



ORDINARY MINUTES

DATE: Tuesday, 9 November 2010

TIME: 2:45pm

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

2:46pm The Presiding Member declared the meeting open.

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

Members Present:

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

In Attendance:

Mr Dominic Le Cerf	Manager Works and Services
Mrs Linda Sounness	Executive Secretary
Mr John Fathers	Deputy Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services

Previously Approved Leave of Absence:

Cr K Clements – 10 to 15 November 2010 inclusive

Cr G Messmer – 11 to 23 December 2010 inclusive

There was one (1) member of the public present

Emergency Evacuation Procedures/Disclaimer:

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

Mr Fathers 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.'

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr Andrus Budrikis disclosed a Proximity Interest (Section 5.60(B) LGA) – own private house approximately 500m from abattoir – in Item 11.1.2.

Cr Brett Bell disclosed a Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – quoted on tank repairs – in item 11.4.2.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

7 CONFIRMATION OF MINUTES

Moved Cr B Bell, seconded Cr M Skinner:

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

CARRIED (9/0)

NO. 268/10

8 COMMITTEE MINUTES

Moved Cr L Handasyde, seconded Cr S Grylls:

That the Minutes of:

Local Emergency Management Committee Meeting - 3 August 2010;

Bush Fire Advisory Committee Meeting - 4 August 2010; and

Great Southern Regional Cattle Saleyards Advisory Committee Meeting
– 19 October 2010

be received.

CARRIED (9/0)

NO. 269/10

9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 20 October 2010 – Mr Stewart and I attended a Leaders Forum held by the Minister for Local Government in Perth.
- 25 October 2010 – I visited the Wildflower Exhibition at the Town Hall.
- 27 October 2010 – I attended the Opening of the new HHG offices in Mount Barker.
- 28 October 2010 – Cr Handasyde, Mr Le Cerf and I attended a meeting of the TIRES Group. A representative of WALGA was there explaining WALGA's position on ongoing TIRES funding.
- 31 October 2010 – I attended the Opening of the Fredrick Square Pavilion in Cranbrook.
- 4 November 2010 – Cr Etherington, Mr Stewart and I had a meeting with Caroline Horton to discuss Tourism.
- 4 November 2010 – Cr Handasyde, Mr Stewart Mr Le Cerf and I met to discuss road funding and capping issues.
- 8 November 2010 – Cr Handasyde, Mr Le Cerf and I attended the Great Southern Regional Road Group meeting.
- 8 November 2010 – Mr Stewart and I attended a meeting with GSDC.

10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr B Bell

- 29 October 2010 – attended the Porongurup National Park Fire Group meeting.
- 3 November 2010 – attended the Bush Fire Advisory Committee meeting.

Cr G Messmer

- 27 October 2010 – attended the Opening of the new HHG offices in Mount Barker.
- 28 October 2010 – attended the Road Safety Forum in Albany
- 31 October 2010 – attended the Opening of the Frederick Square Pavilion in Cranbrook.

Cr L Handasyde

- 27 October 2010 – attended the Opening of the new HHG offices in Mount Barker.
- 28 October 2010 – attended the Road Safety Forum in Albany.
- 28 October 2010 – attended the meeting of the TIRES Group.
- 2 November 2010 – attended the Local Emergency Management Committee meeting.
- 3 November 2010 – attended the Roadwise Committee meeting.
- 4 November 2010 – met with Cr Clements, Mr Stewart and Mr Le Cerf to discuss road funding and capping issues.
- 7 November 2010 – attended the Forest Hill Hall Committee meeting.
- 8 November 2010 – attended the Regional Road Group meeting.

11 REPORTS OF COMMITTEES AND OFFICERS

11.1 DEVELOPMENT SERVICES REPORTS

11.1.1 LOT 541 FISHER ROAD, MOUNT BARKER – GALLERY (ART WORKSHOP)

File No:	N16355
Attachments:	Location Plan Site Plan Floor Plan and Elevation Elevations
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	9 November 2010
Applicant:	Keith Ovans

PURPOSE

The purpose of this report is to consider an application for a gallery (art workshop) at Lot 541 Fisher Road, Mount Barker.

BACKGROUND

Council Records show the registered owners of Lot 541 Fisher Road are K Ovans and B Inderbitzin.

The owners' soon to be son-in-law David Stockdale is an artist who primarily works with form and sculpture for private commissions, public art and commercial applications.

The proposal is for a gallery for the purpose of an art workshop. The art workshop will be established in a new outbuilding of 168m² (12m x 14m).

This proposal was advertised for comment and one submission was received from a nearby land owner that raised no objection to the application.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

Schedule 1 – Interpretations reads:

'Gallery/Restaurant – means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery and the manufacture, creation of art or craft pieces together with the

incorporation of a restaurant for the sale of food and beverages in conjunction with the operation of the centre.'

The manufacture or creation of art falls within the definition of a Gallery/Restaurant which is a discretionary 'SA' use under TPS3 meaning that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with Clause 6.2.

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.'

EXTERNAL CONSULTATION

The proposal has been advertised for comment for a 21 day period closing on 27 September 2010. Advertising included letters to six adjoining and nearby property owners, notices were placed in the Albany Advertiser, Plantagenet News, the Council's noticeboard and a sign placed on site.

At the close of the advertising period one submission was received. The owner of Lot 496 Halsey Road raised no objection to the application.

FINANCIAL IMPLICATIONS

The application fee of \$135.00 and a bond of \$500.00 for advertising costs have 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 advocates:

'Retain local business and encourage new businesses that will create long-term sustainable local employment. The Shire also seeks to plan a safe and healthy living environment.'

Town Planning Scheme Policy No. 18 (Planning Vision) – shows Lot 541 and surrounding lots as a possible Rural Smallholding area.

OFFICER COMMENT

The subject land is located approximately 11km north of Mount Barker and 5km off Albany Highway on Fisher Road.

Lot 541 is 16.5ha in area and existing development on the property consist of a partly constructed outbuilding which will be the workshop. The proposed workshop

location will be 175m from Fisher Road and 25m from the boundary with Lot 540 to the west. There are two houses approximately 280m and 500m from the workshop. The houses are located on adjoining Lot 542 to the east and Lot 489 to the north-west.

This gallery proposal is limited to an art workshop and excludes the display of art, display and sale of art or a restaurant although these activities can be covered under the classification of Gallery/Restaurant. The fabrication of most artwork will be performed with hand and power tools. Artwork requiring additional fabrication will be outsourced to engineering companies. The proposed art workshop is not likely to adversely affect the amenity of the locality.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr S Etherington:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the gallery (artist workshop) at Lot 541 Fisher Road, Mount Barker be approved subject to:

- 1. Development being in accordance with the plans dated 14 September 2010.**
- 2. A crossover being constructed and drained to the satisfaction of the Manager Works and Services.**
- 3. All stormwater being disposed of to the satisfaction of the Manager Works and Services.**

Advice Note:

Should the proponent wish in the future to incorporate public display or restaurant facilities, then a further application will need to be made to the Council.

CARRIED (8/0)

NO. 270/10

11.1.2 LOTS 310 AND 311 LAKE MATILDA ROAD, KENDENUP - INCREASED PRODUCTION AND WASTEWATER IRRIGATION AT POULTRY ABATTOIR

A Proximity Interest (Section 5.60(B) LGA) was disclosed by Cr A Budrikis. Nature of interest – own private house approximately 500m from the abattoir.

2:51pm Cr A Budrikis withdrew from the meeting.

File No: N16344

Attachments: [Location Plan](#)
[Existing and Proposed irrigation areas](#)
[Kill Floor Upgrade Plan](#)
[Summary of Submissions](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 9 November 2010

Applicant: Dowford Investments Pty Ltd T/A Mount Barker Chicken

PURPOSE

The purpose of this report is to consider a proposal for increased production and irrigation of associated wastewater at a poultry abattoir at Lots 310 and 311 Lake Matilda Road, Kendenup.

BACKGROUND

Council Records show the registered owner of Lot 310 is Milne Agrigroup Pty Ltd and Lot 311 is Dowford Investments Pty Ltd.

Mount Barker Chicken (MBC) currently operates a poultry processing facility on Lots 311, 312 and 313 Lake Matilda Road, Kendenup. The abattoir receives live chickens, turkeys and quails for slaughter and processing. Thereafter the meat is transported by road to Perth and other regional centres for market.

MBC currently operates under Department of Environment and Conservation (DEC) licence L8031/2005/3 as a Category 15 abattoir with a slaughter capacity of up to 10,000 tonnes of product per annum. Condition 2 of the licence further permits MBC to irrigate up to 31.2ML (megalitres) treated wastewater to a dedicated 10ha irrigation area located on Lots 312 and 313. This licence expires on 21 December 2011.

MBC aim to slowly increase the processing capacity of the facility over the next four to five years. For 2009 the average number of birds processed was 50,000 birds per week and for 2010 the expected number of birds to be processed per week is

58,000. Although MBC still have some capacity for growth within the constraints of the existing licence it intends to have suitable measures in place to grow successfully. MBC expects the number of birds to be processed by the end of 2012 to be 85,000 birds per week. This application proposes to increase the total production to 100,000 birds per week that would equate to approximately 12,000 tonnes of product produced annually. The increased production would result in 51.2ML of treated wastewater to be irrigated on the existing 10ha area plus three new dedicated irrigation areas, with a cumulative area of 5ha located on Lots 310 and 311.

The Council at its meeting held on 14 February 2006 resolved at Resolution No. 31/06:

'That:

Planning consent be refused in respect of Application 36/05 for Lots 312 and 313 Lake Matilda Road, Kendenup to be developed for the purpose of Abattoir – Extension (Irrigated Pastures and Plantation) upon the following grounds:

- (1) The proponent has not provided sufficient justification that the development will address and/or decrease odour associated with the Abattoir on Lot 311;*
- (2) Irrigation of wastewater onto the predominantly clay soil has the potential to result in ponding and saturation especially with winter rain; and*
- (3) There is insufficient storage capacity for excess water.*

The application was approved with conditions by mediation on 10 April 2006 after MBC filed an Application for Review (DR 56/2006) with the State Administrative Tribunal (SAT).

MBC have now engaged Coffey Environments (CE) to prepare a licence amendment application in accordance with Environmental Protection Act 1986 for submission to the DEC. This licence amendment application proposes to increase production to 12,000 tonnes of product produced per annum with treated wastewater irrigation of 51.2ML per annum. This application document demonstrates how MBC will manage increased emissions associated with increased production in a manner that will minimise adverse impacts on the environment and the locality.

