| Wednesday – 2.00pm to 5.00pm           |
| Thursday – 11.00am to 6.30pm           |
| Saturday – 9.00am to 11.00am           |
| Sunday – Closed                        |
| Monday – Closed                        |
| <b>Total Hours: 24.5 hours</b>         |

- (2) The amended opening hours for the Mount Barker Library be advertised locally.

**CARRIED (7/1)**

**No. 304/07**

## 9.2 EXECUTIVE SERVICES REPORTS

### 9.2.1 LOCAL GOVERNMENT MANAGERS AUSTRALIA - CORPORATE MEMBERSHIP

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>N / A</b>                                 |
| <b>Name of Applicant:</b>  | <b>N / A</b>                                 |
| <b>File Reference:</b>     | <b>GR/97/21</b>                              |
| <b>Author:</b>             | <b>Rob Stewart - Chief Executive Officer</b> |
| <b>Authorised By:</b>      | <b>Rob Stewart - Chief Executive Officer</b> |
| <b>Date of Report:</b>     | <b>29 August 2007</b>                        |

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#### **Purpose**

The purpose of this report is to present to the Council a proposal from Local Government Managers Australia for the Shire of Plantagenet to become a Corporate member of that organisation.

#### **Background**

Local Government Managers Australia (LGMA) is the peak professional association for Local Government Managers and Administrators in Australia.

The writer of this report advises that he is a member of that organisation.

#### **Policy Implications**

There are no policy implications for this report.

#### **Financial Implications**

Corporate membership for the Shire of Plantagenet would be \$1,000 and would be charged against account 20026.258.58.

#### **Strategic Implications**

There are no strategic implications for this report.

#### **Officer Comment**

Corporate membership of LGMA has not been recommended in the past. Benefits to the Council have been limited and therefore the expenditure has been hard to justify. The LGMA board has addressed these issues and has resolved that the majority of funds raised through Corporate membership will be allocated to addressing the local government skills shortage. LGMA is working directly with the Department of Local Government and Regional Development and the WA Local Government Association on this initiative.

LGMA would also like to be in a position to allocate funding to local branches. The writer of this report has been an executive member of LGMA branches both in rural areas and the city and the lack of funds has been the biggest impediment to undertaking branch work which generally involves professional development. At a recent branch meeting in the Great Southern, members each contributed funds from their own pockets to pay petrol costs so that an officer from the City of Joondalup could drive to Cranbrook to address members on Zero Waste Management Plans. The City of Joondalup covered the costs of that officer's wages.

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**Local Government Managers Australia – Corporate Membership Cont'd)**

Overall, the benefits to local government in general and the benefits to local government in the Great Southern would be tangible and a Corporate membership is recommended.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

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

**That Local Government Managers Australia (WA) Branch (LGMA) be advised that the Shire of Plantagenet is pleased to become a Corporate Member of LGMA.**

**AMENDMENT:**

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

**That after the word 'LGMA' the following words be added:**

**'such membership to be reviewed annually'.**

**CARRIED (8/0)**

**No. 305/07**

**COUNCIL DECISION**

**That Local Government Managers Australia (WA) Branch (LGMA) be advised that the Shire of Plantagenet is pleased to become a Corporate Member of LGMA such membership to be reviewed annually.**

**CARRIED (7/1)**

**No. 306/07**

**9.2.2 ORGANISATIONAL REVIEW – STAFF STRUCTURE**

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>N / A</b>                                       |
| <b>Attachments: (1)</b>    | <b>Chart of Proposed Works Staff Establishment</b> |
| <b>Name of Applicant:</b>  | <b>N / A</b>                                       |
| <b>File Reference:</b>     | <b>CM/60/1</b>                                     |
| <b>Author:</b>             | <b>Rob Stewart - Chief Executive Officer</b>       |
| <b>Authorised By:</b>      | <b>Rob Stewart - Chief Executive Officer</b>       |
| <b>Date of Report:</b>     | <b>25 July 2007</b>                                |

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**Purpose**

The purpose of this report is to seek Council approval to review the Outside Works Structure and to also review the classifications of two positions within the Administration area.

**Background**

The Council reviewed the staff establishment at its meetings held on 22 May 2003, 28 March 2006 and 24 April 2007.

**Statutory Environment**

Section 5.36 of the Local Government Act 1995 provides that a Local Government is to employ (other than its CEO) ‘...such other persons that the Council believes are necessary to enable the functions of the local government and the functions of the Council to be performed.’

Further, Section 5.41 of the Act provides that the CEO’s functions are to (among other things): ‘...be responsible for the employment, management, supervision, direction and dismissal of other employees.’ Therefore, once the Council has amended the staff establishment, the CEO becomes responsible for all other matters relating to those employees.

**Consultation**

Consultation has taken place with Mr John Fathers - Deputy Chief Executive Officer, Mr Ian Bartlett - Manager Works and Services and Mr Peter Duncan - Manager Development Services.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

This report will be recommending reclassifications, deletions and additions to the Organisation Structure.

**Organisational Review – Staff Structure (Cont.)**

| <b>Position</b>  | <b>Present Salary</b> | <b>Proposed Salary</b> |
|--|-----------------------|------------------------|
| Senior Administration Officer / Human Resource Officer | \$46,673              | \$48,328               |
| Accounts Officer                                       | \$40,844              | \$41,972               |
| Administration Officer (Planning)                      | \$40,844              | \$41,972               |
| Works Supervisor (Maintenance)                         | Nil                   | \$40,849               |
| Leading Hand Grader Driver                             | \$37,353              | Nil                    |
| Storeman   | \$35,554              | Nil                    |
| Workshop Supervisor                                    | Nil                   | \$37,353               |
| General Hand Operator                                  | \$34,962              | Nil                    |
| Leading Hand (Maintenance)                             | Nil                   | \$37,353               |

The net increase per annum in total salaries is \$11,597.

**Strategic Implications**

There are no strategic implications for this report. Organisational charges are in accord with the Council's Human Resource planning as adopted on 28 March 2006.

**Officer Comment**

A revised Organisation Chart of the suggested staff establishment and reporting lines is attached.

Several changes are proposed from the existing. It is proposed to create the new position of Works Supervisor – Maintenance. It is also proposed to offer this position to Geoff Scott, a permanent member of the staff who has proved to be reliable, well qualified and willing to take responsibility. By creating this position, some of the workload will be taken from the Works Supervisor - Construction (Wayne Griffiths) who has been under some pressure with the broad scope of his responsibilities.

It is further recommended that the Council's Storeman, Mr Dave Cooper, be given line authority over the mechanic and the apprentice mechanic. The Storeman would be reclassified as Workshop Supervisor. This would take the Workshop Supervisor responsibilities from the Mechanic who will then be able to concentrate solely on his mechanical duties and supervision of the apprentice, Andrew Graham.

Rayona Evans is now the full time Accounts Officer and should be recognised with the reclassification to Level 4. Ms Evans takes full responsibility for all Debtors and Creditors and has developed into a competent and professional officer.

Ms Donna Stevens, who occupies the position of Senior Administration Officer / Human Resource Officer, continually displays exemplary abilities and undertakes the role of Human Resource Officer, Workers Compensation Officer, Payroll, Legal Documents and Insurance. She exhibits a very high work ethic and attention to detail. The level 6 classification recommended is in line with similar positions in other local governments in rural areas.

Cobie MacLean has proved to be a major asset for our Development Services section and has taken on responsibilities in the planning area beyond her classification.

Each Manager of the officers mentioned above supports the proposition.

No extra position is being created. The Council's full time equivalents remain static.

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**Organisational Review – Staff Structure (Cont.)**

In summary it is recommended that the Council's Staff Establishment be amended by:

- (1) Creating the position of Works Supervisor – Maintenance.
- (2) Deleting the position of Leading Hand / Grader Driver.
- (3) Reclassifying the following positions:
  - (a) Senior Administration Officer (Level 5 to Level 6);
  - (b) Accounts Officer (Level 3 to Level 4); and
- (4) Creating the position of Workshop Supervisor.
- (5) Deleting the position of Storeman.
- (6) Deleting the position of Administration Assistant (Planning) (Level 3).
- (7) Creating the position of Administration Officer (Planning) (Level 4).
- (8) Adopting a new Organisation Chart to reflect all of the above.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr J Cameron, seconded Cr J Moir:

**THAT:**

- (1) The following amendments be authorised to the Council's Staff Establishment and Organisation Chart:
  - (a) The positions of:
    - (i) Storeman;
    - (ii) Leading Hand / Grader Driver; and
    - (iii) Administration Assistant (Planning)be deleted.
  - (b) The positions of:
    - (i) Works Supervisor – Maintenance (Level 3/4 Local Government Officers' Award);
    - (ii) Workshop Supervisor (Level 6 Municipal Employees' Award); and
    - (iii) Administration Officer (Planning) (Level 4 Local Government Officers Award)be added.
- (2) The positions of:
  - (i) Accounts Officer be re-classified from Level 3 to Level 4.
  - (ii) Senior Administration / Human Resource Officer be re-classified from Level 5 to Level 6.
  - (iii) Administration Officer (Planning) be re-classified from Level 3 to Level 4.
- (3) The changes referred to in Parts (1) and (2) above be effected from the pay period commencing 20 September 2007.

**CARRIED (8/0)**

**No. 307/07**

### 9.3 CORPORATE SERVICES REPORTS

#### 9.3.1 CEMETERIES LOCAL LAW REVIEW

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>N / A</b>   |
| <b>Attachments: (1)</b>    | <b>Local Law</b>                                     |
| <b>Name of Applicant:</b>  | <b>N / A</b>   |
| <b>File Reference:</b>     | <b>LE/98/10</b>                                      |
| <b>Author:</b>             | <b>John Gilfellow - Consultant</b>                   |
| <b>Authorised By:</b>      | <b>John Fathers - Deputy Chief Executive Officer</b> |
| <b>Date of Report:</b>     | <b>30 July 2007</b>                                  |

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#### **Purpose**

The purpose of this report is to allow the Presiding Person to give notice to the meeting of the purpose and effect of the proposed Cemeteries Local Law, for the Council to adopt the proposed Local Law and to allow for advertising of the Local Law for public comment.

#### **Background**

The purpose of this local law is to provide for the orderly management of those Cemeteries in accordance with established plans and to create offences for inappropriate behaviour within cemetery grounds.

The effect of this local law is that all persons in the administration of the cemeteries, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries, are to comply with the provisions of this Local Law.

The current principal Cemeteries Local Law was first adopted in July 1997 by reference to the Shire of Denmark Cemetery Local Laws. At the same time the Mount Barker Cemetery By Law of September 1914 was repealed.

The principal Local Law was amended in June 1998 to, it appears, take into account some drafting errors in 1997 when adopted.

The principal Local Law requires considerable amendment to delete the word 'Council' and substitute it with the word 'Board'. The *Cemeteries Act 1986* requires that a Board be a body with perpetual succession, can own property and sue and be sued. Such requirements are met by a 'local government' but not by a 'Council'. An amendment is also required to include a definition stating that the Board is the Shire of Plantagenet.

A review of the Cemeteries Act 1986 is currently underway and a position paper was released in January 2007.

In accordance with section 56 of the Cemeteries Act the Governor in Executive Council published a Model Cemeteries Local Law in the Government Gazette on 12 May 1998.

If the Council adopts this Model Local Law as the Shire of Plantagenet Cemeteries Local Law, any amendments to the Cemeteries Act that impact on the Model Local Laws will be treated through legislation to ensure the Model stays current.

Adoption of the Model Local Law by reference will be a cost saving to the Shire.

**Cemeteries – Local Law Review (Cont.)****Statutory Environment**

Section 3.16(1) of the Local Government Act 1995 requires a local government to review each of its local laws within an eight year period since its adoption or last review.

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

**Consultation**

The Shire's intention to review the Cemeteries Local Law and inviting public submissions was advertised on the 12 May 2007. The submission period was open for forty-two days. No public submissions were received.

