



## ORDINARY AGENDA

**DATE:** Tuesday, 7 September 2010

**TIME:** 2:45pm

**VENUE:** Council Chambers, Lowood  
Road, Mount Barker WA 6324

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

## **MEMBERSHIP – Quorum (5)**

### **Members:**

Cr K Clements - Shire President  
Cr M Skinner - Deputy Shire President  
Cr B Bell  
Cr A Budrikis  
Cr S Etherington  
Cr L Handasyde  
Cr S Grylls  
Cr G Messmer  
Cr J Moir

*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.*

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## TABLE OF CONTENTS

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ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	PUBLIC QUESTION TIME.....	1
3.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	1
3.2	PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995.....	1
4	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	1
5	DISCLOSURE OF INTEREST .....	1
6	APPLICATIONS FOR LEAVE OF ABSENCE .....	1
7	CONFIRMATION OF MINUTES.....	1
8	COMMITTEE MINUTES.....	2
9	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION .....	2
10	ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION .....	2
11	REPORTS OF COMMITTEES AND OFFICERS.....	3
11.1	DEVELOPMENT SERVICES REPORTS.....	3
11.1.1	LOT 101 HALSEY ROAD, MOUNT BARKER - RELOCATED DWELLING.....	3
11.1.2	LOT 47 OATLANDS ROAD CORNER SOUNNESS STREET MOUNT BARKER – RELOCATED OUTBUILDING WITH REDUCED SIDE AND REAR BOUNDARY SETBACKS.....	5
11.1.3	LOT 702 WARBURTON ROAD CORNER BLOOMFIELD RISE MOUNT BARKER – HOUSE WITH REDUCED SIDE AND SECONDARY STREET BOUNDARY SETBACKS .....	8
11.1.4	TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 56 - RESERVE 31528 OATLANDS ROAD/HASSELL STREET, MOUNT BARKER - PUBLIC PURPOSE TO RESIDENTIAL.....	11

---

<b>11.2</b>	<b>WORKS AND SERVICES REPORTS.....</b>	<b>14</b>
<b>11.3</b>	<b>COMMUNITY SERVICES .....</b>	<b>14</b>
<b>11.4</b>	<b>CORPORATE SERVICES REPORTS .....</b>	<b>14</b>
11.4.1	CEMETERIES LOCAL LAW - AMENDMENT.....	14
<b>11.5</b>	<b>EXECUTIVE SERVICES REPORTS.....</b>	<b>19</b>
11.5.1	LEASE OF PLANTAGENET LOCATION 81, MCDONALD AVENUE (FROST PARK) TO INTEGRATED TREE CROPPING LIMITED - TERMINATION.....	19
11.5.2	DEMOGRAPHIC INFORMATION - SOUTHERN LINK VOLUNTARY REGIONAL ORGANISATION OF COUNCILS .....	21
11.5.3	SOUTH COAST NATIONAL LANDSCAPES.....	23
11.5.4	CONFERENCE ATTENDANCE - COUNCILLOR KEN CLEMENTS - SUSTAINABLE ECONOMIC GROWTH FOR REGIONAL AUSTRALIA .....	25
<b>12</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>27</b>
<b>13</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....</b>	<b>27</b>
<b>14</b>	<b>CONFIDENTIAL.....</b>	<b>28</b>
<b>14.1</b>	<b>WORKS AND SERVICES REPORTS.....</b>	<b>28</b>
14.1.1	TENDER C01-1011 GRAVEL PUSHING AND GENERAL BULLDOZING HIRE .....	28
<b>14.2</b>	<b>EXECUTIVE SERVICES REPORTS.....</b>	<b>29</b>
14.2.1	CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW .....	29
<b>15</b>	<b>CLOSURE OF MEETING.....</b>	<b>30</b>

## **1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

On establishing there is a quorum, the Presiding Member will declare the meeting open.

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

Members Present:

In Attendance:

Previously Approved Leave of Absence:

Cr G Messmer – 28 September 2010

Cr J. Moir – 6 to 10 September 2010 inclusive

Emergency Evacuation Procedures/Disclaimer:

## **3 PUBLIC QUESTION TIME**

### **3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

### **3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995**

## **4 PETITIONS / DEPUTATIONS / PRESENTATIONS**

## **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

## **6 APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 Local Government Act 1995

## **7 CONFIRMATION OF MINUTES**

**Minutes, as circulated, of the Ordinary Meeting of the Shire of Plantagenet, held on 17 August 2010.**

*Officer Recommendation*

*That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 17 August 2010 as circulated, be taken as read and adopted as a correct record.*

**8 COMMITTEE MINUTES**

**9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

**10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION**

## 11 REPORTS OF COMMITTEES AND OFFICERS

### 11.1 DEVELOPMENT SERVICES REPORTS

#### 11.1.1 LOT 101 HALSEY ROAD, MOUNT BARKER - RELOCATED DWELLING

<b>File No:</b>	<b>N15783</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Site Plan</a> <a href="#">Floor Plan and Elevations</a> <a href="#">Photograph</a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>7 September 2010</b>
<b>Applicant:</b>	<b>John Bald</b>

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#### **PURPOSE**

The purpose of this report is to consider an application for a relocated dwelling at Lot 101 Halsey Road, Mount Barker.

