



ORDINARY MINUTES

DATE: Tuesday, 9 February 2010

TIME: 2.45 pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:45pm The Presiding Member declared the meeting open.

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

Members Present:

Cr Ken Clements	Shire President	
Cr Brett Bell	Councillor	
Cr Sue Etherington JP	Councillor	
Cr Andrus Budrikis	Councillor	Withdrew at 2:50pm
Cr Jeff Moir	Councillor	
Cr Simon Grylls	Councillor	
Cr Gert Messmer	Councillor	
Cr Len Handasyde	Councillor	

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr Dominic Le Cerf	Manager Works and Services
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Ms Cobie MacLean	Administration Officer (Planning)
Mrs Kaye Skinner	Executive Secretary

Previously Approved Leave of Absence:

Cr Michael Skinner

There were one member(s) of the public in attendance.

There were nil (0) member(s) of the media in attendance.

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.'

MOTION TO ADJOURN THE MEETING

Moved Cr Sue Etherington JP, seconded Cr Len Handasyde:

2:50pm That the meeting be adjourned until 3:00pm.

CARRIED (8/0)

NO. 14/10

RESUMPTION

3:00pm The meeting resumed.

Attendance

Councillors:

Cr Ken Clements	Shire President
Cr Brett Bell	Councillor
Cr Sue Etherington JP	Councillor
Cr Jeff Moir	Councillor
Cr Simon Grylls	Councillor
Cr Gert Messmer	Councillor
Cr Len Handasyde	Councillor

Staff:

Mr Rob Stewart	Chief Executive Officer
Mr Dominic Le Cerf	Manager Works and Services
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Ms Cobie MacLean	Administration Officer (Planning)
Mrs Kaye Skinner	Executive Secretary

3 PUBLIC QUESTION TIME

A) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

B) SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 DR VICTOR SEAH – INCOMING MOUNT BARKER TOURIST BUREAU PRESIDENT

With Ms Linda Harris stepping down as President, I have agreed to replace her until the next Annual General Meeting later this year.

There have been two resignations from the Board – Mr Kevin Collins and Mr Scott Drummond.

Prior to this there were three members come onto the board, so that the current board has stability and the ability to oversee the functions of the Visitors Centre and the general aims of the Mount Barker Tourist Bureau. The board members comprise:

- Dr Victor Seah – President;
- Ms Kathryn Fiorenza – Vice-president;
- Ms Larissa Seah – Secretary;
- Ms Rebecca Williss;
- Ms Pam Morris;
- Ms Shirley Smith;
- Ms Ranee Truphet;
- Ms Linda Harris;
- Ms Kathy Collins; and
- Ms Sue Etherington – Council representative.

The Visitor Centre Manager, Ms Robyn Stahli, resigned in mid-January. The Board are taking steps to organise the staffing of the Visitor Centre for the next period. In the interim period we have various staff filling in quite adequately.

The second edition of the Mount Barker Visitor Guide is due for print any day now, and the overhaul of the website which is in a similar format to the brochure is being finalised.

The Board of the Tourist Bureau would like to thank the Shire of Plantagenet for its continuing support for tourism in our region. We are preparing for the arrival of the Ulysses Motorcycle Club to our region next month, we are attending the Perth Holiday and Travel Expo and a representative of the Bureau is assisting at the ASW Stall at the Perth Caravan and Camping Show.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

All Councillors declared a proximity interest for Item 11.1.1 – Local Planning Strategy.

Cr S Grylls declared a Financial Interest – Plantations on Property – in Item 11.4.3.

Cr L Handasyde declared a Financial Interest – Small 10ha Woodlot under Contract on a 10 Year Cycle – in Item 11.4.3.

Cr J Moir declared a Financial Interest – Plantations on Property – in Item 11.4.3.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

7 CONFIRMATION OF MINUTES

Moved Cr Len Handasyde, seconded Cr Brett Bell:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 19 January 2010 as circulated, be taken as read and adopted as a correct record.

CARRIED (7/0)

NO. 15/10

8 COMMITTEE MINUTES

Moved Cr Sue Etherington JP, seconded Cr Jeff Moir:

That the Minutes of:

[Minutes – 21 December 2009 – Recreation Advisory Committee](#)

[Minutes – 21 January 2010 – RoadWise Steering Committee](#)

be received.

CARRIED (7/0)

NO. 16/10

9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- Thursday 21 January 2010 – Attended a special meeting of the Mount Barker Tourist Bureau.
- Tuesday 26 January 2010 – Attended the Rotary Australia Day Ceremony.
- Tuesday 26 January 2010 – Attended the Narrikup Australia Day Ceremony.

- Friday 29 January 2010 – Mr Fathers, Deputy Chief Executive Officer, and I took part in the Western Australian Local Government Association Great Southern Zone teleconference.
- Friday 29 January 2010 – Ms Selesnew, Manager Community Services, and I met with Mr Max Piggott to discuss an article he is writing about Mount Barker.
- Monday 1 February 2010 – Attended the committee meeting of the Great Southern Regional Cattle Sale Yards.
- Monday 1 February 2010 – At 3:00pm several Councillors and staff attended a meeting with the Department of Agriculture and Treasury representatives.
- Tuesday 2 February 2010 – Mr Stewart, Chief Executive Officer, and I met with Mr Ian Bishop the Labour candidate for O'Connor in the upcoming elections.
- Wednesday 3 February 2010 – Looked at Albany's skate park and inspected the east end of Spencer Road.
- Friday 5 February 2010 – Checked on the progress of the footpath at Kendenup. Continued onto Cranbrook to look at their new toilet block and discussed a number of issues with Mr Anthony Middleton, Chief Executive Officer and Cr Doug Forrest – Shire President.

10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr Sue Etherington JP

- Mount Barker Tourist Bureau meeting.
- Local Emergency Management Committee meeting.

Cr Brett Bell

- Mount Barker Tourist Bureau meeting.
- Australia Day ceremonies.
- Great Southern Regional Cattle Saleyards meeting.
- Meeting with Department of Agriculture and Treasury.

Cr Simon Grylls

- Great Southern Regional Cattle Saleyards meeting.

Cr Len Handasyde

- Thursday 21 January 2010 – Attended a special meeting of the Mount Barker Tourist Bureau.
- Tuesday 26 January 2010 – Australia Day celebrations along with many other member of the community and Council.
- Thursday 28 January 2010 – Attended a cattle sale in progress at the Great Southern Regional Cattle Saleyards for familiarisation purposes.
- Monday 1 February 2010 – Great Southern Regional Saleyards Committee meeting.
- Monday 1 February 2010 – At 3:00pm with Shire President Cr K Clements and several other Councillors and staff attended a meeting with the Department of Agriculture and Treasury representatives.
- Wednesday 3 February 2010 – Bush Fire Advisory Committee meeting.
- Thursday 4 February 2010 – Plantation Fire Managers Meeting.

11 REPORTS OF COMMITTEES AND OFFICERS

11.1 DEVELOPMENT SERVICES REPORTS

11.1.1 DRAFT LOCAL PLANNING STRATEGY - WESTERN AUSTRALIAN PLANNING COMMISSION COMMENTS RECEIVED

A Proximity Interest was disclosed by Cr K Clements. Cr K Clements indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr S Etherington JP. Cr Etherington indicated the nature and extent of her interest is as a partner of a property owner within the Shire.