A forty-two day public submissions period on the proposed Cemeteries Local Law will be advertised Statewide when adopted by the Council.

In addition, copies of the proposed Local Law (as will be gazetted), the proposed Local Law, as amended, the Local Law adopted by reference and the National Competition Policy review must be sent to the relevant Minister for comment.

**Financial Implications**

Funding for the review of the Local Laws and for statutory advertising has been included in the 2007 / 2008 Annual Budget.

**Officer Comment**

The following amendments are proposed for the Model Local Law (Cemeteries) 1998:

**1. - Preliminary**

- 1.1 In construing the following modifications, where a modification requires the renumbering of a clause, subclause or paragraph, subsequent modifications have been drafted on the basis that the renumbering has been effected.
- 1.2 Wherever the name of the Local Government is to be inserted, insert 'Shire of Plantagenet'.
- 1.3 Wherever the name of the Local Law is to be inserted, insert 'Cemeteries Local Law'.
- 1.4 Wherever the address of the Local Government is to be inserted, insert 'Lowood Road (PO Box 48) Mount Barker WA 6324'.

**2. – 1.2 Application**

- 2.1 Renumber clauses 1.2 and 1.3 to '1.3' and '1.4' respectively.
- 2.2 Insert the following new clause

–

**'1.2 Application**

This Local Law applies to each of the Mount Barker, Kendenup and Rocky Gully Cemeteries.'

**Cemeteries – Local Law Review (Cont.)****3. - 1.4 Repeal**

Delete renumbered clause 1.4 and substitute –

‘The following Local Laws are repealed –

- (a) Local Laws relating to the Mount Barker, Kendenup and Rocky Gully Cemeteries published in the Government Gazette of 15 July 1997; and
- (b) Local Laws relating to the Mount Barker, Kendenup and Rocky Gully Cemeteries published in the Government Gazette of 2 June 1998’.

**4. - 3.2 - Application for Cremation**

4.1 Delete the whole of this clause.

4.2 Renumber clauses 3.3 to 3.5 inclusive to ‘3.2’ to ‘3.4’ respectively.

4.3 In renumbered clause 3.2 –

- (a) delete ‘clauses 3.1 and 3.2’ and substitute ‘clause 3.1’; and
- (b) delete ‘clause 3.4’ and substitute ‘clause 3.3’.

**5. - 3.3 – Certificate of Identification**

In subclause (1) delete ‘or crematorium within the cemetery,’.

**6. - 4.2 – Single Funeral Permits**

Delete ‘, or crematorium’.

**7. - 4.3 – Application refusal**

Delete ‘or crematorium,’.

**8. - 5.1 – Requirements for Funerals and Coffins**

In paragraph (a) delete ‘or cremation’.

**9. - 5.2 – Funeral Processions**

Delete ‘or cremation’ and ‘or clause 3.2’.

**10. - 5.6 – Conduct of Funeral by Board**

Delete paragraph (d).

**11. - Part 5, - Division 2 – Cremation**

In Part 5, delete the whole of Division 2 – Cremation.

**12. - Part 5, Division 3 – Placement of Ashes**

In Part 5 –

- (a) renumber Division 3 to ‘Division 2’;
- (b) renumber clause 5.12 to ‘5.7’;
- (c) in subclause (1) of renumbered clause 5.7 delete –
  - ‘Garden of Remembrance
  - Ground Niche
  - Memorial Rose, Tree or Shrub
  - Family Shrub
  - Memorial Desk

**Cemeteries – Local Law Review (Cont.)**

Granite Seat  
Book of Remembrance  
Memorial Gardens’;

(d) delete clauses 5.13 and 5.14.

**13. - 7.12(b) – Placing of Glass Domes and Vases**

Delete ‘a lawn or’.

**14. - Part 7, Division 2 – Lawn Section**

In Part 7, delete the whole of Division 2 – Lawn Section.

**15. - Part 7, Division 3 – Memorial Plaque Section**

In Part 7 renumber Division 3 to ‘Division 2’.

**16. - Part 7, Division 4 – Licensing of Monumental Masons**

In Part 7-

- (a) renumber Division 4 to ‘Division 3’;
- (b) renumber clauses 7.15 to 7.20 inclusive to ‘7.13’ to ‘7.18’ respectively;
- (c) in renumbered clause 7.15, paragraph (a), delete ‘7.20’ and substitute ‘7.18’;
- (d) in renumbered clause 7.16, paragraph (a), delete ‘7.16’ and substitute ‘7.14’.

**17. - Second Schedule**

In the Second Schedule, delete the prefix ‘19’ where it is used as part of the date an alleged offence occurred and substitute ‘20’.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

That the proposed amendments to the Model Local Law (Cemeteries) 1998 as published in the Government Gazette on 12 May 1998 and listed below be adopted and advertised for public comments.

**1. - Preliminary**

- 1.1 In construing the following modifications, where a modification requires the renumbering of a clause, subclause or paragraph, subsequent modifications have been drafted on the basis that the renumbering has been effected.
- 1.2 Wherever the name of the Local Government is to be inserted, insert ‘Shire of Plantagenet’.
- 1.3 Wherever the name of the Local Law is to be inserted, insert ‘Cemeteries Local Law’.
- 1.4 Wherever the address of the Local Government is to be inserted, insert ‘Lowood Road (PO Box 48) Mount Barker WA 6324’.

- 2. 1.2 Application
- 2.1 Renumber clauses 1.2 and 1.3 to ‘1.3’ and ‘1.4’ respectively.
- 2.2 Insert the following new clause –  
‘1.2 Application



## Cemeteries – Local Law Review (Cont.)

This Local Law applies to each of the Mount Barker, Kendenup and Rocky Gully Cemeteries.'

3. - 1.4 Repeal  
Delete renumbered clause 1.4 and substitute –  
'The following Local Laws are repealed –  
(a) Local Laws relating to the Mount Barker, Kendenup and Rocky Gully Cemeteries published in the Government Gazette of 15 July 1997; and  
(b) Local Laws relating to the Mount Barker, Kendenup and Rocky Gully Cemeteries published in the Government Gazette of 2 June 1998'.
4. - 3.2 - Application for Cremation  
4.1 Delete the whole of this clause.  
4.2 Renumber clauses 3.3 to 3.5 inclusive to '3.2' to '3.4' respectively.  
4.3 In renumbered clause 3.2 –  
(a) delete 'clauses 3.1 and 3.2' and substitute 'clause 3.1'; and  
(b) delete 'clause 3.4' and substitute 'clause 3.3'.
5. - 3.3 – Certificate of Identification  
In subclause (1) delete 'or crematorium within the cemetery,'.
6. - 4.2 – Single Funeral Permits  
Delete ', or crematorium'.
7. - 4.3 – Application refusal  
Delete 'or crematorium,'.
8. - 5.1 – Requirements for Funerals and Coffins  
In paragraph (a) delete 'or cremation'.
9. - 5.2 – Funeral Processions  
Delete 'or cremation' and 'or clause 3.2'.
10. 5.6 – Conduct of Funeral by Board  
Delete paragraph (d).
11. Part 5, - Division 2 – Cremation  
In Part 5, delete the whole of Division 2 – Cremation.
12. Part 5, Division 3 – Placement of Ashes  
In Part 5 –  
(a) renumber Division 3 to 'Division 2';  
(b) renumber clause 5.12 to '5.7';  
(c) in subclause (1) of renumbered clause 5.7 delete –  
'Garden of Remembrance  
Ground Niche  
Memorial Rose, Tree or Shrub  
Family Shrub  
Memorial Desk  
Granite Seat  
Book of Remembrance  
Memorial Gardens';  
(d) delete clauses 5.13 and 5.14.
13. - 7.12(b) – Placing of Glass Domes and Vases

**Cemeteries – Local Law Review (Cont.)**

Delete 'a lawn or'.

**14. - Part 7, Division 2 – Lawn Section**

In Part 7, delete the whole of Division 2 – Lawn Section.

**15. - Part 7, Division 3 – Memorial Plaque Section**

In Part 7 –

- (a) renumber Division 3 to 'Division 2';
- (b) renumber clause 7.15 to 7.13.

**16. - Part 7, Division 4 – Licensing of Monumental Masons**

In Part 7-

- (a) renumber Division 4 to 'Division 3';
- (b) renumber clauses 7.16 to 7.20 inclusive to '7.14' to '7.18' respectively;
- (c) in renumbered clause 7.15, paragraph (a), delete '7.20' and substitute '7.18';
- (d) in renumbered clause 7.16, paragraph (a), delete '7.16' and substitute '7.14'.

**17. - Second Schedule**

In the Second Schedule, delete the prefix '19' where it is used as part of the date an alleged offence occurred and substitute '20'.

Any references to the Litter Act shall refer to the current penalties.

**COUNCIL DECISION**

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

**That the proposed amendments to the Model Local Law (Cemeteries) 1998 as published in the Government Gazette on 12 May 1998 and listed below be adopted and advertised for public comments.**

**1. - Preliminary**

- 1.1 In construing the following modifications, where a modification requires the renumbering of a clause, subclause or paragraph, subsequent modifications have been drafted on the basis that the renumbering has been effected.**
- 1.2 Wherever the name of the Local Government is to be inserted, insert 'Shire of Plantagenet'.**
- 1.3 Wherever the name of the Local Law is to be inserted, insert 'Cemeteries Local Law'.**
- 1.4 Wherever the address of the Local Government is to be inserted, insert 'Lowood Road (PO Box 48) Mount Barker WA 6324'.**

**2. 1.2 Application**

**2.1 Renumber clauses 1.2 and 1.3 to '1.3' and '1.4' respectively.**

**2.2 Insert the following new clause –**

**'1.2 Application**

**This Local Law applies to each of the Mount Barker, Kendenup and Rocky Gully Cemeteries.'**

**3. - 1.4 Repeal**

**Delete renumbered clause 1.4 and substitute –**

**'The following Local Laws are repealed –**

- (a) Local Laws relating to the Mount Barker, Kendenup and Rocky**

## Cemeteries – Local Law Review (Cont.)

- Gully Cemeteries published in the Government Gazette of 15 July 1997; and**
- (b) **Local Laws relating to the Mount Barker, Kendenup and Rocky Gully Cemeteries published in the Government Gazette of 2 June 1998’.**
4. - 3.2 - **Application for Cremation**  
 4.1 **Delete the whole of this clause.**  
 4.2 **Renumber clauses 3.3 to 3.5 inclusive to ‘3.2’ to ‘3.4’ respectively.**  
 4.3 **In renumbered clause 3.2 –**  
 (a) **delete ‘clauses 3.1 and 3.2’ and substitute ‘clause 3.1’; and**  
 (b) **delete ‘clause 3.4’ and substitute ‘clause 3.3’.**
5. - 3.3 – **Certificate of Identification**  
**In subclause (1) delete ‘or crematorium within the cemetery,’.**
6. - 4.2 – **Single Funeral Permits**  
**Delete ‘, or crematorium’.**
7. - 4.3 – **Application refusal**  
**Delete ‘or crematorium,’.**
8. - 5.1 – **Requirements for Funerals and Coffins**  
**In paragraph (a) delete ‘or cremation’.**
9. - 5.2 – **Funeral Processions**  
**Delete ‘or cremation’ and ‘or clause 3.2’.**
10. 5.6 – **Conduct of Funeral by Board**  
**Delete paragraph (d).**
11. **Part 5, - Division 2 – Cremation**  
**In Part 5, delete the whole of Division 2 – Cremation.**
12. **Part 5, Division 3 – Placement of Ashes**  
**In Part 5 –**  
 (a) **renumber Division 3 to ‘Division 2’;**  
 (b) **renumber clause 5.12 to ‘5.7’;**  
 (c) **in subclause (1) of renumbered clause 5.7 delete –**  
**‘Garden of Remembrance**  
**Ground Niche**  
**Memorial Rose, Tree or Shrub**  
**Family Shrub**  
**Memorial Desk**  
**Granite Seat**  
**Book of Remembrance**  
**Memorial Gardens’;**  
 (d) **delete clauses 5.13 and 5.14.**
13. - 7.12(b) – **Placing of Glass Domes and Vases**  
**Delete ‘a lawn or’.**
14. - **Part 7, Division 2 – Lawn Section**  
**In Part 7, delete the whole of Division 2 – Lawn Section.**
15. - **Part 7, Division 3 – Memorial Plaque Section**  
**In Part 7 –**

## Cemeteries – Local Law Review (Cont.)

- (a) renumber Division 3 to 'Division 2';
- (b) renumber clause 7.15 to 7.13.