#### **BACKGROUND**

Shire records show the registered owners of Lot 101 are A and S Liebeck. The proponent intends relocating the purpose built transportable house presently located at Lot 1930 Richard Road, Parkerville to Lot 101 Halsey Road, Mount Barker.

#### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005.

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

#### **EXTERNAL CONSULTATION**

The applicant was requested to provide a consent letter form the landowners allowing the house to be relocated to Lot 101 Halsey Road. The landowners in a letter received on 27 August 2010 provided their consent.

#### **FINANCIAL IMPLICATIONS**

The application fee of \$135.00 has been paid and a \$10,000.00 bond will be required as a condition of approval.

#### **POLICY IMPLICATIONS**

Council Policy No. TP/SDC/5 – Housing – Relocation of Houses – requires various conditions to be satisfied including a \$10,000.00 bond, engineer's certification, and removal of asbestos cladding if being brought into the Shire. The bond is required to

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ensure the house is completed to an acceptable standard. The bond is refundable upon completion of the house.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

### **OFFICER COMMENT**

The subject land is located approximately 5.3km north of Mount Barker and 750m off Albany Highway on Halsey Road. The land is 14.82ha in located in a Rural Zone.

The house is a six year old purpose built T&R two bedroom transportable home and is in a good condition (photograph included). No asbestos material was used to construct the house.

The house is to be located behind vegetation presently on site and will be set back 100m from the Halsey Road front boundary and 36m from the boundary with Lot 3 to the north. The vegetation will help screen the house and a verandah is part of the front of the structure.

The proposal meets the boundary setback requirements for the Rural Zone and is supported.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

**That approval be granted for a relocated dwelling at Lot 101 Halsey Road, Mount Barker subject to:**

- 1. Development being in accordance with the plans dated 24 August 2010.**
- 2. Payment of a refundable bond of \$10,000.00 prior to the issue of a building licence.**



**11.1.2 LOT 47 OATLANDS ROAD CORNER SOUNNESS STREET MOUNT  
BARKER – RELOCATED OUTBUILDING WITH REDUCED SIDE AND  
REAR BOUNDARY SETBACKS**

**File No:** N15745

**Attachments:** [Location Plan](#)  
[Site Plan 1](#)  
[Site Plan 2](#)  
[Letter from Applicant](#)  
[Letter from Neighbour](#)

**Responsible Officer:** Peter Duncan  
Manager Development Services

**Author:** Vincent Jenkins  
Planning Officer

**Proposed Meeting Date:** 7 September 2010

**Applicants:** Jay Rowles and Nova Carson

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**PURPOSE**

The purpose of this report is to consider a proposal to relocate an existing outbuilding at Lot 47 Oatlands Road corner Sounness Street, Mount Barker, with reduced side and rear boundary setbacks.

**BACKGROUND**

Council Records show the registered owners of Lot 47 Oatlands Road are J Rowles and NJ Carson.

A house and outbuilding (garage) were approved on this site in the 1970's and both have been constructed. The site is partly restricted by a development exclusion area introduced when the land was zoned Rural Residential in 1996 and this development exclusion area covers approximately 45% of the western part of the lot.

The applicants recently purchased the property and are seeking approval to relocate the existing outbuilding to a position where it will have a side boundary setback of 2.0m and a rear boundary setback of 5.0m where side and rear boundary setbacks of 15.0m are required in the Rural Residential Zone.

The applicants have submitted a letter (attached) requesting the relocation of the outbuilding. The applicants explain that the existing outbuilding location in front of the house is an 'eye sore' and adversely affects the view of their property. The applicants further explain that the existing outbuilding location restricts an intended verandah addition to the front of the house.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

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

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– Special Provisions include:

'5.3 Houses and outbuildings shall be set back a minimum of 15 metres from any boundary of a lot unless otherwise approved by Council. In approving any setback relaxation, Council shall take into account the topography, lot shape and vegetation on the site.'

### **EXTERNAL CONSULTATION**

The Council's Planning Officer met with the applicants on site to investigate possible alternatives to their proposed outbuilding location.

The applicants were requested to provide a letter of support from the adjoining landowner of Lot 48 Sounness Street located to the south. The landowner of Lot 48 Sounness Street in a letter received on 6 August 2010 raised no objection to this application (attached).