The DEC on 26 September 2010 granted Works Approval (W4710/2010/1) to MBC to construct works in accordance with the document dated 18 May 2010 and titled *'Mount Barker Chicken Licence Amendment Application, Coffey Environments Pty Ltd'*.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

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

Lots 310, 312 and 313 are zoned Rural
Schedule 1 – Interpretations reads:

'Abattoir - means land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.'

The treatment of by-products such as wastewater falls within the definition of a Noxious Industry which is a discretionary 'SA' use under TPS3 meaning that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with Clause 6.2.

Lot 311 is zoned Special Site R9 – Rabbit abattoir

An abattoir also falls within the definition of a Noxious Industry which is a discretionary 'SA' use under TPS3 meaning that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with Clause 6.2.

Clause 3.2.5 of TPS3 provides the Council with the ability to determine development standards for development not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the categories. That power may only be exercised by the Council if it is satisfied that:

'(b) determine by absolute majority that the proposed use is consistent with the objectives and purpose of the zone and thereafter follow the 'SA' procedure of Clause 6.2 in considering an Application for planning consent.'

Lot 311 is currently being used for the purpose of chicken abattoir meaning the Council determined the use to be consistent with the objectives and purpose of the zone.

Environmental Protection Act 1986 – Guidance for the Assessment of Environmental factors – Separation Distances between Industrial and Sensitive Land Uses No.3 June 2005.

Separation Distance Requirements - Abattoir

Industry	Abattoir
Description	Killing of animals for human consumption or pet food – no rendering
DEC Licence or Registration Category	Category 15, licence required
Key Government Agencies for Advice or Approvals	Department of Agriculture and Food, Department of Environment and Conservation and Local Government
Code of Practice (CoP)/Environmental requirements	Code of Practice Abattoirs 1996.
Impacts	Gaseous
	No

	Noise	Yes
	Dust	Yes
	Odour	Yes
	Risk	No
Buffer Distance in metres and Qualifying Notes		500 - 1,000 depending on size

Separation Distance Requirements – Waste Disposal

Industry		Waste disposal, industrial liquid waste
Description		Site in which liquid waste from other premises is stored, reprocessed, treated or irrigated/discharged
DEC Licence or Registration Category		Category 61
Key Government Agencies for Advice or Approvals		Department of Health, Department of Environment and Conservation and Local Government
Code of Practice (CoP)/Environmental requirements		Code of Practice Abattoirs 1996.
Impacts	Gaseous	No
	Noise	Yes
	Dust	No
	Odour	Yes
	Risk	No
Buffer Distance in metres and Qualifying Notes		Case by case

The MBC abattoir is an existing use and licensed by the DEC as a Category 15 abattoir with a slaughter capacity of up to 10,000 tonnes of product per annum. This application involves the proposed increase in production from 10,000 to 12,000 tonnes per annum. The key issues for concern are odour, noise and waste emissions.

Environmental Protection Regulations 1987 - works approval and licence required.

Health Act 1911 – Schedule 2

Schedule 2 reads:

‘Offensive Trades

Any of the trades, businesses or occupations usually carried on, in, or connected with the undermentioned works or establishments, that is to say – Abattoirs or slaughter houses.’

Shire of Plantagenet Health Local Law 2008, Part 9 Offensive Trades

Clause 9.1.2 reads:

‘A person seeking the consent of the Local Government under Section 187 of the Act to establish an offensive trade shall make application in the form of prescribed Schedule 9 and in accordance with the local governments Town Planning Scheme.’

An abattoir and treatment of by-products such wastewater emissions are defined as offensive trades and must be registered with the local authority on an annual basis.

Soil and Land Conservation Act 1945 - requires the use of appropriate land management to attain or maintain the stability of the land in perpetuity.

EXTERNAL CONSULTATION

The proposal has been advertised for comment for a 21 day period closing on 24 September 2010. Advertising included letters to 36 adjoining and nearby property owners, notices were placed in the Albany Advertiser, Plantagenet News, the Council’s noticeboard and a sign placed on site. The proposal was referred to four government agencies for comment closing on 26 October 2010.

At the close of the advertising period four submissions had been received and these are contained in the attached summary of submissions.

FINANCIAL IMPLICATIONS

The application fee of \$132.00 and a bond of \$500.00 for advertising costs have 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 advocates:

‘Retain local business and encourage new businesses that will create long-term sustainable local employment. The Shire also seeks to plan a safe and healthy living environment.’

Town Planning Scheme Policy No. 18 (Planning Vision) – show Lots 310, 311 and surrounding lots as possible Light Industrial. Noxious Industries such as abattoirs

are generally discretionary uses the Council may permit in industrial zones after the proposal has been advertised for comment.

OFFICER COMMENT

The subject land is located approximately 100m east of Kendenup Village on Lake Matilda Road.

The DEC on 26 September 2010 granted Works Approval to MBC to construct works in accordance with the document dated 18 May 2010 and titled '*Mount Barker Chicken Licence Amendment Application, Coffey Environments Pty Ltd*'.

That document addresses a range of key factors that demonstrates how MBC will manage increased emissions associated with increased production in a manner that will minimise adverse impacts on the environment and the locality.

Key factors examined in the document include:

- wastewater quality - to ensure wastewater is treated to a satisfactory level prior to disposal to irrigation areas;
- wastewater volumes - to ensure the availability of sufficient irrigation areas;
- phosphorus retention indices, nutrient loading and target nutrient application rates - to ensure soil holding capacity and reduce the risk of leaching nutrients through the soil into the groundwater;
- biochemical oxygen demand application rates - to ensure satisfactory biochemical loading resulting in odour not being a problem;
- hydraulic loading - to ensure discharged waste water will infiltrate into the soil and not cause ponding and surface runoff;
- irrigation rates - to ensure wastewater will be irrigated on all irrigation areas at an even rate; and
- installation of groundwater monitoring bores - to ensure ongoing monitoring of groundwater.

Other factors examined in the document include:

- solid waste removal - additional solid waste will daily be removed from the property to the Tallowman facility in Perth which has significant capacity;
- odour - identified odour sources from the abattoir are the processing area, storage of solid wastes, wastewater treatment ponds and wastewater irrigation. Odour has been successfully managed with no complaints received at MBC since the upgrade of the wastewater treatment system in 2006/2007;
- processing noise - the increase in production will require the use of additional equipment. MBC does not foresee any significant increase in processing noise. Current processing areas operate at levels below 80dB(A) which is within occupational health requirements. In addition, 100mm insulation panels will be installed to new all processing areas to minimise noise. The installation of aerators at the wastewater treatment ponds may produce additional noise. Aerators are automatically controlled depending on the dissolved oxygen levels in the ponds. MBC consider the aerator noises acceptable within its rural context. In the event of aerator noises becoming problematic, it is proposed the aerators only operate during the day when higher noise levels are more acceptable;

- traffic noise - current operations at the abattoir require approximately seven heavy vehicle movements per day in addition to staff vehicles movements. Heavy vehicle movements are expected to increase to 12 movements per day together with a small increase in staff vehicle movements. The section of road linking MBC with Kendenup Village has been sealed to minimise adverse impacts by heavy and motor vehicle movement; and
- community consultation - MBC on two occasions (April 2009 and May 2010) distributed information sheets on their current and future operations at their abattoir. In addition, a community information meeting was hosted on 8 April 2009.

The application has been referred to the DEC, Department of Agriculture and Food (DAF), Department of Water (DOW) and the Water Corporation. The DAF recommended a minimum buffer distance of 300m to 1,000m to minimise potential land use conflict. The abattoir currently operates under DEC licence L8031/2005/3 without a separation distance requirement. The CE report raises no major concerns or adverse impacts as a result of the proposed increased production. The subsequent works approval by the DEC confirms CE findings. The DAF comment in this instance is not seen as a relevant consideration. The DOW recommended annual soil sampling for the proposed three new irrigation areas at Lots 310 and 311.

Two submissions have been received from adjoining and nearby land owners of which one objects to the proposal. Concerns raised are the lack of consultation with immediate owners and further straining of the existing roads as a result of increased vehicle movement. As previously mentioned MBC has consulted with the community by distributing information sheets on two occasions and hosting a community meeting. The Council has also advertised this application in accordance with its TPS3 requirements. The expected increase in heavy and motor vehicle movement is not excessive given the location of the site and the standard of the roads.

As part of ongoing improvement and the proposed increase in production MBC intends to upgrade equipment at the kill floor (see kill floor upgrade plan).

Current operations at the poultry abattoir in Kendenup have been successfully managed by MBC with no complaints received by the Council since late 2005. MBC have also shown a willingness to address and resolve problems that may arise. The company has the ability and the expertise to successfully manage the proposed production increase.

The Mount Barker Chicken Licence Amendment Application document prepared by CE addresses most relevant environmental requirements and raises no major concerns or possible adverse impacts on the environment and the locality. The DEC on 26 September 2010 granted Works Approval to MBC to construct works in accordance with the CE document.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That in accordance with clause 9.1.2 of the Shire of Plantagenet Local Health Law 2008 and clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the expansion of the noxious industry (poultry abattoir with a capacity of 12,000 tonnes product per annum and irrigation capacity of 51.2ML treated wastewater per annum) at Lots 310 and 311 Lake Matilda Road, Kendenup be approved subject to the development being in accordance with the plans dated 14 June 2010 and 15 September 2010.

ADVICE NOTE

It is suggested the applicant engage consultants to prepare an Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 to rationalise the zoning of Lots 310, 311, 312 and 313 Lake Matilda Road, Kendenup to reflect the current land use of poultry abattoir.

CARRIED (9/0)

NO. 271/10

2:53pm Cr A Budrikis returned to the meeting.

**11.1.3 TOWN PLANNING SCHEME POLICY NO. 16 - OUTBUILDINGS -
ALTERATION TO POLICY**

File No: N16073
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 9 November 2010

PURPOSE

The purpose of this report is to consider proposed alterations to existing Town Planning Scheme Policy No. 16 – Outbuildings, to include reference to the newly created Enterprise zone.

BACKGROUND

At its meeting held on 12 December 2006 the Council adopted Town Planning Scheme No. 16 – Outbuildings following required public advertising. That policy reads:

‘Town Planning Scheme No. 3

Town Planning Scheme Policy No. 16.

OUTBUILDINGS*Definition*

An outbuilding is defined in the Residential Design Codes as a structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling.