**16. - Part 7, Division 4 – Licensing of Monumental Masons  
In Part 7-**

- (a) renumber Division 4 to 'Division 3';
- (b) renumber clauses 7.16 to 7.20 inclusive to '7.14' to '7.18' respectively;
- (c) in renumbered clause 7.15, paragraph (a), delete '7.20' and substitute '7.18';
- (d) in renumbered clause 7.16, paragraph (a), delete '7.16' and substitute '7.14'.

**17. - Second Schedule**

In the Second Schedule, delete the prefix '19' where it is used as part of the date an alleged offence occurred and substitute '20'.  
Any references to the Litter Act shall refer to the current penalties.

- 18. In the first schedule change the penalty for 'Placing and removal of rubbish and surplus materials' and 'Dumping of Rubbish' to \$200 respectively.**

**CARRIED (8/0)**

**No. 308/07**

Reason for change

Councillors believed that litter infringements should reflect penalties imposed by the Litter Act.

**9.3.2 DOGS LOCAL LAW REVIEW**

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>N / A</b>   |
| <b>Attachments: (1)</b>    | <b>Local Law</b>                                     |
| <b>Name of Applicant:</b>  | <b>N / A</b>   |
| <b>File Reference:</b>     | <b>LE/98/12</b>                                      |
| <b>Author:</b>             | <b>John Gilfellow - Consultant</b>                   |
| <b>Authorised By:</b>      | <b>John Fathers - Deputy Chief Executive Officer</b> |
| <b>Date of Report:</b>     | <b>30 July 2007</b>                                  |

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**Purpose**

The purpose of this report is to allow the Presiding Person to give notice to the meeting of the purpose and effect of the proposed Dogs Local Law, for the Council to adopt the proposed Local Law and to allow for advertising of the proposed Local Law for public comment.

**Background**

The purpose of this local law is to make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas which dogs are prohibited and dog exercise areas.

The effect of this local law is to extend the controls over dogs which exist under the *Dog Act 1976*.

The current Dogs Local Law was gazetted on 11 September 2000. Under the requirements of the Local Government Act 1995 it is due for review by September 2008.

The review identified that the above local law is not significantly different in content from the Western Australian Local Government Association (WALGA) model local law. The wording of the above local law, especially in the use of the term 'Council' instead of 'local government', need some amendment and the inclusion of a number of forms as schedules added to its complexity.

It is considered that it will be of greater advantage to repeal the above local law and adopt a more recent version that is similar in set out to the WALGA model. The adoption of an updated local law will provide more clarity and lessen the potential need for a further review before the eight year legislative requirement.

There are no powers or requirements that will be removed through the repeal of the above local law and the adoption of the model local law.

The Shire of Perenjori gazetted its Dog Local Law in 2006. This local law is in the form and content of the WALGA model local law and it is suggested that the Shire of Perenjori local law be adopted by reference. The advertising cost of adopting the Perenjori local law is approximately the same as making the necessary amendments to the current local law.

**Statutory Environment**

Section 3.16(1) of the Local Government Act 1995 requires a local government to review each of its local laws within an eight year period since its adoption or last review.

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) state that for the purpose of

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**Dogs Local Law Review (Cont.)**

Section 3.12(2) of the Local Government Act the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

**Consultation**

The Shire's intention to review the Dogs Local Law and inviting public submissions was advertised on the 12 May 2007. The submission period was open for forty-two days. No public submissions were received.

A forty-two day public submissions period on the proposed Dogs Local Law will be advertised Statewide when adopted by the Council.

In addition copies of the proposed Local Law (as will be gazetted), the proposed Local Law, as amended, the Local law adopted by reference and the National Competition Policy review must be sent to the relevant Minister for comment.

**Financial Implications**

Funding for the review of the Local Laws and for statutory advertising has been included in the 2007 / 2008 Annual Budget.

**Officer Comment**

The following amendments are proposed to the Shire of Perenjori Dogs Local Law 2005 as published in the *Government Gazette* of 24 January 2006:

**1. Title**

Wherever mentioned substitute the title 'Dogs Local Law 2005' with 'Dogs Local Law'.

**2. Preliminary**

Wherever the 'Shire of Perenjori' is mentioned in the local law substitute 'Shire of Plantagenet'.

**3. Clause 1.2 – Repeal**

Insert clause 1.2 –

'The Shire of Plantagenet Local Law Relating to Dogs published in the *Government Gazette* of 11 September 2000 is repealed.'

**4. Clause in Part 1 renumbered**

Renumber clause 1.2 and 1.3 to 1.3 and 1.4 respectively.

**5. Clause 1.3 – Definitions**

In the appropriate alphabetical order insert the definition – '**dangerous dog**' means a dog which is the subject of a declaration under section 33E of the Act declaring it to be a dangerous dog.

**6. Clause 5.2 – Places which are dog exercise areas.**

In clause 5.2(1) delete paragraphs (a), (b), (c) and (d) and substitute –

- (a) Townsite of Mount Barker  
Reserve 1790 Recreation and Agricultural Showgrounds, McDonald Avenue

**Dogs Local Law Review (Cont.)**

- (b) Settlement of Kendenup  
Lot 15 and 16 Chauvel Road, Kendenup Community Grounds
- (c) Townsite of Narrikup  
Reserve 17849 Recreation and Showgrounds, Albany Highway
- (d) Townsite of Rocky Gully  
Reserve 25271 Recreation, Lot 129 Muirs Highway

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr K Hart, seconded Cr K Clements:

That the Shire of Perenjori Dogs Local Law 2005 as published in the *Government Gazette* of 24 January 2006, be adopted and advertised for public comment with the proposed amendments as listed below.

1. Title  
Wherever mentioned substitute the title 'Dogs Local Law 2005' with 'Dogs Local Law'.
2. Preliminary  
Wherever the 'Shire of Perenjori' is mentioned in the local law substitute 'Shire of Plantagenet'.
3. Clause 1.2 – Repeal  
Insert clause 1.2 –  
'The Shire of Plantagenet Local Law Relating to Dogs published in the *Government Gazette* of 11 September 2000 is repealed.'
4. Clause in Part 1 renumbered  
Renumber clause 1.2 and 1.3 to 1.3 and 1.4 respectively.
5. Clause 1.3 – Definitions  
In the appropriate alphabetical order insert the definition – 'dangerous dog' means a dog which is the subject of a declaration under section 33E of the Act declaring it to be a dangerous dog.
6. Clause 5.2 – Places which are dog exercise areas.  
In clause 5.2(1) delete paragraphs (a), (b), (c) and (d) and substitute –
  - (a) Townsite of Mount Barker  
Reserve 1790 Recreation and Agricultural Showgrounds, McDonald Avenue
  - (b) Settlement of Kendenup  
Lot 15 and 16 Chauvel Road, Kendenup Community Grounds
  - (c) Townsite of Narrikup  
Reserve 17849 Recreation and Showgrounds, Albany Highway

Dogs Local Law Review (Cont.)

- (d) Townsite of Rocky Gully  
Reserve 25271 Recreation, Lot 129 Muirs Highway.'

**CARRIED (8/0)**  
**No. 309/07**



**9.3.3 LANDFILL AND TRANSFER STATION FACILITIES LOCAL LAW REVIEW**

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>N / A</b>   |
| <b>Attachments: (1)</b>    | <b>Local Law</b>                                     |
| <b>Name of Applicant:</b>  | <b>N / A</b>   |
| <b>File Reference:</b>     | <b>LE/98/14</b>                                      |
| <b>Author:</b>             | <b>John Gilfellow - Consultant</b>                   |
| <b>Authorised By:</b>      | <b>John Fathers - Deputy Chief Executive Officer</b> |
| <b>Date of Report:</b>     | <b>30 July 2007</b>                                  |

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**Purpose**

The purpose of this report is to allow the Presiding Person to give notice to the meeting of the purpose and effect of the proposed Landfill and Transfer Station Facilities Amendment Local Law, for the Council to adopt the proposed Local Law and to allow for advertising of the proposed Local Law for public comment.

**Background**

The purpose of the Amendment Local Law is to ensure that authority can be correctly delegated to the Site Controller for the operation of the facility and enforcement of the Local laws.

The effect of the Amendment Local Law is to provide for the efficient operation of the Landfill and Transfer Station Facilities.

In undertaking the review of the above local law no clause that required amendment due to conflict with legislation was found. Some minor amendment could be undertaken to correct terminology, however, the intent of the local law in its current form is clear.

The local law was gazetted in June 2004 and is therefore relatively current.

**Statutory Environment**

Section 3.16(1) of the Local Government Act 1995 requires a local government to review each of its local laws within an eight year period since its adoption or last review.

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

**Consultation**

The Shire's intention to review the Landfill and Transfer Station Facilities Local Law and inviting public submissions was advertised on the 12 May 2007. The submission period was open for forty-two days. No public submissions were received.

A forty-two day public submissions period on the proposed Landfill and Transfer Station Facilities Amendment Local Law will be advertised Statewide when adopted by the Council.

In addition copies of the proposed Amendment Local Law, the principal Local Law, as amended and the National Competition Policy review must be sent to the relevant Minister for comment.

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Landfill & Transfer Station Local Law Review (Cont.)

### **Financial Implications**

Funding for the review of the local laws and for statutory advertising has been included in the 2007 / 2008 annual budget.

### **Officer Comment**

The following amendments are proposed for the Operation of the Shire of Plantagenet Landfill and Transfer Station Facilities Local Law:

#### **1. Citation**

Delete 'Local Laws 2004' and substitute 'Local Law'.

#### **2. Interpretation**

- (a) In the definition 'Authorised Staff Member' substitute the word 'Council' with the words 'local government'.
- (b) In the definition of 'Facilities' substitute the word 'Council' with the words 'local government'.
- (c) In the definition of 'Chief Executive Officer' substitute the word 'Council' with the words 'local government'.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION**

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

**That the proposed amendments to the Operation of the Shire of Plantagenet Landfill and Transfer Station Facilities Local Law, as listed below, be adopted and advertised for public comment.**

#### **1. Citation**

Delete 'Local Laws 2004' and substitute 'Local Law'.

#### **2. Interpretation**

- (a) In the definition 'Authorised Staff Member' substitute the word 'Council' with the words 'local government'.
- (b) In the definition of 'Facilities' substitute the word 'Council' with the words 'local government'.
- (c) In the definition of 'Chief Executive Officer' substitute the word 'Council' with the words 'local government'.

### **AMENDMENT:**

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

**That a part (3) be added to the motion reading:**

**'In Part (9) add the words 'in consultation with the Chief Bush Fire Control Officer' after the word 'Controller':**

**CARRIED (7/1)**

**No. 310/07**

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Landfill & Transfer Station Local Law Review (Cont.)