### **FINANCIAL IMPLICATIONS**

The application fee of \$135.00 has been paid.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

Shire of Plantagenet Strategic Plan 2003 Key Result Area 4 Development Services aims amongst other things to encourage and guide local development in accordance with the Strategic Plan and Town Planning Scheme No 3, conserve and enhance the natural environment, support sustainable and managed growth within existing urban settlements and plan a safe and healthy living environment.

### **OFFICER COMMENT**

Lot 47 Oatlands Road is 1.0ha in area and is partly restricted by the development exclusion area for this Rural Residential Zone. The current development on the lot consists of a house, patio, outbuilding, gardens, fruit orchard, fenced paddock and access driveway.

The proposed outbuilding location is a result of the owners wishing to make the most of the already established yard area and access driveway. Possible alternative locations for the outbuilding have been discussed with the owners. The location of the access driveway, existing vegetation, garden, water supply, septic tanks and leach drains limit the options to relocate the outbuilding. The proposed new outbuilding location is to be 5.0m from the rear boundary with lot 48 and 2.0m from the side boundary with Sounness Street.

The property most directly affected by this proposal is Lot 48 Sounness Street located to the south of the application site. The landowner of lot 48 in a letter raised no objection to this application. The proposed reduced side and rear boundary setbacks in this instance are not likely to adversely affect privacy or amenity of the locality.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That in accordance with special provision 5.3 of Rural Residential Area No. 3 of Shire of Plantagenet Town Planning Scheme No. 3 the proposed outbuilding relocation at Lot 47 Oatlands Road corner Sounness Street, Mount Barker be approved with a reduced side boundary setback of 2.0m and a reduced rear boundary setback of 5.0m subject to the development being in accordance with the plans dated 22 July 2010.**

**11.1.3 LOT 702 WARBURTON ROAD CORNER BLOOMFIELD RISE MOUNT  
BARKER – HOUSE WITH REDUCED SIDE AND SECONDARY STREET  
BOUNDARY SETBACKS**

**File No:** N15757

**Attachments:** [Location Plan](#)  
[Site Plan](#)  
[Floor Plan](#)  
[South Elevation](#)  
[West Elevation](#)  
[Letter from Neighbour](#)

**Responsible Officer:** Peter Duncan  
Manager Development Services

**Author:** Vincent Jenkins  
Planning Officer

**Proposed Meeting Date:** 7 September 2010

**Applicant:** Brent Williss

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**PURPOSE**

The purpose of this report is to consider a proposal for a house on Lot 702 Warburton Road corner Bloomfield Rise, Mount Barker, with reduced side and secondary street boundary setbacks.

**BACKGROUND**

Council Records show the registered owners of Lot 702 are BL Willis and JJ Ryan.

The proposed house location will be 8.5m from the side boundary with adjoining Lot 701 to the east and 8.5m from the secondary street boundary with Bloomfield Rise. Side and secondary street boundary setbacks of 10.0m are required by the Residential Design Codes (RCodes). The house has been designed to front Warburton Road.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Residential (R2).

Clause 5.2 of TPS3 provides the Council with the ability to vary development standards for development other than residential development.

Clause 6.3.2 of TPS3 states:

*'The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality may refuse to approve any application for planning consent or may grant its' approval unconditionally or subject to such conditions as it thinks fit.'*

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Residential Design Codes (RCodes).

The RCodes – discretion exists for the Council to vary standards at clause 2.5.2 as follows:

*‘Discretion shall be exercised having regard to the following considerations:*

- a) *the stated purpose and aims of the scheme;*
- b) *the provisions of parts 1-7 of the codes, as appropriate;*
- c) *the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
- d) *the explanatory guidelines of the codes that correspond to the relevant provisions;*
- e) *any local planning strategy incorporated into the scheme;*
- f) *a provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- g) *orderly and proper planning.’*

The variation required here relates to 2.5.2(b) above as the building setback requirements are in part 6 of the RCodes.

#### **EXTERNAL CONSULTATION**

As part of lodging this application, the applicant sought comment from the owner of both Lot 701 to the east and Lot 707 located west of Bloomfield Rise (letter attached). The landowner of lots 701 and 707 in a letter raised no objection to the 8.5m setbacks proposed.

#### **FINANCIAL IMPLICATIONS**

The application 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 Key Result Area 4 Development Services aims amongst other things to encourage and guide local development in accordance with the Strategic Plan and Town Planning Scheme No 3, conserve and enhance the natural environment, support sustainable and managed growth within existing urban settlements and plan a safe and healthy living environment.

#### **OFFICER COMMENT**

The property is located within an area in Mount Barker where the boundary setbacks for buildings are to be in accordance with the R2 standards in the RCodes.

