



ORDINARY MINUTES

ORDINARY Meeting
of the Council held:

DATE: Tuesday, 13 May 2008

TIME: 2.45pm

VENUE: Council Chambers

Rob Stewart
CHIEF EXECUTIVE OFFICER

MEMBERSHIP – Quorum (5)

Members:

Cr K Forbes - Rocky Gully / West Ward - Shire President
Cr B Hollingworth - Town Ward - Deputy Shire President
Cr K Clements - Town Ward
Cr J Mark - Town Ward
Cr J Moir - South Ward
Cr M Skinner - East Ward
Cr D Nye-Chart - East Ward
Cr S Grylls - Rocky Gully / West Ward
Cr A Budrikis - Kendenup Ward

Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute the Council's decision until considered by the Council.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1
3	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
4	PUBLIC QUESTION TIME.....	2
5	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
5.1	DELMA BAESJOU – AYTON TAYLOR BURRELL – LOT 2150 SPRING ROAD PORONGURUP	2
5.2	FRED MENTHA – CURATOR FOR THE MOUNT BARKER TURF CLUB.....	2
6	DISCLOSURE OF INTEREST	3
7	APPLICATIONS FOR LEAVE OF ABSENCE	3
7.1	APPLICANT: CR K FORBES	3
8	CONFIRMATION OF MINUTES.....	3
9	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	4
10	ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION	4
11	REPORTS OF COMMITTEES AND OFFICERS.....	6
11.1	DEVELOPMENT SERVICES REPORTS.....	6
11.1.1	TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 48 - LOTS 11 AND 12 WARBURTON ROAD, MOUNT BARKER	6
11.1.2	LOT 702 WARBURTON ROAD CORNER BLOOMFIELD RISE, MOUNT BARKER – HOME BUSINESS AND OVERSIZED OUTBUILDING	10
11.1.3	LOT 828 ALBANY HIGHWAY, MOUNT BARKER – PROPOSED DOG KENNEL ESTABLISHMENT	13

11.1.4	LOT 1542 FISHER ROAD CORNER HALSEY ROAD, KENDENUP - CHANGE OF USE FROM HOME OCCUPATION TO GALLERY	17
11.1.5	LOCATION 2150 SPRING ROAD, PORONGURUP – SEVENTEEN (17) LOT SUBDIVISION	20
11.1.6	LOT 3469 LAKE BARNES ROAD, NARRIKUP - APPLICATION FOR TEMPORARY ACCOMMODATION	24
11.2	WORKS AND SERVICES REPORTS.....	26
11.2.1	POLICY REVIEW - VEHICLE SPECIFICATIONS	26
11.3	CORPORATE SERVICES REPORTS	30
11.3.1	BUDGET REVIEW AND OVERDRAFT FACILITY – MARCH 2008	30
11.3.2	POLICY – HALL HIRE DONATIONS.....	34
11.3.3	THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW REVIEW.....	36
11.4	EXECUTIVE SERVICES REPORTS.....	42
11.4.1	POLICY REVIEW - COMMITTEE MEETINGS.....	42
11.4.2	DELEGATIONS - ANNUAL REVIEW	44
11.4.3	FEES – WASTE – METHOD OF CHARGING.....	46
12	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	55
13	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	55
14	CONFIDENTIAL.....	56
15	CLOSURE OF MEETING.....	56

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.50pm The Presiding Member declared the meeting open.

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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

Members Present:

Cr K Forbes
Cr B Hollingworth
Cr A Budrikis
Cr K Clements
Cr S Grylls
Cr J Mark
Cr J Moir
Cr D Nye-Chart
Cr M Skinner

In Attendance:

Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Ms N Selesnew	Manager Community Services
Mr P Duncan	Manager Development Services
Mr I Bartlett	Manager Works and Services
Mrs K Skinner	Executive Secretary

There were two (2) member(s) of the public in attendance.
There were nil member(s) of the media in attendance.

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

5.1 DELMA BAESJOU – AYTON TAYLOR BURRELL – LOT 2150 SPRING ROAD PORONGURUP

Delma Baesjou on behalf of land owners and proponents of Subdivision WAPC ref 137389.

This proposal is for 17 Rural Residential Lots ranging in size from 1½ to 20ha.

The subdivision is in accordance with:

- The Porongurup Rural Strategy;
- The Precinct Structure Plan; and
- Amendment No 39.

The layout is based on the alternative Subdivision Guide Plan that was endorsed by the Council on 11 March 2008.

I ask that the Council move and adopt the recommendation on page 16 of the Agenda.

5.2 FRED MENTHA – CURATOR FOR THE MOUNT BARKER TURF CLUB

My name is Fred Mentha – long term resident of the Plantagenet Shire, curator for the Mount Barker Turf Club, Football Club member, ex player and ex cricket player.

I am working on a proposal to provide curator services for Frost Oval and Sounness Park to the Council.

The reason I am working on a proposal is because last year the Shire staff were battling to prepare the different grounds within the different requirements and at the right time.

- I propose to work with all the different user groups to determine their requirements and have the grounds prepared to the satisfactory level, including the racing track, football oval and turf wicket.
- I would need to have access to Shire equipment such as mowers and would use additional Pardelup labour where possible. I have completed chemical handling and turf curator courses.
- I believe my proposal to provide curator services would be cost effective for the Council and will free up your parks and Gardens staff to carry out their jobs in other parts of the Shire.
- The proposal will be complete and submitted to Mr Rob Stewart Chief Executive Officer, by this time next week.

6 DISCLOSURE OF INTEREST

Nil

7 APPLICATIONS FOR LEAVE OF ABSENCE

7.1 APPLICANT: CR K FORBES

Cr K Forbes requested Leave of Absence from 18 to 28 June 2008 (inclusive).

Moved Cr M Skinner, seconded Cr B Hollingworth

That Cr K Forbes be granted Leave of Absence from 18 to 28 June 2008 (inclusive).

CARRIED (9/0)

NO. 66/08

8 CONFIRMATION OF MINUTES

Moved Cr J Mark, seconded Cr B Hollingworth

THAT the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 22 April 2008 as circulated, be taken as read and adopted as a correct record.

CARRIED

NO. 67/08

9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 25 April 2008 – Attended the ANZAC Day Service along with other Councillors. Unfortunately the wreath that was ordered arrived late for the service.
- 5 May 2008 – Attended a working group committee meeting in Perth from Department of Environment and Conservation (DEC) and Mr John Lane from the Western Australian Local Government Association (WALGA) regarding the Memorandum of Understanding between WALGA and DEC.
- Attended Plantation Farm Forestry Advisory Committee with Minister Chance.
- 6 May 2008 – With Cr Hollingworth and Mr Bartlett, attended the State Road Congress held in Perth. Also spoke to Senator Sterle who is also on the Senate Estimate Committee about TIRES funding.
- 9 May 2008 – With Cr Hollingworth and Mr Stewart attended the State Budget breakfast held in Albany. There was nothing in this budget for the Shire of Plantagenet although with work being done on the Mount Barker Community College, Mount Barker Police Station, Mount Barker Northern By-Pass and Sewerage Ponds we have had our fair share.
- 14 May 2008 – Will attend the Timber Industry Roads Evaluation Strategy (TIRES) Meeting to confirm allocations for the next financial year.
- 21 May 2008 – Interagency Meeting to be held in Mount Barker.
- 26 May 2008 – Zone Meeting to be held in Katanning.

10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Councillor B Hollingworth

- 25 April 2008 - Attended the ANZAC Day Service. A Dawn Service will be held in Mount Barker in 2009.
- 6 May 2008 - Attended the Roads Forum in Perth and found it to be of great interest.
- 9 May 2008 – Attended the State Budget breakfast in Albany
- 14 May 2008 – TIRES Meeting in Mount Barker
- 14 May 2008 - Lunch at Great Southern TAFE. Great Southern TAFE is communicating with local businesses and government for the part-time employment of overseas students to broaden their practical skills.

Councillor K Clements

- Chairman of Local Emergency Management Committee and advised that a mock disaster would be held in August 2008.
- Lead On – It will only work if we get the youth from the town to become involved.
- Emergency Management Course – very interesting.

Councillor J Mark

- Inspection of crosswalks near both schools.
- Attended a Visitor Centre Meeting – they would like to be part of area promotion in the budget and not under Donations.

Councillor M Skinner

- Attended a Bushfire Advisory Committee Meeting with Mr Vern Drage being recognised for his service as Fire Weather Officer.
- Changeover of the bushfire radio network will be completed shortly.

11 REPORTS OF COMMITTEES AND OFFICERS

11.1 DEVELOPMENT SERVICES REPORTS

11.1.1 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 48 - LOTS 11 AND 12 WARBURTON ROAD, MOUNT BARKER

File No:	LP/181/48
Attachments:	Location Plan Existing Subdivision Guide Plan Proposed Subdivision Guide Plan Full Amendment documents (separate attachment)
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	13 May 2008

Purpose

The purpose of this report is to consider a proposed Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 to alter the subdivision guide plan and relevant provisions of this existing Rural Residential zone.

Background

Amendment No. 20 to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) rezoned the subject land from Rural to Rural Residential. That Amendment was finalised on 16 June 1998. A location plan and a copy of the approved Subdivision Guide Plan are attached.

The land was originally described as Location 4777. Following the rezoning, Lot 4777 was subdivided into the current Lots 11 and 12.

A Scheme Amendment Request (SAR) was not considered necessary in advance of this formal Scheme Amendment as in this instance the land is already zoned Rural Residential. The current proposal involves intensifying the level of subdivision by increasing the lot yield from fifteen (15) lots to thirty-five (35) lots ranging in size from 1ha to 7.8ha.

The land to the west consisting of Lot 752 and 2 Warburton Road is presently the subject of Amendment No. 46 to TPS3 to rezone that land from Rural to Rural Residential. That Amendment was conditionally initiated by the Council at its meeting held on 12 February 2008. The consultants who have prepared this subject Amendment No. 48 have been liaising with the consultants who prepared the earlier Amendment No. 46.

Shire records indicate the owners of the subject land are:

Lot 11 – Alfred John McLaren

Lot 12 – Island Views Pty Ltd

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967 – these have set procedures for amending a Town Planning Scheme including, once initiated by the Council, referral to the Environmental Protection Authority (EPA) for twenty-eight (28) days. Once cleared by the EPA a forty-two (42) day advertising period applies. The Council must consider any submissions lodged within forty-two (42) days of the close of formal advertising and refer its recommendation to the Western Australian Planning Commission (WAPC) and the Minister within twenty-eight (28) days.

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

Consultation

If initiated by the Council and authorised by the EPA this Amendment will be advertised for forty-two (42) days by way of newspaper notice, letters to neighbours and Government agencies, a notice on the Council's notice board and a sign on site.

Financial Implications

The fee of \$3,300.00 has been paid.