A Proximity Interest was disclosed by Cr B Bell. Cr Bell indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr S Grylls. Cr Grylls indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr J Moir. Cr Moir indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr G Messmer. Cr Messmer indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr L Handasyde. Cr Handasyde indicated the nature and extent of his interest is of a property owner within the Shire.

Authority to participate pursuant to Section 5.69(3)(a) of the Local Government Act 1995.

Approval has been received from the Department of Local Government and Regional Development via letter dated 1 February 2010, giving permission for Councillors Ken Clements, Simon Grylls, Michael Skinner, Jeff Moir, Andrus Budrikis, Brett Bell and Len Handasyde to participate in discussion and decision making procedures relating to the Council's consideration of the draft Local Planning Strategy and Town Planning Scheme No. 18.

All Councillors received a copy of the letter which is attached to these minutes. The letter was read out loud by the CEO.

3:12pm Crs Sue Etherington JP and Gert Messmer withdrew from the meeting.

File No: N13653

Attachments: WAPC letter of 17 December 2009
Comments on WAPC Resolution on Local
Planning Strategy
Local Planning Strategy Analysis of WAPC
Modifications
Local Planning Strategy – WAPC Additional
Issues

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 9 February 2010

PURPOSE

The purpose of this report is to consider comments of the Western Australian Planning Commission (WAPC) on Draft Town Planning Scheme (TPS) Policy No. 18 – Draft Local Planning Strategy.

BACKGROUND

The Council when it considered the Draft Local Planning Strategy (LPS) at its meeting held on 10 June 2008 resolved at Resolution 98/08 as follows:

‘That the Council adopt the Draft Plantagenet Local Planning Strategy and refer it to the Western Australian Planning Commission for its approval to advertise for public comment for a period of sixty (60) days.’

The draft LPS was delivered to the Department for Planning and Infrastructure (DPI) now the Department of Planning (DOP) Albany office on 11 June 2008 for it to report to the Western Australian Planning Commission (WAPC).

The draft LPS has been prepared to satisfy Regulation 12A of the Town Planning Regulations made under the Planning and Development Act 2005. It was prepared using the suggested format for such a document prepared by the WAPC as part of its Planning Schemes Manual which satisfies the guidelines for the Model Scheme Text.

The draft LPS preparation process involved community consultation with a series of public workshops involving stakeholders and interested community members in October and November 2005. Six workshops were held in Mount Barker, the Porongurup Hall, the Narrikup Hall, the Kendenup Country Club and at the Rocky Gully CWA rooms.

In an attempt to determine future proposals from various government agencies with infrastructure or facilities within the Shire, the Council wrote in August 2007 to 19 agencies seeking advice on future directions. Responses were received from several of these agencies.

Through the preparation phase of the draft LPS a series of workshops were held with Councillors to discuss various aspects of the draft components of the document. Those workshops are listed as follows:

1. 13 November 2007 – Introduction, State, Regional and Local Context, Profile and Issues, Strategic Plan, Risk, Monitoring and Reviews.
2. 27 November 2007 – Narrikup and Porongurup.
3. 11 December 2007 – Kendenup and Rocky Gully.
4. 12 February 2008 – Mount Barker, Urban Settlement, Industrial Strategies, Climate Change.
5. 27 May 2008 – Rural District.

Officers from the Albany office of the DOP attended all of the workshops with the exception of that held on 11 December 2007. The officers were provided with all of the papers for the various components in advance of each workshop. They have advised on occasions that the draft LPS would be considered 'soon', that officers were to meet in the first week of October 2008 and that it would be considered in early 2009 due to their workloads. The Hon Minister for Planning John Day advised it was anticipated the draft LPS would be considered by the WAPC in March 2009 on the advice provided by the Department. The CEO spoke with the Acting Regional Manager of the Department on 16 April 2009 who advised it would be several weeks before the LPS was looked at and this depended on resources.

As in 11 months the DOP had not reported on the draft LPS to the WAPC, it was considered an alternative approach would be for the Council to consider adopting the draft LPS as a draft TPS Policy and then embarking on a public advertising program to at least enable the public to have a say on the document. The LPS was updated to address many of the changes that had occurred in the past 11 months. A list of those changes was provided to the Council.

The Council when it considered draft TPS Policy No. 18 (Draft Local Planning Strategy) at its meeting held on 12 May 2009 it resolved at Resolution No. 120/09:

'That:

1. *Draft Town Planning Scheme Policy No. 18 – Draft Local Planning Strategy be advertised in accordance with clause 7.6.2(a) of Town Planning Scheme No. 3 for a period of 60 days.*
2. *At the conclusion of the advertising period a further report be prepared for consideration of the Council no later than its meeting to be held on 8 September 2009.'*

As Councillors were aware, the LPS differs in some instances from WAPC policy however these differences were not considered to be major and reflect local circumstances. As part of the advertising process information was included with the document that briefly explained the process to date and also the differences from the WAPC policy.

The Manager Development Services (MDS) met with the Chairman of the WAPC on 22 May 2009 to explain the reasons why the Council had progressed down this path to enable the public to provide comment. The DOP (Albany) was provided with a copy of the updated LPS in the form of TPS Policy No.18 together with a list of all of the changes/updates to the document.

On 7 July 2009 the Statutory Planning Committee of the WAPC considered a report prepared by the DOP (Albany) on the June 2008 version of the LPS. The Shire President and the MDS attended at the beginning of that meeting and made a presentation to the Committee. Each member was provided with a copy of the draft TPS Policy No. 18. The DOP report and attachments were not made available to the Shire President and the MDS at the meeting. The Chairman did authorise the Council being provided with Attachment 5 to the report which was a list of 220 modifications. That attachment was received some time later.

The MDS had a meeting with the Director General of the DOP in August 2009 in respect to the progress and handling of the LPS and the modifications required.

The draft TPS Policy was advertised for a period of 60 days to enable the public to provide comment. That advertising consisted of newspaper notices, notices on notice boards at the Council offices, Porongurup, Kendenup, Narrikup and Rocky Gully, letters to the five adjoining local Councils and letters to 21 government agencies. Hard copies and CD's of the draft were provided and the draft was available on the Council's website. At the end of the advertising a total of 22 submissions had been received.

The Council considered the submissions at its meeting held on 13 October 2009 where at Resolution 276/09 it was resolved:

'That in respect to the draft Town Planning Scheme Policy No. 18 (Local Planning Strategy):

- 1. The submissions received be noted and the final draft Town Planning Scheme Policy No. 18 (Local Planning Strategy) be adopted subject to the modifications contained in the Schedule of Modifications being carried out.*
- 2. The draft Town Planning Scheme Policy No. 18, the Summary of Submissions and the Schedule of Modifications be referred to the Western Australian Planning Commission for its approval.*
- 3. Once approved by the Western Australian Planning Commission the draft Town Planning Scheme Policy No. 18 be modified accordingly and then advertised publicly as being finalised.'*

The MDS made a presentation to the Statutory Planning Committee of the WAPC at its meeting held on 15 December 2009. The DOP Albany officers did not provide a copy of their modifications proposed prior to or at the meeting even though this was agreed in November 2009. The MDS then had to leave the meeting after the presentation as they are conducted behind closed doors.