Lot 702 is 5,002m<sup>2</sup> in area and the current development on the lot consists of a 140m<sup>2</sup> outbuilding. The proposed new house is 385m<sup>2</sup> in area and the reduced boundary setbacks are required for the house.

The property location is within a residential subdivision approved by the Western Australian Planning Commission on 28 April 2006. Approval conditions for this subdivision require the installation of an alternative effluent disposal system. In addition, storm and groundwater runoff need to be controlled with approved engineering methods.

The properties most directly affected by this proposal are Lot 701 to the east and Lot 707 located west of Bloomfield Rise. The landowner of both lots 701 and 707 in a letter raised no objection to this application. Given the size of the lot, the proposed reduced side and secondary street boundary setbacks in this instance are not likely to adversely affect privacy or amenity of the locality.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

**That in accordance with clause 2.5.2 of the Residential Design Codes, the proposed house situated at Lot 702 Warburton Road corner Bloomfield Rise, Mount Barker be approved with a reduced side and secondary street setbacks of 8.5m subject to:**

- 1. The development being in accordance with the plans dated 4 August 2010.**
- 2. An alternative effluent disposal system being installed to the satisfaction of the Manager Development Services.**
- 3. All stormwater being disposed of to the satisfaction of the Manager Works and Services.**

**11.1.4 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 56 - RESERVE  
31528 OATLANDS ROAD/HASSELL STREET, MOUNT BARKER - PUBLIC  
PURPOSE TO RESIDENTIAL**

**File No:** N15690  
**Attachments:** [Location Plan](#)  
Amendment No. 56 (separate attachment)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Peter Duncan  
Manager Development Services  
**Proposed Meeting Date:** 7 September 2010  
**Approved:** Whelans on behalf of LandCorp

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**PURPOSE**

The purpose of this report is to consider a proposed Amendment to Town Planning Scheme No. 3 (TPS3) to rezone the former Mount Barker Primary School site at Reserve 31528 (lots 115, 117, 118 and 596) Oatlands Road/Hassell Street, Mount Barker from Public Purpose – Primary School to Residential (R17.5).

**BACKGROUND**

Council records show the land is a Crown Reserve vested in the Department of Education.

The former Primary School is now unoccupied as all educational activities are now carried out at the Mount Barker Community College. The Department of Education through LandCorp is seeking to redevelop the land for residential use. This Amendment will provide the opportunity to subdivide and develop the site for residential.

A separate copy of the full Amendment is provided to each Councillor with this agenda.

**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 28 days. Once cleared by the EPA a 42 day advertising period applies. Once advertised the Council must consider any submissions lodged within 42 days of the close of formal advertising and refer its recommendation to the Western Australian Planning Commission (WAPC) and the Minister within 28 days.

**EXTERNAL CONSULTATION**

There has been no consultation in this report. If cleared by the EPA to proceed the Amendment will be advertised for 42 days with letters to adjacent landowners, a sign

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on site, a notice on the Council's notice board, notices in the newspaper and letters to government agencies.

### **FINANCIAL IMPLICATIONS**

The necessary fee of \$4,840.00 has been paid.

### **POLICY IMPLICATIONS**

The proposal to rezone this land to Residential with a R17.5 residential density code is in accordance with the Council's Town Planning Scheme Policy No. 18 (Planning Vision).

### **STRATEGIC IMPLICATIONS**

Key Area 4 of the Council's Strategic Plan refers to the Town Planning Scheme as being a blueprint for future development and is the mechanism by which many of the community's aims and initiatives can be implemented.

### **OFFICER COMMENT**

This proposed Amendment reflects the Council's future wishes for this area to be rezoned from Public Purpose – Primary School to Residential (R17.5) as set down in Town Planning Scheme Policy No. 18 (Planning Vision). The R17.5 density coding will allow for lots with an average size of 571m<sup>2</sup> and a minimum area of 500m<sup>2</sup>.

The Amendment document includes an Outline Development Plan which shows possible road locations, a public open space area and a possible drainage basin. There is potential for in the order of 38 fully serviced lots which will be connected to reticulated sewer, water and underground power. Detailed lot design will be developed at the subdivision stage once the Amendment has been finalised.

The Amendment is in order for initiation by the Council and formal referral to the EPA before formal public advertising can be commenced.

### **VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION**

**That:**

- 1. Amendment No. 56 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.**
- 2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.**
- 3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 14 December 2010.**

**11.2 WORKS AND SERVICES REPORTS**

Nil

**11.3 COMMUNITY SERVICES**

Nil

**11.4 CORPORATE SERVICES REPORTS****11.4.1 CEMETERIES LOCAL LAW - AMENDMENT**

**File No:** N15536  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Donna Jo McDonald  
Senior Administration/Human Resources  
Officer  
**Proposed Meeting Date:** 7 September 2010

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**PURPOSE**

The purpose of this report is to consider any submissions on the proposed Cemeteries Amendment Local Law 2010 that was advertised for public comment on 31 May 2010 and to make that local law.