Policy Implications

This proposal is generally in accordance with the proposals in the 1997 Mount Barker Local Rural Strategy.

Strategic Implications

Shire of Plantagenet Strategic Plan, under Key Results Area 4 – Development Services, aims 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 Amendment proposes to introduce a new Subdivision Guide Plan over the subject Lots 11 and 12 and also to alter relevant land use controls within this zone. The land use controls propose to remove the ability to establish horticultural ventures due to the reduced lot sizes now proposed and potential land use conflict which could occur.

With the intensification of lot sizes, it is proposed to now provide reticulated scheme water to all lots. The Amendment will need to be modified to include a change to part 8.1 of the Scheme provisions to remove reference to 92,000 litre potable water supply and include a reticulated scheme water condition at the time of subdivision.

The intensification of lot sizes is proposed due to the close proximity of the land to Mount Barker and to be consistent with the proposals for the adjoining Lots 752 and 2 the subject of Amendment No. 46.

The Amendment documentation includes land capability work together with a Fire Management Plan. The proposed Subdivision Guide Plan showing the reconfigured layout includes new subdivisional roads with connections through to adjoining lots to the west which will help with long term connectivity for access and fire safety.

It is proposed to use on-site effluent disposal on all lots due to the land capability and the distance to existing sewer network. The existing Scheme provisions refer to both conventional on-site effluent disposal systems (septic tanks and leach drains) and Aerobic Treatment Unit (ATU) systems and it is considered appropriate to require a modification to parts 9.2 and 9.3 to require the use of ATU systems on all lots in an attempt to achieve a better long term environmental outcome.

The lot layout now proposed includes larger lots of 2ha or larger adjoining the rifle range on the eastern boundary and the vegetated lot to the south. An 80m habitable building setback line is proposed to the east and south.

The Amendment is considered suitable to initiate subject to the changes to 8.1 (reticulated water) and 9.2 and 9.3 (on-site effluent disposal) are carried out prior to referral to the EPA for authorisation to proceed to advertising.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Mark

That:

- 1. Amendment No. 48 to Town Planning Scheme No. 3 be initiated subject to the document being modified in the text to:
 - a. delete special provision 8.1 and introduce a revised 8.1 to require reticulated scheme water to all lots; and**
 - b. delete special provisions 9.2 and 9.3 and replace with revised provisions that require the use of Aerobic Treatment Unit systems on all lots and to not allow the use of conventional on-site effluent disposal systems.****
- 2. Once modified the Amendment be referred to the Environmental Protection Authority in accordance with legislative requirements.**
- 3. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of forty-two (42) days to enable comment to be made.**
- 4. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 9 September 2008.**

AMENDMENT

Moved Cr K Clements, seconded Cr D Nye-Chart

That in point 1 a further point c. be added to read:

- 'c. confirm the location of the Water Corporation pipeline from Bolganup Dam and adjust the document accordingly with easements being noted.'

CARRIED (9/0)

NO. 68/08

COUNCIL DECISION

That:

1. Amendment No. 48 to Town Planning Scheme No. 3 be initiated subject to the document being modified in the text to:
 - a. delete special provision 8.1 and introduce a revised 8.1 to require reticulated scheme water to all lots; and
 - b. delete special provisions 9.2 and 9.3 and replace with revised provisions that require the use of Aerobic Treatment Unit systems on all lots and to not allow the use of conventional on-site effluent disposal systems.
 - c. confirm the location of the Water Corporation pipeline from Bolganup Dam and adjust the document accordingly with easements being noted.
2. Once modified the Amendment be referred to the Environmental Protection Authority in accordance with legislative requirements.
3. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of forty-two (42) days to enable comment to be made.
4. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 9 September 2008.

CARRIED (8/1)

NO. 69/08

11.1.2 LOT 702 WARBURTON ROAD CORNER BLOOMFIELD RISE, MOUNT BARKER – HOME BUSINESS AND OVERSIZED OUTBUILDING

File No: RV/182/400549

Attachments: [Location Plan](#)
[Site Plan](#)
[Floor Plan](#)
[Elevations](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Juliet Albany
Planning Officer

Proposed Meeting Date: 13 May 2008

Purpose

The purpose of this report is to consider an application for a Home Business and oversized outbuilding to accommodate the Home Business and for personal use and storage on Lot 702 Warburton Road Mount Barker.

Background

Lot 702 is 5002m² in area and is on the north side of Warburton Road and is zoned Residential (R2) while across the road on the south side, land is zoned Rural.

The land was the subject of a recent (2007) subdivision of Lot 144 Warburton Road. Lot 702 and 701 have frontage on Warburton Road and are surrounded by Lot 9000 to the north and west. Bloomfield Rise is a cul de sac on the west boundary of Lot 702 to service the future subdivision of Lot 9000 into five further lots of between 5,007m² and 7,092m².

Council records indicate the landowner of Lot 702 is Brent Leon Williss.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No.3 (TPS3)– Home business is an SA use in a Residential zone and may occupy up to 50m² of a building; and the Council has the power to modify development standards in accordance with Clause 5.2.

Western Australian Planning Commission Residential Design Codes (RCodes).

Town Planning Scheme Policy 16 (Outbuildings) criteria 6. Outbuildings proposed for Residential zones are limited to being single storey with a maximum wall height of 3m and a maximum cumulative total floor area of 80m².

Consultation

Shire staff have consulted with the applicant.

Financial Implications

The necessary fee of \$100.00 has been paid.

Policy Implications

There are no policy implications for this report.

Strategic Implications

Shire of Plantagenet Strategic Plan 2003 - Outcome 4:

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

Officer Comment

This report covers two matters:

1. An application for a Home Business -, Mt Barker Carpentry
2. An application for an oversized Outbuilding.

1. Home Business

The applicant advises that he wishes to conduct a Home Business in 50m² of a proposed outbuilding. He owns and runs Mt Barker Carpentry. He will only use the outbuilding for weekend work. Mostly it will be used for storage of tools, timber and materials. Much of his work is conducted on the site of the job and not in the workshop. The applicant's proposal has not been advertised however the two neighbours most likely to be affected have written raising no objections to the proposal. The Council may choose however to advertise the application.

2. Oversized Outbuilding

The subject Lot is zoned Residential (R2). Land on the opposite side of Warburton Road (Lot 1330) is zoned Rural.

The outbuilding is to be set 70m from the front boundary, 30m from the rear boundary and 8m from the east boundary. This meets setback requirements under the R Codes and the Town Planning Scheme Policy 16 (Outbuildings).

The applicant proposes to use part of the outbuilding for a Home Business – Mt Barker Carpentry. He will also use the outbuilding for personal uses and for storage of materials. The land is cleared with the exception of a row of mature eucalypts on the north boundary and three large remnant Marri scattered on the lot.

The outbuilding design incorporates a central gable and skillion roofs over galleries on either side. It has more visual texture and is potentially less intrusive than a plain gabled outbuilding of this size.

The wall height proposed for the central part of the outbuilding is 3.6m. This is set back behind the skillion roofs. The height of the walls of the outer areas of the outbuilding are 2.4m. The floor area is to be 140m². Outbuildings on land zoned Residential (R2) are to be a maximum wall height of 3m and a cumulative total floor area of 80m². This land abuts Rural zoning and in part functions as a visual transition between urban and rural land in a similar manner to land zoned Rural Residential.

There are two houses near Lot 702, one on Lot 9000 across Bloomfield Rise and facing Warburton Road and another on the opposite side of Warburton Road (Lot 1330). These land owners could be impacted by this proposal. The land surrounding Lot 702 (Lots 9000 and 701) is in one ownership. The two owners of Lots 9000 and 701, and Lot 1330 have indicated in writing that they have no objection to the proposal.

A house to the east is approximately 144m away and set amongst bushland. Given the design of the building and the proposed setbacks and potential for landscaping this building will not be intrusive. On the basis that the proposed subdivision of Lot 9000 is for larger lots this proposal is not seen as out of place given the rural land across the road and the surrounding rural character.

The applicant is proposing to undertake a minimum of work in the shed when necessary, however it is advisable that the use of machinery be restricted to times that will not impinge on the neighbours. It is recommended that the machinery be operative only from 7.00am – 4.30pm weekdays and 9.00am – 4.00pm Saturdays, Sundays and public holidays.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Mark

That the application for a Home Business and oversized outbuilding on Lot 702 Warburton Road, corner Bloomfield Rise, Mount Barker submitted by Brent Leon Williss be approved subject to:

- 1. The applicant being advised that the outbuilding is not to be used for human habitation.**
- 2. Machinery within the outbuilding operating only from 7.00am – 4.30pm weekdays and 9.00am – 4.00pm Saturdays, Sundays and public holidays.**

CARRIED (9/0)

NO. 70/08

11.1.3 LOT 828 ALBANY HIGHWAY, MOUNT BARKER – PROPOSED DOG KENNEL ESTABLISHMENT

File No: RV/182/154
Attachments: [Location Plan](#)
[Site Layout Plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Juliet Albany
Planning Officer
Eric Howard
Environmental Health Officer
Proposed Meeting Date: 13 May 2008

Purpose

The purpose of this report is to consider an application to develop a Dog Kennel Establishment at Lot 828 Albany Highway Mount Barker.

Background

Council records indicate the owners are Susan G Liebeck, Peggy J Slade and Peter F Slade.

The subject land, Halsey Farm, is zoned Rural and has frontage onto Albany Highway approximately 5.8km north of Mount Barker on the east side of the Highway.

The applicants, Peter and Susan Slade advise that they have advertised their intention to apply for a Kennel Establishment Licence as required under the Dog Act 1976 from the 13 March 2008. They have also advised that they have informed, by letter, their nine (9) neighbours. The applicants state that they 'feel there is a strong demand for a purpose built boarding kennel in the Plantagenet Shire to house dogs for short and long term overnight stays.'

The kennel is to be for mixed breeds, each dog to have its own kennel and yard, beginning with six (6) kennels and with a further fourteen (14) to be completed within twelve (12) months.

Statutory Environment

Planning and Development Act 2005

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

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

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

Shire of Plantagenet Dogs Local Law 2008 – *(the Local Law)*

Part 4 – Approved Kennel Establishments – this part requires a proponent to apply for a licence for such an establishment.

Section 4.3 reads as follows:

'4.3 Notice of proposed use

(1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged –

- (a) once in a newspaper circulating in the district; and*
- (b) to the owners and occupiers of any premises adjoining the premises.*

(2) The notice in subclause (1) must specify that –

- (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and*
- (b) the applications and plans and specifications may be inspected at the offices of the local government.*

(3) Where –

- (a) the notices given under subclause (1) do not clearly identify the premises; or*
- (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,*

then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.'