The WAPC decision was conveyed in a letter dated 17 December 2009 and a copy is attached.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Town Planning Regulations – Regulation 12A allows a Council to prepare a Local Planning Strategy and requires such a Strategy to be forwarded to the WAPC. A Local Planning Strategy is to:

- (a) set out the long-term planning directions for the local government;*
- (b) apply State and regional planning policies; and*
- (c) provide the rationale for the zones and other provisions of the Scheme.'*

Regulation 12B requires that when the WAPC is satisfied with the strategy, it is to be advertised for public comment for a minimum period of 21 days. Following the advertising the Council is to review the Strategy in the light of any submissions received, adopt the strategy with any modifications it thinks fit and submit a copy of the Strategy to the WAPC for its endorsement.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – clause 7.6 'Power to Make Policies':

7.6.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the control of development.

7.6.2 A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:

- (a) the Council, having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council;*
- (b) the Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy;*
- (c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.*

7.6.3 A Town Planning Scheme Policy may only be altered or rescinded by:

- (a) preparation and final adoption of a new policy pursuant to this clause, specifically worded to supersede an existing policy;*
- (b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*

7.6.4 *A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.'*

EXTERNAL CONSULTATION

A series of public workshops on the draft LPS was held in October and November 2005. A series of five workshops was held with Councillors in late 2007 and early 2008 to discuss the components of the LPS.

It was proposed that the draft LPS, once adopted as a draft by the Council and the WAPC, be advertised for public comment for a period of 60 days. Following the advertising a further report would be placed before the Council. With the lack of consideration by the DOP, the Council embarked upon the course of action for a TPS Policy.

In accordance with TPS3 Clause 7.6.2, the Council is required to advertise a draft TPS policy once a week for two consecutive weeks within a newspaper circulating within the area. The advertisement is to contain details of where the draft policy may be inspected and in what form submissions can be made during a period of not less than 21 days.

The draft TPS Policy 18 (Local Planning Strategy) was advertised for 60 days and the Council considered the submissions on 13 October 2009.

The MDS and the Council's Chief Executive Officer (CEO) met with the Chairman of the WAPC, the Director General of the DOP and an Executive Director of the DOP on 13 January 2010 to discuss the modifications required by the Commission in its letter of 17 December 2009.

FINANCIAL IMPLICATIONS

The cost of advertising has been met from the Town Planning advertising budget.

The draft policy document has been prepared in-house. The mapping for the LPS has been updated by the DOP in Perth at no cost to the Council.

Further work required on the LPS will be prepared in house.

POLICY IMPLICATIONS

This is a new TPS Policy.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Results Area 4 indicates that the Council will:

'Develop and Review Town Planning Policies'.

The Strategic Plan 2003 Key Results Area 4 also indicates that the Council will:

'Facilitate the development of a Local Planning Strategy for the Shire that embraces the aims and focus of the Strategic Plan.'

'Review the existing draft Rural and Townsite Planning Strategies.'

'Ensure the outcomes of the Customer Needs Survey and relevant community workshops are incorporated into the Local Planning Strategy.'

The LPS at part 3 discusses the Strategic Plan.

OFFICER COMMENT

In the current economic climate, a LPS is a vehicle for providing the stimulus for potential for growth and pre-planning to ensure there is the ability for the economy to grow and foster future development in a planned and coordinated manner. It also provides the vehicle for Amendments to TPS3 to follow in a planned and coordinated manner in accordance with the Council's and obviously the community's wishes.

The draft LPS is a critical document in the long term planning of the whole Shire and looks at all aspects to guide growth and development well into the future. In accordance with the Town Planning Regulations, a Local Planning Strategy can be prepared at any stage in the life of a Town Planning Scheme and there is no requirement for it to be prepared as part of the writing of a new town planning scheme.

The purpose and role of the draft LPS is to review current planning strategies, to set long term planning directions for the Council, apply regional and state planning policies and strategies and to provide a rationale for various town planning scheme provisions and zones. The time frame for the LPS was intended to be for the next 10 to 20 years and beyond.

The WAPC resolution has been analysed and that analysis called 'Comments on WAPC Resolution on Local Planning Strategy' is attached.

The modifications referred to in the WAPC resolution have been analysed and attached is that analysis called 'Local Planning Strategy – Analysis of WAPC modifications'.

Attached to the WAPC modifications is table which refers to additional issues and alternative requirements. Again this has been analysed, and that analysis called 'Local Planning Strategy – WAPC Additional Issues' is attached.

It is proposed that the above three attachments and the WAPC requirements be noted and that the Council agree to carry out the required modifications when time and resources permit. Some of the WAPC modifications required will lead to a somewhat confusing document and there was some form of agreement at the meeting held with the WAPC/DOP on 13 January 2010 that Council could remove the confusing parts. There is no time constraint in the Regulations as to when the modifications need to be carried out.

The matter of the TPS Policy (LPS) being agreed as the LPS was discussed at the meeting held on 13 January 2010 where it was stated the WAPC has a legal opinion from Crown Law that the document could not be approved as the LPS. When the MDS requested a copy of that opinion from the Executive Director of the DOP, the following was the response:

'With respect to your request for a copy of legal advice, this is not appropriate, as legal advice is not shared with third parties. I expect that the Council has a similar approach to requests for legal advice provided to it.

To assist with the Council report you are drafting, I would suggest the following form of words:

The WAPC Chair confirmed at the meeting of 13 January 2009, that the SPC resolution that it is unable to endorse TPP 18 as the Shire's LPS was based on the fact that the WAPC has no legal basis to do so.'

The meeting date was 2010, not 2009.

Once the modifications are done, the document will then need to be referred back to the DOP for it to report to the WAPC for another advertising period. The minimum advertising period is 21 days and this should be requested due to the time that has elapsed to date.

One outcome from the meeting on 13 January 2010 was a level of support from the Director General for the Council to agree to its own long term planning vision for the Shire area. This would be on the understanding that some parts of that vision had not received the approval of the WAPC and this should be noted where relevant in the planning vision. It should be noted that some of the initiatives, such as the 40ha intensive agricultural lot area, is not supported by the WAPC on advice from the Director General of the Department of Agriculture and Food. A report on that planning vision (Town Planning Scheme Policy No. 18) will be placed before the Council on 9 March 2010.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Brett Bell, seconded Cr Simon Grylls:

That in respect to the Shire of Plantagenet Draft Local Planning Strategy:

- 1. The Western Australian Planning Commission (WAPC) be advised the Council will carry out the WAPC required modifications and when resubmitted, an advertising period of 21 days will be requested.**

2. The modified Draft Local Planning Strategy be placed before the Council for consideration no later than 9 November 2010.

CARRIED (5/0)

NO. 17/10

3:18pm Crs Sue Etherington JP and Gert Messmer returned to the meeting.

11.1.2 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 53 - ROCKY GULLY ZONINGS

File No: N13700
Attachment: Amendment No. 53 (separate attachment)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 9 February 2010

PURPOSE

The purpose of this report is to consider a proposed Amendment to Town Planning Scheme No. 3 (TPS3) to alter the zonings in the Rocky Gully Village to introduce the Enterprise Zone and zone the former primary school oval as a Recreation Reserve.

BACKGROUND

This proposed Amendment is in accordance with the proposals in the Council's draft Local Planning Strategy (LPS).

Amendment No. 50 to TPS3 was initiated by the Council in May 2009. That Amendment introduced the Enterprise Zone mechanism into TPS3 and it is still with the Department of Planning (DOP) awaiting finalisation.

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 – 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 and refer its recommendations to the Western Australian Planning Commission and the Minister within 28 days.

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 landowners, one or two signs in strategic locations, a notice on the shop notice board, notices in the newspaper and letters to government agencies.