### **FURTHER AMENDMENT**

**Moved Cr J Cameron :**

**That a part 4 be added to the motion reading:**

**'In parts (10) and (11) all words after the word 'facility' be deleted.**

**MOTION LOST FOR WANT OF A SECONDER**

### **COUNCIL DECISION:**

**That the proposed amendments to the Operation of the Shire of Plantagenet Landfill and Transfer Station Facilities Local Law, as listed below, be adopted and advertised for public comment.**

**1. Citation**

**Delete 'Local Laws 2004' and substitute 'Local Law'.**

**2. Interpretation**

**(a) In the definition 'Authorised Staff Member' substitute the word 'Council' with the words 'local government'.**

**(b) In the definition of 'Facilities' substitute the word 'Council' with the words 'local government'.**

**(c) In the definition of 'Chief Executive Officer' substitute the word 'Council' with the words 'local government' and**

**3. In Part (9) add the words 'in consultation with the Chief Bush Fire Control Officer' after the word 'Controller'.**

**CARRIED (8/0)**

**No. 311/07**

**9.3.4 LOCAL GOVERNMENT PROPERTY LOCAL LAW REVIEW**

A Financial Interest was disclosed by Cr K Forbes for Item 9.3.4

Nature of Interest: Cattle Producer

Extent of Interest: 240 head of mixed cattle

A Financial Interest was disclosed by Cr M Skinner for Item 9.3.4

Nature of Interest: Cattle Producer

Extent of Interest: 400 head of mixed cattle

A Financial Interest was disclosed by Cr J Moir for Item 9.3.4

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 J Cameron for Item 9.3.4

Nature Of Interest: Cattle Producer

Extent of Interest: Part Owner - approx 500 head of cattle

**Authority To Participate Pursuant Section 5.69 (3) Local Government Act 1995**

Approval has been received from the Department of Local Government and Regional Development via letter dated 24 November 2006, giving permission for Cr K Forbes, Cr M Skinner, Cr J Cameron, Cr J Moir and Cr B Hollingworth to participate in matters relating to the Great Southern Regional Cattle Saleyards until the next local government elections in 2007.

**Location / Address:** N / A

**Attachments: (1)** Local Law

**Name of Applicant:** N / A

**File Reference:** LE/98/9

**Author:** John Gilfellow – Consultant

**Authorised By:** John Fathers - Deputy Chief Executive Officer

**Date of Report:** 30 July 2007

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**Purpose**

The purpose of this report is to allow the Presiding Person to give notice to the meeting of the purpose and effect of the proposed Local Government Property Local Law, for the Council to adopt the proposed Local Law and to allow for advertising of the Local Law for public comment.

**Background**

The purpose of this local law is to regulate the care, control and management of all property of the local government except thoroughfares.

The effect of this local law is to control the use of local government property. Some activities are permitted only under permit or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.

This local law is a new local law that will allow the Council to impose control and management on the local government's property. Property is defined as anything that

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**Local Government Property Local Law Review – (Cont.)**

belongs to the Shire or of which the Shire is the management body under the Land Administration Act. It does not include thoroughfares.

Examples of property covered by the local law include reserve land, ovals, parks, swimming pools, halls, recreations centres and administration centres.

This local law replaces the current (Local Government) Local Law but provides the Council with greater control and flexibility. It also replaces the Caravan Park and Camping Local Law in relation to control of behaviour in Shire owned caravan parks and camping grounds.

The local law in particular offers the Council the opportunity to control activities on its properties through the making of determinations. Determinations are made through the process established in the local law but do not have to go through the local law process. Determinations can only be made for the matters provided for in the local law.

Two determinations have been included in the local law as examples. Prohibiting the playing or practising of golf, archery, pistol shooting or rifle shooting on Shire property and regulating the driving speed at 20km per hour upon reserves. The Local Government Property Local Law is the only local law under which determinations can be made.

The local law makes specific reference to the issuing of permits for activities on Shire property, hire of halls etc, swimming pools, fenced property, toilet blocks and saleyards.

In approving an application under the local law for a permit to undertake an activity allowed by the local law on Shire property, the Shire can issue the permit subject to an adopted Policy, for example, in issuing a permit to use the Hall, the permit would be issued subject to conditions in a Policy such as when the key must be collected, when functions must cease, the cleaning of the hall after use and the returning of the key.

The local law is important for the Shire to have control and management over its property and to impose penalties where people behave inappropriately or damage property.

It is suggested that the Shire of York Local Government Property Local Law be adopted by reference. The Shire of York Local Law is substantially the same as the West Australian Local Government Association (WALGA) model Property Local Law.

Adoption by reference will provide a cost saving to the Shire.

**Statutory Environment**

Section 3.16(1) of the Local Government Act 1995 requires a local government to review each of its local laws within an eight year period since its adoption or last review.

**Local Government Property Local Law Review – (Cont.)**

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

**Consultation**

The Shire's intention to adopt a Local Government Property Local Law and inviting public submissions was advertised on the 12 May 2007. The submission period was open for forty - two days. No public submissions were received.

A forty - two day public submission period on the proposed Local Government Property Local Law will be advertised Statewide when adopted by the Council.

In addition copies of the proposed Amendment Local Law (as will be gazetted), the proposed Local Law, as amended, the Local Law adopted by reference and the National Competition Policy review must be sent to the relevant Minister for comment.

**Financial Implications**

Funding for the review of the local laws and for statutory advertising has been included in the 2007/08 annual budget.

**Officer Comment**

The following amendments are proposed for the Shire of York Local Government Property Local Law.

**1. Preliminary**

`Wherever the 'Shire of York' is mentioned in the local law, substitute 'Shire of Plantagenet'.

**2. Clause 1.2 - Definitions**

2.1 Delete the definition of 'boat'.

2.2 In the definition of 'building' –

(1) after ';' in paragraph (a) add 'and';

(2) in paragraph (b) delete 'and' where it appears after ';'; and

(3) delete paragraph (c).

2.3 In the definition of 'vehicle' –

(1) after ';' in paragraph (c) add 'and';

(2) in paragraph (b) delete '; and' and

(3) delete paragraph (e).

**3. Clause 1.5 – Repeal**

Delete clause 1.5 in its entirety.

**4. Clause 2.7 – Activities which may be pursued on specified local government property**

**Local Government Property Local Law Review – (Cont.)**

4.1 In subclause 2.7(1) –

(1) delete paragraphs (e) and (f); and

(2) renumber paragraphs (g) to (j) inclusive as (e) to (h) respectively.

4.2 In paragraph (d) subclause 2.7(2), delete ‘boats’ in the two places in which it occurs.

**5. Clause 2.8 – Activities which may be prohibited on specified local government property**

5.1 In subclause 2.8(1) –

(1) delete paragraph (e); and

(2) renumber paragraphs (f) to (h) inclusive as (e) to (g) respectively.

5.2 In paragraph (c) subclause 2.8(2), delete ‘boats’ in the two places in which it occurs.

**6. Clause 3.13 – Activities needing a permit**

6.1 In subclause 3.13(1) paragraph (g) subparagraph (ii), delete ‘stand’ and substitute ‘stop’.

**7. Clause 3.14 – Permit required to camp outside a facility**

In paragraph (b) subclause 3.14(3), delete ‘beach’ where it occurs.

**8 Part 5 – MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY**

8.1 After clause 5.1 Division 1, insert

**‘Consumption of food or drink may be prohibited**

5.2 A person shall not consume any food or drink in an area where consumption is prohibited by a sign.’

8.2 Renumber clause 5.2 in Division 2 to 5.3.

8.3 Renumber clause 5.3 in Division 3 to 5.4.

8.4 Delete ‘Division 4 - Golf Course’ in its entirety.

**9. Part 7 – JETTIES AND BRIDGES**

Delete ‘Part 7 – Jetties and Bridges’ in its entirety.

**10. Part 8 – SALEYARDS**

10.1 Renumber Part 8 as Part 7.

10.2 Renumber clauses 8.1 to 8.14 inclusive as clauses 7.1 to 7.14 respectively.

10.3 In clause 8.12, renumbered as clause 7.12, delete ‘8.11’ where it appears and substitute ‘7.11’.

10.4 In renumbered clause 7.10, delete the word ‘immediately’ where it appears after the word ‘be’ and insert the words ‘immediately following the sale’ after the word ‘saleyard’.

10.5 In subclause (a) of renumbered clause 7.11, substitute the words ‘within 7 days of bringing the stock into a saleyard’ with the words ‘by the end of the sale day’.

10.6 In subclause (b) of renumbered clause 7.11, substitute the words ‘within 28 days of bringing the stock into a saleyard’ with the words ‘in accordance with the conditions for payment of invoices determined by the local government’

10.7 Substitute the renumbered clause 7.13 with the clause:

**‘7.13 Dogs to be kept under control**

**Local Government Property Local Law Review – (Cont.)**

An authorised person may require the owner, or person in charge of a dog, to remove the dog from the saleyard if the authorised person considers that the dog is causing a nuisance or disrupting the sale.'

10.8 Delete renumbered clause 7.14.

**11. Part 9 – OBJECTIONS AND APPEALS**

11.1 Renumber Part 9 as Part 8.

11.2 Renumber clause 9.1 as 8.1.

**12. Part 10 – MISCELLANEOUS**

12.1 Renumber 'Part 10 as Part 9.

12.2 Renumber clauses 10.1 to 10.4 inclusive as clauses 9.1 to 9.4 respectively.

**13. Part 11 – ENFORCEMENT**

13.1 Renumber 'Part 11 as Part 10.

13.2 Renumber clauses 11.1 to 11.6 inclusive as clauses 10.1 to 10.6 respectively.

13.3 In clause 11.2, renumbered as clause 10.2, delete '11.1' where it appears and substitute '10.1'.

**14. Schedule 1 – PRESCRIBED OFFENCES**

14.1 Delete the following references in the 'Clause' column of Schedule 1 and those references in the 'Description' and 'Modified Penalty \$' columns which relate to those clause references –

'7.3', '7.4', '7.5', '7.6' and '7.7'.

14.2 Under the heading 'Clause' delete the clause designations '8.2', '8.8', '8.10', '8.11', '8.12', '8.13' and '11.1', and substitute '7.2', '7.8', '7.10', '7.11', '7.12', '7.13' and '10.1' respectively.

**15 Schedule 2 - DETERMINATIONS**

In Schedule 2, after Part 1, insert the following –

**'Part 2 – DRIVING VEHICLES ON LOCAL GOVERNMENT PROPERTY****Speed of Vehicles on Reserves**

2.1 A person shall not drive a vehicle or allow a vehicle to be driven upon a reserve which is local government property at a speed exceeding 20 kilometres an hour, or in such a manner as to cause danger, inconvenience or annoyance to any person.'

**'Part 3 – ACTIVITIES PROHIBITED ON LOCAL GOVERNMENT PROPERTY****Activities prohibited on local government property**

3.1 A person is prohibited from pursuing all or any of the following activities on local government property except on land which is reserved to the local government for the purpose, or which is set aside under clause 2.7(1) for the purpose.'

**16. Schedule 3 – GOLF COURSE RESERVE**

Delete Schedule 3 – Golf Course Reserve.

**Voting Requirements**

Simple Majority



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Local Government Property Local Law Review – (Cont.)

## OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr K Clements:

That the proposed Shire of York Local Government Property Local Law as published in the *Government Gazette* of 17 January 2001, with amendments as listed below be adopted and advertised for public comment.

### 1. Preliminary

Wherever the 'Shire of York' is mentioned in the local law, substitute 'Shire of Plantagenet'.

### 2. Clause 1.2 - Definitions

2.1 Delete the definition of 'boat'.

2.2 In the definition of 'building' –

(1) after ';' in paragraph (a) add 'and';

(2) in paragraph (b) delete 'and' where it appears after ';'; and

(3) delete paragraph (c).

2.3 In the definition of 'vehicle' –

(1) after ';' in paragraph (c) add 'and';

(2) in paragraph (b) delete '; and' and

(3) delete paragraph (e).

### 3. Clause 1.5 – Repeal

Delete clause 1.5 in its entirety.

### 4. Clause 2.7 – Activities which may be pursued on specified local government property

4.1 In subclause 2.7(1) –

(1) delete paragraphs (e) and (f); and

(2) renumber paragraphs (g) to (j) inclusive as (e) to (h) respectively.

4.2 In paragraph (d) subclause 2.7(2), delete 'boats' in the two places in which it occurs.

### 5. Clause 2.8 – Activities which may be prohibited on specified local government property

5.1 In subclause 2.8(1) –

(1) delete paragraph (e); and

(2) renumber paragraphs (f) to (h) inclusive as (e) to (g) respectively.