**BACKGROUND**

The purpose of this local law is to provide for the orderly management of cemeteries in accordance with established plans and industry standards and to provide for lawn sections and natural earth burial sections.

The effect of this local law is that:

- The minimum funeral booking notice is increased.
- Access for vehicles within cemeteries is permitted in designated public parking areas.
- Additional methods for the disposal of ashes are specified.
- The Board (the Council) may set aside lawn areas and natural earth burial areas and specify the requirements for memorials within those sections.

The Shire of Plantagenet Cemeteries Amendment Local Law 2010 amends the Shire of Plantagenet Cemeteries Local Law 2008 as published in the Government Gazette on 11 April 2008.

At its meeting held on 13 April 2010, the Council resolved that the proposed amendments to the Shire of Plantagenet Cemeteries Local Law 2008, be adopted and advertised for public comment.

The Council's intention to adopt the proposed Amendment Local Law was advertised on 31 May 2010. A copy of the Amendment Local Law and request for comments was sent to various funeral directors and monumental masons in the area on 7 May 2010 and to the Minister for Local Government on 8 June 2010.

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**STATUTORY ENVIRONMENT**

Section 3.12 of the Local Government Act 1995 sets out the procedures to be followed in making a local law.

**EXTERNAL CONSULTATION**

On 31 May 2010 the proposed local law was advertised for public comment and public submissions were invited within a 42 day consultation period. The invitation was advertised state wide and locally. The Department of Local Government provided some minor grammatical and formatting changes which have been incorporated in the proposed local law. In addition the Department provided the following advice and proposed amendment:

*‘Subclause (3) needs updating as section 19(3) of the Cemeteries Act 1986 has been repealed, and the appeal is to be made to the State Administrative Tribunal instead.*

*Clause 7.18 amended*

*Delete subclause (3) and insert—*

*“(3) An aggrieved person whose licence has been terminated under subclause (1) may appeal to the State Administrative Tribunal for a review of the decision of the Board.”*

A submission was made by Mr Jim Bovell of Albany Monumental Masons outlining the following concerns.

1. Mr Bovell suggested that cement beams are better for maintenance as mowing is more difficult around ground level plaques.
2. Plaques can require a large amount of repair and maintenance due to hits from mowers and grass stains.
3. The absence of vases or glass domes does not cater for the desire of visitors to place flowers at a grave.
4. The community generally wants headstones and by not providing for this the Council is not serving the community.

**FINANCIAL IMPLICATIONS**

Advertising costs for the review of this local law were included in the 2009/2010 financial budget.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

The draft local law has been amended to reflect the changes sought by the Department of Local Government.

The following responses are made in relation to Mr Bovell’s comments:

1. The Metropolitan Cemeteries Board (MCB) has advised the Shire that, in its view, below ground plaques provide for more convenient and efficient maintenance than the use of concrete beams. The MCB advised that whilst ground level plaques sink from time to time, such events are infrequent and easily re-instated.
2. The MCB has advised that grass staining on plaques has not been an issue. In the Shire's case, it is intended to use the small hand held mower with catcher to mow over the plaques in the graves area. The lowest setting on this mower is about 2.5cm above ground level and should not be able to damage the plaques. The ride on mower with catcher will be used to mow the other lawn areas. Both of these mowers will collect the bulk of grass clippings.
3. Glass domes and vases are currently not permitted under the Shire of Plantagenet Cemeteries Local Law. It is intended to adopt a similar guideline to the MCB policy on flowers and ornaments, which allows flowers to be placed in small containers provided by the MCB near graves and memorials. All floral tributes are removed by MCB staff on the last day of the working week (usually Friday) or as required for mowing and other maintenance.
4. The view expressed by Mr Bovell about headstones is debatable. There are a number of modern cemeteries being developed with both headstones and in lawn formats.

The development plan for the extension to the Mount Barker Cemetery adopted on 14 February 2006 provided for a lawn area with ground level bronze plaques. A Council workshop in June 2008 was held to discuss the layout of the extension to the Mount Barker cemetery. This workshop also endorsed the proposal that the lawn areas within the extension to the Mount Barker Cemetery would provide for brass plaques to be the standard memorial for headstones rather than the small plinths or traditional full grave length plinth.

It should be noted that the cemetery design is based on a lawn format with no concrete plinths. If the Council decided to incorporate plinths and headstones, a re-design would be required. In this case, the MCB estimates that the burial capacity would be reduced by around 10%. Concrete plinths would involve extra expense, which would be quite substantial.

It is recommended that the Council proceed with the amendments to the local law, subject to the changes sought by the Department of Local Government.