Section 4.6 and 4.7 state:

'4.6 Determination of application

In determining an application for a licence, the local government is to have regard to –

- (a) the matters referred to in clause 4.7;*
- (b) any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises;*
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;*
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;*
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and*
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.*

4.7 Where application cannot be approved

The local government cannot approve an application for a licence where –

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a town planning scheme; or*

- (b) *an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.'*

The Local Law permits the transfer of a licence to another person.

Environmental Protection Act 1986

Environmental Protection Authority (EPA) Guidance for the Assessment of Environmental Factors – Separation Distances between Industry and Sensitive Land Uses - requires a separation of 500m for noise and odour for Dog Kennels in Rural zones.

Consultation

The applicant advertised the proposal for twenty one (21) days and has written to nine (9) neighbours. The applicant has submitted a copy of the 'Notice of Intention to make application' with eight (8) signatures of adjoining neighbours supporting the application.

One (1) phone call supporting the proposal has been received from Marcus McPharlin, a neighbour to the Slades. His land is some 1.9km from the proposed kennel.

Two (2) objections to the development have been received: one on the basis of noise and loss of value of neighbouring land and one from an operator of an existing local dog kennel.

Financial Implications

The applicant has paid the planning consent fee of \$126.50 and a fee of \$123 for a Kennels Establishment Licence under the Local Law.

Policy Implications

There are no policy implications for this report.

Strategic Implications

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

'Encourage new businesses that will create long term sustainable local employment.'

Officer Comment

The Local Law requires any person establishing dog kennels to obtain both Planning Consent and a Licence to keep an approved Kennel Establishment.

Eight (8) of the nine (9) near neighbours are supportive of the proposal. The nearest neighbours are approximately 450m of the proposed kennels.

One (1) neighbour living 600m to the south of the proposal to the west of Albany Highway raises objections regarding the noise of barking dogs and that a real estate agent informed them that the proposal could devalue their property.

An owner of existing dog kennels (Mount Barker Boarding Kennels) in St Werburghs Road, Mrs Barbara Dixon, has written to object on the grounds that:

- a. She and her husband opened their boarding kennels as a reputable business and to supplement their pension;
- b. She would like to continue providing quality service to Mount Barker and surrounding areas, including assistance to people needing urgent animal accommodation;
- c. At peak times she boards a maximum of 10 dogs per day whilst off peak accommodation of only 4-6 dogs per day; and
- d. She feels that a second boarding kennel would be detrimental to her business.

The last point about competition cannot be considered as this would be contrary to the National Competition Policy.

The applicants have designed the kennel to minimise any potential adverse noise transmission. The kennels have been positioned on the eastern side of the applicant's house and will be surrounded by shelter belts.

If noise complaints are received then action can be taken by the Council's Environmental Health Officer under the Environmental Protection Act.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr D Nye-Chart seconded Cr B Hollingworth

That the application for a Dog Kennel Establishment on Lot 828 Albany Highway Mount Barker be approved, and a licence to keep an approved Kennel Establishment on Lot 828 Albany Highway, Mount Barker be issued subject to the approved kennel establishment being operated and maintained in accordance with the provisions of the:

- 1. West Australian Dog Act 1976.**
- 2. Shire of Plantagenet Dogs Local Law 2008.**

CARRIED (9/0)

NO. 71/08

11.1.4 LOT 1542 FISHER ROAD CORNER HALSEY ROAD, KENDENUP - CHANGE OF USE FROM HOME OCCUPATION TO GALLERY

File No: RV/182/4786
Attachments: [Location Plan](#)
[Site plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Cobie MacLean
Administration Officer Planning
Proposed Meeting Date: 13 May 2008

Purpose

The purpose of this report is to consider an application to change the use from Home Occupation to Gallery for Lot 1542 Fisher Road corner Halsey Road, Kendenup.

Background

The Council at its meeting held 11 July 2006, approved an application for a Home Occupation when it resolved at resolution 209/06:

'Pursuant to Council Resolution 209/06 of 11 July 2006, planning consent is hereby granted in respect of Application 32/06 for Lot 542 Fisher Road, Kendenup to be used for the purpose of Home Occupation (Bookbinding and Leatherworks) in accordance with plans dated 8 June 2006, subject to the following conditions:

- (1) This approval does not include the sale of goods from Lot 542 Fisher Road, Mount Barker.*
- (2) The approval period is twelve (12) months from the date of the Council's decision and subject to application for annual renewal thereafter.*
- (3) The 0.2m² sign allowed under the definition of Home occupation being located on the subject land.*

ADVICE NOTES:

- (i) If the development, the subject of this approval, is not substantially commenced within a period of twelve (12) months, the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.*
- (ii) Where, in the opinion of the Council, the Home Occupation is causing a nuisance or annoyance to neighbours or causing an adverse impact on the amenity of adjoining properties, the Council may not renew the Planning Consent and thereafter the business activities must cease.*
- (iii) The definition of Home Occupation set out in Town Planning Scheme No. 3 and associated restrictions apply to this Home Occupation.'*

On 18 March 2008 an application for planning consent was received to change from the already approved Home Occupation to Workshop / Gallery. The applicant provided a letter explaining that the Gallery and Workshop would be open for public access for

onsite sales and exhibitions. The products are handmade and do not involve the use of heavy power tools or machinery. The applicant proposes to trade during the hours of 10.00am – 4.00pm Wednesday to Sunday and on public holidays where applicable.

The application was advertised under delegation with letters to adjoining landholders, in the newspaper, a sign on site and on the Administration building notice board. The advertising period closed 29 April 2008.

One (1) submission raising no objection was received from an adjoining landholder.

Shire records indicate the owners of the subject land are Keith Ovans and Beatrice Rosemarie Inderbitzen.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural. A Gallery is an 'SA' use which means that the Council may, at its discretion, permit the use after public advertising has been given.

Consultation

The application was advertised for twenty-one (21) days with a closing date of 29 April 2008. One submission was received which raised no objection to the proposal.

Financial Implications

The fee of \$100.00 has been paid.

Policy Implications

There are no policy implications for this report.

Strategic Implications

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

'Encourage new businesses that will create long term sustainable local employment.'

Officer Comment

The applicant has built a suitable structure, however this is currently a Class 10A building under the provisions of the Building Code of Australia (BCA). To have the building comply with the BCA the building will need to be reclassified to Class 6 (Shop). This will need to be completed prior to opening to the public.

A further site plan showing public access and car parking facilities will be required before the proposal can commence. A minimum of two (2) marked bays will be required for customers.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Mark

That the application for a Gallery / Workshop at Lot 1542 Fisher Road corner Halsey Road, Kendenup submitted by Keith Ovans and Beatrice Rosemarie Inderbitzen be approved subject to:

- 1. The building being reclassified to a Class 6 building (Building Code of Australia) prior to the Gallery opening to the public.**
- 2. A site plan showing a minimum of two (2) marked car parking bays being submitted prior to the Gallery opening to the public.**
- 3. The Gallery is to operate only between the hours of 10.00am – 4.00pm.**

CARRIED (9/0)

NO. 72/08

11.1.5 LOCATION 2150 SPRING ROAD, PORONGURUP – SEVENTEEN (17) LOT SUBDIVISION

File No: LP/158/137389, RV/182/3922

Attachments: [Location Plan](#)
[Revised Subdivision Guide Plan](#)
[Current Subdivision Guide Plan](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Juliet Albany
Planning Officer

Proposed Meeting Date: 13 May 2008

Purpose

The purpose of this report is to respond to the Western Australian Planning Commission (WAPC) regarding a proposal for a seventeen (17) lot subdivision on Lot 2150 Spring Road Porongurup.

Background

The Shire of Plantagenet Porongurups Rural Strategy December 1996 (the Strategy) in which the subject land, Lot 2150 Spring Road was identified as a part of Precinct G1. A precinct Structure Plan for Precinct G1 was prepared following the adoption of the Strategy.

Lots 2150 and 6045 are the subject of a proposed Scheme Amendment (No. 39) to rezone the land from Rural to Rural Residential. This is in line with the recommendations of the Strategy. Amendment No. 39 has been advertised for comment and the submissions along with the Council's recommendation was referred to the WAPC on 15 October 2007.

Lot 10 to the south and Lot 2150 were the subject of a boundary realignment proposal in order to better manage soils and remnant vegetation, approved by WAPC in February 2008. An advice note to the applicant from WAPC, states – *'The Commission is aware of the current Scheme Amendment over existing Lot 2150, which proposes to rezone this land to Rural Residential. If this rezoning proposal is approved, the boundary realignment proposed under this application would result in a portion of Lot 2150 remaining in the Rural Zone. Any future proposal to subdivide this remaining Rural portion would not be supported unless prior rezoning of the land from Rural to a more appropriate zone has occurred.'* The current proposal for subdivision does not include either of the two areas mentioned.

An Alternative Subdivision Guide Plan for Amendment No. 39, dated February 2008 was supported by the Council at its meeting held on 11 March 2008 and is currently with the WAPC. This Subdivision Guide Plan includes both Lots 2150 and 6045. This proposal accords with the Alternative Subdivision Guide Plan.

Shire Records indicate the current owners of Lot 2150 as being Peter G Glen and Catherina J Glen.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Presently zoned Rural and subject to Amendment No. 39 to rezone the land to Rural Residential.

Consultation

These locations have been the subject of extensive consultation through the current proposed Amendment No. 39 and through the formulation of the Shire of Plantagenet Porongurups Rural Strategy 1996.

Financial Implications

There are no financial implications for this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

Shire of Plantagenet Porongurups Rural Strategy 1996 identifies the subject land as part of Precinct G1 capable of some Rural Residential development.

Officer Comment

The proposal is in line with the proposed Amended Subdivision Guide Plan of Amendment No. 39. Both the proposed Amendment No. 39 and the proposal the subject of this report are responsive to the Strategy and the extensive community consultation that has occurred over the history of the area.

The Precinct Structure Plan recommends an absolute maximum of one (1) dwelling per four (4)ha.

The Amendment No. 39 report refers to reduced pavement width and protection of the character of Spring Road and this will be essential to the overall design.