Cumulative floor area means the total area of all outbuildings on a lot.

Objectives

- 1. To protect the amenity of the locality in which the outbuilding is proposed.*
- 2. To set standards in respect to size (height and cumulative area), boundary setbacks and use of the outbuilding.*

In considering any application for approval for an outbuilding, the criteria below will be considered.

Policy Criteria:

- 1) This policy applies to the whole municipal district of the Shire of Plantagenet excluding Crown Reserves. It applies to all land zoned Rural, Residential, Rural Residential, Landscape Protection and Rural Smallholding.*
- 2) For outbuildings proposed on Residential zoned land, the required rear setback shall be determined in accordance with side setback calculations detailed within the Residential Design Codes.*

- 3) *On Residential zoned land an outbuilding shall not be sited on a lot nearer to the frontage of the lot than the setback of the building to which it is appurtenant, or less than half the front setback from any other street boundary of the lot, other than in accordance with the minimum standards as stated in the Residential Design Codes and Building Code of Australia.*
- 4) *An outbuilding may be built on a boundary of a lot following receipt by the Council of written approval from the adjoining landowner stating no objections to the construction of an outbuilding on the boundary with the proviso that no openings are located in the wall on the boundary and Building Code of Australia standards are met.*
- 5) *The Council will consider the visual amenity of residential areas and the safety of pedestrians when determining approvals for outbuildings to be located on a lot boundary.*
- 6) *Outbuildings proposed for Residential zones are limited to being single storey with a maximum wall height of 3m and a maximum cumulative total floor area of 80m².*
- 7) *Outbuildings proposed for Rural Residential and Landscape protection zones are limited to have a maximum wall height of 3.5m and a maximum cumulative total floor area of 150m².*
- 8) *Outbuilding proposed for Rural Smallholding zones are limited to have a maximum wall height of 3.5m and a maximum cumulative floor area of 200m².*
- 9) *Outbuildings proposed for Rural zones are not limited in respect to wall height or cumulative floor area.*
- 10) *In respect to outbuildings proposed for vacant Residential, Rural Residential, Landscape Protection or Rural Smallholding lots, the Council will not allow their use for residential, commercial or industrial purposes. Written confirmation in the form of a Statutory Declaration or similar to this effect may be required of the property owner in making such an application.*
- 11) *A building licence will be required for outbuildings in all zones.'*

Amendment No. 50 to Town Planning Scheme No. 3 (TPS3) created the new Enterprise zone and zoned various lots in the Kendenup village as Enterprise zone.

That Amendment was finalised and published in the Government Gazette on 19 October 2010. Amendment No. 53 zones land in the Rocky Gully village as Enterprise zone also. That Amendment is still with the Department of Planning for a report to the Western Australian Planning Commission (WAPC) following public advertising.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

TPS3 – Clause 7.6 'Power to Make Policies' reads as follows:

'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.'*

To alter a policy clause 7.6.3(a) is relevant as is the procedure involving advertising set by clause 7.6.2.

EXTERNAL CONSULTATION

In accordance with TPS3 Clause 7.6.2, the Council is required to advertise a draft 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.

FINANCIAL IMPLICATIONS

The cost of advertising will be met from the Town Planning Advertising Budget.

POLICY IMPLICATIONS

This is an alteration to a Town Planning Scheme Policy adopted by the Council in December 2006.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Results area 4 indicated that the Council will '*Develop and Review Town Planning Policies*'.

OFFICER COMMENT

Town Planning Scheme Policy No. 16 was prepared to provide guidance and direction when considering proposals to erect outbuildings (sheds).

As this document is a Town Planning Scheme Policy the Council is to have regard to it. There may be instances where the Council considers a departure or variance from the policy is justified and this can be considered by the Council.

As stated above, Amendment No. 50 to TPS3 has now been finalised and TPS3 includes the new Enterprise zone. It is appropriate that this particular Town Planning Scheme Policy No. 16 be altered to include reference to the new zone in appropriate areas. The alteration to the policy is to include the Enterprise zone in policy criteria 1), 2), 3) and 6). The inclusion will mean there will be floor area (80m²) and height controls (3m) for outbuildings in this new zone. These controls are the same as applied to the Residential zone.

As the policy is to be altered it will need to be renumbered from 16 to become 16.1 and also to include a statement at the end that this policy 16.1 supersedes policy No. 16.

Although these changes are relatively minor, clause 7.6 of TPS3 requires advertising for a minimum period of 21 days.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That:

1. Draft Town Planning Scheme Policy No. 16.1 – Outbuildings as follows:

'Town Planning Scheme No. 3

Town Planning Scheme Policy No. 16.1.

OUTBUILDINGS

Definition

An outbuilding is defined in the Residential Design Codes as a structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling.

Cumulative floor area means the total area of all outbuildings on a lot.

Objectives

1. *To protect the amenity of the locality in which the outbuilding is proposed.*
2. *To set standards in respect to size (height and cumulative area), boundary setbacks and use of the outbuilding.*

In considering any application for approval for an outbuilding, the criteria below will be considered.

Policy Criteria:

- 1) This policy applies to the whole municipal district of the Shire of Plantagenet excluding Crown Reserves. It applies to all land zoned Rural, Residential, Enterprise, Rural Residential, Landscape Protection and Rural Smallholding.
- 2) For outbuildings proposed on Residential and Enterprise zoned land, the required rear setback shall be determined in accordance with side setback calculations detailed within the Residential Design Codes.
- 3) On Residential and Enterprise zoned land an outbuilding shall not be sited on a lot nearer to the frontage of the lot than the setback of the building to which it is appurtenant, or less than half the front setback from any other street boundary of the lot, other than in accordance with the minimum standards as stated in the Residential Design Codes and Building Code of Australia.
- 4) An outbuilding may be built on a boundary of a lot following receipt by the Council of written approval from the adjoining landowner stating no objections to the construction of an outbuilding on the boundary with the proviso that no openings are located in the wall on the boundary and Building Code of Australia standards are met.
- 5) The Council will consider the visual amenity of residential areas and the safety of pedestrians when determining approvals for outbuildings to be located on a lot boundary.
- 6) Outbuildings proposed for Residential and Enterprise zones are limited to being single storey with a maximum wall height of 3m and a maximum cumulative total floor area of 80m².
- 7) Outbuildings proposed for Rural Residential and Landscape Protection zones are limited to have a maximum wall height of 3.5m and a maximum cumulative total floor area of 150m².
- 8) Outbuilding proposed for Rural Smallholding zones are limited to have a maximum wall height of 3.5m and a maximum cumulative floor area of 200m².
- 9) Outbuildings proposed for Rural zones are not limited in respect to wall height or cumulative floor area.

10) In respect to outbuildings proposed for vacant Residential, Rural Residential, Landscape Protection or Rural Smallholding lots, the Council will not allow their use for residential, commercial or industrial purposes. Written confirmation in the form of a Statutory Declaration or similar to this effect may be required of the property owner in making such an application.

11) A building licence will be required for outbuildings in all zones.

This Town Planning Scheme Policy No. 16.1 supersedes Town Planning Scheme Policy No. 16.'

be advertised for public comment for a period of 21 days.

2. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 18 January 2011.

CARRIED (9/0)

NO. 272/10

**11.1.4 TOWN PLANNING SCHEME POLICY NO. 17 - SEA CONTAINERS -
ALTERATION TO POLICY**

File No: N16074
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 9 November 2010

PURPOSE

The purpose of this report is to consider proposed alterations to existing Town Planning Scheme Policy No. 17 – Sea Containers, to include reference to the newly created Enterprise zone.

BACKGROUND

At its meeting held on 12 February 2008 the Council adopted Town Planning Scheme Policy No. 17 – Sea Containers following required public advertising. That policy reads:

‘Town Planning Scheme No. 3

Town Planning Scheme Policy No. 17

SEA CONTAINERS*Objective*

To regulate the use of sea containers to ensure they do not detract from the visual amenity of the locality.

In considering any application for approval to place a sea container(s) on a lot, the criteria below will be considered.

Policy Criteria:

- 1) This policy applies to the whole district of the Shire of Plantagenet excluding Crown Reserves. It applies to all zoned land.*
- 2) Applications for planning consent and a building licence are required to be lodged prior to siting a sea container on a property. That application will include:*
 - a. A completed application for planning consent and a building licence and the appropriate fees.*
 - b. A scaled site plan showing the proposed location of the sea container and detailing setbacks to boundaries. The site plan shall also include other buildings, accessways, watercourses and vegetation on the property.*

- c. *The proposed size and use of the sea container.*
 - d. *Evidence that the sea container will be adequately screened from view and shall not be easily seen from nearby roads, other public places, or adjoining properties.*
 - e. *If a sea container can be seen from nearby roads, other public places, or adjoining properties, then details of any upgrading and/or colour to be painted shall be provided.*
- 3) *Sea containers may be approved in the Commercial, Service Industrial, Industrial, Special Industrial and Rural (outside Townsites) zones, subject to them not being located within the front boundary setback area or in areas designated for car parking or landscaping. Sea containers must be stored in neat rows (not stacked) and shall be screened by landscaping, fencing or other means acceptable to the Council.*
 - 4) *In all zones, a sea container may be temporarily placed on a property to store building materials while construction of a house, commercial or industrial building is being carried out on the property, without requiring town planning approval or a building licence. A sea container must not be placed on the property prior to the issue of a building licence for the proposed permanent building and must be removed upon completion of construction or expiry of the building licence.*
 - 5) *A sea container shall be deemed to be an outbuilding and is subject to Town Planning Scheme Policy 16 – Outbuildings.*
 - 6) *Sea containers are not permitted on any land zoned Residential, Rural Residential, Rural Smallholding and Landscape Protection other than as detailed at (4) above in a temporary situation during construction of an approved building.*
 - 7) *Sea containers are not to be used for habitable purposes.*
 - 8) *Sea containers cannot be located within front boundary setbacks as required by Town Planning Scheme No. 3.*
 - 9) *Sea containers must be in good repair with no visible rust marks, a uniform colour to compliment the building to which it is ancillary and be appropriately screened where considered necessary.*
 - 10) *The Council may require the exterior of the sea container to be upgraded to blend with the surrounding development or landscape in terms of colour, finish and appearance.*
 - 11) *Where a sea container is to be place on site permanently in accordance with (3) above, the application required by (2) above shall include certification from a professional engineer as to the method of providing structural tie down.'*

Amendment No. 50 to Town Planning Scheme No. 3 (TPS3) created the new Enterprise zone and zoned various lots in the Kendenup village as Enterprise zone.