## **VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

That under the power conferred by the Local Government Act 1995 and under all other Powers enabling it, the Shire of Plantagenet Cemeteries Amendment Local Law 2010 be made in the following form:

**CEMETERIES ACT 1986  
LOCAL GOVERNMENT ACT 1995  
Shire of Plantagenet  
CEMETERIES AMENDMENT LOCAL LAW 2010**

Under the powers conferred by the Cemeteries Act 1986 and the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Plantagenet resolved on [7 September 2010] to adopt the following local law.

**1. Citation**

This local law may be cited as the Shire of Plantagenet Cemeteries Amendment Local Law 2010.

**2. Principal local law**

In this local law, the Shire of Plantagenet Cemeteries Local Law as published in the Government Gazette on 11 April 2008 is referred to as the principal local law. The principal local law is amended.

**3. Clause 3.4 amended**

Delete “twenty four” and insert “forty eight”.

**4. Clause 5.3 amended**

In subclause (1) after “cemetery” insert “except for designated public parking areas”.

**5. Clause 5.7 amended**

In subclause (1) after “Scattering to the Winds” insert—

Garden of Remembrance  
Ground Niche  
Memorial Rose, Tree or Shrub  
Family Shrub  
Memorial Gardens  
Memorial Seat  
Memorial Rock

**6. Clause 7.2 amended**

Delete clause 7.2 and its heading and substitute with—

**7.2 Design and Placement of Memorials**

- (1) The Board may from time to time determine specifications of memorials.  
(2) Every memorial shall be placed on proper and substantial foundations.

**7. Clause 7.12 amended**

In paragraph (b) after “plaque” insert “, lawn or natural earth burials”.

**8. Part 7, Division 2 amended**

Delete heading “*Division 2 – Memorial Plaque Section*” and insert heading “*Division 2 - Other Sections*”.

**9. Clause 7.13 amended**

Delete clause 7.13 and its heading and substitute with—

**7.13 Setting Aside Other Sections**

The Board may from time to time set aside any part of a cemetery as a lawn section,

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memorial plaque section or a natural earth burials section.

**10. Clause 7.15 amended**

In paragraph (a) delete "7.18" and insert "7.19".

**11. Clause 7.16 amended**

In paragraph (a) delete "7.14" and insert "7.15".

**12. Clause 7.18 amended**

Delete subclause (3) and insert—

- (3) An aggrieved person whose licence has been terminated under subclause (1) may appeal to the State Administrative Tribunal for a review of the decision of the Board.

**13. Division 3 amended**

Designations "7.14" through to "7.18" are re-designated "7.15" through to "7.19" respectively.

**14. New clause 7.14 inserted**

After clause 7.13 insert—

**7.14 Requirements of Memorials**

All memorials placed in the parts of a cemetery set aside under clause 7.13 shall be supplied by the Board.

Dated: 2010.

The Common Seal of the Shire of Plantagenet was affixed by authority of a resolution of the Council in the presence of—

K.A.CLEMENTS, Shire President.  
R.J. STEWART, Chief Executive Officer.

## 11.5 EXECUTIVE SERVICES REPORTS

### 11.5.1 LEASE OF PLANTAGENET LOCATION 81, MCDONALD AVENUE (FROST PARK) TO INTEGRATED TREE CROPPING LIMITED - TERMINATION

**File No:** N15791  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 7 September 2010

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#### PURPOSE

The purpose of this report is to seek endorsement from the Council for the termination of the lease between the Council and Elders Forestry (formerly known as Integrated Tree Cropping Limited) over the land known as Plantagenet Location 81, McDonald Avenue (Frost Park).

#### BACKGROUND

On 1 April 2000 the Council entered into a 12 year lease with Integrated Tree Cropping Limited over Plantagenet Location 81 McDonald Avenue (Frost Park) to '*...plant, establish, cultivate and manage one or more crops of trees...'*

Notwithstanding that the lease is for a period of 12 years with an option for a further 12 years, pursuant to Clause 12 of the lease, the lessee may terminate the lease at any time after completion of any harvest of the plantation crop by giving not less than three months prior notice in writing to the lessor.

Such notice has now been given.

Pursuant to the Council's Town Planning Vision (Town Planning Scheme 18) this land, including adjoining land to Taylor Road, has been ear marked for equestrian themed rural residential.

#### STATUTORY ENVIRONMENT

The Council has the power to lease property pursuant to section 3.58 of the Local Government Act.

#### EXTERNAL CONSULTATION

Consultation regarding this matter has occurred between Council Officers and Elders Forestry and the termination event has been structured around developments at Frost Park including the proposed training track and on course stabling to be installed by the Mount Barker Turf Club.