The proposed subdivision now at hand only involves Lot 2150 which is the western portion of the land being rezoned in Amendment No. 39. Lot 6045 to the east will be a second stage of the subdivision.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Hollingworth

That the Western Australian Planning Commission be advised that the proposed seventeen (17) lot subdivision on Lot 2150 Spring Road Porongurup is supported subject to:

- 1. The subdivision being in accordance with the provisions of Town Planning Scheme No 3 Amendment No. 39, and is not to proceed, and no site works**

- are to be undertaken until such time as that Amendment has been finalised and approved by the Hon. Minister for Planning and Infrastructure.
2. Any proposal to subdivide the recently acquired western portion of Lot 2150, formerly known as Lot 10 and zoned Rural requires a further rezoning prior to subdivision.
 3. All lots are to be provided with frontage to a public road designed, drained and constructed to the satisfaction of the Manager Works and Services.
 4. Spring Road will be upgraded as a demonstration road pursuant to the Scheme Amendment documentation including traffic calming with single lane and passing areas by the developer.
 5. The road crossing of the waterway is to be via a bridge to the satisfaction of the Manager Works and Services.
 6. A nutrient stripping sediment retention drainage management plan for road pavement storm water being prepared to the satisfaction of the Manager Works and Services.
 7. A Creek / Waterway Foreshore Management Plan being prepared which will address amongst other things: remnant vegetation protection, fencing of foreshore and buffer areas, no fencing through the foreshore area, weed removal and revegetation where necessary and the ongoing management of the foreshore to the satisfaction of the Manager Works and Services.
 8. Each dwelling shall be provided with a potable water supply with a minimum 92,000 litre capacity and will be fitted with appropriate connections to enable water to be used for fire fighting purposes.
 9. Construction of Strategic Fire Breaks to full gravel standards by the developer to the satisfaction of Fire and Emergency Services Authority (FESA) and the Manager Works and Services.
 10. Construction of driveways / accessways to building envelopes by the developer at subdivision stage to the satisfaction of the Manager Works and Services.
 11. Battleaxe legs to be designed, constructed, drained and sealed to the satisfaction of the Manager Works and Services.
 12. Construct, drain and seal the roadway on the western boundary for its complete length from the subdivision road through to the sealed Stoney Creek Road to the satisfaction of the Manager Works and Services.
 13. Construct, drain and seal the eastern section of the subdivisional road from the western boundary, over Lot 6045 through to Spring Road to the satisfaction of the Manager Works and Services.
 14. Truncations are to be provided at all intersections of public roads and at battleaxe legs to the satisfaction of the Manager Works and Services.
 15. No boundary fencing shall be permitted in areas of remnant vegetation.
 16. No boundary fencing shall be constructed of fibre cement, metal sheeting, or wooden picket. If fencing is utilised it shall be of rural construction such as post and strand to the satisfaction of the Manager Development Services.

17. All remnant vegetation and creek foreshore areas are to be fenced. All strategic fire breaks are to be on the outside of the fence to the satisfaction of the Council.
18. Revegetation shall be undertaken and maintained for a period of three years, from the date of subdivision approval to the satisfaction of the Manager Works and Services.
19. Subdivision and development is to be in accordance with the Fire Management Plan for the land as endorsed by FESA and the Shire of Plantagenet, and shall require implementation and maintenance of the developer's, property owner's and local government's responsibilities detailed in that plan. A hazard reduction program to be implemented as a part of the Fire Management Plan to the satisfaction of the Council.
20. Notification to all prospective land purchasers of the relevant Town Planning Scheme provisions including:
 - a. the requirement for water tanks with a minimum capacity of 92,000 litres;
 - b. onsite effluent disposal is the responsibility of individual landowners and the requirement to apply to the Council for approval to construct or install sewage treatment on site and the use of Aerobic Treatment Unit (ATU) systems where conventional septic systems are inappropriate (conventional septic systems to be setback a minimum of 100m from waterways, ATU to be setback a minimum of 50m from waterways);
 - c. provision of a copy of the Fire Management Plan and the Bush Fire Survival Manual; and
 - d. section 70A notification on the Titles of AS 3959.
21. The preparation and distribution to all prospective purchasers of an information sheet:
 - a. which discourages the keeping of cats and dogs on lots adjacent to areas of remnant vegetation and the creek / foreshore zone and promotes measures that should be taken to minimise the impact pets have on native fauna (e.g. night curfews for cats, keeping dogs on leashes or in fences); and
 - b. regarding weed and dieback control.

CARRIED (9/0)

NO. 73/08

11.1.6 LOT 3469 LAKE BARNES ROAD, NARRIKUP - APPLICATION FOR TEMPORARY ACCOMMODATION

File No: RV/182/3923
Attachments: [Location Plan](#)
[Site Plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 13 May 2008

Purpose

The purpose of this report is to consider an application for Temporary Accommodation at Lot 3469 Lake Barnes Road, Narrikup.

Background

An application has been received from the owner of Lot 3469 Lake Barnes Road, Narrikup seeking approval to occupy a caravan located on the lot for a period of twelve (12) months during the construction of a Class 1a dwelling, also located on the lot.

A Building Licence (Building Licence No. 2930) has been issued for a Class 1a dwelling. The applicants intend to reside within a caravan located on the property and utilise ablution facilities provided within an existing outbuilding.

Council records indicate the landowner as being Richard Ralph O'Connor.

Statutory Environment

Caravan Parks and Camping Ground Regulations 1997 Section (11) (2) states as follows:

- (2) *Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) *by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
 - (b) *by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
 - (c) *despite paragraph (b), by the local government of the district where the land is situated —*
 - (i) *if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
 - (ii) *if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'*
-

Consultation

There has been no consultation for this report.

Financial Implications

There are no financial implications for this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The applicant has formally agreed to comply with the provisions and conditions expressed in the Council's 'Application for Temporary Accommodation' document.

The applicant wishes to reside on site during the construction of the dwelling to maintain site security and to expedite the building project.

It is expected that the dwelling will be constructed to a habitable standard within twelve (12) months and therefore temporary accommodation will be required for a period of between six (6) and twelve (12) months.

The Council may revoke the temporary accommodation approval at any time during this approval period.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr D Nye-Chart

That the application for temporary accommodation at Lot 3469 Lake Barnes Road, Narrikup submitted by R. O'Connor be approved for a maximum period of twelve (12) months from 13 May 2008 subject to:

- 1. Inspection and certification by the Council's Environmental Health Officer that the facility meets all relevant health and safety standards.**
- 2. Satisfactory progress being achieved with the construction of the Class 1a dwelling.**

Advice Note:

The approval to occupy temporary accommodation may be revoked at any time within the twelve (12) month approval period.

CARRIED (9/0)

NO. 74/08

11.2 WORKS AND SERVICES REPORTS**11.2.1 POLICY REVIEW - VEHICLE SPECIFICATIONS**

File No: PS/120/8
Responsible Officer: Ian Bartlett
 Manager Works and Services
Author: Megan Sounness
 Administration Officer
Proposed Meeting Date: 13 May 2008

Purpose

The purpose of this report is to review Council Policy No. I/FM/2 – Vehicle Specifications.

Background

Council Policy No. I/FM/2 – Vehicle Specifications reads as follows:

OBJECTIVE:

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

POLICY:**THAT:**

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

Vehicle Specifications

Vehicle Type (or equivalent)	Ford Fairmont	Holden Commodore Sedan	Ford Territory	Toyota Ateva	4WD Dual Cab Utility	4WD Utility	2WD Utility
Officer	CEO	Deputy CEO	Manager Works & Services, Manager Development Services	Environmental Health Officer, Building Surveyor	Manager Community Services, Engineering Technical Officer, Works Supervisor, Ranger	Workshop Supervisor, Saleyards Manager	Maintenance Services, Storeman
Laminated, tinted Windscreen	YES	YES	YES	YES	YES	YES	YES

Factory air conditioning	YES	YES	YES	YES	YES	YES	YES
Mud flaps	YES	YES	YES	YES	YES	YES	YES
Standard CD Player / Radio	YES	YES	YES	YES	YES	YES	YES
Lockable fuel cap	YES	YES	YES	YES	YES	YES	YES
Headlight protectors	YES	YES	YES	YES	YES	YES	YES
Seat Covers (where possible)	ALL SEATS	ALL SEATS	ALL SEATS	ALL SEATS	ALL SEATS	ALL SEATS	ALL SEATS
Rubber floor mats	FRONT & BACK (Note 1)	FRONT & BACK	FRONT & BACK	FRONT & BACK	FRONT & BACK	FRONT & BACK	FRONT & BACK
Compliance plates	To match year of supply	To match year of supply	To match year of supply	To match year of supply	To match year of supply	To match year of supply	To match year of supply
Minimum 3 litre EFI petrol	YES	YES	YES	YES	YES	YES	YES
2.5 litre diesel turbo option	YES	NO	YES	NO	YES	YES	YES
Transmission	AUTOMATIC	AUTOMATIC	AUTOMATIC	AUTOMATIC	MANUAL (Note 2)	MANUAL	MANUAL
Power steering	YES	YES	YES	YES	YES	YES	YES
Tow bar / ball & electrics with 6 pin plug	YES	NO	YES	NO	YES	YES	YES
Bull bar	NO	NO	NO	NO	POLISHED ALUMINIUM	POLISHED ALUMINIUM	POLISHED ALUMINIUM
Doors	4 DOOR HATCH	4 DOOR WAGON	4 DOOR 4WD WAGON	4 DOOR SEDAN	4 DOOR DUAL CAB	2 DOOR CAB	2 DOOR CAB
Tray	N/A	N/A	N/A	N/A	STEEL OR DROP SIDE OR WELL BODY	STEEL OR DROP SIDE OR WELL BODY	STEEL OR DROP SIDE OR WELL BODY
Canopy	N/A	N/A	N/A	N/A	OPTIONAL	OPTIONAL	OPTIONAL
Hoist	N/A	N/A	N/A	N/A	NO	YES	NO (Note 3)
Immobiliser	APPROVED	APPROVED	APPROVED	APPROVED	APPROVED	APPROVED	APPROVED
Cruise Control	YES	YES	YES	YES	YES	YES	YES

Notes:

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

Statutory Environment

Local Government Act 1995

Local Government (Functions and General) Regulations 1996.

Consultation

Consultation has occurred between Ms Andrea Smithson – RoadWise Road Safety Officer, Mr Rob Stewart – Chief Executive Officer, Mr Ian Bartlett – Manager Works and Services and Ms Megan Sounness – Administration Officer Works and Services.

Consultation has also occurred with the Occupational Safety and Health Committee.

Financial Implications

There are no direct financial implications for this report. However, changes to the arrangements for calling of tenders and / or quotes from the current 50,000km to 80,000km or 2 years (whichever occurs first) will result in the Council's light fleet vehicles being changed over less frequently and should result in savings on vehicle changeover costs.

However, maintenance costs may rise and arrangements have been made in the draft 2008 / 2009 budget for additional funds.

Policy Implications

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

Asset Management Implications

This Policy relates to the acquisition of capital plant items.

Strategic Implications

The Council's Strategic Plan, Key Results Area 1, New Initiative 1.4 provides the following:

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

To achieve this we will:

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

Officer Comment

It is considered that the current Policy does not make adequate reference to safety requirements for fleet vehicles purchased by the Council. The inclusion into the Policy of standard features such as Electronic Stability Control, Airbags, ABS Brakes, Seatbelt Alert System, Cargo Barriers, Automatic Daytime Running Lights, Fire Extinguisher and First Aid Kit would assist in the purchasing of safer vehicles for the Council's light vehicle fleet.