That Amendment was finalised and published in the Government Gazette on 19 October 2010. Amendment No. 53 zones land in the Rocky Gully village as Enterprise zone also. That Amendment is still with the Department of Planning for a report to the Western Australian Planning Commission (WAPC) following public advertising.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

TPS3 – Clause 7.6 ‘Power to Make Policies’ reads as follows:

‘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.’

To alter a policy clause 7.6.3(a) is relevant as is the procedure involving advertising set by clause 7.6.2.

EXTERNAL CONSULTATION

In accordance with TPS3 Clause 7.6.2, the Council is required to advertise a draft 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.

FINANCIAL IMPLICATIONS

The cost of advertising will be met from the Town Planning Advertising Budget.

POLICY IMPLICATIONS

This is an alteration to a Town Planning Scheme Policy adopted by the Council in February 2008.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Results area 4 indicated that the Council will *'Develop and Review Town Planning Policies'*.

OFFICER COMMENT

Town Planning Scheme Policy No. 17 was prepared to provide guidance and direction when considering proposals to erect sea containers in particular zones.

As this document is a Town Planning Scheme Policy the Council is to have regard to it. There may be instances where the Council considers a departure or variance from the policy is justified and this can be considered by the Council.

As stated above, Amendment No. 50 to TPS3 has now been finalised and TPS3 includes the new Enterprise zone. It is appropriate that this particular Town Planning Scheme Policy No. 17 be altered to include reference to the new zone. The alteration to the policy is to include the Enterprise zone in policy criteria 6). The inclusion will mean sea containers are not permitted in the Enterprise zone as well as the others specifically listed in that policy criteria. This is due to the need to maintain residential amenity in the villages of Kendenup and Rocky Gully.

As the policy is to be altered it will need to be renumbered from 17 to become 17.1 and also to include a statement at the end that this policy 17.1 supersedes policy No. 17.

Although these changes are relatively minor, clause 7.6 of TPS3 requires advertising for a minimum period of 21 days.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr J Moir:

That:

1. Draft Town Planning Scheme Policy No. 17.1 – Sea Containers as follows:

‘Town Planning Scheme No. 3

Town Planning Scheme Policy No. 17.1

SEA CONTAINERS**Objective**

To regulate the use of sea containers to ensure they do not detract from the visual amenity of the locality.

In considering any application for approval to place a sea container(s) on a lot, the criteria below will be considered.

Policy Criteria:

- (1) This policy applies to the whole district of the Shire of Plantagenet excluding Crown Reserves. It applies to all zoned land.
- (2) Applications for planning consent and a building licence are required to be lodged prior to siting a sea container on a property. That application will include:
 - a. A completed application for planning consent and a building licence and the appropriate fees;
 - b. A scaled site plan showing the proposed location of the sea container and detailing setbacks to boundaries. The site plan shall also include other buildings, accessways, watercourses and vegetation on the property;
 - c. The proposed size and use of the sea container;
 - d. Evidence that the sea container will be adequately screened from view and shall not be easily seen from nearby roads, other public places, or adjoining properties; and
 - e. If a sea container can be seen from nearby roads, other public places, or adjoining properties, then details of any upgrading and/or colour to be painted shall be provided.
- (3) Sea containers may be approved in the Commercial, Service Industrial, Industrial, Special Industrial and Rural (outside Townsites) zones, subject to them not being located within the front boundary setback area or in areas designated for car parking or landscaping. Sea containers must be stored in neat rows (not stacked) and shall be

screened by landscaping, fencing or other means acceptable to the Council.

- (4) In all zones, a sea container may be temporarily placed on a property to store building materials while construction of a house, commercial or industrial building is being carried out on the property, without requiring town planning approval or a building licence. A sea container must not be placed on the property prior to the issue of a building licence for the proposed permanent building and must be removed upon completion of construction or expiry of the building licence.
- (5) A sea container shall be deemed to be an outbuilding and is subject to Town Planning Scheme Policy 16 – Outbuildings.
- (6) Sea containers are not permitted on any land zoned Residential, Enterprise, Rural Residential, Rural Smallholding and Landscape Protection other than as detailed at (4) above in a temporary situation during construction of an approved building.
- (7) Sea containers are not to be used for habitable purposes.
- (8) Sea containers cannot be located within front boundary setbacks as required by Town Planning Scheme No. 3.
- (9) Sea containers must be in good repair with no visible rust marks, a uniform colour to compliment the building to which it is ancillary and be appropriately screened where considered necessary.
- (10) The Council may require the exterior of the sea container to be upgraded to blend with the surrounding development or landscape in terms of colour, finish and appearance.
- (11) Where a sea container is to be placed on site permanently in accordance with (3) above, the application required by (2) above shall include certification from a professional engineer as to the method of providing structural tie down.

This Town Planning Scheme Policy No. 17.1 supersedes Town Planning Scheme Policy No. 17.'

be advertised for public comment for a period of 21 days.

2. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 18 January 2011.

CARRIED (9/0)

NO. 273/10

11.2 WORKS AND SERVICES REPORTS

11.2.1 O'NEILL ROAD WASTE MANAGEMENT FACILITY CONCEPT PLAN AND ROYALTIES FOR REGIONS – COUNTRY LOCAL GOVERNMENT FUND – AMENDMENT TO ALLOCATION

File No:	N16356
Attachments:	Plan
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Sharon Lynch Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date:	9 November 2010

PURPOSE

The purpose of this report is to consider a recycling area concept plan for the O'Neill Road Waste Management Facility.

A further purpose of this report is to seek approval to:

1. Amend the allocation of Royalties for Regions Country Local Government Funding; and
2. Amend the 2010/2011 adopted budget by reallocating funds from the Council funded Lord Street reseal to implement the concept plan.

BACKGROUND

The O'Neill Road Waste Management Facility has been used as a putrescibles landfill since the early 1960's. It is a prescribed site under the Environmental Protection Act 1986 and as such is managed in accordance with an operating licence issued by the Department of Environment and Conservation (DEC).

The facility has been used for the disposal of mainly residential waste and minor quantities of commercial and industrial waste. Historically the Shire of Plantagenet has landfilled the vast majority of waste generated within the Shire. There have only been limited recycling activities undertaken which has primarily involved bulk metal, packaging materials, wet cell batteries, tyres and used motor oil.

In June 2009 the Council adopted the amended Great Southern Group of Councils Strategic Waste Minimisation Plan 2008 – 2013. The plan provides a system for the Shire to identify and quantify waste products entering the municipal waste stream. This will enable opportunities wherever possible, to divert or recover waste to recycling or re-use application or implement waste reduction strategies.

The reduction of waste to landfill has the potential to conserve valuable landfill area and reduce the harmful effects of landfill practice. The opportunity to divert reusable and recyclable waste will also extend the operational landfill life expectancy.

In striving towards the aspirations of Towards Zero Waste a concept plan was developed to increase the quantity and range of materials that can be recycled at the

O'Neill Road Waste Management Facility. On 19 October 2010 a workshop was held with Councillors to discuss a concept plan for a dedicated recycling area near the entrance of the site. The plan consolidates all existing recycling activities into this area as well as increasing the range of recyclable options.

The implementation of the concept plan will enable the Shire of Plantagenet to meet its obligations to achieve waste minimisation principles in accordance with the State's vision of Towards Zero Waste.

At its meeting held on 20 January 2009, the Council resolved:

'That notwithstanding the decisions of the Council at its meetings held on 20 January, 12 May and 23 June 2009, the allocation of Royalties for Regions funding as identified in the 2009/2010 adopted budget, be amended such that the \$150,000.00 identified for the upgrade/refurbishment of Frost Pavilion (Account Number 51105.0252) be reallocated to the following:

- 1. An additional \$50,000.00 for the construction of skate parks (Account Number 51141.0251); and*
- 2. \$100,000.00 for the construction of a multi-sports precinct at Sounness Park, Mount Barker (New Account).'*

The Department of Local Government and Regional Development has advised that the allocation of future Royalties for Regions Country Local Government Funding will only be received when all previous year funding has been committed or spent. The proposal to allocate \$100,000.00 for the construction of a multi-sports precinct at Sounness Park, Mount Barker would not fulfil this requirement (see Officer Comment). It is therefore recommended that an alternative project be chosen.

The Council's budget was adopted on 6 July 2010. The budget includes an allocation of \$54,000.00 to reseal Lord Street.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

Discussions have occurred with officers from the DEC. The DEC is now taking a more proactive enforcement role with all registered premises to ensure compliance with the provisions of the Environmental Protection Act 1986 and facility licence conditions.

The Shire of Plantagenet is also represented on the Great Southern Region Group of Councils 'Strategic Waste Minimisation Committee' with co-members from the Shire of Denmark and City of Albany. This committee was formed to consider and implement where possible, regional waste reduction strategies, recycling/re-use programs and develop synergies with allied waste industries.

This waste committee is the sole source of funding opportunities to develop and implement regional waste reduction programs through the WA Waste Authority.

FINANCIAL IMPLICATIONS

To proceed down the direction of increased recycling and reduced waste to landfill the Shire will need to cover the costs associated with the increased recycling activities.

The costs associated with the vast majority of recycling activities are not covered by the revenue received from the sale of the recycled products however the economical benefits derived from waste diversion to landfill will partially off-set those additional operational costs.

The diversion of recyclable materials (at some cost to the community) from disposal to landfill has the potential to extend the active working life of landfill operations whilst the Council continues to investigate and secure an alternative landfill site.

Implementation of the recycling area concept plan has been estimated at \$189,254.00. It is proposed this will be funded from:

- \$100,000.00 - Reallocation from Royalties for Regions;
- \$54,000.00 - Lord Street reseal (51302.0250);
- \$25,000.00 - O'Neill Landfill Site – Upgrade (51437.0252); and
- \$10,000.00 - Two Hook Lift Bins (51436.0006).

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

Key Result Area 2 provides the following aim in the infrastructure category:

'Protect the community's health by managing waste in a timely, effective, economic and environmentally safe manner.'

OFFICER COMMENT

Budget discussions have resulted in a proposal for the allocation of \$100,000.00 for the multi-sports precinct at Sounness Park to be re-directed to a project that can be commenced immediately, in line with the requirements of the Royalties for Regions Country Local Government Fund.