#### FINANCIAL IMPLICATIONS

When the lease is terminated, rent amounting to \$3,191.12 per annum will be forgone.

Approximate costs associated with reinstatement of the 11.3ha lease/planted area include:

Spraying of selected stumps (\$250.00p/ha)	\$ 2,825.00
Removal of stumps (\$679.00p/ha)	\$ 7,673.00 (This does not include the stacking and burning of stumps).

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **OFFICER COMMENT**

The date of harvest has been planned from 13 December 2010 to 22 December 2010 to fall between racing dates. Upon harvest the lease termination will be effected. No objections to the termination are raised as it will assist the Council's and the Turf Club's development aspirations.

The lease also specifically provides that the lessee shall not be required to remove any stumps or debris and reimburse the lessor for removal of stumps or debris. The lessee also has no obligation to reinstate the land to the condition prior to the commencement date.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

**That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Deed terminating the lease of Plantagenet Location 81 McDonald Avenue (Frost Park) between Elders Forestry and the Shire of Plantagenet.**



**11.5.2 DEMOGRAPHIC INFORMATION - SOUTHERN LINK VOLUNTARY  
REGIONAL ORGANISATION OF COUNCILS**

**File No:** N15799  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 7 September 2010

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**PURPOSE**

The purpose of this report is to seek endorsement from the Council for the purchase of demographic information for the use of the Council and for use by the members of the Southern Link Voluntary Regional Organisation of Councils (VROC).

**BACKGROUND**

At its meeting held on 25 August 2010 the VROC considered a report prepared by the CEO of the Shire of Plantagenet recommending that demographic information be purchased on behalf of the VROC between the member Councils. The CEO recommended in his report that an organisation called 'informed decisions' (id) be the preferred supplier of such information.

At that meeting live information via the internet relating to another grouping of Councils was utilised.

The CEO's of the four member VROC Councils discussed the need for conglomerated demographic information to include in reports and funding applications regarding the combined VROC area. Conglomerated information would make the research portion of preparing a report or grant application considerably easier.

The VROC meeting agreed that the matter should be considered by individual member Councils prior to further consideration by the VROC.

**FINANCIAL IMPLICATIONS**

Inclusive of GST, the annual product fee is \$5,500.00 to be shared between the four member Councils. The contract to be entered into runs for five years.

**STRATEGIC IMPLICATIONS**

The Southern Link VROC Strategic Plan notes the purpose of the VROC is:  
*'To formulate and coordinate plans and to share resources and knowledge to achieve the efficient use of Local, State and Federal Government and private resources, to lobby Governments and to cooperate and liaise with stakeholders.'*

The availability of conglomerated demographic data would assist this strategic intention.

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**POLICY IMPLICATIONS**

There are no policy implications for this report.

**OFFICER COMMENT**

'informed decisions' (id) is an organisation that develops demographic and economic information products specifically for the Australia Local Government market.

The company advises that its products give Councils the evidence base to plan policy and service delivery, attract investment and promote their region, support funding submissions and compete for resources, advocate for the community and work collaboratively.

id, at its most basic level, utilises Australian Bureau of Statistics data and presents these data into manageable information. The company regularly updates the information between census periods and will automatically update the information from the 2011 census.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That the Southern Link VROC be advised that the Shire of Plantagenet supports the purchase of demographic information covering the member Councils.**

**11.5.3 SOUTH COAST NATIONAL LANDSCAPES**

**File No:** N15672  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 7 September 2010

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**PURPOSE**

The purpose of this report is to present a formal request from the South Coast National Landscapes Steering Committee seeking a donation of \$5,000.00 from the Council for the development of an 'Experience Development Plan' should this area be awarded a National Landscape by the Federal Minister for Tourism.

**BACKGROUND**

On 6 July 2010 the Council received a presentation from a National Landscapes Committee Member Ms Julie Ross. During that presentation Ms Ross alluded to the possibility of a donation from the Council.

**EXTERNAL CONSULTATION**

It is understood that a briefing session was held on 9 August 2010 at Forest Hill Winery for interested stakeholders.

**FINANCIAL IMPLICATIONS**

An amount of \$5,000.00 is being sought, such sum being available in the Council's budget under district and area promotion.

**POLICY IMPLICATIONS**

The Council policy with regard to Tourism follows:

**'OBJECTIVE:**

*To provide a position for the Council in relation to tourism in the Shire of Plantagenet.*

**POLICY:**

*The Council will, with regard to tourism, have, as its major objectives to:*

- 1. Recognise tourism as a social and economic force and as a major or potential major employer within the diverse economy of the Shire of Plantagenet.*
  - 2. Foster and create community awareness of the benefits of tourism within the Plantagenet district.*
  - 3. Guide and influence the development of tourism in the Plantagenet district.*
  - 4. Ensure that facilities within the Plantagenet area are adequate to cater for visitors.'*
-

**STRATEGIC IMPLICATIONS**

The Council's Strategic Plan at Key Result Area 5 (Strategic Planning) notes an aim of the Council is to coordinate long term planning for sustainable environmental, economic and social development in the Shire and the Great Southern.