FINANCIAL IMPLICATIONS

Should the Council agree to initiate the Amendment and should the EPA authorise it to proceed, there will be the cost of advertising and if finalised, the cost of publishing a notice in the Government Gazette. The DOP Perth office have prepared the existing and proposed zoning maps for \$104.50.

POLICY IMPLICATIONS

There are no policy implications for this report.

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. An up-to-date Scheme is critical.

The proposals here reflect the proposals in the Council's draft LPS.

OFFICER COMMENT

The proposed Amendment consists of three parts. The first of which is to rezone various lots in Rocky Gully from Rural, Commercial and Residential Zones and Public Purpose Reserves to the Enterprise Zone and to apply an R5 (2,000m²) density over all of that land. The second is to rezone Lot 500 Arbour Street and Bateman Street (former primary school oval) from Public Purpose Reserve to Recreation Reserve. The final part is to alter new clause 5.3.6 in the Scheme Text to refer to both Kendenup and Rocky Gully in reference to residential boundary setbacks.

Amendment No. 50 which introduces the Enterprise Zone mechanism into the TPS3 is still yet to be finalised. It was referred to the DOP after advertising in September 2009. The DOP has to report to the WAPC and the Minister for Planning. That Amendment No. 50 proposes to allow a wide variety of uses in the Enterprise Zone as either discretionary uses (AA) or discretionary after public advertising uses (SA). A single house will be a permitted use (P) in the Enterprise Zone. Set out below is a list of the AA and SA uses put forward in Amendment No. 50 for the Enterprise Zone and these will now also apply in Rocky Gully.

Proposed 'AA' uses	Proposed 'SA' uses
8. Bed and Breakfast	4. Automotive Panel Beating and
9. Boarding House	Spraypainting
12. Car Park	5. Automotive Repairs
14. Caretakers Dwelling	6. Automotive Wrecking
15. Cellar Sales	10. Builders Storage Yard
16. Chalet	13. Caravan Park
17. Civic Building	19. Club Premises
18. Consulting Rooms	26. Fuel Depot
20. Craft Shop and Gallery	41. Industry Service
24. Eating House	43. Marine Collectors Yard
25. Fast Food Take Away	44. Motel
27. Gallery/Restaurant	45. Motor Repair Station

28. Home Business	57. Service Station
29. Home Occupation	65. Transport Depot
34. Industry Cottage	68. Winery
38. Industry Light	
46. Nursing Home	
47. Office	
48. Open Air Display	
50. Private Recreation	
52. Public Utility	
53. Public Worship – Place of	
54. Residential Building	
(b) Grouped Dwelling	
55. Restaurant	
58. Shop	
59. Showrooms	
61. Telecommunication Infrastructure	
63. Tourist Accommodation	
64. Trade Display	
66. Veterinary Consulting Rooms	
67. Warehouse	

The primary reason for the R5 (2,000m² lots size) residential density coding is to ensure that new lots will comply with the Country Towns Sewerage Policy which sets a minimum lot size without sewer at 2,000m².

With the application of the R5 (2,000m² lot size) density to this area, the front boundary setbacks should increase to 12.0m from the 7.5m presently imposed under the R10 density. This 12.0m setback is considered excessive where many of the lots are 1,000m² in area and as such it is proposed in the Amendment to include a provision to allow the current R10 setback standards (7.5m) to be continued with.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Len Handasyde, seconded Cr Sue Etherington JP:

That:

- 1. Amendment No. 53 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 8 June 2010.**

AMENDMENT

Moved Cr Jeff Moir, seconded Cr Brett Bell:

That a further part 4. be added to the motion as follows:

- ‘4. That a public briefing on Amendment No. 53 be held in Rocky Gully during the 42 day advertising period.’

CARRIED (7/0)

NO. 18/10

COUNCIL DECISION

That:

1. Amendment No. 53 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 8 June 2010.
4. That a public briefing on Amendment No. 53 be held in Rocky Gully during the 42 day advertising period.

CARRIED (7/0)

NO. 19/10

11.1.3 LOT 640 CRADDOCK ROAD, MOUNT BARKER - APPLICATION FOR TEMPORARY ACCOMMODATION

File No:	N13765
Attachments:	Location Plan Site Plan
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Eric Howard Environmental Health Officer
Proposed Meeting Date:	9 February 2010
Applicant/Owner:	L and V Lisic

PURPOSE

The purpose of this report is to consider an application for temporary accommodation at Lot 640 Craddock Road, Mount Barker.

BACKGROUND

An application has been received from the owner of Lot 640 Craddock Road, Mount Barker seeking approval to occupy a caravan located on the lot for a period of 12 months during the construction of a Class 1a dwelling on the lot.

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.'*

EXTERNAL CONSULTATION

Consultation has taken place between the Council's Environmental Health Officer and the applicant.

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 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 12 months and therefore temporary accommodation will be required for a period of up to 12 months.

The applicant intends to construct and install ablution facilities within a small shed located adjacent to the caravan and the proposed dwelling site. Wastewater from the ablution facility will be connected to a septic system approved and installed for use of the dwelling.

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Sue Etherington JP, seconded Cr Brett Bell:

That the application for temporary accommodation at Lot 640 Craddock Road, Mount Barker be approved for a period of 12 months from 9 February 2010 subject to:

- 1. The installation and connection of an approved on-site effluent disposal system serving the temporary toilet and ablution facilities.**
- 2. Inspection and certification by the Council's Environmental Health Officer that the facility meets all relevant health and safety standards.**
- 3. Satisfactory progress being achieved with the construction of the Class 1a dwelling.**

ADVICE NOTES:

- i) The approval to occupy temporary accommodation may be revoked at any time within the 12 month approval period.**

AMENDMENT

Moved Cr Jeff Moir, seconded Cr Gert Messmer:

That a further advice note be added as follows:

- 'ii) The temporary shed noted on the site plan shall not to be used for accommodation purposes.'

CARRIED (6/1)

NO. 20/10

COUNCIL DECISION

That the application for temporary accommodation at Lot 640 Craddock Road, Mount Barker be approved for a period of 12 months from 9 February 2010 subject to:

1. The installation and connection of an approved on-site effluent disposal system serving the temporary toilet and ablution facilities.
2. Inspection and certification by the Council's Environmental Health Officer that the facility meets all relevant health and safety standards.
3. Satisfactory progress being achieved with the construction of the Class 1a dwelling.

ADVICE NOTES:

- i) The approval to occupy temporary accommodation may be revoked at any time within the 12 month approval period.
- ii) The temporary shed noted on the site plan shall not to be used for accommodation purposes.

CARRIED (7/0)

NO. 21/10

11.2 WORKS AND SERVICES REPORTS

11.2.1 LAND ACQUISITION - PLANTAGENET LOT 1519 THE PASS ROAD, NARRIKUP

File No:	N13835
Attachments:	Location plan
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Sharon Williams Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date:	9 February 2010

PURPOSE

The purpose of this report is to consider a compensation payment to H and J Webb for the acquisition of 0.4322ha of land from Lot 1519 for inclusion into the existing road reserve of The Pass Road.

BACKGROUND

The creation of a new road through Lots 1519 and 2689 was undertaken by the then Shire of Albany on behalf of the then Plantagenet Road Board during 1958. Landgate notified the Shire of Plantagenet in 2000 regarding the need to dedicate the portions of the road that traverse through Lots 1519 and 2689 due to the possible legal implications should an accident occur on this portion of the road.