Nicole Selesnew, Manager of Community Services has advised indicative quotes to undertake the Sounness Oval realignment, improve drainage, install irrigation and upgrade the pump control cabinet and returf the oval exceed the budgeted \$100,000.00.

There is also a strong possibility that there won't be enough water in the Government Dam to establish a new turf surface over Sounness Park, plus service the existing users at Frost Park, during this summer.

Consideration was given to spending the \$100,000.00 allocation on establishing a recycled water system for Frost/Sounness Parks. However there is a substantial amount of work that needs to occur in the planning phase, prior to establishing a recycled water system. This could not be implemented within the required timeframes.

It is proposed to transfer the \$100,000.00 for the multi-sports precinct at Sounness Park to the O'Neill Road Waste Management Facility to implement the recycling area concept plan.

Lord Street is in need of resealing and should the Council wish to reallocate these funds it would be prudent that the reseals be carried out during 2011/2012 using Council funding.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr L Handasyde:

That:

1. **The concept plan for the recycling area at the O'Neill Road Waste Management Facility be adopted.**
2. **Notwithstanding the decision of the Council at its meetings held on 20 January 2009, 12 May 2009, 23 June 2009 and 11 August 2009, the allocation of Royalties for Regions funding be amended such that:**
 - a) **The \$100,000.00 allocated for the construction of a multi-sports precinct at Sounness Park, Mount Barker be now allocated to the implementation of the recycling concept plan at the O'Neill Road Waste Management Facility.**
3. **The adopted 2010/2011 Annual Budget be amended as follows:**

Account	Description	Current Budget	New Budget
51302.0250	Lord Street	(\$54,000.00)	\$0
51128.0252	Sounness Park Recreation Assessment Implementation	(\$100,000.00)	\$0
51437.0252	O'Neill Landfill Site - upgrade	(\$25,000.00)	(\$179,000.00)

4. **The sum of \$54,000.00 for the Lord Street reseal be recommended for inclusion in the 2011/2012 draft budget.**

PROCEDURAL MOTION

Motion to put the question

Moved Cr S Etherington, seconded Cr M Skinner:

That the question be now put.

CARRIED (8/1)

NO. 274/10

COUNCIL DECISION

The substantive motion was put.

CARRIED (7/2)

NO. 275/10

(Absolute Majority)

11.2.2 NATIONAL TIMBER COUNCILS TASKFORCE - MEMBERSHIP

File No: N16353
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Sharon Lynch
Senior Administration/Project Officer (Works
and Services)
Proposed Meeting Date: 9 November 2010

PURPOSE

The purpose of this report is to consider renewing the Shire of Plantagenet's membership of the National Timber Council Taskforce (NTCT).

BACKGROUND

The NTCT was founded in 2007 to provide the local government sector with a voice at federal level regarding best practise for plantation development and sustainable native forestry.

The NTCT provides local government with opportunities to:

- Access information regarding forest policy development and implementation at the Commonwealth level;
- Review and contribute to forest policy development and implementation at the Commonwealth level;
- Network and exchange knowledge with other timber impacted councils; and
- Promote forest policies that involve and support local communities

At its meeting held 19 January 2007, the Council resolved:

'That:

1. *Councillor Malcolm Hole, President Timber Towns Victoria, be advised that the Shire of Plantagenet is pleased to lend its support to the formation of a National Timber Towns body and would welcome the opportunity to become a member of such a body.*
2. *Councillor Hole be further advised that the Shire of Plantagenet will actively lobby other Councils in the Great Southern of Western Australia to also join the National body.'*

In August 2009 the Chief Executive Officer wrote to the NTCT and informed them that the Council will be declining membership of the Taskforce due to state of the Timber Industry in Western Australia and local government reform.

STATUTORY ENVIRONMENT

There are no statutory environment implications for this report.

FINANCIAL IMPLICATIONS

Membership for the Shire of Plantagenet would be \$1,500.00 (for the remainder of the financial year). This amount has not been allowed for within the 2010/2011 annual budget.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The long term strategic implications for effective lobbying should work towards achieving outcomes, including, in this case, better funding and better roads.

OFFICER COMMENT

The Shire of Plantagenet is a member of the local Timber Industry Roads Evaluation Strategy (TIRES) group which works to secure funding to ensure the regional road system is adequate for plantation timber transportation.

The Minister is considering a proposal for commodity specific funding which would change how the Council will access future funding for local roads used for timber transportation. Future funding will be combined in the same funding pool as grain and ag lime.

Although it may be timely to renew the Shire of Plantagenet's membership as this national body is situated close to Canberra and can lobby more effectively by being close to the decision making politicians at a Federal level the membership fee has not been allowed for within the 2010/2011 annual budget. It is recommended this be added to the draft 2011/2012 annual budget.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That membership of the National Timber Councils Taskforce be included in the draft 2011/2012 annual budget and such membership be reviewed annually.

CARRIED (9/0)

NO. 276/10

11.2.3 POLICY REVIEW - PLANT - GENERAL POLICY

File No: N15951
Responsible Officer: Dominic Le Cerf
 Manager Works and Services
Author: Sharon Lynch
 Senior Administration/Project Officer (Works
 and Services)
Proposed Meeting Date: 9 November 2010

PURPOSE

The purpose of this report is to review Council Policy No. I/PM/1 – Plant – General Policy.

BACKGROUND

This policy was last reviewed by the Council on 14 October 2008.

Council Policy I/PM/1 – Plant – General Policy reads as follows:

OBJECTIVE:

To provide clear guidelines to Council staff relating to the replacement period for the Council's Heavy Plant.

POLICY:

That Plant purchases be structured around a 10 year replacement program intended to maintain consistent annual expenditure and based generally upon the following criteria.

HEAVY PLANT

Graders	6 years	9,000hrs
Excavator	6 years	9,000hrs
Heavy Loader	6 years	9,000hrs
Backhoe/Loaders	5 years	6,000hrs
Heavy Trucks 6x4	4 years	250,000km
Med Trucks 4x2	4 years	250,000km
Light Trucks	4 years	200,000km
Rollers	6 years	9,000hrs
Tractors	5 years	4,000hrs
Heavy Trailers	10 years	

Misc Plant to the Council's adopted Schedule.'

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

The replacement of plant items is one of the largest annual expenditures undertaken by the Council. The Council resolved on 25 May 2010 to list the Plant Replacement

Program for the period 2010/2011 to 2021/2022 for consideration in the 2010/2011 Draft Annual Budget.

POLICY IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

This Policy relates to the changeover period for Council assets.

STRATEGIC IMPLICATIONS

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

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

To achieve this we will:

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

OFFICER COMMENT

The wording 'to Council staff' has been removed from the objective as it is considered unnecessary. The replacement program has been changed from 10 to 12 years to align with the adopted Long Term Financial Plan.

Consideration has been given to deferring plant replacement beyond optimum replacement by taking into account the following factors:

- Resale value has a significant impact on costs particularly replacing too early. Deferring replacement longer than 10 years can have an impact on resale value because second hand buyers cannot finance second hand goods older than 10 years without providing the financier with additional collateral; and
- Maintenance and downtime costs increase significantly once mechanical components reach their economical life. It is therefore crucial that items are replaced before the mechanical components wear to a point where they fail.

Considering the above factors, the replacement dates for all heavy plant have been deferred. Plant items could be held longer in terms of their age to reduce large expenditures to the Council during the annual plant replacement program. The timing for replacement of plant items is in line with the Long Term Financial Plan.

The impact of holding plant items longer to the Council may increase maintenance requirements, however we do recognise that the utilisation benchmark (km travelled or engine hours) should not be exceeded as this is an important maintenance point.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That amended Council Policy No. I/PM/1 – Plant – General Policy as follows:

OBJECTIVE:

To provide clear guidelines relating to the replacement period for the Council's Heavy Plant.

POLICY:

That Plant purchases be structured around a 12 year replacement program intended to maintain consistent annual expenditure and based generally upon the following criteria:

Type	Years	Hours/Km
Grader	8 years	9,000hrs
Excavator	8 years	9,000hrs
Heavy Loader	8 years	9,000hrs
Backhoe/Loader	7 years	6,000hrs
Heavy Truck 6x4	6 years	250,000km
Medium Truck 4x2	8 years	250,000km
Light Truck	6 years	200,000km
Roller	8 years	9,000hrs
Tractor	8 years	5,000hrs
Heavy Trailer	12 years	N/A'

be endorsed.

CARRIED (9/0)

NO. 277/10

11.2.4 POLICY REVIEW - ROADS - UNCONSTRUCTED ROADS

File No: N16310
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Sharon Lynch
Senior Administration/Project Officer (Works
and Services)
Proposed Meeting Date: 9 November 2010

PURPOSE

The purpose of this report is to review Council Policy No. I/R/7 – Roads – Unconstructed Roads.

BACKGROUND

This policy was last reviewed by the Council on 25 November 2008.

Council Policy I/R/7 – Roads – Unconstructed Roads reads as follows:

OBJECTIVE:

To provide clear guidelines to Shire staff and landowners regarding requests relating to unconstructed roads.

POLICY:

That:

1. *Where a request that the Council undertakes construction and/or maintenance of unconstructed roads in existing road reserves then the request is to be drawn to the Council's attention and listed for budgetary consideration in future road construction or maintenance programs.*
2. *Where any person makes a request referred to in part 1 and wishes to undertake construction at their expense, the procedure shall be as outlined for subdivisional development by Section 295 of the Local Government (Miscellaneous Provisions) Act 1960, being either to:*
 - a) *Arrange for the Council to carry out the work subject to availability; or*
 - b) *Employ a consulting engineer to design and submit drawings for approval and supervised construction and drainage to the Council's satisfaction.*
3. *Where the person making the request wishes to undertake the construction, then any Council contribution towards construction will require a decision of the Council.'*

STATUTORY ENVIRONMENT

Section 295 of the Local Government (Miscellaneous Provisions) Act 1960 was deleted by No. 38 of 2005 s.14(2).

Section 158 of the Planning and Development Act 2005.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

To achieve this we will:

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

OFFICER COMMENT

The wording 'to Shire staff and landowners' has been removed from the objective as it is considered unnecessary.

The new Section 158 of the Planning and Development Act 2005 needs to replace the former Section 295 of the Local Government (Miscellaneous Provisions) Act 1960 and the policy has been amended to reflect this.

No other changes are proposed to this policy.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr M Skinner:

That amended Council Policy I/R/7 – Roads – Unconstructed Roads as follows:

OBJECTIVE:

To provide clear guidelines regarding requests relating to unconstructed roads.