These features have been discussed with Ms Andrea Smithson, RoadWise Road Safety Officer. Ms Smithson has also recently made a presentation to the Occupational Safety and Health Committee in relation to the development of a workplace fleet safety policy.

The Shire of Plantagenet is committed to addressing fleet safety. Enhancing this Council Policy to include these priority vehicle safety features will address a vital component of the implementation of an overall comprehensive workplace fleet safety policy.

It is also considered that the current Policy does not meet the organisational requirements of the Shire. It is believed that a changeover period of 80,000km or 2

years (whichever occurs first) is more suitable than the current changeover period of 50,000km. Recent research has shown that the Council's current policy of trading in light vehicles at 50,000km may not be financially prudent.

Other minor alterations have been made to the Policy to ensure that the nominated features for each fleet vehicle are reasonable and meet the requirements of the Council Officer that will ultimately be driving them. Specifications for two (2) additional fleet vehicles; Parks and Gardens and Mechanic, have also been included as they have been purchased further to the last review of the Policy.

Point three (3) of the Policy has been amended with the replacement of 'Passenger vehicles' to 'All light fleet vehicles'. This clarifies that not only should the sedans be 4 star Australasian New Car Assessment Program (ANCAP) rated or better, but also the utilities. The substitution of 'Australian' to 'Australasian' has also been made to correctly reflect the meaning of the acronym ANCAP.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr M Skinner

That Council Policy I/FM/2 – Vehicle Specifications as follows:

OBJECTIVE:

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

POLICY:

That:

- 1. Arrangements for the calling of tenders and / or quotes as applicable for the replacement of the Council's light fleet vehicles be at 80,000km or 2 years (whichever occurs first) unless vehicles are under other contractual arrangements for purchase / changeover.**
- 2. All existing PL. registration plates shall be retained at changeover.**
- 3. All light fleet vehicles shall have a 4 star Australasian New Car Assessment Program (ANCAP) rating or better.**
- 4. Only vehicles available at a Government price shall be purchased.**
- 5. Specifications for all light fleet vehicles be according to the table as attached, unless negotiated otherwise.**

be endorsed.

CARRIED (9/0)

NO. 75/08

11.3 CORPORATE SERVICES REPORTS

11.3.1 BUDGET REVIEW AND OVERDRAFT FACILITY – MARCH 2008

File No: FM/103/3
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 13 May 2008

PURPOSE

The purpose of this report is to adjust the adopted 2007 / 2008 Annual Budget to recognise variations in actual income and expenditure. This is necessary to facilitate appropriate financial control and ensure that the Council's financial resources are allocated in the most effective manner.

Background

The 2007 / 2008 annual budget was adopted by the Council at its meeting on 31 July 2007. Other budget reviews for the current financial year were undertaken in September 2007 and January 2008.

Statutory Environment

There is no specific section of the Local Government Act 1995 that deals with the re-allocation of funds, however Section 6.2(1) of the Local Government (Financial Management) Regulations 1996 governs budget requirements for local governments.

Regulation 33A now requires a Local Government to conduct a mandatory budget review between 1 January and 31 March each year.

Section 6.20 of the Local Government Act 1995 refers to taking out of overdraft facilities.

Consultation

Consultation has occurred with department managers.

Policy Implications

There are no policy implications for this report.

Financial Implications

The purpose of a budget review is to ensure that the expenditure for the current year is monitored in line with the adopted budget and, where exceptions to the adopted budget occur, make amendments to the budget or work scope as necessary. There are some financial implications with this report, however the overall effect on the budget is nil ie: changes in incomes are offset by changes in expenditure.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

This is the third budget review since the new computer system was introduced in July 2007. Most of the system changes have been dealt with satisfactorily in the previous budget reviews, however, there are more changes to budget items as a result of system differences, which are not further explained below. These changes may show as additional expenditure and / or income, however the overall impact on the budget is minimal. A number of other more significant discrepancies have been identified as requiring a budget amendment and action is recommended as detailed below.

OPERATING

- Other Expenses - Rate Recovery / Legal Costs (20009.0071, Budget \$15,000, Actual \$41,930) Approximately \$25,000 has been spent on issuing over 200 general procedure claims for non-payment of rates. This is fully recoverable and accordingly, Budget Item Rates Penalties & Fees - Legal Costs Reimbursed (10004.0069) has been increased by the same amount.
- Rates Employee Costs – Salaries (20000.0130, Budget \$73,987, Actual \$48,947) Savings have been identified in this account and the sum of \$9,000 can be made available for reallocation.
- Interest on Municipal Investments (10009.0067 Budget \$148,000.00 Actual \$162,824) In view of greater than expected returns, this budget item can be adjusted by \$54,000.
- Other Expenses - Audit Fees (20033.0259, Budget \$8,400, Actual \$12,050) Auditors spent more time than normal on resolving issues with the accounts for the 2006 / 2007 financial year.
- Administration - Conferences & Training (20047.0029, Budget \$15,000, Actual \$14,944) More than anticipated has been spent on Civica Authority training. An additional \$5,000 is required for this year.
- Administration Employee Costs - Long Service Leave (20047.0311, Budget Nil, Actual \$2,493). This account has been used for payments to other local governments for former employees' entitlements. An estimated \$4,200 is required for this financial year.
- Administration Employee Costs – Superannuation (20047.0141, Budget \$69,107, Actual \$57,862). This account was underestimated due to differences in current employees' superannuation choices. An additional \$8,000 is sought.
- Waste Disposal Sites - Grounds Maintenance (20165.0052, Budget \$280,682, Actual \$279,875). This budget item was under-budgeted as additional salaries for manning tip sites was not catered for. An estimated total of \$353,382 is needed for the total year. This cost reflects the current of running the waste disposal sites.
- Parks – Building and Grounds Maintenance. Some adjustment to accounts due to different Civica Authority set-up is sought. Savings of \$37,500 have also been identified.

CAPITAL

- Road Construction - Spencer Road TIRES (51262.0250). In the September 2007 budget review report, it was advised that there has been significantly more work than predicted in completing the Hay River crossing as part of the Spencer Road bypass, due to the amount of fill required to be removed and ballast brought in.

Five Spencer Road Bypass jobs were therefore combined together. With Main Roads approval, the surplus funds from a number of other jobs are required for this project, totalling \$410,206, as follows:

- 51241.250 Spencer Road RRG 2006/07 (SLK .46 to SLK 1.54) \$223,566;
- 51266.250 Springs Road TIRES (Bal Blue Lakes/Perillup Rds) \$ 16,609;
- 51267.250 Martigallup Rd TIRES (SLK 4.0 to SLK 10.0) \$ 44,121;
- 51268.250 Martigallup Rd 2nd Seal TIRES (SLK 0 to SLK 10.2) \$125,910.

The end result of the suggested changes is a nil net balance.

As indicated in the January 2008 budget review, the Council may fall short of municipal cash towards the end of this financial year and into July 2008. Arrangements have been made with Bendigo Bank for a short term overdraft to accommodate this situation and the statutory advertising has been undertaken. The bank was asked to determine special rates for the Shire and the costs of this facility have now been confirmed as follows:

- Application Fee - 0.25% of amount required eg: \$1,250 on \$500,000;
- Annual Review Fee - \$400.00 - This is only if the overdraft is required on an ongoing basis & is not due until after the first twelve (12) months;
- Interest Rate – 10.25% - this is at the current rate and is charged on a daily basis on the amount of overdraft being utilised - not the entire overdraft amount.

These fees would only kick in when the facility is needed and the Council only needs to apply once. The Bendigo Bank does, however require a formal agreement to be signed and sealed which places a charge over the Shire's rates income to cover the overdraft.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Moved Cr K Clements, seconded Cr B Hollingworth

That:

1. The adopted 2007 / 2008 Annual Budget be amended as follows:

Account	Description	Original Budget	New Budget	Net Amount
20009.0071	Other Expenses - Rate Recovery / Legal Costs	\$ (15,000)	\$ (42,000)	\$ (27,000)
20000.0130	Rates Employee Costs - Salaries	\$ (73,987)	\$ (64,987)	\$ 9,000
10004.0069	Rates Penalties & Fees - Legal Costs Reimbursed	\$ 5,000	\$ 32,000	\$ 27,000
10009.0067	Interest on Municipal Investments	\$ 148,127	\$ 202,127	\$ 54,000
20033.0259	Other Expenses - Audit Fees	\$ (8,400)	\$ (14,000)	\$ (5,600)
20047.0029	Administration - Conferences & Training Administration Employee Costs - Long Service	\$ (15,000)	\$ (20,000)	\$ (5,000)
20047.0311	Leave	\$ -	\$ (4,200)	\$ (4,200)
20047.0141	Administration Employee Costs - Superannuation	\$ (69,107)	\$ (77,107)	\$ (8,000)
20071.0182	Fire Prevention - Vehicle Running Costs	\$ -	\$ (3,500)	\$ (3,500)
20074.0312	Fire Prevention - Other Operating Costs	\$ (15,000)	\$ (11,500)	\$ 3,500
20078.0130	Animal Control - Employee Costs - Salaries	\$ (28,815)	\$ (22,315)	\$ 6,500
20080.0312	Animal Control - Other Operating Costs	\$ (13,500)	\$ (20,000)	\$ (6,500)
20165.0052	Waste Disposal Sites - Grounds Maintenance	\$ (280,682)	\$ (353,382)	\$ (72,700)
20212.0047	Parks - Facilities Maintenance	\$ (93,485)	\$ (112,485)	\$ (19,000)

20212.0048	Parks - Facilities Operating	\$ (6,000)	\$ (12,000)	\$ (6,000)
20211.0010	Parks - Building Maintenance	\$ (40,000)	\$ (23,500)	\$ 16,500
20211.0011	Parks - Building Operating	\$ (68,000)	\$ (22,000)	\$ 46,000
20227.0312	Street Lighting - Other Operating Costs	\$ (27,000)	\$ (32,000)	\$ (5,000)
51241.0250	Spencer Road RRG 2006/07 (SLK .46 to SLK 1.54)	\$ (238,716)	\$ (15,150)	\$ 223,566
51266.0250	Springs Road TIRES (Bal Blue Lakes/Perillup Rds)	\$ (67,557)	\$ (50,948)	\$ 16,609
51267.0250	Martigallup Rd TIRES (SLK 4.0 to SLK 10.0)	\$ (150,000)	\$ (105,879)	\$ 44,121
51268.0250	Martigallup Rd 2nd Seal TIRES (SLK 0 to SLK 10.2)	\$ (180,891)	\$ (54,981)	\$ 125,910
51262.0250	Spencer Road TIRES 2004/05 (SLK 0 to SLK6)	\$ (529,550)	\$ (939,756)	\$ (410,206)

2. Authority be granted to the Shire President and the Chief Executive Officer to execute and affix the Common Seal of the Council to the documentation required by the Bendigo Bank Limited for an overdraft facility.