**OFFICER COMMENT**

The benefits of the National Landscapes initiative are difficult to quantify. However, with a downturn in tourism and the stated intention of the WA Tourism Commission to concentrate on 'iconic' and overseas marketing, it is reasonable to assume that there will be a need for local marketing for tourism.

A problem that presents itself is that the local government districts mainly affected by this initiative do not have any regional tourism body to refer this matter to for further advice. It is unknown whether the City of Albany or the Shires of Denmark, Manjimup and Cranbrook will be committing any funds to this initiative. Further the long term resilience of this group is unknown and the funding is being sought in part to indicate to other funders that there is substance to the initiative.

Given the recent closure of the Mount Barker Visitor Centre it would be reasonable to invest the requested donation as a contribution to the marketing of our district, especially the Lower Great Southern. However, should a donation be made, it is suggested that it would be conditional on similar funding pledges being made by the City of Albany and the Shires of Denmark and Cranbrook.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That the Chair of the South Coast National Landscapes Steering Committee be advised that the Shire of Plantagenet would be pleased to contribute an amount of \$5,000.00 to assist the South Coast National Landscapes program to facilitate regional tourism expansion subject to the Council's Chief Executive Officer being satisfied that other Councils in the Lower Great Southern make similar commitments to the program.**

**11.5.4 CONFERENCE ATTENDANCE - COUNCILLOR KEN CLEMENTS -  
SUSTAINABLE ECONOMIC GROWTH FOR REGIONAL AUSTRALIA**

**File No:** N15789  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 7 September 2010

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**PURPOSE**

The purpose of this report is to seek authority for the Shire President, Councillor Ken Clements, to attend the Sustainable Economic Growth for Regional Australia (SEGRA) Conference 2010.

**BACKGROUND**

The SEGRA 2010 Conference is to be held in Townsville Queensland from 19 to 21 October.

SEGRA concerns itself with the development of a 'big' Australia and impacts on regional communities, especially due to resource growth and development and the associated population growth which impacts food security and land use.

**FINANCIAL IMPLICATIONS**

The registration for the conference is \$1,300.00 and accommodation for three nights will be \$450.00. Air fares to and from Townsville will be approximately \$1,000.00.

**POLICY IMPLICATIONS**

Council Policy No. CE/CS/1 applies. This policy notes that elected members shall receive reimbursement of expenses while attending 'Conferences and Training Sessions specifically authorised by the Council.'

**OFFICER COMMENT**

Issues covered in the conference include:

*'An Analysis of Regional Development Models and their Contribution to Sustainable Regions.'*

*'Planning Reforms: the missing link in regional development.'*

*'Pit falls in changing land use to cater for economic development.'*

*'Economic Development Issues Regarding Land Use, Resources and Sustainability.'*

*'Transformational Change in Climate Change Impacted Regions.'*

*'The Role of Effective Community Engagement in Regional Development.'*

*'The Economic Benefits of Grey Nomads for Big Australia.'*

**VOTING REQUIREMENTS**

Simple Majority

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**OFFICER RECOMMENDATION**

**That the Shire President Councillor Ken Clements be authorised to attend the Sustainable Economic Growth for Regional Australia 2010 Conference to be held in Townsville from 19 to 21 October 2010 and the expenditure be charged to budget line Governance – Members of Council: Conferences, Training and Accommodation – 20026.0029.**

**12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

**14 CONFIDENTIAL****14.1 WORKS AND SERVICES REPORTS****14.1.1 TENDER C01-1011 GRAVEL PUSHING AND GENERAL BULLDOZING HIRE**

**File No:** N15740  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Sharon Lynch  
Senior Administration/Project Officer (Works  
and Services)  
**Proposed Meeting Date:** 7 September 2010

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**PURPOSE**

The purpose of this report is to consider submissions from the advertising of tender C01-1011 – Gravel Pushing and General Bulldozing Hire.

**OFFICER RECOMMENDATION**

That the Council consider this matter in the confidential component of this meeting due to:

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;



**14.2 EXECUTIVE SERVICES REPORTS****14.2.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW**

**File No:** N15748  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 7 September 2010

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**PURPOSE**

The purpose of this report is to endorse the Chief Executive Officer's Performance review which was held on 17 August 2010.

**OFFICER RECOMMENDATION**

That the Council consider this matter in the confidential component of this meeting due to:

- (a) a matter affecting an employee or employees;
- (b) the personal affairs of any person;

**15 CLOSURE OF MEETING**