5.2 I In paragraph (c) subclause 2.8(2), delete 'boats' in the two places in which it occurs.

### 6. Clause 3.13 – Activities needing a permit

6.1 In subclause 3.13(1) paragraph (g) subparagraph (ii), delete 'stand' and substitute 'stop'.

### 7. Clause 3.14 – Permit required to camp outside a facility

In paragraph (b) subclause 3.14(3), delete 'beach' where it occurs.

## 8 Part 5 – MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

Local Government Property Local Law Review – (Cont.)

**8.1 After clause 5.1 Division 1, insert**

**Consumption of food or drink may be prohibited**

**5.2 A person shall not consume any food or drink in an area where consumption is prohibited by a sign.'**

**8.2 Renumber clause 5.2 in Division 2 to 5.3.**

**8.3 Renumber clause 5.3 in Division 3 to 5.4.**

**8.4 Delete 'Division 4 - Golf Course' in its entirety.**

**9. Part 7 – JETTIES AND BRIDGES**

**Delete 'Part 7 – Jetties and Bridges' in its entirety.**

**10. Part 8 – SALEYARDS**

**10.1 Renumber Part 8 as Part 7.**

**10.2 Renumber clauses 8.1 to 8.14 inclusive as clauses 7.1 to 7.14 respectively.**

**10.3 In clause 8.12, renumbered as clause 7.12, delete '8.11' where it appears and substitute '7.11'.**

**10.4 In renumbered clause 7.10, delete the word 'immediately' where it appears after the word 'be' and insert the words 'immediately following the sale' after the word 'saleyard'.**

**10.5 In subclause (a) of renumbered clause 7.11, substitute the words 'within 7 days of bringing the stock into a saleyard' with the words 'by the end of the sale day'.**

**10.6 In subclause (b) of renumbered clause 7.11, substitute the words 'within 28 days of bringing the stock into a saleyard' with the words 'in accordance with the conditions for payment of invoices determined by the local government'**

**10.7 Substitute the renumbered clause 7.13 with the clause:**

**'7.13 Dogs to be kept under control**

**An authorised person may require the owner, or person in charge of a dog, to remove the dog from the saleyard if the authorised person considers that the dog is causing a nuisance or disrupting the sale.'**

**10.8 Delete renumbered clause 7.14.**

**11. Part 9 – OBJECTIONS AND APPEALS**

**11.1 Renumber Part 9 as Part 8.**

**11.2 Renumber clause 9.1 as 8.1.**

**12. Part 10 – MISCELLANEOUS**

**12.1 Renumber 'Part 10 as Part 9.**

**12.2 Renumber clauses 10.1 to 10.4 inclusive as clauses 9.1 to 9.4 respectively.**

**13. Part 11 – ENFORCEMENT**

**13.1 Renumber 'Part 11 as Part 10.**

**13.2 Renumber clauses 11.1 to 11.6 inclusive as clauses 10.1 to 10.6 respectively.**

**13.3 In clause 11.2, renumbered as clause 10.2, delete '11.1' where it appears and substitute '10.1'.**

**14. Schedule 1 – PRESCRIBED OFFENCES**

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Local Government Property Local Law Review – (Cont.)

14.1 Delete the following references in the 'Clause' column of Schedule 1 and those references in the 'Description' and 'Modified Penalty \$' columns which relate to those clause references –  
'7.3', '7.4', '7.5', '7.6' and '7.7'.

14.2 Under the heading 'Clause' delete the clause designations '8.2', '8.8', '8.10', '8.11', '8.12' '8.13' and '11.1', and substitute '7.2', '7.8', '7.10', '7.11', '7.12' '7.13' and '10.1' respectively.

### **15 Schedule 2 - DETERMINATIONS**

In Schedule 2, after Part 1, insert the following –

#### **'Part 2 – DRIVING VEHICLES ON LOCAL GOVERNMENT PROPERTY**

##### **Speed of Vehicles on Reserves**

2.1 A person shall not drive a vehicle or allow a vehicle to be driven upon a reserve which is local government property at a speed exceeding 20 kilometres an hour, or in such a manner as to cause danger, inconvenience or annoyance to any person.'

#### **'Part 3 – ACTIVITIES PROHIBITED ON LOCAL GOVERNMENT PROPERTY**

##### **Activities prohibited on local government property**

3.1 A person is prohibited from pursuing all or any of the following activities on local government property except on land which is reserved to the local government for the purpose, or which is set aside under clause 2.7(1) for the purpose.'

### **16. Schedule 3 – GOLF COURSE RESERVE**

Delete Schedule 3 – Golf Course Reserve.

**CARRIED (8/0)**

**No. 312/07**

**9.3.5 PEST PLANTS LOCAL LAW REVIEW**

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>N / A</b>   |
| <b>Attachments: (1)</b>    | <b>Local Law</b>                                     |
| <b>Name of Applicant:</b>  | <b>N / A</b>   |
| <b>File Reference:</b>     | <b>PE/98/7</b>                                       |
| <b>Author:</b>             | <b>John Gilfellow - Consultant</b>                   |
| <b>Authorised By:</b>      | <b>John Fathers - Deputy Chief Executive Officer</b> |
| <b>Date of Report:</b>     | <b>30 July 2007</b>                                  |

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**Purpose**

The purpose of this report is to allow the Presiding Person to give notice to the meeting of the purpose and effect of the proposed Pest Plants Amendment Local Law, for the Council to adopt the proposed Local Law and to allow for advertising of the proposed Local Law for public comment.

**Background**

The purpose of this amendment local law is to bring the current Pest Plants Local Law into line with current legislative requirements.

The effect of this amendment local law is to allow the Pest Plants Local Law to be enforced in an effective manner.

The local law was gazetted on the 7 August 1987. The local law provides that the Shire may serve on the owner or occupier of private land a notice requiring the destruction, eradication or otherwise control of any pest plants on the land.

Plants described in the First Schedule of the local law are pest plants. The one plant in the First Schedule is 'Angels Trumpet' or *Datura Candida*.

The Agriculture and Related Resources Protection Act 1976 gives the authority to local government to make local laws prescribing as a pest plant in that district any plant (other than a declared plant) that, in its opinion, is likely to adversely affect the value of property in the district or the health, comfort or convenience of the inhabitants of the district.

As at the 31 October 2006 Angels Trumpet was not a declared plant. (Government Gazette of 31 October 2006, page 4614).

The Council needs to resolve whether it still wishes for Angels Trumpet to be a prescribed pest plant.

**Statutory Environment**

Section 3.16(1) of the Local Government Act 1995 requires a local government to review each of its local laws within an eight year period since its adoption or last review.

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the

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**Pest Plants Local law Review (Cont.)**

proposed local law.

**Consultation**

The Shire's intention to review the Pest Plants Local Law and inviting public submissions was advertised on the 12 May 2007. The submission period was open for forty-two days. No public submissions were received.

A forty-two day public submissions period on the proposed Pest Plants Amendment Local Law will be advertised Statewide when adopted by the Council.

In addition copies of the proposed Amendment Local Law, the principal Local Law, as amended and the National Competition Policy review must be sent to the relevant Minister for comment.

**Financial Implications**

Funding for the review of the local laws and for statutory advertising has been included in the 2007 / 2008 annual budget.

**Officer Comment**

The following amendments are proposed for the Pest Plants Local Law:

**1. Preliminary**

Where they appear in the principal local law delete the words 'By-laws or by-laws' and substitute 'Local Laws'.

**2. Title**

Delete the title 'By-Laws Relating to Pest Plants' and substitute 'Pest Plants Local Law'.

**3 1. Citation**

Delete 'Shire of Plantagenet Pest Plant By-laws 1987' and substitute 'Shire of Plantagenet Pest Plants Local Law'.

**4. 2. Interpretation**

- (a) In the definition of 'Council' delete the words 'of the Municipality'.
- (b) In the definition of 'district' delete 'Council' and substitute 'Shire of Plantagenet'.
- (c) Insert after the definition of 'district' and before the definition of 'pest plants' the definition "local government' means the Shire of Plantagenet'.
- (d) In the definition 'pest plants' delete the words 'By-law 4' and substitute the words 'clause 4'.

**5. 5. (1) Service of Notice**

Delete the word 'Council' and substitute the words 'local government'.

**6. 5. (2) A person served**

Delete the words 'sub-by-law (1)' and substitute the words 'sub clause 5(1)'.

**7. 6. Person fails to comply**

- (a) Delete the words 'By-law 5' and substitute the words 'clause 5'.
- (b) Delete the word 'Council' and substitute the words 'local government'.

Pest Plants Local law Review (Cont.)

## **8. Second Schedule**

- (a) Delete the word 'Council' and substitute the words 'local government'.
- (b) Delete the word 'Municipality' and substitute the word 'Shire'.

## **Voting Requirements**

Simple Majority

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

Moved Cr J Moir, seconded Cr K Hart:

That the proposed amendments to the Pest Plants Local Law, as listed below be adopted and advertised for public comment.

### **1. Preliminary**

Where they appear in the principal local law delete the words 'By-laws or by-laws' and substitute 'Local Laws'.

### **2. Title**

Delete the title 'By-Laws Relating to Pest Plants' and substitute 'Pest Plants Local Law'.

### **3. 1. Citation**

Delete 'Shire of Plantagenet Pest Plant By-laws 1987' and substitute 'Shire of Plantagenet Pest Plants Local Law'.

### **4. 2. Interpretation**

- (a) In the definition of 'Council' delete the words 'of the Municipality'.
- (b) In the definition of 'district' delete 'Council' and substitute 'Shire of Plantagenet'.
- (c) Insert after the definition of 'district' and before the definition of 'pest plants' the definition "local government' means the Shire of Plantagenet'.
- (d) In the definition 'pest plants' delete the words 'By-law 4' and substitute the words 'clause 4'.

### **5. 5. (1) Service of Notice**

Delete the word 'Council' and substitute the words 'local government'.

### **6. 5. (2) A person served**

Delete the words 'sub-by-law (1)' and substitute the words 'sub clause 5(1)'.

### **7. 6. Person fails to comply**

- (a) Delete the words 'By-Law 5' and substitute the words 'clause 5'.
- (b) Delete the word 'Council' and substitute the words 'local government'.

### **8. Second Schedule**

- (a) Delete the word 'Council' and substitute the words 'local government'.
-

Pest Plants Local law Review (Cont.)

- (b) Delete the word 'Municipality' and substitute the word 'Shire'.

CARRIED (8/0)

No. 313/07

**9.3.6 STANDING ORDERS LOCAL LAW REVIEW**

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>N / A</b>   |
| <b>Attachments: (1)</b>    | <b>Local Law</b>                                     |
| <b>Name of Applicant:</b>  | <b>N / A</b>   |
| <b>File Reference:</b>     | <b>LE/98/10</b>                                      |
| <b>Author:</b>             | <b>John Gilfellow - Consultant</b>                   |
| <b>Authorised By:</b>      | <b>John Fathers - Deputy Chief Executive Officer</b> |
| <b>Date of Report:</b>     | <b>30 July 2007</b>                                  |

---

**Purpose**

The purpose of this report is to allow the Presiding Person to give notice to the meeting of the purpose and effect of the proposed Standing Orders Amendment Local Law, for the Council to adopt the proposed Local Law and to allow for advertising of the proposed Local Law for public comment.

**Background**

The purpose of this amendment local law is to correct grammatical errors and remove the setting of the Order of Business of meetings from the Local Law.

The effect of this amendment local law is to provide greater flexibility to the Council in setting the Order of Business for meetings.

In undertaking a review of the Standing Orders Local Law no significant matters were identified that required amendment due to conflict with legislative amendments. However, some minor amendments are suggested to correct terminology and remove the order of business from the Local Law.

Removing the Order of Business will allow the Council to change the Order of Business without amending the Local Law or suspending that clause of the Standing Orders each meeting.

**Statutory Environment**

Section 3.16(1) of the Local Government Act 1995 requires a local government to review each of its local laws within an eight year period since its adoption or last review.