Motion to Adjourn Question

Moved Cr M Skinner, seconded Cr K Clements

That the question be adjourned until the ordinary meeting of the Council to be held on 27 May 2008.

CARRIED (8/0)

NO. 76/08

11.3.2 POLICY – HALL HIRE DONATIONS

File No: RV/134/3
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna Stevens
Senior Administration / Human Resources Officer
Proposed Meeting Date: 13 May 2008

Purpose

The purpose of this report is to amend Council Policy A/PA/4 'Halls - Request To Waive Hire Charges'.

Background

At its meeting held 24 July 2007, the Council adopted the following policy.

'OBJECTIVE:

To enable the Council to properly account for both hall and equipment hire charges and to protect the Council's assets from misuse or inadvertent damage:

POLICY:

- (1) That for any hire of a Council facility or Council owned equipment, the appropriate bond, as adopted by the Council shall be paid by the hirer.*
- (2) Where the hire charges for Council owned buildings are waived or discounted, the relevant hire charges be raised and a corresponding sum be charged to a donation account.*
- (3) Organisations enjoying 'bond free' status be advised in the terms of (1) and (2) above.'*

During a recent Council workshop to discuss fees and charges, it was agreed that the fees for hall hire be reduced to encourage greater use, on the basis that the relevant policy on hall hire donations be reviewed, such that there should be no donations or waivers on hall hire.

Statutory Environment

There are no statutory implications for this report.

Consultation

There has been no consultation for this report.

Financial Implications

There are no direct financial implications for this report, although this policy is recommended to maintain proper fiscal control of building hire activities.

Policy Implications

This item proposes to amend the current policy.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

On the basis of the workshop discussion, it is considered that the wording of this policy can be amended to the effect that the Council will not consider donating or waiving charges on hall hire (except as part of the budget grants process) as the fees have been set at a lower rate to encourage greater use.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements seconded Cr J Moir

That the following amended Council Policy A/PA/4 'Halls - Request To Waive Hire Charges':

'OBJECTIVE:

To enable the Council to encourage use of Council venues, properly account for both hall and equipment hire charges and to protect assets from misuse or inadvertent damage:

POLICY:

- (1) That for any hire of a Council facility or Council owned equipment, the appropriate bond, as adopted by the Council shall be paid by the hirer.
- (2) As the Council has set hall hire fees at a rate designed to encourage greater use of such facilities the Council will not consider further donations of hall hire except during the budget grants process.'

be adopted.

CARRIED (9/0)

NO. 77/08

11.3.3 THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW REVIEW

File No:	LE/98/8
Attachments:	<u>Thoroughfares and Public Places and Trading Local Law with proposed amendments</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	John Gilfellow Consultant
Proposed Meeting Date:	13 May 2008

Purpose

The purpose of this report is to allow the Council to adopt the proposed Activities in Thoroughfares and Public Places and Trading Amendment Local Law and to allow for advertising for public comment.

Background

The purpose of this local law is to update the terminology and legislative titles used in the principal local law adopted in 2001 and to introduce a penalty for persons in charge of horses who fail to remove horse excreta from non-exempt thoroughfares and public places within townsites.

The effect of this local law is to have a local law that meets the needs of the users of thoroughfares and public places and current legislation.

The principal local law was gazetted on 9 November 2001. The Shire of Kojonup Activities on Thoroughfares and Trading in Thoroughfares and Public Places local law was adopted by reference with a number of modifications. The local law is in the form of the Western Australian Local Government Association (WALGA) model local law.

The vast majority of modifications gazetted in 2001 related to correcting drafting errors and updating changes to legislation.

A significant 2001 modification was the inclusion of the following clause:-

'5.11 Permit to clear

- (1) *A person shall not clear and maintain in a cleared state, the surface of a thoroughfare outside a gazetted town boundary, beyond 2m of that person's land without first obtaining a permit and any other approvals which may be required under any written law.*
- (2) *A person shall not clear and maintain in a cleared state, the surface of any thoroughfare within a gazetted town boundary, without first obtaining a permit and any other approvals which may be required under any written law.'*

A question was raised during discussions between the Council and the consultant, Mr Gilfellow, regarding the two metre clearing limit and whether legislation stated 1.5 metres. The Environmental Protection (Clearing of Native Vegetation) Regulations 2004

prescribe that clearing is permitted if 'Clearing of Crown land along a fence line to provide access to construct or maintain a fence between alienated Land (Freehold) and Crown land – if the clearing is no more than 1.5m from the fence line.' The Local Law has been amended to reduce the 2m to 1.5m.

The issue of horses excreting in public places was raised during a meeting with staff. A suitable subclause was located in the City of Swan Consolidated Local Law which has been included in this local law. Although not preventing excretion, the clause makes it an offence liable to a modified penalty if not removed immediately by the person in charge of the horse. This penalty is the same as for dogs excreting in public places. The subclause relates to townsites only.

The following subclause has been added to clause 4.2 in the current local law:-

'(3) Any person liable for the control of a horse who permits that horse to excrete in a public place or other local government property within any townsite in the district commits an offence unless the excreta is removed immediately and disposed of either on private land with consent of the owner or occupier or in such other manner as the local government or an authorised person may approve.'

'Kendenup' has been deleted from the definition of townsite as it is not a gazetted townsite and the title *Planning and Development Act 2005* has been substituted where mentioned. Apart from some minor wording amendments the remainder of the local law does not require modification.

At the Council meeting held on 25 March 2008 the above amendments to the Thoroughfares Local Law were presented to the Council. The Council resolved:

'That the question be adjourned so that a further report can be prepared regarding horses on Council property other than thoroughfares and presented to the meeting of the Council to be held on 22 April 2008.'

A list of exempted areas has now been added to the amended as per the Council's request.

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 the 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.

Section 3.18 of the Local Government Act 1995 requires that a local government is to administer its local laws.

Consultation

The Shire's intention to review the Activities in Thoroughfares and Public Places and Trading Local Law and inviting public submissions was advertised on the 12 May 2007. The submission period was open for 42 days. No public submissions were received.

A 42 day public submissions period on the proposed Activities in Thoroughfares and Public Places and Trading 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.

Consultation has occurred with the Shire's Principal Environmental Health Officer, Mr Eric Howard, who recommends that the Council does not proceed with exempting any areas from clause 4.2(3), as currently all equestrian events are approved with a number of conditions, including:

'It is the responsibility of the organiser to ensure that all horse manure produced as a result of the event is collected and deposited at a designated disposal site nominated by and subject to the approval of the Shire's Head Gardener, and this officer may be contacted through the Shire's Works Depot on telephone 98512356'.

Mr Howard believes that this provision like many others can be enforced if and when appropriate and should remain as a legitimate legislative tool.

Notwithstanding Mr Howard's comments, the exempt areas have been included in the recommendation.

Financial Implications

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

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The following amendments are proposed for the Activities in Thoroughfares and Public Places and Trading Local Law:

1. General

- (a) Wherever the word 'authorized' appears in the local law substitute the word 'authorised'.
- (b) Wherever the Act title '*Liquor Licensing Act 1988*' appears in the local law, substitute the title '*Liquor Control Act 1988*'.

- (c) Wherever the Act title '*Weights and Measures 1915*' appears in the local law, substitute the title '*Trade Measurement Act 2006*'.
- (d) Wherever the title 'Police Service' appears in the local law, substitute the title 'Western Australian Police'.

2. 1.2 - Definitions

- (a) Wherever '*Town Planning and Development Act 1928*' appears substitute '*Planning and Development Act 2005*'.
- (b) In the definition of the 'townsite', substitute the words 'the townsite of Mount Barker, Kendenup, Narrikup and Rocky Gully' with the words 'townsites within the district'.

3. 1.4 - Repeal

Delete the whole of clause '1.4'

4 Clause 4.2 – Prohibitions relating to animals

Add the following clauses:

'4.2(3) Any person liable for the control of a horse who permits that horse to excrete in a public place or other local government property within any townsite in the district commits an offence unless the excreta is removed immediately and disposed of either on private land with consent of the owner or occupier or in such other manner as the local government or an authorised person may approve.

4.2(4) The following areas are exempt from the provisions of subclause (3) –

- (a) Pwakkenbak Trail;
- (b) Mondurup Trail;
- (c) Ural's Trail;
- (d) Frost Park (Reserve 1790);
- (e) Polocrosse Grounds (Reserve 27184); and
- (f) Lot 81 McDonald Avenue, Mount Barker (Tree Farm).'

5. Clause 5.2 – Application

Substitute the wording of the Clause with the words 'This Part does not apply to any townsite within the district'.

6. Clause 5.11 Permit to clear

In subclause 5.11(1) delete the measurement 2m and substitute 1.5m

7. Schedule 1 – Prescribed Offences

Add immediately after the line 4.2(2)(c) under the respective 'Clause' 'Description' and 'Modified Penalty \$' columns the following –

4.2(3) – Permitting a horse to excrete in a public place - 100

A copy of the proposed Activities in Thoroughfares and Public Places and Trading Amendment Local Law is attached.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr S Grylls, seconded Cr J Mark

That the proposed amendments to the Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law, as detailed below, be adopted and advertised for public comment:

1. General

Wherever the word 'authorized' appears in the local law substitute the word 'authorised'.

2. 1.2 – Definitions

(a) Wherever 'Town Planning and Development Act 1928' appears substitute 'Planning and Development Act 2005'.

(b) In the definition of the 'townsite', delete 'Kendenup,'.

3. 1.4 – Repeal

Delete the whole of clause '1.4'

4. Clause 4.2 - Prohibitions relating to animals

Add the following clauses:

'4.2(3) Any person liable for the control of a horse who permits that horse to excrete in a public place or other local government property within any townsite in the district commits an offence unless the excreta is removed immediately and disposed of either on private land with consent of the owner or occupier or in such other manner as the local government or an authorised person may approve.

4.2(4) The following areas are exempt from the provisions of subclause (3)-

(a) Pwakkenbak Trail;

(b) Mondurup Trail;

(c) Ural's Trail;

(d) Frost Park (Reserve 1790);

(e) Polocrosse Grounds (Reserve 27184); and

(f) Lot 81 McDonald Avenue, Mount Barker (Tree Farm).'

5. Clause 5.2 - Application

Substitute the wording of the Clause with the words 'This Part does not apply to any townsite within the district'.

6. Clause 5.11 Permit to clear

In subclause 5.11(1) delete the measurement 2m and substitute 1.5m

7. Schedule 1 - Prescribed Offences

Add immediately after the line 4.2(2)(c) under the respective 'Clause' 'Description' and 'Modified Penalty \$' columns the following -
4.2(3) - Permitting a horse to excrete in a public place - 100'.