POLICY:

That:

- 1. Where a request that the Council undertakes construction and/or maintenance of unconstructed roads in existing road reserves then the request is to be drawn to the Council's attention and listed for budgetary consideration in future road construction or maintenance programs.**
 - 2. Where any person makes a request referred to in part 1 and wishes to undertake construction at their expense, the procedure shall be as**
-

outlined for subdivisional development by Section 158 of the Planning and Development Act 2005, being either to:

- a) Arrange for the Council to carry out the work subject to availability;
or
 - b) Employ a consulting engineer to design and submit drawings for approval and supervised construction and drainage to the Council's satisfaction.
3. Where the person making the request wishes to undertake the construction, then any Council contribution towards construction will require a decision of the Council.'

be endorsed.

CARRIED (9/0)

NO. 278/10

11.2.5 POLICY REVIEW - TENDERS - CANVASSING OF COUNCILLORS

File No: N16312
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Sharon Lynch
Senior Administration/Project Officer (Works
and Services)
Proposed Meeting Date: 9 November 2010

PURPOSE

The purpose of this report is to review Council Policy No. I/T/1 – Tenders – Canvassing of Councillors.

BACKGROUND

This policy was last reviewed by the Council on 25 November 2008.

Council Policy I/T/1 – Tenders – Canvassing of Councillors reads as follows:

OBJECTIVE:

To provide clear guidelines relating to the Council's stance on the canvassing of Councillors for tender purposes.

POLICY:

That canvassing of Councillors, when tenders are called to supply to the Council, plant, goods or services, will automatically disqualify the tenderer. 'Canvassing of Councillors by tenderers will automatically disqualify that tenderer' to be displayed on Tender advertisements and associated correspondence.'

STATUTORY ENVIRONMENT

The Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 apply to the carrying out of the Tender process.

Further, the Council has adopted a Code of Conduct pursuant to Section 103 of the Local Government Act 1995, which requires, among other things, personal behaviour by elected members and staff to be of the highest standard.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

To achieve this we will:

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

OFFICER COMMENT

It is considered that the current policy is sufficient and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr G Messmer:

That Council Policy I/T/1 – Tenders – Canvassing of Councillors as follows:

OBJECTIVE:

To provide clear guidelines relating to the Council's stance on the canvassing of Councillors for tender purposes.

POLICY:

That canvassing of Councillors, when tenders are called to supply to the Council, plant, goods or services, will automatically disqualify the tenderer. 'Canvassing of Councillors by tenderers will automatically disqualify that tenderer' to be displayed on Tender advertisements and associated correspondence.'

be endorsed.

CARRIED (9/0)

NO. 279/10

11.2.6 ROAD CLOSURE - HANNAN WAY - PORTION OF NORTHERN LEG

File No:	N16098
Attachments:	Summary of Submissions Plan
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Sharon Lynch Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date:	9 November 2010

PURPOSE

The purpose of this report is to consider submissions received from the statutory advertising for the placement of barricades on either side of the railway crossing near the northern leg of Hannan Way, Narrikup. A further purpose of this report is to recommend the installation of the barricades.

BACKGROUND

At its meeting held on 27 July 2010 the Council resolved:

That:

- 1. Pursuant to Section 3.50 (1a) of the Local Government Act 1995 local public notice be given of the proposal to close a portion of the northern leg of Hannan Way between the sports ground and the railway crossing to the passage of vehicles, as shown on attached plan dated 15 July 2010.*
- 2. A further report be prepared for the Council's consideration at the conclusion of advertising at its meeting to be held on or before 19 October 2010.*

During the advertising period letters were forwarded to Telstra, Water Corporation, Western Power, St John Ambulance and Mount Barker Fire and Rescue. At the conclusion of the advertising period six responses were received. A summary of these submissions are attached.

STATUTORY ENVIRONMENT

Section 3.50 of the Local Government Act 1995 relates to the closing of certain thoroughfares to vehicles.

Subsection 1(a) of Section 3.50 provides that:

'A Local Government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding four weeks.'

Local Government (Functions and General) Regulations 1996 Part 2 Thoroughfares, also apply.

EXTERNAL CONSULTATION

Prior to making an order pursuant to Section 3.50, the Council must give local public notice, and give written notice to certain persons and organisations as set out in the regulations. These persons include adjacent occupiers, utility providers, emergency service providers and owners.

Local public notice was published in the edition of the Albany Advertiser published on 19 August 2010 and Plantagenet News on 18 August 2010.

A flyer detailing the proposal was also distributed to all residents located in the Narrikup townsite.

FINANCIAL IMPLICATIONS

There will be financial implications associated with achieving this road closure. These costs include the installation of bollards and also undertaking earthworks on either side of the railway line. The erection of barricades will cost approximately \$2,500.00 and earthworks will cost approximately \$1,500.00.

POLICY IMPLICATIONS

There are no policy implications for this report.

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

At the conclusion of the advertising period six responses were received. Three respondents would like to see the northern leg of Hannan Way remain open especially as this road provides a shorter access to Albany Highway when travelling to Mount Barker and the road gives direct access to the sports ground from the Narrikup townsite.

An original requirement of the proposal was that the northern leg of Hannan Way be closed to traffic at the railway crossing. WestNet Rail will not permit more than two crossings within any 900m section of rail.

Persons wishing to travel to Mount Barker from the Narrikup townsite can access Albany Highway via the southern leg of Hannan Way. Alternatively persons could travel along Newman Road and the new bypass to Albany Highway.

If the road closure is approved then persons wishing to attend the sports ground from the Narrikup townsite will have to travel along the southern leg of Hannan Way and gain access from Albany Highway.

Water Corporation and Telstra both have infrastructure assets located within the road reserve and require vehicle access in order to service and maintain this

infrastructure. Vehicle access will still be available to the infrastructure assets via the WestNet Rail maintenance corridor.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That:

- 1. After considering all submissions in relation to the proposal that portion of Hannan Way, Narrikup as shown on the map dated 28 October 2010 be wholly closed to the passage of vehicles pursuant to Section 3.50 (1a) of the Local Government Act 1995, that closure is now ordered.**
- 2. Local public notice of the order referred to in (1) above be given.**
- 3. All prescribed persons relating to the proposal pursuant to Section 3.50 of the Act be notified of the order.**

CARRIED (8/1)

NO. 280/10

11.3 COMMUNITY SERVICES REPORTS

11.3.1 FEES AND CHARGES – INTRODUCTION OF NEW FEE FOR MOUNT BARKER MEMORIAL SWIMMING POOL

File No: N16372
Responsible Officer: Nicole Selesnew
Manager Community Services
Author: Rayona Evans
Administration Officer (Relief)
Proposed Meeting Date: 9 November 2010

PURPOSE

The purpose of this report is to introduce a new season pass fee for children less than five years of age for the Mount Barker Memorial Swimming Pool.

BACKGROUND

In the past children under the age of five years were not charged an admission fee to use the Swimming Pool. The Council introduced a new \$2.00 casual entry fee for children five years and under in the 2010 / 2011 fees and charges.

It is proposed that a Season Pass for children under the age of five years also be adopted.

Season Passes already exist for the five to 16 years age group and the 16 years and over age group.

STATUTORY ENVIRONMENT

Section 6.16(3) of the Local Government Act 1995 enables the Council to impose a fee after the budget is adopted.

FINANCIAL IMPLICATIONS

A fee of \$30.00 for a season pass for a child under the age of five years old is recommended.

POLICY IMPLICATIONS

There are no policy implications for this report.

OFFICER COMMENT

There is presently no fee for a Season Pass for a child under five years of age. It is anticipated that season passes may be requested for the coming season due to the new entry fee for children that has been adopted.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr B Bell:

That the 2010 / 2011 adopted Council Budget (Fees and Charges) be amended by the inclusion of a \$30.00 fee for a Season Pass for children under five years of age, at the Mount Barker Memorial Swimming Pool.

CARRIED (9/0)

NO. 281/10

(Absolute Majority)

11.4 CORPORATE SERVICES REPORTS

11.4.1 GENERAL MEETING OF ELECTORS – 2009/2010 ANNUAL REPORT

File No:	N16348
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	9 November 2010

PURPOSE

The purpose of this report is to set a date for the General Meeting of Electors to receive the Shire of Plantagenet's 2009/2010 Annual Report.

BACKGROUND

The annual financial audit for 2009/2010 was conducted by representatives of the Council's auditors, Lincolns Accountants in September 2010.

STATUTORY ENVIRONMENT

Sections 5.27 – 5.33 of the Local Government Act 1995 govern the holding of electors' meetings.

Section 5.27 (1) states

'(2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.'

Section 5.29 (1) further states

'(1) The CEO is to convene an electors' meeting by giving-
(a) at least 14 days' local public notice; and
(b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.'

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Whilst the annual audit was held in September 2010, the receipt of the auditor's report is not expected until November 2010. It is hoped to present the auditor's report to the meeting of the Council to be held on 30 November 2010.

Ideally, the General Meeting of Electors should be held in this calendar year. Holding off setting a date for the General Meeting of Electors until receipt of the auditor's report may jeopardise this.

A date and time for the General Meeting of Electors of Tuesday 7 December 2010 at 6.30pm has been recommended.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L. Handasyde, seconded Cr M Skinner:

That subject to the timely receipt of the Shire's audit report, a General Meeting of Electors be held at 6.30pm on 7 December 2010 to receive the 2009/2010 Annual Report.

CARRIED (9/0)

NO. 282/10

11.4.2 BUDGET REVIEW – SEPTEMBER 2010

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr B Bell. Nature of interest – quoted on tank repairs.

3:43pm Cr B Bell withdrew from the meeting.

File No: N16349
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 9 November 2010

PURPOSE

The purpose of this report is to review and where appropriate, adjust the adopted 2010/2011 Annual Budget to recognise variations in actual income and expenditure. This is necessary to facilitate appropriate financial control and ensure that the Council's financial resources are allocated in the most effective manner.

BACKGROUND

The 2010/2011 annual budget was adopted by the Council at its meeting on 6 July 2010.

STATUTORY ENVIRONMENT

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

Section 33A of the Local Government (Financial Management) Regulations 1996 requires a Local Government to conduct a mandatory budget review between 1 January and 31 March each year.