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

**Consultation**

The Shire's intention to review the Standing Orders Local Law and inviting public submissions was advertised on the 12 May 2007. The submission period was open for forty-two days. No public submissions were received.

A forty-two day public submissions period on the proposed Standing Orders Amendment Local Law will be advertised Statewide when adopted by the Council.

---



**Standing Orders Local Law Review (Cont.)**

In addition copies of the proposed Amendment Local Law (as will be gazetted), the principal Local Law, as amended and the National Competition Policy review must be sent to the relevant Minister for comment.

**Financial Implications**

Funding for the review of the local laws and for statutory advertising has been included in the 2007 / 2008 annual budget.

**Officer Comment**

The following amendments are proposed for the Standing Orders Local Law:

**1. Title**

Delete the title 'Local Law Relating to Standing Orders' and substitute 'Standing Orders Local Law'.

**2 Heading**

Delete 'Part 1 – Preliminary' and substitute 'Part 1 – Preliminary'.

**3. 1.5 Interpretation**

Delete in its entirety the interpretation 'Special majority required'.

**4 3.2(1) Order of Business**

Delete clause (1) and substitute '(1) The order of business at any ordinary meeting of the Council shall be as determined by Council from time to time.'

**5 8.1 Members to rise**

Delete the word 'presented' in the last line of the Clause and substitute the word 'prevented'.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

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

**That the proposed amendments to the Shire of Plantagenet Standing Orders Local Law, as listed below be adopted and advertised for public comment.**

**1. Title**

Delete the title 'Local Law Relating to Standing Orders' and substitute 'Standing Orders Local Law'.

**2. Heading**

Delete 'Part 1 – Preliminary' and substitute 'Part 1 – Preliminary'.

**3. 1.5 Interpretation**

Delete in its entirety the interpretation 'Special majority required'.

**4. 3.2(1) Order of Business**

Delete clause (1) and substitute '(1) The order of business at any ordinary meeting of the Council shall be as determined by Council from time to time.'

Standing Orders Local Law Review (Cont.)

**5. 8.1 Members to rise**

Delete the word 'presented' in the last line of the Clause and substitute the word 'prevented'.

**AMENDMENT:**

Moved Cr J Moir, seconded Cr K Clements:

That a part (6) be added to the motion reading:

'That the words "At the discretion of the Presiding Member" be removed from Clause 8.5.

LOST (1/7)

**COUNCIL DECISION**

That the proposed amendments to the Shire of Plantagenet Standing Orders Local Law, as listed below be adopted and advertised for public comment.

**1. Title**

Delete the title 'Local Law Relating to Standing Orders' and substitute 'Standing Orders Local Law'.

**2. Heading**

Delete 'Part 1 – Preliminary' and substitute 'Part 1 – Preliminary'.

**3. 1.5 Interpretation**

Delete in its entirety the interpretation 'Special majority required'.

**4. 3.2(1) Order of Business**

Delete clause (1) and substitute '(1) The order of business at any ordinary meeting of the Council shall be as determined by Council from time to time.'

**5. 8.1 Members to rise**

Delete the word 'presented' in the last line of the Clause and substitute the word 'prevented'.

CARRIED (8/0)

No. 314/07

**ADJOURNMENT OF MEETING**

**4.45pm**      **The Presiding Member adjourned the meeting for thirty (30) minutes.**

**5.15pm**      **The meeting resumed.**

**Attendance**

|               |  |
|---------------|--|
| Cr K Forbes   | Rocky Gully / West Ward, Shire President |
| Cr D Williss  | East Ward, Deputy Shire President        |
| Cr J Cameron  | Rocky Gully/West Ward                    |
| Cr M Skinner  | East Ward                                |
| Cr K Hart     | Kendenup Ward                            |
| Cr K Clements | Town Ward                                |
| Cr J Moir     | South Ward                               |
| Cr J Mark     | Town Ward                                |
| <br>          |  |
| Mr R Stewart  | Chief Executive Officer                  |
| Mr P Duncan   | Manager Development Services             |
| Ms N Selesnew | Manager Community Services               |
| Mrs K Skinner | Executive Secretary                      |

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

There was one (1) member of the media present

**9.3.7 PARDELUP HILL - RENAMING**

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>N / A</b>   |
| <b>Name of Applicant:</b>  | <b>N / A</b>   |
| <b>File Reference:</b>     | <b>RO/107/1</b>  |
| <b>Author:</b>             | <b>Donna Stevens - Senior Administration / Human Resources Officer</b> |
| <b>Authorised By:</b>      | <b>John Fathers - Deputy Chief Executive Officer</b>                   |
| <b>Date of Report:</b>     | <b>24 August 2007</b>  |

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**Purpose**

The purpose of this report is to consider the submissions received for the renaming of Pardelup Hill to Forest Hill.

**Background**

At its ordinary meeting held 12 June 2007 the Council resolved:

*'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.'*

The renaming was advertised and three opposing submissions were received. One submission was received by telephone and the two other submissions are detailed below:

**Submission One**

*'I am writing in regard to the Council's support of requests from some "Members of the public" to change the names of Pardelup Hill and Pardelup Nature Reserve to other names which may or may not have meaning to local people.*

*I am a member of the public and a rate payer. The names "Forest Hill" and "Drage Nature Reserve" have no meaning at all to the wider Western Australian community. "Pardelup" on the other hand has been a name associated with the area for as long as I can remember (and I am 58 years old). Locals may have called it Forest Hill but it has always been Pardelup Hill on the map.*

*Geographical features and nature reserves belong to the whole Western Australian community, not to just a few. I for one firmly believe that copying or borrowing names from our British forbears is no longer appropriate (if it ever was) and I prefer to see Aboriginal names used and recognised wherever possible. They sound more genuinely Australian and help to confirm our unique identity. The five out of seven Councillors who "felt that the advice from the Department of Environment and Conservation was not appropriate" do not represent me. I suggest that the Council does its homework and conducts a representative survey of all residents and ratepayers before going out on a limb for what a few people think is a good idea.'*

**Submission Two**

**Pardelup Hill – Renaming (Cont.)**

*'I wish to take this opportunity to object to the proposed name changes from Pardelup Hill to Forest Hill and the Pardelup Nature Reserve to Drage Nature Reserve in the strongest terms possible.*

*While I understand that certain persons, bodies and/or groups believe that there are legitimate reasons for name changes the proposed name changes only reflect recent influences of European settlement in the area. This area was clearly inhabited by Aboriginals for thousands of years and the current names clearly reflect that fact, DOLA appears to have a policy of naming areas of cultural significance in deference to the historical occupants of the area who incidentally have received no financial compensation for their forced removal from their traditional tribal lands.*

*It would appear that the council has not consulted any indigenous groups to canvass their opinion with regard to the proposed name changes. Should council have the blessing of the proposed name changes from the local indigenous population I would fully support the proposed name changes without protest.*

*Might I suggest that should the descendants of the original settlers wish to have a permanent memorial in recognition of the early pioneers to the area this could be erected at the Forest Hill Hall site which I believe was also the site of the first school and a significant meeting place for all settlers in the area. Any memorial erected could also be further enhanced by compiling a comprehensive document of the area containing pictorial evidence of progress and copies of official documentation now housed in the Battye library in Perth. A comprehensive record could be maintained in the local library, this would serve the public well in being an educational tool to be used by future generations to gain a realistic insight to the life of the early pioneers.'*

**Statutory Environment**

There are no statutory requirements for this report.

**Consultation**

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

Advertising for public submissions was also undertaken.

**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.

**Officer Comment**

Based on the objections received and the fact that the Council is already submitting a proposal to the Geographic Names Committee to change the name of Pardelup Reserve, this report recommends that the proposal to rename Pardelup Hill not proceed, allowing the aboriginal heritage of the area to be acknowledged.

Pardelup Hill – Renaming (Cont.)

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr J Mark, seconded Cr J Cameron:

That the proposal to rename 'Pardelup Hill' to 'Forest Hill' not proceed.

**CARRIED (8/0)**

**No. 315/07**

## 9.4 DEVELOPMENT SERVICES REPORTS

### 9.4.1 LOT 859 HEALY ROAD, NARRIKUP – COMPOSTING FACILITY UPGRADE. (SEE ITEM AFTER ITEM 8)

This matter was considered immediately following Item 8.

### 9.4.2 LOT 155 MOUNT BARKER ROAD, MOUNT BARKER – THIRTY-FIVE LOT SUBDIVISION

A Proximity Interest was disclosed by Cr Mark

*Nature of Interest:* Owner of adjacent land

4.23pm Cr Mark withdrew from the meeting.

**Location / Address:** Lot 155 Mount Barker, Lowood Roads and Morpeth Street, Mount Barker

**Attachments: (2)** Locality Plan  
Plan of Subdivision

**Name of Applicant:** Dykstra Planning for M & N Hill

**File Reference:** LP/158/135656, RV/182/1287, WAPC 135656

**Author:** Juliet Albany - Planning Officer

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

**Date of Report:** 16 August 2007

---

#### **Purpose**

The purpose of this report is to consider a thirty five (35) lot subdivision on Lot 155 Mount Barker Road, Mount Barker.

#### **Background**

The Lot 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 lots, excising 8096sqm with the existing house to allow the sale of the 2.6732ha balance separately was given conditional approval by Western Australian Planning Commission (WAPC) 23 May 2007, (WAPC Ref. 134041). A subdivision application for 32 lots was approved with conditions by the Council on 22 May 2007 and by WAPC 22 June 2007.

#### **Statutory Environment**

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No.3 (TPS3) – Zoned Residential (R5/15).

#### **Consultation**

This subdivision design has been discussed with the Council's Manager Works and Services.

---

Lot 155 Mount Barker Road, Mount Barker – Thirty-Five Lot Subdivision (Cont.)

### **Policy Implications**

As this subdivision involves more than five (5) lots the matter needs to be determined by the Council.

### **Financial Implications**

There are no financial implications for this report.

### **Strategic Implications**

This development meets the aims of the Shire of Plantagenet's Strategic Plan, particularly to support sustainable and managed growth within existing urban settlements in the Shire and encourage the development of a variety of housing opportunities.

### **Officer Comment**

The subdivision design allows for future connectivity, within an 18m road reserve to the adjoining Lot 156 to the north if and when it is subdivided. It also proposes a cul de sac ending in the western portion of the subdivision and serving 8 lots.

The proposed lots are regular in shape with good street frontage and dimensioned to accommodate a wide range of house designs, only one lot is a battleaxe lot. Lots range in size from 583m<sup>2</sup> (minimum required 580m) to 1129sqm, all lots have frontages greater than the 12m minimum required in R15 code.

The cul de sac towards the west of the land is not supported and it is suggested that it be extended to the western boundary of proposed Lots 23 and 24 on the eastern boundary of the proposed 8096m<sup>2</sup> lot. This will enable future subdivision of the 8096sqm lot and assist with reducing the number of potential access crossovers onto Mount Barker Road in the future.

Connection to reticulated sewer is possible. The land can be drained and a detailed design will be required as a condition of subdivision to ensure the drainage is managed well and does not adversely impact on properties to the east.

The subdivision meets with planning requirements and is well thought out for future connectivity to the northern adjacent lot however it could be improved by extending the proposed cul de sac to the western boundaries of proposed Lots 23 and 24.

### **Voting Requirements**

Simple Majority

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

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

**That the Western Australian Planning Commission be advised that the subdivision of Lot 155 Mount Barker Road, Mount Barker (WAPC No. 135656) is supported subject to the following conditions:**

- (1) The proposed cul de sac is to be extended to the western boundary of proposed Lots 23 and 24 as a potential future subdivision road.**
- (2) All lots being provided with access to a sealed road, designed drained and constructed to the satisfaction of the Manager Works and Services.**



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Lot 155 Mount Barker Road, Mount Barker – Thirty-Five Lot Subdivision (Cont.)