CARRIED (9/0)

NO. 78/08

(ABSOLUTE MAJORITY)

11.4 EXECUTIVE SERVICES REPORTS

11.4.1 POLICY REVIEW - COMMITTEE MEETINGS

File No: CR/120/2
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Kaye Skinner
Executive Secretary
Proposed Meeting Date: 13 May 2008

Purpose

The purpose of this report is to review Council Policy CE/CS/3 – Committee Meetings.

Background

Council Policy CE/CS/3 – Committee Meetings reads as follows:

‘That the Council will, with regard to the attendance by members of the public at Council appointed Committee Meetings, permit members of the public to attend such meetings, notwithstanding the provisions of Section 5.23 (1) of the Local Government Act 1995 provided that the provisions of Section 5.23 (2) of the Act are adhered to.’

Statutory Environment

Subject to Section 5.23 subsection (2), the following are to be open to members of the public:

- (a) all council meetings; and
- (b) all meetings of any committee to which a local government power or duty has been delegated.

If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting. Section 5.23 (3) states ‘*A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*’

As Council committees do not enjoy any delegation of a power or duty, they need not be open to members of the public.

Financial Implications

There are no financial implications for this report.

Policy Implications

This report seeks the review of the Council’s Policy regarding Committee Meetings.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

It is considered that the current policy is adequate although an ‘objective’ is necessary.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements , seconded Cr B Hollingworth

That Council Policy CE/CS/3 – Committee Meetings as amended:

Objective:

A local government may establish committees of 3 or more persons to assist the Council and to exercise the powers and discharge the duties.

POLICY:

‘That the Council will, with regard to the attendance by members of the public at Council appointed Committee Meetings, permit members of the public to attend such meetings, notwithstanding the provisions of Section 5.23 (1) of the Local Government Act 1995 provided that the provisions of Section 5.23 (2) of the Act are adhered to.’

be endorsed.

CARRIED (9/0)

NO. 79/08

11.4.2 DELEGATIONS - ANNUAL REVIEW

File No:	CM/142/1
Attachments: (1)	Delegations
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Kaye Skinner Executive Secretary
Proposed Meeting Date:	13 May 2008

Purpose

The purpose of this report is to present the Delegations Register for endorsement.

Background

Delegations are granted to the Chief Executive Officer (CEO) (and other Officers in some instances) to assist in the efficient and effective running of the organisation so as to preclude many minor matters from coming before the Council and to maximise service to members of the public, residents and ratepayers. Delegations were generally endorsed by the Council at its meeting held on 8 May 2007.

Statutory Environment

Section 5.42 of the Local Government Act 1995 provides for a Local Government to delegate to the CEO the exercise of any of its powers or the discharge of its duties.

The Act also provides, at Section 5.43, a number of powers or duties that cannot be delegated. Furthermore, pursuant to Section 5.44 of the Act, the CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under the Act other than the power of delegation. Such delegation must be in writing.

Importantly, Section 5.45 of the Act provides that a delegation has effect for the period of time specified in the delegation or, where no period has been specified, indefinitely.

Nevertheless, at least once every financial year, delegations are to be reviewed by the delegator. Any delegation granted by the Council to the CEO must be reviewed once every financial year.

Finally, a person to whom a power or duty is delegated under the Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Financial Implications

There are no financial implications for this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr D Nye-Chart

That Delegations LG 001 to LG 003, LG 005 to LG 011, LG 013 to LG 031, LG 033, LG 035 to LG 038, LG 040 to LG 045 be adopted.

CARRIED (9/0)

NO. 80/08

(ABSOLUTE MAJORITY)

11.4.3 FEES – WASTE – METHOD OF CHARGING

File No: WM/103/2

Responsible Officer: John Fathers
Deputy Chief Executive Officer
Ian Bartlett
Manager Works and Services

Author: Cherie Delmage
Accountant
Megan Sounness
Administration Officer – Works and Services

Proposed Meeting Date: 13 May 2008

Purpose

The purpose of this report is to recommend a methodology for collecting fees and charges for the disposal of waste at the Council's various landfill and transfer station sites and to recommend modifications to the applicable fees and charges. The recommended option has the additional benefit of encouraging waste reduction in line with the zero waste philosophy.

Background

At its meeting held 24 July 2007, the Council adopted a series of fees for waste disposal within the Shire of Plantagenet for inclusion in the 2007 / 2008 Annual Budget. These fees were not implemented during the financial year.

At its meeting held 8 April 2008, the Council resolved that:

- '1. *All waste deposited at the Council's fenced and staffed Waste Facilities by other than Council staff or contractors be charged at the following rates, such rates being recommended for adoption during the 2008 / 2009 Budget Adoption process.*

<i>Materials Accepted</i>	<i>Charge per cubic metre or part thereof</i>
<i>Clean fill</i>	<i>No charge</i>
<i>Uncontaminated and sorted scrap metal</i>	<i>No Charge</i>
<i>Uncontaminated Green Waste</i>	<i>No Charge</i>
<i>All other waste</i>	<i>\$10.00</i>

In addition, O'Neill Road will accept:

Materials Accepted	Charge
Asbestos	\$50/m ³
Septage	\$10/kilolitre (kl)
Carcases	\$2.00 small animal \$10.00 large animal
Waste Oil	0.20c/litre
Recyclables (if placed in provided bin or nominated area)	No charge

For those residents not receiving a weekly kerbside rubbish pickup, a free weekly allowance of up to .5m³ of waste be implemented, such allowance being non-cumulative and only available on provision of satisfactory evidence that no kerbside pickup is available.

- 2. That a further report be prepared for the Council Meeting to be held on 26 August 2008 addressing the implementation of a proposal granting all residents across the Shire four (4) free weekends per year to dispose of residential bulky rubbish at the Mount Barker, Kendenup, Porongurup and Kamballup Landfill / Transfer Station Sites.'*
- 3. A further report be prepared for the Council Meeting to be held on 26 August 2008 relating to Local Law changes that may be necessary to effect changes to materials that may be deposited at waste sites.*
- 4. The matters referred to in part (1) above be widely advertised for public information.'*

Statutory Environment

Health Act 1911.

Local Government Act 1995 (Section 6.17) relates to the setting of fees and charges.

Section 40 of the Health Act 1911 relates to the adoption of a general health rate.

Local Laws relating to the Operation of the Shire of Plantagenet Landfill and Transfer Station Facilities 2004.

Consultation

No external consultation has taken place with regard to the recommendations in this report. If adopted, public dissemination will be required in conjunction with the advertising associated with the Council's previous decision of 8 April 2008.

Financial Implications

It is expected that revenue in the order of \$50,000.00 will be raised through the suggested fees.

Policy Implications

A number of policy implications were detailed in the report to the Council at its meeting held 8 April 2008.

Strategic Implications

The Council's Strategic Plan Key Result Area 2 - Infrastructure provides as an aim: 'To protect the community's health by managing waste in a timely, effective, economic and environmentally safe manner.'

Officer Comment

This report generally recommends to the Council the previously adopted regime for charging to deposit rubbish at waste sites, but with some amendments which are considered to make the scheme fairer and easier to manage.

An issue that needs to be determined is the practicality of implementing the following:

'For those residents not receiving a weekly kerbside rubbish pickup, a free weekly allowance of up to .5m³ of waste be implemented, such allowance being non-cumulative and only available on provision of satisfactory evidence that no kerbside pickup is available.'

There needs to be clarity for staff as to what constitutes satisfactory evidence that no kerbside pickup is available. If this is not properly determined, it could lead to potential disagreement with customers and possible abuse of the system.

The other reason for this report relates to the methodology for collecting money. The waste disposal sites that the fees will apply to immediately are Mount Barker and Kendenup tips and in the future, the Porongurup and Kamballup sites will have the charges in place.

It is considered that an account system could be established for known commercial customers, whereby a record of waste disposed of could be completed and signed for on each drop and a monthly account issued. New commercial customers would need to apply to the Shire for an account before being permitted to deposit waste. Any commercial customers who default on payment would have their account cancelled and would have to buy credits or otherwise pay beforehand.

With regard to residential customers, some research has been undertaken as to the methods undertaken by other local governments in this regard and the two options are considered to be collection of money at the waste disposal sites or the use of a tip pass and token system. These systems together with a brief outline of their advantages and disadvantages are outlined below.

Collection of Tipping Fees at Waste Disposal Sites

Residential customers would pay by cash at the waste disposal sites, which would necessitate providing cash tins to tip site staff with an adequate float. It is estimated that the staff would need to deposit the cash (and possibly replenish the float change) at the Shire Office at least twice a week. Staff would have to take the floats home as there would not be an adequate method of securing them within the temporary buildings at the

tip sites. A receipt book would also be provided. Depending on the amount of cash taken, there may be a requirement to deliver takings to a manager on weekends.

The advantage with this system is that, provided the correct change is on hand, all residential customers can be catered for without the need for a pass, token or prior payment at the Shire Office. The disadvantages are the possibility of running out of change and the logistics of replenishing change and the security issues in handling money. This relates to the possible risk to staff in carrying money and the potential loss or theft of money.

An alternative would be for customers to pay by cash at the Shire Office, but this would be inconvenient for people using the sites far from the office and not possible on weekends.

Implementation of a Tip Pass System

There are several possible ways of implementing a tip pass system. After some discussion by staff, there are two main options discussed in this report. One way that a tip pass could operate is that ratepayers who do not receive a weekly rubbish collection service would receive a tip pass, to be sent out just prior to the start of the financial year, containing 52 tokens. Each square box on the pass is referred to as a token. Passes would be wallet sized cards.

Each token would allow free entry into any of the Council manned waste disposal sites, with rubbish equivalent to one 240 litre MGB. Passes would not be sent out with rates notices due to the possibility of passes being sent to ratepayers who do not qualify for them and that some people may not read them if they come in the rates notice envelope.

Tokens would be 'punched' using a special tool for the purpose. The choice of tip pass options will depend on how strongly the Council wishes to pursue the zero waste philosophy.

Together with the tip passes, a pamphlet would be issued explaining the purpose and rules of using the pass. This same pamphlet could also be issued to ratepayers who receive a weekly rubbish collection service, so that they are aware of the new charging system.

The current price of rubbish collection per 240 litre MGB (\$132.00 / 52 Weeks) is \$2.53. Each token would therefore be worth around \$2.50. (About 90% of the cost of refuse collection and disposal relates to waste disposal and management, with 10% being for the collection.)

As stated above, there are two main options provided for such a system. Option 1 is that each tip pass token enables a customer to take the equivalent of one 240 litre MGB into the tip, allowing the use of more than one token, depending on how much rubbish is being disposed of. For example a rural customer could visit a tip site once a week with one Mobile Garbage Bin (MGB) with one token being punched. Alternatively, they could visit a tip site once a month with the equivalent of four MGBs of waste and have four tokens punched. Unlike residential customers who get a limited number of chances to put their rubbish out, this option does not encourage rural customers to minimise their waste.