Council staff investigated the situation and determined that the required road creation had not been finalised, although surveyed many years ago.

In December 2000 a consulting surveyor was requested to do a cadastral survey to determine the area needed for road resumption. This work was carried out in February 2001 however the matter was not followed through to completion.

The Shire had obtained written consent from landowners H and J Webb for the acquisition of the south east corner of Lot 1519 in September 1984 however written consent was not obtained from the mortgagee and no compensation was paid. Further correspondence was sent to H and J Webb in May 2000 to progress the acquisition however the matter was not finalised. Written consent from the mortgagee was received in June 2009.

Written consent was obtained from R and A Carter for the acquisition of 2.3790ha from Lot 2689 in February 2009. Compensation of \$24,000.00 was paid to R and A Carter.

A report regarding the dedication of portions of Lots 1519 and 2689 as road was considered by the Council at its meeting on the 14 April 2009.

At that meeting it was resolved:

'That:

- 1. The dedication of portions of Lot 1519 (CT 1529/930) and Lot 2689 (CT 1161/865) as road under Section 56 of the Land Administration Act 1997 as shown on the attached plans dated 25 March 2009 be supported.*
- 2. A request be made to the Department for Planning and Infrastructure to dedicate portions of Lot 1519 (CT 1529/930) and Lot 2689 (CT 1161/865) as road under Section 56 of the Land Administration Act 1997.*
- 3. The Minister for Lands be indemnified against any costs, including preparation of suitable graphics and compensation for the dedication of portions of Lot 1519 (CT 1529/930) and Lot 2689 (CT 1161/865) as road under Section 56 of the Land Administration Act 1997.'*

STATUTORY ENVIRONMENT

Land Administration Act 1997 – Section 56

EXTERNAL CONSULTATION

Ongoing consultation has occurred with the Department of Regional Development and Lands.

FINANCIAL IMPLICATIONS

Funding of \$10,000.00 has been budgeted for land resumptions in 2009/2010 (Budget Item 21221.0306).

Negotiated compensation of \$4,300.00 (GST exclusive) has been set.

POLICY IMPLICATIONS

Policy I/R/2 Land Resumption for Roadworks applies and the requirements of that policy have been implemented.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet's Strategic Plan, Key Result Area 2 Infrastructure provides the following as one of its aims:

'Maximise the benefit to the community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and buildings infrastructure within the financial resources of the Shire.'

OFFICER COMMENT

All claims for compensation should normally be settled within six months. Although compensation was not settled within the required timeframe it is recommended that the payment be supported as the matter has been ongoing since 1984 without finalisation. The Council has also paid compensation to R and A Carter for the acquisition of land into the road reserve of The Pass Road.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Jeff Moir, seconded Cr Brett Bell:

That compensation of \$4,300.00 (GST exclusive) for the acquisition of 0.4322ha from Plantagenet Lot 1519 for inclusion into the existing road reserve of The Pass Road, Narrikup be paid to H and J Webb as shown on the attached location plan.

CARRIED (7/0)

NO. 22/10

11.3 COMMUNITY SERVICES REPORTS

11.3.1 LOT 7 MARMION STREET, MOUNT BARKER - RENOVATIONS AND EXTENSIONS TO THE CHILD CARE CENTRE BUILDING

File No:	N13836
Attachments:	Extension to Day Care Centre
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Nicole Selesnew Manager Community Services
Proposed Meeting Date:	9 February 2010

PURPOSE

The purpose of this report is to consider the approval of building renovations and extensions to Lot 7 Marmion Street, Mount Barker. The building is owned by the Shire of Plantagenet and has been leased to Wanslea Family Services Incorporated (Wanslea) for the purpose of a Child Care Centre.

BACKGROUND

At its meeting held on 12 August 2008 the Council resolved:

'That:

1. *The management of the Plantagenet Day Care Centre be transferred from the Shire of Plantagenet to Wanslea Family Services Incorporated on 1 January 2009, subject to:*
 - a) *Wanslea Family Services Incorporated having secured a license from the Department for Community Development to operate the Plantagenet Day Care Centre; and*
 - b) *The completion of a Memorandum of Understanding between the Shire of Plantagenet and Wanslea Family Services Incorporated that includes:*
 - i) *the number of positions for children available at the Plantagenet Day Care Centre;*
 - ii) *a minimum level of care and service offered within the Centre; and*
 - iii) *a minimum number of staff positions required at the Centre.*
2. *The Shire's license to operate the Plantagenet Day Care Centre be relinquished on 1 January 2009, or at such a time as Wanslea Family Services Incorporated has successfully obtained a license to operate the Plantagenet Day Care Centre.*
3. *The Chief Executive Officer be authorised to finalise the terms of a lease for Lot 7 Marmion Street with Wanslea Family Services Incorporated, for the purpose of conducting a Day Care Centre service. The lease terms to include:*

- a) *A period of five years with a five year option;*
 - b) *The rent for the lease set at one dollar (\$1) per annum;*
 - c) *All outgoings will be the responsibility of Wanslea Family Services Incorporated; and*
 - d) *Termination of the lease if Wanslea Family Services Incorporated loses or does not renew the Department for Community Development license to operate the Plantagenet Day Care Centre.*
4. *Authority be granted to the Shire President and the Chief Executive Officer to affix the Shire of Plantagenet's Common Seal to the agreements between the Shire of Plantagenet and Wanslea Family Services Incorporated referred to in Parts One and Three above.'*

The Child Care service was transferred over to Wanslea and the building lease signed on 25 February 2009.

Wanslea has recently received \$150,000.00 funding to refurbish and extend the Centre. The building improvement plans will increase the number of spaces in the building for the 2 to 5 year age group and rectify issues with the existing baby play area which do not comply with the Child Care Licensing requirements.

The building improvements require Council endorsement as the property is owned by the Shire.

STATUTORY ENVIRONMENT

The Plantagenet Child Care Centre must comply with the following legislation to maintain the license to provide child care:

- Children and Community Services Act 2004;
- Children and Community Services (Child Care) Regulations 2006; and
- National Child Care Accreditation Council.

Wanslea is responsible for adhering to the above legislation and obtaining the appropriate licenses.

EXTERNAL CONSULTATION

Consultation has occurred with Ms Tricia Lee and Ms Sandy Burton from Wanslea.

FINANCIAL IMPLICATIONS

Wanslea has received \$150,000.00 funding from the Department of Families, Housing, Community Services and Indigenous Affairs to refurbish the Child Care Centre. Architectural plans have been prepared and the cost estimate for the proposed changes is \$200,000.00. Wanslea is investigating other funding sources to supplement their budget.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire's Strategic Plan, Key Result Area 3 (Community Services) states:

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

New Initiative 3.1 states:

'Review the utilisation, and economic and social value to the community, of the Council's current community services and facilities.

To achieve this we will:

Evaluate different options for providing community services and facilities...'

OFFICER COMMENT

The lease between the Shire and Wanslea states that approval must be sought from the Lessor (the Shire) for any additions or alterations to the building and that if approval is given, the work must be undertaken in compliance with the Lessor's (and any relevant public authority's) requirements.

The attached plans outline the work that is proposed for the building. The main alterations include:

- Shifting the entrance to the building to the existing outdoor baby play area;
- Relocating the activity room, cot room, play area and a toilet for the 0 – 2 years age group;
- Creating a new foyer that provides access to all of the different age group rooms; and
- Providing more space for the 2 – 5 year age groups.