FINANCIAL IMPLICATIONS

The purpose of a budget review is to ensure that the income and expenditure for the current year is monitored in line with the adopted budget and, where exceptions to the adopted budget occur, make amendments to the budget or work scope as necessary. The overall recommended effect on the budget is nil.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Operating income is currently 2% above budget and operating expenditure is 95% of (year to date) budget which is acceptable. Nevertheless, a number of issues are worthy of a budget amendment and the following action is recommended:

- The final surplus carried forward figure for 2009/2010 was \$778,655.00 which is \$23,508.00 less than that provided for in the amended 2009/2010 budget (Budget balance c/fwd of \$1,679,550.00 less unspent grants of \$681,169.00 less unspent loan of \$39,135.00, less \$157,083.00 July 2010 budget adjustment).
- Final confirmation has been received from FESA on operating and capital grants for the 2010/2011 financial year. A new 2.4 broadacre fire truck for the Porongurup Bush Fire Brigade can be added to the budget valued at \$254,100.00, as can a two appliance bay facility for the South Porongurup Bush Fire Brigade, valued at \$89,210.00. A diesel water pump for the Kendenup/Mortagalup Bush Fire Brigade valued at \$1,800.00 has been approved which will result in an increase in Bush Fire Brigades operational expenditure and income. A hand winch for the Mount Barker SES valued at \$1,600.00 has been approved which will result in an increase in SES operational expenditure and income. These items have a nil dollar impact.
- The Bush Fire Brigades initial allocation for uniforms was \$10,000.00. There has been a need to issue a lot more personal protective equipment than this item allowed for. It is proposed to transfer \$15,000.00 from the Bush Fire Brigades - Repairs and Maintenance budget item and \$10,000.00 from the Bush Fire Brigades - Other Operating Costs budget item to cover this.
- The Club Development Officer program was initially placed into the budget under the Recreation Centre, which is no longer correct. A total of 40% of that staff member's salary is allocated to Administration Salaries for the 'grants officer' component and 60% is allocated to Club Development, which should be shown under Other Recreation and Culture. Reallocations have been proposed to correct this, with a nil dollar impact.
- The building maintenance budget for the recreation centre was established with a sum of \$12,000.00. A recent expense of \$6,453.00 has been met for repairs to the centre's down lights. This is likely to cause the budget to be exceeded. It is recommended that the budget be increased by \$6,000.00, with a corresponding increase in the Centre's reimbursements (from the education Department) budget item, which is also significantly above YTD budget.
- Community Centre – Co-location – A sum of \$713,103.00 was initially budgeted for this project, which was to be funded from the remainder of the Lotterywest Grant (\$613,103.00) and a Regional Co-location Grant (\$100,000.00). It is proposed to split the expenditure account into two separate items to enable a proper acquittal of the two grants. This will have a nil dollar impact.
- Fencing - Community Centre – This project was allocated a sum of \$6,000.00 in the budget and relates to the cost of fencing around the southern and western boundary in accordance with the lease arrangements. Quotes have now been obtained and an additional \$6,000.00 will be required to complete this work.

- The Manager of Community Services has sought \$7,000.00 towards the cost of a landscape survey and plan for a proposed wetland development on the eastern side of the rail corridor, Centenary Park. This will enable detailed plans to be drawn up in line with the Centenary and Wilson Park concept plan, which has been discussed in Council workshops. It is suggested that the funds could be drawn from the Shire Development and Building Improvements Reserve Fund.
- The Recreation Centre Manager has been doing some fund raising amongst various local organisations (Lions and Rotary Clubs and Carter Willis) and has raised a total of \$2,617.00 towards purchasing some gymnastics equipment. It is proposed to purchase two mats and a joining strip. Amendments to relevant income and expenditure accounts and proposed, with a nil dollar impact.
- Budget amendments are proposed for both the Mount Barker and Kendenup Skate Park projects, all of which have a nil dollar impact. The expenditure for the Mount Barker Skate Park can be increased from a budget figure of \$130,000.00 to \$220,000.00 as a result of a \$76,850.00 Lotterywest grant and contributions totalling \$13,150.00 from the Mount Barker Skate Park Committee. The expenditure for the Kendenup Skate Park can be increased from a budget figure of \$50,000.00 to \$160,000.00 as a result of a \$30,000.00 Lotterywest grant, a \$75,000.00 Royalties for Regions grant and a contribution of \$5,000.00 from the Kendenup Community Development Association. These income details were not clear at the time the budget was adopted.
- With the new library within the community centre under construction, consideration has been given to the display of the Claude Hotchin art work, which is an obligation placed on the Council when it was gifted. Quotations have been sought and it would appear that a sum of \$14,000.00 is required to progress this. An increase of the New Library Fitout budget item is proposed.
- A project to re-tile the Tourist Bureau Roof and Toilet was included in the budget at a cost of \$80,000.00, subject to grant income of \$20,000.00. A grant has not been successful and difficulties are still being experienced with the Heritage Council over the materials to be used. It is unlikely that these issues will be resolved in the near future and it is suggested that the net \$20,000.00 be available for reallocation.
- The end result of the Kendenup Footpaths project (funded by Royalties for Regions CLGF) is that it was over spent by a sum of \$6,095.00. This project's initial budget was \$200,000.00 and this was reduced to \$170,000.00 when it was apparent that it was going to be underspent. Unfortunately, the costs for carting of sand and earthworks by Shire staff were underestimated when the project budget was reduced. It is recommended that surplus CLGF grant funds of \$1,728.00 from the Lowood Road Townscape Project and \$4,367.00 from the Wilson Park Toilets Project (which will not require its full allocation of \$153,911.00) be reallocated accordingly.
- The budget for maintenance of waste disposal sites was initially set at \$370,000.00. The year to date budget has been exceeded by around \$30,000.00 due to clean up works required to meet a recent Department of Environment audit inspection. An additional \$30,000.00 is required for this budget item.

- As a result of an audit requirement to split road depreciation into component parts, the annual expense for road depreciation will be significantly higher than that required previously. The budget figure of \$1,660,363.00 should be increased to \$2,450,000.00. This is considered to be a more realistic assessment of the degree to which the Shire's road network is actually depreciating each year. This is a non cash item.
- A sum of \$6,000.00 was provided in the budget for a survey of Lot 500 Menston Street (Old Depot). The final cost of this was \$2,700.00. It is recommended that the remaining \$3,300.00 be transferred to a generic Boundary Survey budget item. These funds can be used to do a survey of the old museum site boundary, where some minor encroachments into the caravan site have been identified.
- A sum of \$3,180.00 was approved in the budget for a water tank liner at the depot house. This sum did not include a roof for the tank which is also required. A total sum of \$5,050.00 is now required to complete this project.
- A number of savings have been achieved on vehicle purchases and income accounts which have been incorporated into the review.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr S Etherington:

That the adopted 2010/2011 Annual Budget be amended as follows:

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
N/A	Difference in 2009/2010 Balance C/fwd	802,163	778,655	(23,508)
10000.0414	General Rate GRV - Rates	1,343,986	1,347,575	3,589
10001.0414	General Rate UV - Rates	3,135,945	3,137,006	1,062
10004.0069	Rates Penalties & Fees - Legal Costs Reimbursed	20,000	50,000	30,000
New	Fire Truck - New - Porongurup BFB (Non Cash)	0	(254,100)	(254,100)
New	Grant Income (Non Cash) - Porongurup 2.4 Broadacre Fire Truck	0	254,100	254,100
New	Two Appliance Bay Facility - South Porongurup BFB	0	(89,210)	(89,210)
New	Grant - Two Appliance Bay Facility - South Porongurup BFB		89,210	89,210
20513.0085	Bush Fire Brigades - Minor Furniture & Equipment Purchases	(2,950)	(4,750)	(1,800)
10515.0201	Grant Income - FESA Grant	78,751	80,551	1,800
20091.0085	SES - Minor Furniture & Equipment Purchases	(500)	(2,100)	(1,600)
10055.0089	Grant Revenue - SES Operating Grant	11,090	12,690	1,600
20513.0266	Bush Fire Brigades - Uniforms, Clothing & Accessories	(10,000)	(25,000)	(15,000)
20512.0171	Bush Fire Brigades - Repairs & Maintenance	(32,600)	(22,600)	10,000
20513.0312	Bush Fire Brigades - Other Operating Costs	(12,000)	(7,000)	5,000
21102.0354	Rec Centre - Other Expenses - Club Development Officer Program	(64,000)	0	64,000
20047.0130	Administration Employee Costs - Salaries	(694,054)	(717,537)	(23,483)
20047.0141	Administration Employee Costs - Superannuation	(81,544)	(86,829)	(5,285)
20221.0354	Other Rec & Culture - Other Expenses - Club Development Program	0	(35,232)	(35,232)
11102.0354	Rec Centre - Reimbursements - Club Development Officer Program	10,600	0	(10,600)