- (3) The portion of Morpeth Street from Lowood Road to 10m west of the boundary of the 8096sqm lot with proposed lot 34 is to be constructed, drained and sealed to the satisfaction of the Manager Works and Services.
- (4) All roads being constructed, drained and sealed with a minimum of a 6m wide seal to the satisfaction of the Manager Works and Services.
- (5) Street lighting to the satisfaction of the Manager Works and Services.
- (6) A landscaping plan being submitted detailing the appropriate planting and timing of planting of street trees to the satisfaction of the Council.
- (7) Dual Use Paths 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) The preparation of a nutrient stripping, sediment retention drainage management plan. This may require the provision of land for a drainage facility.
- (9) 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.
- (10) All cleared vegetation shall remain on site to be processed (mulched) and respread over disturbed areas within the site.
- (11) The provision of reticulated water and sewer to all lots.
- (12) All lots being provided with underground power.
- (13) The subdivider providing a cash contribution to the Shire of Plantagenet in lieu of 10% Public Open Space in accordance with S153 of the Planning and Development Act 2005.
- (14) All buildings and effluent disposal systems having the necessary clearance from the new lot boundaries.
- (15) No new vehicular access to Mount Barker Road is to be provided from any lot.
- (16) 8.5m truncations are to be provided at all intersections to the satisfaction of the Manager Works and Services.

**CARRIED (7/0)**

**No. 316/07**

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**9.4.3 LOT 138 LOWOOD ROAD, MOUNT BARKER - SCHEME AMENDMENT REQUEST - 'RURAL' TO 'RESIDENTIAL R15'**

A Proximity Interest was disclosed by Cr Mark  
*Nature of Interest:* Owner of adjacent land

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>Lot 138 Lowood Road corner Morpeth Street, Mount Barker</b> |
| <b>Attachments: (2)</b>    | <b>Summary of Submissions<br/>Location Plan</b>                |
| <b>Name of Applicant:</b>  | <b>Dykstra Planning on behalf of Ian and Andrea Preece</b>     |
| <b>File Reference:</b>     | <b>LP/181/19</b>   |
| <b>Author:</b>             | <b>Peter Duncan - Manager Development Services</b>             |
| <b>Authorised By:</b>      | <b>Rob Stewart - Chief Executive Officer</b>                   |
| <b>Date of Report:</b>     | <b>28 August 2007</b>  |

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**Purpose**

The purpose of this report is to consider submissions received on a proposed Scheme Amendment Request (SAR) to rezone Lot 138 Lowood Road corner Morpeth Street, Mount Barker from Rural to Residential (R15).

**Background**

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

Two (2) agencies (DPI and DEC) provided their comments on the SAR.

On 12 June 2007 a further report was considered by the Council and Resolution 213/07 is as follows:

*'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.'*

**Statutory Environment**

Planning and Development Act 2005

Town Planning Regulations 1967 – set the procedure for Amending a Town Planning Scheme which include formal referral to the EPA and statutory public advertising before any final decisions are made.

**Consultation**

The SAR has been advertised for a period of sixty days which closed on 27 August 2007. Nine (9) submissions have been received six (6) letters of no objection and three (3) letters of objection. A Summary of Submissions is attached.

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

**Policy Implications**

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

**Financial Implications**

The fee of \$550.00 has been paid.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

It is clear from the submissions more work and detail will be required should the Council agree it is prepared to consider a formal Amendment to Town Planning Scheme No. 3 to rezone the land. One central issue is the low lying area of the property which may cause future problems for properties to the east. Further investigation will be required to retain stormwater runoff on site as part of the formal Scheme Amendment and any subsequent subdivision application.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That the submissions received on the Scheme Amendment Request for Lot 138 Lowood Road, Mount Barker be noted and:**

- (1) The proponent be advised the Council will be prepared to consider a formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3.**
- (2) This support is subject to the various matters including land capability, drainage, fire safety, any potential road works etc, being addressed to the Council's satisfaction as part of the Scheme Amendment documentation.**

**CARRIED (7/0)**

**No. 317/07**

5.30pm Cr Mark returned to the meeting.

---

#### 9.4.4 LOTS 48, 49 AND 0 ALBANY HIGHWAY, MOUNT BARKER - HACC BUILDING

A Financial Interest was disclosed by Cr Williss

*Nature of Interest:* Spouse works for Home and Community Care

5.30pm Cr Williss withdrew from the meeting.

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>Lots 48, 49 and 0 Albany Highway corner Memorial Road, Mount Barker</b>               |
| <b>Attachments: (5)</b>    | <b>Location Plan<br/>Site Plan<br/>Floor Plan<br/>Detailed Floor Plan<br/>Elevations</b> |
| <b>Name of Applicant:</b>  | <b>Shire of Plantagenet</b>  |
| <b>File Reference:</b>     | <b>RV/182/731, CP/165/4</b>  |
| <b>Author:</b>             | <b>Peter Duncan - Manager Development Services</b>                                       |
| <b>Authorised By:</b>      | <b>Rob Stewart - Chief Executive Officer</b>   |
| <b>Date of Report:</b>     | <b>28 August 2007</b>  |

---

#### **Purpose**

The purpose of this report is to consider a development application for additions to the rear of the Plantagenet District Hall (Lesser Hall) at Lots 48, 49 and 0 Albany Highway corner Memorial Road, (formerly Muir Street) Mount Barker.

#### **Background**

Home and Community Care (HACC) has been occupying the rear portion of the lesser hall for some time and the additions/renovations are required.

#### **Statutory Environment**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Local Scheme Reserves – Main Road and Public Purpose (District Hall). In respect to such reserved land TPS3 at clause 2.2 states:

#### **2.2 MATTERS TO BE CONSIDERED BY COUNCIL**

*Where an application for planning consent is made with respect to land within a Reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority before granting its consent.'*

#### **Consultation**

The proposal for HACC has been discussed widely with affected parties.

#### **Policy Implications**

There are no policy implications for this report.

---

Lots 48, 49 & 0 Albany Highway, Mount Barker – HACC Building (Cont.)

### **Financial Implications**

The fee of \$1,058.00 has been paid.

The amalgamation of the three lots will have a cost of approximately \$5,000.00.

### **Strategic Implications**

This development meets the Community Services aim of the Shire of Plantagenet Strategic Plan which is to:

*'Deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural well being of the community.'*

### **Officer Comment**

Clause 2.2 of TPS3 requires the Council to have regard to the ultimate purpose intended for the Scheme reserve status. In this instance the bulk of the hall site is a Public Purpose Scheme Reserve. The highway frontage of the site is shown as a Main Road Scheme Reserve.

Main Roads Albany has been consulted and the extent of the Main Road Scheme Reserve over the western side of the highway is still required as in the long term additional road works may be required when traffic volumes increase. The proposed additions do not impact on the reserved area.

The Public Purpose Scheme Reserve is considered to be appropriate for this HACC facility.

The hall structure is built over three lots and this contravenes the Building Code of Australia. The three (3) lots should be amalgamated to form one to remove the conflict.

### **Voting Requirements**

Simple Majority

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

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

**THAT:**

- (1) The proposed Home and Community Care (HACC) additions to the Plantagenet District Hall at Lots 48, 49 and 0 Albany Highway corner Memorial Road, (formerly Muir Street) Mount Barker be approved subject to development being in accordance with the plans dated 28 August 2007.**
- (2) The necessary procedures for the amalgamation of Lots 48, 49 and 0 Albany Highway corner Memorial Road, Mount Barker into one lot be commenced.**

**CARRIED (7/0)**

**No. 318/07**

5.31pm Cr Williss returned to the meeting.

**9.4.5 LOT 644 (RESERVE 23108) MUIRS HIGHWAY / MARMION STREET,  
MOUNT BARKER - MEDICAL CENTRE**

|                            |   |
|----------------------------|---|
| <b>Location / Address:</b> | <b>Lot 644 (Reserve 23108) Muirs Highway / Marmion Street, Mount Barker</b> |
| <b>Attachments: (4)</b>    | <b>Location Plan<br/>Site Plan<br/>Floor Plan<br/>Elevations</b>            |
| <b>Name of Applicant:</b>  | <b>Shire of Plantagenet</b>   |
| <b>File Reference:</b>     | <b>RV/182/1099, PH/151/1</b>  |
| <b>Author:</b>             | <b>Peter Duncan - Manager Development Services</b>                          |
| <b>Authorised By:</b>      | <b>Rob Stewart - Chief Executive Officer</b>                                |
| <b>Date of Report:</b>     | <b>28 August 2007</b>   |

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**MOTION TO SUSPEND STANDING ORDERS****Moved Cr K Clements, seconded Cr J Cameron:**

**5.31pm** That those sections of Standing Orders that would prevent any Councillor from speaking twice to a motion or which would prevent a Councillor speaking when no motion was before the Chair be suspended.

**CARRIED (8/0)****No. 319/07****Purpose**

The purpose of this report is to consider a development application for the new medical centre at Lot 644 (Reserve 23108) Muirs Highway / Marmion Street, Mount Barker. The medical centre will front Marmion Street.

**Background**

The new medical centre and its site selection has been discussed with the Council for some time and this site was that chosen for the development. Funding has been confirmed.

**Statutory Environment**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Local Scheme Reserves – Public Purpose. In respect to such reserved land TPS3 at clause 2.2 states:

**‘2.2 MATTERS TO BE CONSIDERED BY COUNCIL**

*Where an application for planning consent is made with respect to land within a Reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority before granting its consent.’*

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Lot 644 Reserve 23108 Muirs Highway – Marmion Street, Mount Barker – Medical Centre (Cont.)

Land Administration Act – Reserve 23108 is a Crown Reserve for the purpose of 'Medical' and the vesting order is in favour of the Department of Health. The Department for Planning and Infrastructure is in the process of altering the vesting over 0.6ha of the Reserve in favour of the Council for this medical centre site.

### **Consultation**

The proposal for the medical centre has been discussed widely with affected parties.

### **Policy Implications**

There are no policy implications for this report.

### **Financial Implications**

The fee of \$2,410.00 has been paid.

### **Strategic Implications**

This development meets the Community Services aim of the Shire of Plantagenet Strategic Plan which is to:

*'Deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural well being of the community.'*

### **Officer Comment**

Clause 2.2 of TPS3 requires the Council to have regard to the ultimate purpose of the intended Scheme reserve status. In this instance the Public Purpose Scheme Reserve is considered appropriate for the medical centre. The hospital is located to the east of Marmion Street on Langton Road and is within a Public Purpose (Hospital) Scheme Reserve.

### **Voting Requirements**

Simple Majority

### **MOTION TO RESUME STANDING ORDERS**

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

**6.36pm That Standing Orders be resumed.**

**CARRIED (8/0)**

**No. 320/07**

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

**Moved Cr D Williss, seconded Cr M Skinner:**

**That the proposed medical centre on Lot 644 (Reserve 23108) Muirs Highway / Marmion Street, Mount Barker be approved subject to:**

- (1) Development being generally in accordance with the plans dated 28 August 2007.**
- (2) The carparking area being constructed, drained, sealed and linemarked to the satisfaction of the Manager Works and Services.**
- (3) No vehicular access to Muirs Highway.**

Lot 644 Reserve 23108 Muirs Highway – Marmion Street, Mount Barker – Medical Centre (Cont.)

- (4) An appropriate low fuel zone being created around the building to Fire and Emergency Services Authority (FESA) standards.
- (5) On site effluent disposal is to be by way of an approved alternative treatment unit to the satisfaction of the Environmental Health Officer.