Once complete, the refurbished building will have enough space to accommodate 10 extra spaces for the 2 – 5 year age group.

The alterations will also result in the existing 0 – 2 year age group play area, which does not meet accreditation standards due to drainage issues, ground slope and surface, being relocated and refurbished in line with the appropriate standards.

A Building Licence will need to be obtained by Wanslea prior to any work taking place.

The Child Care Centre service will need to be relocated while building activities are occurring. Wanslea is liaising with the Mount Barker Community College regarding the use of the old Primary School site at Oatlands Road as a temporary Child Care facility.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Sue Etherington JP, seconded Cr Len Handasyde:

That the proposed building extensions and refurbishments, as shown on attachment one, at Lot 7 Marmion Street Mount Barker for Wanslea Family Services Incorporated be supported.

CARRIED (7/0)

NO. 23/10

11.4 CORPORATE SERVICES REPORTS

Nil

11.5 EXECUTIVE SERVICES REPORTS**11.5.1 CEMETERY - MOUNT BARKER – NATURAL EARTH BURIALS**

File No: N11659
Attachment: [Natural Burial Policy](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 9 February 2010

PURPOSE

The purpose of this report is to present a recommendation to the Council regarding natural earth burials at the new cemetery in Mount Barker.

BACKGROUND

Prior to the meeting of the Council held on 9 June 2009 a presentation was given to the Council by Ms Brenda Carlyle regarding the advantages of natural earth burials. Ms Carlyle was seeking the Council's favourable consideration for the inclusion in the new Mount Barker Cemetery of an area for natural earth burials.

As presented to the Council, Ms Carlyle indicated that natural earth burials were those where the deceased person is interred in a shroud made of hemp (or other bio-degradable material). The idea is that the deceased person's body will decompose faster than a body which is in a coffin and further that there will be no plastics and/or metals.

Also, the natural earth burial area would be given over to bush or other indigenous vegetation with no marker for the grave except for a GPS location.

The Shire of Plantagenet is a member of the Cemeteries and Crematoria Association of Western Australia, of which the Metropolitan Cemeteries Board (MCB) is also a member. The MCB has recently adopted a working policy (attached) for Natural Earth Burials. It will be recommended that the Shire of Plantagenet conforms generally with this policy to maintain industry best practice.

The MCB recommends that the deceased person is interred in a bio-degradable coffin. Also no embalming processes are to be undertaken to assist in the decomposition process. The use of a bio-degradable coffin is preferred as it would be less confronting and ensures the efficient transportation of the deceased.

STATUTORY ENVIRONMENT

Cemeteries Act 1986

Local Government Act 1995

Shire of Plantagenet Cemeteries Local Law 2008

The Cemeteries Act provides that local governments perform the functions of a Cemeteries Board.

The Cemeteries Act also provides that a person shall not bury or assist at the burial of a dead body in any place other than a cemetery.

The Act further provides that a person shall not conduct a funeral at a cemetery unless that person is the holder of a funeral director's licence or a permit issued under the Act in respect to a particular funeral.

It is understood that there is no legal issue regarding the burial of a person in a shroud in Western Australia although this is not necessarily the case in all areas of Australia.

EXTERNAL CONSULTATION

Consultation has occurred with Peter Deague, Director Planning and Operations, Metropolitan Cemeteries Board.

FINANCIAL IMPLICATIONS

Normal charges pursuant to the Council's Local Laws and adopted budget would apply. An amendment should be considered at some time in the future to recognise natural earth burials although this is not critical.

POLICY IMPLICATIONS

A new Policy is part of this report's recommendation.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan in Key Result Area 2 - Infrastructure notes: *'the development of asset management systems to more effectively utilise scarce resources'*.

It also notes the appropriate integration of natural resource management plans into operational business plans.

It is asserted by those in favour of natural earth burials that the practice of cremation is a source of pollution, contributing a significant amount of carbon dioxide (CO₂) to the atmosphere for each cremation. It is also asserted that traditional burial grounds require high levels of ongoing maintenance and therefore contribute a considerable amount of CO₂ over time. It is further asserted that a natural earth burial ground will contribute less than 30 kilograms of CO₂ and that this is offset due to low maintenance revegetation.

OFFICER COMMENT

As there is no legal impediment for a natural earth burial, the indication by the Council that it has no objections to such events is sufficient. It is suggested that should there be no objections to a natural earth burial that the buffer zones of vegetation that have been installed at the new cemetery be the preferred location. Obviously records still need to be kept and bodies will need to be interred with metal identification plaques and some action will need to be taken with regard to GPS location recording. Should demand increase, further land allocation may need to be considered.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Len Handasyde, seconded Cr Brett Bell:

That:

1. **No objections be raised for natural earth burials in the new Mount Barker Cemetery, such burials to be undertaken in the screening vegetation strip around the Cemetery and subject also to the Cemeteries Act 1986, Local Government Act 1995 and the Shire of Plantagenet Cemeteries Local Laws 2008 being adhered to at all times.**
2. **New Council Policy A/CA/1 Natural Burial as detailed below:**

OBJECTIVE:

Provide natural burial opportunities that conserve and enhance local biological diversity, water resources and soil quality, and by doing so, maintain the ecological functions and integrity of the larger regional ecosystem.

POLICY:

1. **To reduce the impact of conventional burial and cremations on the environment:**
 - **To support this objective no embalming of the body will be permitted and the deceased must be conveyed in an approved casket or coffin, constructed of a biodegradable and untreated material derived from a sustainable resource; and**
 - **Burial sites will be planted with indigenous flora.**
2. **To maintain or enhance the quality of the natural environment:**
 - **Plots may be laid out in a similar way as a conventional cemetery but regeneration will be used in place of traditional memorial practices;**
 - **Additional flora may be grown around the plot to create a green or natural setting that will provide a haven for fauna in the future;**
 - **Natural burials shall only involve a single burial except where two burials are to occur simultaneously during the conduct of the same funeral, in which case a second burial will be permitted.**

This ensures that the newly created environment remains undisturbed; and

- Plot location may be recorded using GPS/GIS technology or similar.
3. To achieve rapid and real return of the body to the earth:
 - Natural burial is defined as burial that conforms to the ordinary course of nature;
 - The aim is to return the body to the soil as quickly as would naturally occur;
 - The absence of embalming may assist this; and
 - The body is buried to a depth with an active layer of soil to maximise the rate of decomposition and the use of biodegradable coffins or caskets will further enhance this process.
 4. To provide a more natural and sustainable alternative to conventional burial:
 - Natural burial aims to lower the environmental impact and carbon footprint of burial; and
 - In the absence of embalming and through the use of coffins and caskets which are simpler and less ornate certain environmental components attributed to the conduct of conventional funerals may be reduced.
 5. To ensure low ongoing sustainable maintenance requirements:
 - Less maintenance will be carried out in a natural burial cemetery due to the reduced need for landscaping, plot manicuring, and headstone upkeep and memorabilia management; and
 - Natural cemeteries do not require regular mowing and only require minimal upkeep such as initial watering, tending of juvenile trees and weed control.
 6. Cremated remains interred in the designated gravesite shall be contained in a biodegradable container that is non-retrievable. Alternatively, cremated remains may be placed directly into the earth.
 7. No headstone or memorial, marker, stone, vase, tribute or any structure temporary or otherwise may be placed or erected at the gravesite.'

be adopted.