Option 2 requires the use of two different types of tip passes. The pass provided to rural customers who do not receive a refuse collection service would enable a customer to take the equivalent of one 240 litre MGB into the tip each week. Each token would only be valid for a particular week. If the rural customer misses a week, then they would have to purchase a pre-paid refuse disposal pass. This second type of pass would be available for purchase by other people who wish to use the tip sites. This option encourages rural customers to minimise their waste and is therefore the preferred option.

Depending on which option is selected, passes could be purchased from the Shire Office in units of 10 tokens (\$25.00), 20 tokens (\$50.00) or 52 tokens (\$130.00). Such tokens could be purchased and used by rural residents who do not receive the passes from their landlords or have used up all their tokens, residential customers who receive a rubbish collection service but who wish to use the waste sites and non Shire of Plantagenet based customers.

Charges for waste disposal over and above a 240 litre MGB would be based on this primary token value. For example, the Council could charge the following token values, which would be more easily determinable by tip site staff and should provide less opportunity for argument than the \$10.00 per m³ (or part thereof) charge. The charges for each token value would be adjusted each year in line with the value of the rubbish collection service.

Item	Tokens Required	Charge
1 x 120 litre or 240 litre Mobile Garbage Bin (and units of 240 litre thereafter)	1	\$ 2.50
Car / Stationwagon Boot Load	2	\$ 5.00
Van - Utility – Trailer (not exceeding 1.8m x 1.2m)	4	\$ 10.00
Small Truck (2-4 tonne)	12	\$ 30.00
Medium Truck (4-6 tonne)	16	\$ 40.00
Truck (6-8 tonne)	24	\$ 60.00
Truck (8 plus tonne single axle)	32	\$ 80.00
Truck (8 plus tonne dual axle)	40	\$100.00
Truck (semi trailer 20m ³ capacity)	80	\$200.00
Bulk Bin (3m ³ or less)	12	\$ 30.00
Bulk Bin (3m ³ - 6m ³)	16	\$ 40.00
Bulk Bin (6m ³ - 10m ³)	24	\$ 60.00
Bulk Bin (exceeding 10m ³)	40	\$100.00
Car Body (if placed in recyclable area)	Free	Free
Truck Body / Large Equipment (if recyclable)	Free	Free
White Goods	Free	Free
Asbestos (\$50/m ³ or part thereof)	20	\$ 50.00
Batteries (car, truck etc)	Free	Free
Uncontaminated, sorted scrap metal	Free	Free
Uncontaminated timber	Free	Free
Uncontaminated green waste	Free	Free
Clean fill	Free	Free
Septage (\$10/kl)	4	\$ 10.00
10L Waste Oil (to be deposited in the Oil Recycling Facility) (and units of 10 litre thereafter)	1	\$ 2.50
Carcases (small animal)	1	\$ 2.50
Carcases (large animal)	4	\$ 10.00

Asbestos would continue to be paid for at the Shire Office as it requires additional arrangements for immediate coverage.


Where new owners move into a property, the tip pass should remain with the property. If new owners do not receive a pass, or in the event of passes being lost, then a new pass could be issued at a cost of the pass chosen (Either \$25.00, \$50.00 or \$130.00).


If option 1 is selected, an example pass may look like the following:

1	2	3	4	5	6	7	8	9	10	11	12	13	14
40	41	 Shire of Plantagenet <i>No. 0001</i> Waste Facilities Pass Value \$130.00 Valid Until 30 June 2009										47	15
39	42											48	16
38	43											49	17
37	44											50	18
36	45											51	19
35	46											52	20
34	33											32	31

OPENING HOURS	<p>Mount Barker Landfill Site Tues, Thurs and Sat 1.00pm – 5.00pm Wed and Fri 8.00am – 12.00noon Sun 10.00am – 6.00pm</p>
	<p>Kamballup Landfill Site Friday 1.00pm – 5.00pm</p>
	<p>Kendenup Landfill Site Tuesday, Thursday 12 noon – 4.00pm Saturday 12 noon – 4.00pm Sunday 10.00am to 4.00pm</p>
	<p>Porongurup Transfer Station Monday and Saturday 8.00am – 5.00pm Thursday 8.00am – 12.00noon</p>
	<p>'All tips are closed Christmas Day and Good Friday.'</p>

If option 2 is selected, the front of the two different types of passes required may look like the following:

6 Jul	13 Jul	20 Jul	27 Jul	3 Aug	10 Aug	17 Aug	24 Aug	31 Aug	7 Sep	14 Sep	21 Sep	28 Sep	5 Oct
5 Apr	12 Apr	 Shire of Plantagenet No. 0001 Waste Facilities Pass Value \$130.00 Tokens are valid in the week ending the date shown (2008/09)										24 May	12 Oct
29 Mar	19 Apr											31 May	19 Oct
22 Mar	26 Apr											7 Jun	26 Oct
15 Mar	3 May											14 Jun	2 Nov
8 Mar	10 May											21 Jun	9 Nov
1 Mar	17 May											28 Jun	16 Nov
22 Feb	15 Feb											8 Feb	1 Feb

1	2	3	4	5	6	7	8	9	10	11	12	13	14
40	41	 Shire of Plantagenet No. 0001 Pre-paid Waste Disposal Pass Value \$130.00 Valid Until 30 June 2009										47	15
39	42											48	16
38	43											49	17
37	44											50	18
36	45											51	19
35	46											52	20
34	33											32	31

The advantages of this system are:

- No risk of loss of cash or problems with having enough change.
- This scheme fulfils the aim of providing the equivalent of a free weekly allowance of a standard 240 litres of rubbish to rural customers (the same as provided under the rubbish collection charge), whilst allowing them the flexibility to take rubbish to the tip sites as frequently as they choose.
- There is clarity as to what evidence is required to prove status. Only the tip passes supplied would establish this status. The charges for various types of vehicle are also clear to staff and customers.

The disadvantages are:

- There is some administrative overhead in ordering and distributing passes.
- The scheme requires community awareness. Customers who are not aware of the scheme and go to the tip sites without a pass, would be refused entry.

The tip pass and token system addresses many organisational concerns in relation to the implementation of tipping fees in the Shire of Plantagenet. Subject to appropriate advertising and adequate notification to ratepayers and residents when the passes are issued, it is considered that this is the more appropriate option.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

That:

1. A pre-paid tip pass and rural token system be adopted as the method for collecting fees and charges for the disposal of waste at the Council's various landfill and transfer station sites for the 2008 / 2009 financial year, as described in option 2 of this report.
2. The following fees and token values be included in the 2008/09 draft budget:

Item	Tokens Required	Charge
1 x 120 litre or 240 litre Mobile Garbage Bin (and units of 240 litre there-after)	1	\$ 2.50
Car / Stationwagon Boot Load	2	\$ 5.00
Van - Utility – Trailer (not exceeding 1.8m x 1.2m)	4	\$ 10.00
Small Truck (2-4 tonne)	12	\$ 30.00
Medium Truck (4-6 tonne)	16	\$ 40.00
Truck (6-8 tonne)	24	\$ 60.00
Truck (8 plus tonne single axle)	32	\$ 80.00
Truck (8 plus tonne dual axle)	40	\$100.00
Truck (semi trailer 20m ³ capacity)	80	\$200.00
Bulk Bin (3m ³ or less)	12	\$ 30.00
Bulk Bin (3m ³ - 6m ³)	16	\$ 40.00
Bulk Bin (6m ³ - 10m ³)	24	\$ 60.00
Bulk Bin (exceeding 10m ³)	40	\$100.00
Car Body (if placed in recyclable area)	Free	Free
Truck Body / Large Equipment (if recyclable)	Free	Free
White Goods	Free	Free
Asbestos (\$50/m ³ or part thereof)	20	\$ 50.00
Batteries (car, truck etc)	Free	Free
Uncontaminated, sorted scrap metal	Free	Free
Uncontaminated timber	Free	Free
Uncontaminated green waste	Free	Free
Clean fill	Free	Free
Septage (\$10/kl)	4	\$ 10.00
10 litre Waste Oil (to be deposited in the Oil Recycling Facility) (and units of 10 litre thereafter)	1	\$ 2.50
Carcases (small animal)	1	\$ 2.50
Carcases (large animal)	4	\$ 10.00

COUNCIL DECISION

Moved Cr K Clements, seconded Cr D Nye-Chart

That:

1. A pre-paid tip pass and rural token system be adopted as the method for collecting fees and charges for the disposal of waste at the Council's various landfill and transfer station sites for the 2008 / 2009 financial year, as described in option 2 of this report except that four (4) tokens per month per domestic household be issued to rural properties who do not receive a Mobile Garbage Bin service.
2. The following fees and token values be included in the 2008/09 draft budget:

Item	Tokens Required	Charge
1 x 120 litre or 240 litre Mobile Garbage Bin (and units of 240 litre thereafter)	1	\$ 2.50
Car Boot Load	2	\$ 2.50
Stationwagon Boot Load	2	\$ 5.00
Van - Utility – Trailer (not exceeding 1.8m x 1.2m)	4	\$ 10.00
Small Truck (2-4 tonne)	12	\$ 30.00
Medium Truck (4-6 tonne)	16	\$ 40.00
Truck (6-8 tonne)	24	\$ 60.00
Truck (8 plus tonne single axle)	32	\$ 80.00
Truck (8 plus tonne dual axle)	40	\$100.00
Truck (semi trailer 20m ³ capacity)	80	\$200.00
Bulk Bin (3m ³ or less)	12	\$ 30.00
Bulk Bin (3m ³ - 6m ³)	16	\$ 40.00
Bulk Bin (6m ³ - 10m ³)	24	\$ 60.00
Bulk Bin (exceeding 10m ³)	40	\$100.00
Car Body (if placed in recyclable area)	Free	Free
Truck Body / Large Equipment (if recyclable)	Free	Free
White Goods	Free	Free
Asbestos (\$50/m ³ or part thereof)	20	\$ 50.00
Batteries (car, truck etc)	Free	Free
Uncontaminated, sorted scrap metal	Free	Free
Uncontaminated timber	Free	Free
Uncontaminated green waste	Free	Free
Clean fill	Free	Free
Septage (\$10/kl)	4	\$ 10.00
10 litre Waste Oil (to be deposited in the Oil Recycling Facility) (and units of 10 litre thereafter)	1	\$ 2.50
Carcases (small animal)	1	\$ 2.50
Carcases (large animal)	4	\$ 10.00
Separated Recyclables	Free	Free

CARRIED (8/1)

NO. 81/08

Reason for Change

1. Differentiate between a car boot load and a stationwagon load.
2. Enable rural token holders to utilise landfill / transfer station facilities once per month.
3. Add recyclables category.

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

14 CONFIDENTIAL

Nil

15 CLOSURE OF MEETING

4.45pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ **DATE:** _____ / _____ / _____