**CARRIED (8/0)**

**No. 321/07**



**9.4.6 POLICY REVIEW – CONTROL OF SIGNS WITHIN THE SHIRE OF PLANTAGENET AND NEW DRAFT POLICY - DIRECTIONAL, SERVICE AND TOURISM SIGNAGE**

|                            |  |
|----------------------------|--|
| <b>Location / Address:</b> | <b>Shire of Plantagenet</b>                        |
| <b>Attachments: (1)</b>    | <b>Draft Policy</b>                                |
| <b>Name of Applicant:</b>  | <b>N / A</b>                                       |
| <b>File Reference:</b>     | <b>RO/120/3</b>                                    |
| <b>Author:</b>             | <b>Juliet Albany - Planning Officer</b>            |
| <b>Authorised By:</b>      | <b>Peter Duncan - Manager Development Services</b> |
| <b>Date of Report:</b>     | <b>31 August 2007</b>                              |

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**Purpose**

The purpose of this report is to consider the proposed Draft Policy: 'Directional, Service and Tourism Signage' with a view to holding a workshop with the tourism / business industry to discuss the draft. When the draft policy is finalised then existing policy TP/SDC/2 (Control of Signs within the Shire of Plantagenet) would need to be revoked.

**Background**

On 29 August 2006 a workshop with Councillors was held to discuss draft proposals for this proposed policy. The first draft was prepared in consultation with Main Roads Western Australia (MRWA) and Tourism Western Australia (TWA).

The need for a co-ordinated approach to the management and control of signs on public land and particularly within road reserves is recognised. There are a number of redundant, unauthorised and derelict signs throughout the Shire. In addition, tourism operators in the past have expressed discontent with the Shire's approach to tourist signage.

Extensive discussions have occurred with MRWA regarding Australian Standards. It is considered appropriate to adopt the Australian Standards as a working practice for safety, visibility and legibility of signs within the Shire of Plantagenet. It is important to provide continuity for the travelling public.

Directional Signs are signs erected on roads or public places to indicate the direction to places, services and tourist destinations within the Shire, but do not include signs erected or affixed by the Council, the Commissioner of Main Roads or a duly incorporated association or union of motorists such as the Royal Automobile Club (RAC) authorised in that regard by the Minister for the time being administering the Road Traffic Act 1974.

The proposed policy provides that the Council will allow and erect a direction sign, which indicates the nature of a business or activity that may be located by following the direction indicated by the sign. In some limited instances in rural locations, as detailed in the draft policy the Council will consider erecting explicit business names on direction signs. Directional signs will not be favoured when they are proposed for businesses located more than 10km from the proposed sign location. Directional signs not on a road name sign structure but standing alone will not be supported.

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**Policy Review – Control of Signs Within the Shire Of Plantagenet (Cont.)**

Existing policy TP/SDC/2 (Control of Signs within the Shire of Plantagenet) reads as follows:

**POLICY: CONTROL OF ADVERTISEMENTS**

*Council's objective in the control of advertising is to secure the orderly and proper planning and the amenity of the Scheme Area through the control of advertisements by the examination and determination of advertising signs in the light of:*

- \* The impact of new advertisements upon residential, rural and recreational areas;*
- \* The potential of any proposed advertisement to enhance or detract from the visual amenity and character of an area; and*
- \* The potential for the rationalisation, consolidation or removal of existing advertisements where amenity is already impaired by poor, excessive or derelict advertising.*

*Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed including its historic or landscape significance and traffic safety, and the amenity of adjacent areas, which may be affected.*

*With the above in mind a policy dealing with advertising signs, temporary signs, guide signs and signs in general has been drafted.*

*Focus will be for tourist passing through the town, which require services from a tourist establishment.*

**DEFINITIONS**

*Tourist establishment – a commercially operated establishment catering for tourists, and for which a charge may or may not be made, (museum, fauna park, historical home, tourist farms, winery, craft centre, pottery, overnight accommodation, caravan park etc)*

**GUIDE SIGNS**

*To inform and advise road users of directions, routes, distances, destinations, the location of services for road users and points of interest. Not to be in the form of advertising.*

*All guide sign along main roads are subject to MRWA Approval.*

**A PROPOSED ADVERTISING SIGN MUST SATISFY THE FOLLOWING**

*Sign to be within 2 km of the business or within 2kms of a townsite to which the business is situated;*

*Tourist establishment only;*

*Permission granted from property owners;*

*Not to be placed in the Road reserve;*

*All signs in the vicinity of a main road must comply with the Main Roads (Control of Advertisements) Regulations;*

*Professionally written by a commercial sign writer; and*

*Maximum of two signs with the position of the signs to Councils satisfaction.*

Policy Review – Control of Signs Within the Shire Of Plantagenet (Cont.)

### **SIGNS – GENERAL**

*That all signs are required to have all wording professionally written, by a commercial signwriter and must be in accordance with the Shire of Plantagenet Town Planning Scheme.*

*Display of unofficial and non-essential information signs should not be permitted.*

### **COMMERCIAL BUSINESS**

*An advertising sign for a commercial/business will not be permitted on the vicinity of roads unless in compliance with the Town Planning Scheme (e.g. Home Occupation advertising on own property maximum area of sign 0.2m<sup>2</sup> and industrial land use permitted a maximum 4 signs but with conditions)*

### **TOURIST ESTABLISHMENT**

*Be permitted to locate one guide sign indicating name and distance of the establishment using standard terms (e.g. B & B 15km).*

### **TEMPORARY ROADSIDE SIGNS**

*That Council permit, non-business community groups to advertise community functions, to be held on a “one-off” event only.*

*Signs subject to –*

*The maximum size to be 1.0m<sup>2</sup>;*

*The sign is to be non-offensive;*

*Council has the right to remove any sign at any time for reasonable cause and fee as set by Council each year and included in its Schedule of Fees and Charges will be charge for its return.*

*All signs must be located a minimum of 1.5m from the nearest vehicle carriageway.*

*The sign is to be removed within one (1) day after the advertising event.*

*Placement of signs to be maximum of ten (10) days before event.’*

The existing policy was considered by the Council at its meeting held on 13 March 2007 where at resolution 103/07 it resolved:

*‘That the question be adjourned to allow a further review of the Control of Signs Policy and that a further report be presented to the Council at its meeting to be held 11 September 2007.’*

### **Statutory Environment**

Local Government Act 1995

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading - Local Law.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 5.6 sets standards for the control of advertisements.

### **Consultation**

Extensive consultation with MRWA and TWA has occurred. Councillors have been involved in a workshop held on 29 August 2006. It is proposed to hold a workshop

**Policy Review – Control of Signs Within the Shire Of Plantagenet (Cont.)**

with tourism industry representatives to discuss the draft policy before the Council considers it for adoption.

**Policy Implications**

Policy No. TP/SDC/2 Control of Signs within the Shire of Plantagenet – this Policy will need to be revoked should this proposed policy be adopted. The existing policy is difficult to administer as it covers road side and other signs in an unclear way.

Existing Policy No. TP/SDC/2 refers to 'guide signs' which inform and advise road users and states these are not be in the form of advertising. Then the policy states advertising signs must be within 2km of the business and shall not be placed on a road reserve. The policy sets standards in terms of sign writing and refers to advertising signs for a commercial business, industrial landuse and tourist establishment. Temporary roadside signs for 'one-off' community groups events being a maximum of 1.0m<sup>2</sup>.

The proposed new policy (draft attached) will provide more clear and precise standards for directional signage aimed at being of a generic nature with advertising not being favoured. Advertising by way of business names on directional signage is not favoured. Advertising should be in the form of printed media, other commercial means and through promotion in the Visitor Centre.

**Financial Implications**

Direction signage will be erected by Works and Services. The signs will be designed and manufactured to Council specifications at the business owners' cost.

Planning and budgeting for the new signs will be required to ensure implementation within the time frame of five (5) years for upgrading existing signs in settlement and rural areas.

The ongoing costs of generic signs may fall with the Council, unless offset by fees.

**Strategic Implications**

This proposed policy if adopted will lead to the preparation of a comprehensive policy to address all forms of advertising signage on private property.

**Officer Comment**

The preparation of this draft policy has taken place over the last few years and changes of staff have meant some delays. The document presented here is the result of a composite of material taken from previous reports and amplified and edited where necessary.

TWA has developed criteria and guidelines for tourism signage throughout the State. TWA's policy is to *'to encourage a uniform and consistent approach to the design, construction and erection of signs throughout the State, with a view to eventually eliminating the proliferation of different types of signs, which are becoming increasingly confusing and ineffective to motorists travelling from one area to another'*. Reduction and limiting the proliferation of road signs preserves the aesthetic values of the landscape and environment.

TWA promotes the use of Australian Standards and internationally recognised symbols on signs wherever possible to ensure simple, concise and consistent messages are conveyed to the motorist. Additionally, TWA advocates the fundamental purpose of signs is essentially a traffic management device serving to

**Policy Review – Control of Signs Within the Shire Of Plantagenet (Cont.)**

confirm the location of, and not advertise, tourist attractions and services. TWA promotes the use of MRWA standards in preference to individual interpretations.

There are at the same time arguments that refute as 'overkill' the standardisation efforts of large government departments and assert the need for Regional and local identity to be prominent even in such items as roadside signs for added interest and variety.

The existing information bay area to the north of Mount Barker on the east side of Albany Highway presently provides a carparking area and somewhat outdated tourist information on perspex covered boards under a small roofed area. One matter for consideration is to remove the mapping and install a new map advertising the district and its tourist operators at a prominent location at the visitor centre. The information bay area which is the responsibility of Main Roads WA could be retained as a carpark rest area but would include a sign directing tourists to the visitor centre for information. The new sign at the visitor centre could be located to the exterior of the complex (but under the roof) and be lit so that it is useable outside visitor centre hours by the travelling public. This option is one which could be considered with the tourism industry representatives and Rotary at the workshop proposed to be held to discuss the new draft policy.

Existing Policy No. TP/SDC/2 (Control of Signs within the Shire of Plantagenet) was last reviewed in January 1998. That policy discusses various advertising signage related to tourist establishments, guide signs and commercial businesses. That policy is unclear and difficult to administer from a practical perspective and is in need of review. This proposed draft policy on directional, service and tourism signage will set appropriate and clear standards. As stated above, staff will be commencing the preparation of a comprehensive policy on general advertising signage.

If and when this proposed policy on directional, service and tourism signage is finalised, then existing Policy No. TP/SDC/2 can be revoked.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

That a workshop be held with the tourism / business industry to discuss the attached draft Council policy on Directional, Service and Tourism Signage.

**COUNCIL DECISION**

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

**That a workshop be held with the tourism / business industry to discuss the attached draft Council policy on Directional, Service and Tourism Signage by end of November 2007.**

**CARRIED (8/0)**

**No. 322/07**

Reason for change

Councillors believed that a time limit was necessary.

## 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr Clements has previously given notice pursuant to Clause 3.7 of Standing Orders that he intends to move, at the meeting of the Council to be held on 11 September 2007, the following motion:

*'That existing Mount Barker Library hours be amended to:*

1. 11.00am to 5.00pm on Tuesdays and Fridays
2. 11.00am to 6.30pm on Thursdays.
3. Other hours to remain unchanged.'

### **Councillor comment**

The later opening hours on Thursday will coincide with late night shopping and therefore will be of some convenience to those in Mount Barker. Also, this will coincide with sports training for many different sports and will therefore provide convenience to many people.

Further, there will be no extra hours so costings will not change.

The motion was withdrawn by Councillor Clements as the matter had been satisfactorily dealt with at Item 9.1.1.

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

The following business was introduced to the meeting by the Presiding Member under Section 3.8 of Standing Orders.

- **Chillinup Landfill Site Management Committee Meeting – 30 August 2007**
- **Great Southern Regional Cattle Saleyards**
- **State Saleyards Strategy**

### **MOTION TO PROCEED BEHIND CLOSED DOORS**

Moved Cr J Cameron, seconded Cr D Williss:

7.15pm That the Council move into Confidential Section to discuss items under the terms of the Local Government Act 1995 as follows:  
Section 5.23 (2) (e) (ii): information that has a commercial value to a person.

**CARRIED (8/0)**

**No. 323/07**

### **MOTION TO PROCEED IN PUBLIC**

Moved Cr K Hart, seconded Cr J Cameron:

7.32pm That the meeting proceed in public.

**CARRIED (8/0)**

**No. 324/07**

**12 CONFIDENTIAL**

**13 CLOSURE OF MEETING**

7.32pm The Presiding Member declared the meeting closed.

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