AMENDMENT

Moved Cr Jeff Moir, seconded Cr Brett Bell:

That a further part 8. be added to the policy as follows:

'8. Charges for natural earth burials be based on cost recovery.'

CARRIED (7/0)

NO. 24/10

COUNCIL DECISION

That:

1. No objections be raised for natural earth burials in the new Mount Barker Cemetery, such burials to be undertaken in the screening vegetation strip around the Cemetery and subject also to the Cemeteries Act 1986, Local Government Act 1995 and the Shire of Plantagenet Cemeteries Local Laws 2008 being adhered to at all times.
2. New Council Policy A/CA/1 Natural Burial as detailed below:

OBJECTIVE:

Provide natural burial opportunities that conserve and enhance local biological diversity, water resources and soil quality, and by doing so, maintain the ecological functions and integrity of the larger regional ecosystem.

POLICY:

1. To reduce the impact of conventional burial and cremations on the environment:
 - To support this objective no embalming of the body will be permitted and the deceased must be conveyed in an approved casket or coffin, constructed of a biodegradable and untreated material derived from a sustainable resource; and
 - Burial sites will be planted with indigenous flora.
2. To maintain or enhance the quality of the natural environment:
 - Plots may be laid out in a similar way as a conventional cemetery but regeneration will be used in place of traditional memorial practices;
 - Additional flora may be grown around the plot to create a green or natural setting that will provide a haven for fauna in the future;
 - Natural burials shall only involve a single burial except where two burials are to occur simultaneously during the conduct of the same funeral, in which case a second burial will be permitted. This ensures that the newly created environment remains undisturbed; and

- Plot location may be recorded using GPS/GIS technology or similar.
3. To achieve rapid and real return of the body to the earth:
 - Natural burial is defined as burial that conforms to the ordinary course of nature;
 - The aim is to return the body to the soil as quickly as would naturally occur;
 - The absence of embalming may assist this; and
 - The body is buried to a depth with an active layer of soil to maximise the rate of decomposition and the use of biodegradable coffins or caskets will further enhance this process.
 4. To provide a more natural and sustainable alternative to conventional burial:
 - Natural burial aims to lower the environmental impact and carbon footprint of burial; and
 - In the absence of embalming and through the use of coffins and caskets which are simpler and less ornate certain environmental components attributed to the conduct of conventional funerals may be reduced.
 5. To ensure low ongoing sustainable maintenance requirements:
 - Less maintenance will be carried out in a natural burial cemetery due to the reduced need for landscaping, plot manicuring, and headstone upkeep and memorabilia management; and
 - Natural cemeteries do not require regular mowing and only require minimal upkeep such as initial watering, tending of juvenile trees and weed control.
 6. Cremated remains interred in the designated gravesite shall be contained in a biodegradable container that is non-retrievable. Alternatively, cremated remains may be placed directly into the earth.
 7. No headstone or memorial, marker, stone, vase, tribute or any structure temporary or otherwise may be placed or erected at the gravesite.
 8. Charges for natural earth burials be based on cost recovery.'
- be adopted.

CARRIED (7/0)

NO. 25/10

11.5.2 CORRUPTION AND CRIME COMMISSION - REPORTING

File No: N13854
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 9 February 2010

PURPOSE

The purpose of this report is to recommend to the Council that representations be made to the Western Australian Local Government Association (WALGA) that, in the opinion of the Council, provisions of the Corruption and Crime Commission Act (the Act) relating to alleged corrupt behaviour should be reviewed.

BACKGROUND

Provisions within the Act place the Chief Executive Officer in a potential position which has the risk of damaging the relationship between the Chief Executive Officer and Councillors.

A Chief Executive Officer is faced with the disagreeable yet compulsory task of reporting Councillors or staff to the Corruption and Crime Commission for even minor oversights.

STATUTORY ENVIRONMENT

Corruption and Crime Commissions Act 2003, especially S28 (Obligation to Notify Misconduct).

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

It would seem appropriate that the Great Southern Zone of the Western Australian Local Government Association (WALGA) be requested to support the legislation being reviewed. The suggestion would be that the Shire President in consultation with the Chief Executive Officer be allowed discretion as to what is required to be reported.

This scenario could be developed such that minor oversights (e.g. failure to declare an interest) be based on a 'three strikes' theme. The first and second defined minor misconduct events would be handled as a warning. Similarly, a second minor misconduct issue could be handled as warnings. Significantly, a third issue would be handled in accordance with the present legislation, that is, formal reporting to the Corruption and Crime Commission.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Len Handasyde, seconded Cr Sue Etherington JP:

That the Shire of Plantagenet seeks the support of the Great Southern Zone of the Western Australian Local Government Association for a review of the Corruption and Crime Commission Act as it relates to the reporting of misconduct, as, in the opinion of the Shire of Plantagenet the processes are harsh and have the potential to destroy otherwise professional relationships between the elected body and the Chief Executive Officer, as, even in the event of a minor reportable event, the Chief Executive Officer is required to report such event without any application of discretion.

CARRIED (6/1)

NO. 26/10

11.5.3 TIMBER 2020 - COUNCIL REPRESENTATION

A Voluntary Interest was disclosed by Cr S Grylls. Cr Grylls indicated the nature and extent of his interest is plantations on his property.

A Financial Interest was disclosed by Cr L Handasyde. Cr Handasyde indicated the nature and extent of his interest is small 10ha woodlot under contract on a 10 year cycle.

A Financial Interest was disclosed by Cr J Moir. Cr Moir indicated the nature and extent of his interest is plantations on his property.

4:13pm Crs S Grylls, L Handasyde and J Moir withdrew from the meeting.

File No: N13753
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Kaye Skinner
Executive Secretary
Proposed Meeting Date: 9 February 2010

PURPOSE

The purpose of this report is to appoint a representative to Timber 2020.

BACKGROUND

Crs Grylls and Moir declared an interest in this matter at the special meeting of the Council held on 20 October 2009 as tree growers which resulted in a quorum no longer being present. The meeting stood adjourned until a quorum was available.

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 previous member of Timber 2020 was Cr Grylls with the former Cr J Mark as deputy.

The brief of Timber 2020 is as follows:

To facilitate and coordinate private forestry and its related industries in the Great Southern Region'.

Meetings are held every six weeks and are held on a Thursday morning mostly in Albany.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. Cr... be nominated as the Council's representative on Timber 2020.
2. Cr... be nominated as Deputy to act on behalf of the elected member if unable to attend any meeting.

LOSS OF QUORUM

The Chief Executive Officer advised the Presiding Member that as a quorum was no longer present the meeting stood adjourned until a quorum was present.

4:14pm Crs Grylls, Handasyde and Moir returned to the meeting.

11.5.4 TOWNSCAPE REVIEW STEERING COMMITTEE

File No: N13772
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 9 February 2010

PURPOSE

The purpose of this report is to consider the re-establishment of the Townscape Review Steering Committee (the Committee).

BACKGROUND

The brief of the Committee was:

'Guide the process of reviewing the Townscape Improvement Plan for the Shire of Plantagenet that will:

- *Serve as an overall framework for streetscape upgrading projects over the next ten years; and*
- *Lead to the enhancement of the visual and practical amenity of the area.'*

At its meeting held on 7 October 2009 the Committee resolved to recommend to the Council:

'That:

1. *The Terms of Reference of the Townscape Review Steering committee be amended to read:*

'Mission/Purpose:

To Guide the process of reviewing Townscape Improvement Plans for the Shire of Plantagenet that will:

1. *Serve as an overall framework for streetscape upgrading projects.*
2. *Lead to the enhancement of the visual and practical amenity of the area.*

Tasks/Responsibilities

The general tasks/responsibilities of the Committee are to:

1. *Provide assistance and advice to Council staff.*
2. *Take an active role in developing an understanding of townscape issues.*
3. *Make recommendations to the Council regarding matters within its purview.*
4. *Comply with relevant policies and directives.*

2. *The membership of the Committee be set at:*

- a) *Two Councillors;*
 - b) *Four community members;*
 - c) *The Chief Executive Officer or his delegate; and*
 - d) *The Manager Development Services.*
3. *The existing four community representatives being Mr Peter Thorn, Mr Roger Bartley, Ms Larissa Seah and Ms Karen McKenzie be re-appointed as members.'*

At the Special Meeting of the Council held on 20 October 2009, the Council resolved as follows:

'That:

1. *The Townscape Review Steering Committee be disbanded.*
2. *A further report be presented to the Council at its meeting to be held on 9 February 2010 for the formation of a new Committee.'*

STATUTORY ENVIRONMENT

The Committee was appointed by the Council pursuant to Section 5.9(2)(c) of the Local Government Act 1995, meaning that Council members, employees and other persons can be appointed.

FINANCIAL IMPLICATIONS

There are potential financial implications for this report, especially staff time and the resulting opportunity cost.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The existence of community based committees is consistent with the Shire of Plantagenet's Strategic Plan. In particular the New Initiatives in Key Result Area 3:

Engender a sense of belonging and community pride across all sections of the community' and

Key Result Area 4:

'Encourage a sense of community and improve the quality of life for all residents of the Shire, and will assist in achieving to revise and implement the Mount Barker Townscape Improvement Plan'.

OFFICER COMMENT

As noted on the Committee's recommendation of 7 October 2009, the Mission/Purpose of the Committee if re-established would be:

To Guide the process of reviewing Townscape Improvement Plans for the Shire of Plantagenet that will:

1. Serve as an overall framework for streetscape upgrading projects.
2. Lead to the enhancement of the visual and practical amenity of the area.'

Each of the previous Committee members was asked to provide feedback regarding the formation of a new committee. Mr Roger Bartley responded with a well thought out suggestion which is quoted as follows:

- *The Tooby report [2002] provided the framework for the streetscape improvements to Mount Barker's CBD..., there is an argument for asking Tooby to produce an end-review and commentary on the work-to-date. This would (a) provide a coda to the town centre project, which would form part of the Shire's 'history'; (b) provide a number of themes or specific ideas for the future, relevant to 'townscape'.*
- *One of the legacies of the project is the excellent Townscape Improvement Suggestion Document – December 2006, largely the work of Marta Osipowicz. This extended beyond the Lowood Road precinct, and ... should be regarded as a blueprint for future streetscaping works in the Mount Barker townsite.*
- *The Steering Committee found on a number of occasions that some issues of interest to members while pertinent to 'townscape', fell outside the Committee's remit as officially defined. A broader remit for a reformulated committee might allow for consideration of not just the other Plantagenet townsites, but any locality in the Shire where 'streetscape' in its broad sense, is an issue. Hence... the word "shire-scape".*
- *In regard to localities such as the Porongurups, the 'govvy' dam, the scenic lookout (tv tower), issues of visual and practical amenity overlap with the interests of the tourism portfolio,... the local Tourism committee is essentially an industry group and not a Shire committee. However I think that there has to be some link between any revised townscape committee and the tourism group, not just to avoid duplication of effort, but to pool ideas.*
- *The inclusion of issues affecting Kendenup, Rocky Gully [etc] might lead to the suggestion that each community in the Shire should have a representative on the committee. This would be unwieldy; the size of the old committee was about right. To cater for the interests of other townsites, it would be possible to (a) conduct an annual public meeting with the focus on 'townscape' issues; (b) invite interested parties to attend a committee meeting on a one-off basis to address an issue of substance affecting one of the townsites.*
- *The remit of a new committee might be similar to the previous one: with community involvement, to draw Council's attention to and query matters of concern; raise suggestions for action/expenditure; offer advice where appropriate; respond to Council requests for consideration of pertinent topics. The focus would continue to be on road and pavement layout, trees & shrubs, landscaping, signage, visual and practical amenity of roads, public access tracks and public spaces. The committee might also be encouraged to look to*

the longer term (blue-sky thinking) and produce a wish-list for longer term projects - with a steadily-growing Shire population in mind.'

The former Presiding Member of the Committee, Mr Peter Thorn, has responded too. He is also of the opinion that the Committee should be re-formed with a broader remit to continue townscaping efforts which have proved successful thus far.

He notes the work of Marta Osipowicz and also believes the Manager of Works and Services should be on the Committee.

Although the Committee has taken up a significant amount of staff time in the past, the community input has been well regarded.

The Committee could be re-formed, however officer time is crucial for its success as well as on-going funding and this needs to be recognised.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That:

1. A committee to be known as the Townscape Review Steering Committee be created pursuant to Section 5.9(2)(c) of the Local Government Act 1995.
2. The membership of the committee be set at:
 - a) *Two Councillors;*
 - b) *Four community members;*
 - c) *The Chief Executive Officer or his delegate; and*
 - d) *The Manager Development Services.*
3. The previous four community representatives being Mr Peter Thorn, Mr Roger Bartley, Ms Larissa Seah and Ms Karen McKenzie be re-appointed as members.
4. The Terms of Reference of the Townscape Review Steering committee be amended to read:

Mission/Purpose:

To Guide the process of reviewing Townscape Improvement Plans for the Shire of Plantagenet that will:

1. Serve as an overall framework for streetscape upgrading projects.
2. Lead to the enhancement of the visual and practical amenity of the area.

Tasks/Responsibilities

The general tasks/responsibilities of the Committee are to:

1. Provide assistance and advice to Council staff.

2. Take an active role in developing an understanding of townscape issues.
3. Make recommendations to the Council regarding matters within its purview.
4. Comply with relevant policies and directives.

COUNCIL DECISION

Moved Cr Sue Etherington JP, seconded Cr Len Handasyde:

1. **A committee to be known as the Townscape Review Steering Committee be created pursuant to Section 5.9(2)(c) of the Local Government Act 1995.**
2. **The membership of the committee be set at:**
 - a) *Two Councillors;*
 - b) *Four community members;*
 - c) *The Chief Executive Officer or his delegate; and*
 - d) *The Manager Development Services.*
3. **The four community representatives be advertised.**
4. **The Terms of Reference of the Townscape Review Steering committee be amended to read:**

Mission/Purpose:

To Guide the process of reviewing Townscape Improvement Plans for the Shire of Plantagenet that will:

1. **Serve as an overall framework for streetscape upgrading projects.**
2. **Lead to the enhancement of the visual and practical amenity of the area.**

Tasks/Responsibilities

The general tasks/responsibilities of the Committee are to:

1. **Provide assistance and advice to Council staff.**
2. **Take an active role in developing an understanding of townscape issues.**
3. **Make recommendations to the Council regarding matters within its purview.**
4. **Comply with relevant policies and directives.**

CARRIED (7/0)

NO. 27/10

Reason for change

Point 3. was changed as not all previous members may want to be a member.

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

4:16pm The Presiding Member declared the meeting closed.

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