11107.0272	Rec Centre - Grant Income - Dept of Sport & Recreation	25,000	0	(25,000)
11102.0354	Other Rec & Culture - Reimbursements - Club Development Officer Program	0	10,600	10,600
11107.0272	Other Rec & Culture - Grant Income - Dept of Sport & Recreation	0	25,000	25,000
21104.0010	Recreation Centre - Building Maintenance	(12,000)	(18,000)	(6,000)
11102.0227	Reimbursements - Education Dep't	15,000	21,000	6,000
51145.0252	Mount Barker Community Centre	(713,103)	(613,103)	100,000
51149.0252	Mount Barker Community Centre - Co-location	0	(100,000)	(100,000)
51146.0252	Fencing - Community Centre	(6,000)	(12,000)	(6,000)
New	Parks & Recreation Grounds - Other expenses - Professional Services	0	(7,000)	(7,000)
41127.0486	Parks & Recreation Grounds - Transfers from Reserve Funds	0	7,000	7,000
11101.0232	Other Income - Other Operating Income	2,000	4,617	2,617
21102.0085	Other Expenses - Minor Furniture & Equipment Purchases	(6,000)	(8,617)	(2,617)
51141.0251	Skate Park - Mount Barker	(130,000)	(220,000)	(90,000)
New	Grant Income - Mount Barker Skate Park	0	76,850	76,850
New	Contributions - Mount Barker Skate Park	0	13,150	13,150
51147.0251	Skate Park - Kendenup	(50,000)	(160,000)	(110,000)
New	Grant Income - Kendenup Skate Park	0	105,000	105,000
New	Contributions - Kendenup Skate Park	0	5,000	5,000
51144.0006	New Library Fitout	(65,000)	(79,000)	(14,000)
51301.0252	Tourist Bureau - Re-tile toilet roof and trf to Main Building	(80,000)	0	80,000
41310.0000	Grant - Tourist Bureau Roof	60,000	0	(60,000)
51401.0250	Kendenup Footpaths (R for R)	(85,337)	(91,432)	(6,095)
51400.0250	Lowood Road Townscape (R for R)	(1,728)	0	1,728
51124.0252	Wilson Park/Centenary Park Redevelopment (Toilets)	(153,911)	(149,544)	4,367
20165.0052	Waste Disposal Sites - Grounds Maintenance	(370,000)	(400,000)	(30,000)
10094.0119	Other Revenue - Refuse Service	191,800	195,720	3,920
20224.0189	Non Cash Expenses - Depreciation - Roads	(1,660,363)	(2,450,000)	0
50401.0006	Purchase Vehicle - Governance	(35,000)	(26,794)	8,206
40401.0105	Trade In Vehicle - Governance	16,300	18,450	2,150
50721.0006	Purchase of Vehicle - EHO	(35,000)	(29,578)	5,422
40721.0105	Trade In Vehicle - EHO	21,800	20,182	(1,618)
51012.0006	Purchase Vehicle - Mgr Planning & Development	(39,500)	(38,200)	1,300
41011.0105	Trade In Vehicle - Mgr Planning & Development	27,600	27,636	36
51323.0006	Purchase Vehicle - Saleyards Manager	(28,500)	(27,272)	1,228
41322.0105	Trade In Vehicle - Saleyards Manager	14,100	14,182	82
51453.0254	Feature Survey of Lot 500 Menston Street (Old Depot)	(6,000)	(2,700)	3,300
New	Boundary Surveys	0	(3,300)	(3,300)
51448.0254	Depot House - Liner For Water Tank	(3,180)	(5,050)	(1,870)

CARRIED (8/0)

NO. 283/10

(Absolute Majority)

3:44pm Cr B Bell returned to the meeting.

**11.4.3 MOUNT BARKER CEMETERY TRANSITIONAL ARRANGEMENTS AND
POLICY ADOPTION – CEMETERY MEMORIALS**

File No: N16350
Attachment: Adopted Cemetery Plan
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Rayona Evans
Relieving Officer
Proposed Meeting Date: 9 November 2010

PURPOSE

The purpose of this report is to determine transitional arrangements for the opening of the new section and closure of the old section of the Mount Barker cemetery. It is also proposed adopt a new Council Policy No. A/CA/2 – Cemetery Memorials.

BACKGROUND

At its meeting held on 7 September 2010, the Council resolved to adopt the Shire of Plantagenet Cemeteries Amendment Local Law 2010.

STATUTORY ENVIRONMENT

The Shire of Plantagenet Cemeteries Local Law 2008 (as amended) provides for the following:

'7.2 Design and Placement of Memorials

(1) The Board may from time to time determine specifications of memorials.'; and

'7.13 Setting Aside Other Sections

The Board may from time to time set aside any part of a cemetery as a lawn section, memorial plaque section or a natural earth burials section.'

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This report aims to create a new policy.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The official opening of the extension to the Mount Barker Cemetery is being held on 10 November 2010. After this date, it is appropriate for the Council to determine that no further burials be carried out on that part of the Mount Barker Cemetery east of Mitchell Street, with the exception of those carried out in reserved and re-opened gravesites.

For convenience of future reference, it is recommended that the two sides of the Mount Barker Cemetery divided by Mitchell Street be known as the Mount Barker (East) Cemetery and Mount Barker (West) Cemetery.

Following the gazettal of the amendments to the Cemeteries Local Law, it is now also appropriate for the Council to set aside parts of the Mount Barker (West) cemetery as a lawn section, memorial plaque section or a natural earth burials section, as appropriate. The adopted cemetery plan has been enclosed which indicates those sections to be set aside. General Sections A-F are to be lawn sections. Other sections, such as ground niche positions, gardens for scattering ashes, gardens of remembrance and memorial rocks are as indicated on the plan.

At its meeting held on 9 February 2010, the Council resolved that *'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.'*

The Council also adopted a policy in this regard. Section 7 of that policy states:

'7. No headstone or memorial, marker, stone, vase, tribute or any structure temporary or otherwise may be placed or erected at the gravesite.'

Records still need to be kept and bodies will need to be interred with global positioning system (GPS) microchips or similar technology. Advice from the Metropolitan Cemeteries Board indicates that specialised GPS equipment will be required to facilitate natural earth burials. Investigations are under way to determine the equipment required and associated costs. It is recommended that no natural earth burials be undertaken until the required equipment is in place. At that time, it is recommended that the vegetation screening strip on the southern boundary be utilised first.

The 2006 Cemetery Development Plan stated that *'given that there has been a history of denominational segregation it is assumed that this will continue. However it should be noted that contemporary practices may now require a General Orthodox area.'* Given that Stage 1 of the development is limited to one discreet lawn area, it has been assumed that the cemetery could only be operated as a non-denominational facility and it is recommended that the Council resolve to this effect.

The recent amendments to the Cemeteries Local Law removed reference to the design and dimensions of memorials and monuments and provided for the Council to determine their specifications from time to time. A memorials policy has been developed which retains the existing specifications for the Mount Barker (East), Kendenup and Rocky Gully Cemeteries. Guidelines for memorials and plaques at the Mount Barker Cemetery (West) have been established in line with previous Council workshops.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That:

1. That part of the Mount Barker Cemetery on the eastern side of Mitchell Street, be known as Mount Barker (East) Cemetery and that part of the Mount Barker Cemetery on the western side of Mitchell Street, be known as Mount Barker (West) Cemetery;
2. No further burials be carried out the Mount Barker (East) Cemetery, with the exception of those carried out in reserved and re-opened gravesites;
3. The Mount Barker (West) Cemetery be operated as a non-denominational facility;
4. No natural earth burials be carried out until the appropriate Global Positioning System equipment has been put in place;
5. The following sections be set aside in the Mount Barker (West) Cemetery:
 - a) General Sections A-F shown on the attached cemetery plan shall be lawn sections;
 - b) The sections indicated as ground niche positions, gardens of remembrance, memorial trees and memorial rocks on the attached cemetery plan shall be memorial plaque sections, for the sole purpose nominated;
6. New Council Policy No. A/CA/2 Cemetery Memorials, as follows:

'OBJECTIVE:

To ensure that the memorials and monumental work in Shire of Plantagenet cemeteries conforms to certain standards, is constructed from materials and erected in a manner that:

1. does not present a risk to members of the public and employees of the Shire of Plantagenet;
2. is acceptable to the environment; and
3. maintains appropriate aesthetic standards.

POLICY:

Mount Barker (East), Kendenup and Rocky Gully Cemeteries

Niche Wall Memorial Plaques

All memorial plaques placed on a niche wall shall be supplied and installed by the Shire and shall –

1. be made of admiralty bronze;
2. not be less than the dimensions 125mm x 82mm, nor more than 145mm x 120mm; and
3. not exceed 20mm thickness.

Headstones

All monuments and headstones shall:

1. be made of bronze, granite, slate or marble;

2. be placed on proper and substantial foundations;
3. have an overall height of the monument above the original surface of the grave not exceeding 1,065mm;
4. have a height of the base of the monument above the original surface of the grave shall not less than 150mm nor more than 305mm;
5. have a length of the base of the monument not exceeding 915mm;
6. have a length of the monument not exceeding 860mm and 250mm width;
7. have a depth of the base of the monument not exceeding 305mm, except for a grant of two adjoining plots which shall not exceed 2,315mm; and
8. not display any trade names or marks of any manufacturers.

Mount Barker Cemetery (West)

All memorials shall be purchased from and installed by the Shire. Memorials made from ceramic materials, glass and wood are not permitted. Garden ground niche positions and gardens of remembrance are to be nominated for either 229mm x 229mm plaques or 143mm x 117mm plaques, for consistency of appearance. All memorial plaques shall –

1. be made from admiralty bronze and have the number of the grave / site displayed;
2. not exceed 20mm in thickness.

Lawn Sections

In lawn sections, all memorial plaques shall –

1. be of the dimensions 380mm x 280mm; and
2. be affixed to a substantial foundation, with no portion of the memorial above ground level.

Garden Ground Niche

In these garden ground niche sections, all memorial plaques shall –

1. be of the dimensions 229mm x 229mm or 143mm x 117mm;
2. be aligned against the inside of the garden kerbing; and
3. be affixed to a substantial foundation.

Gardens of Remembrance and Memorial Shrubs and Trees

In these sections, all memorial plaques shall –

1. be of the dimensions 229mm x 229mm or 143mm x 117mm;
2. be placed in conjunction with an individual shrub or tree; and
3. be affixed to a substantial foundation.

Memorial Rocks

All plaques on memorial rocks shall –

1. be of the dimensions 229mm x 229mm; and
2. be affixed to the memorial rock.

Memorial Seats

All plaques on memorial seats shall–

1. be of the dimensions 150mm x 75mm; and
2. be affixed to the back of the seat.’

be adopted.

CARRIED (8/1)

NO. 284/10

11.4.4 POLICY REVIEW - SELF SUPPORTING LOANS

File No: N16198
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna Jo McDonald
Senior Administration/Human Resources
Officer
Proposed Meeting Date: 9 November 2010

PURPOSE

The purpose of this report is to review Council Policy No. F/FM/1 – Self Supporting Loans.

BACKGROUND

At its meeting held on 28 October 2008 the Council resolved:

‘That amended Council Policy No. F/FM/1 – Self Supporting Loans:

‘OBJECTIVE: To assist clubs and organisations in improving community based facilities.

POLICY: Eligible Organisations

Loans will only be considered for applicants that are incorporated bodies occupying land either owned by, or vested in the care, control and management of a community organisation.

Organisations are to provide:

- Three (3) years audited financial statements.*
- A business plan for the proposed term of the loan that clearly demonstrates an ability to repay.*
- Their constitution.*
- Minute agreeing to borrow funds.*
- Whatever security or guarantees that the Council considers appropriate to ensure that the loan is repaid.*
- Any other information that the Council requires.*

Funding Details

Funds will only be provided for capital works on the subject land when ownership of all infrastructure ultimately vests in the community (notwithstanding established leasehold arrangements).

Loans will be provided at the State Treasury interest rate when drawing the loan and will be fixed for the duration of the loan. The term of the loan is not to exceed ten (10) years. Loan repayments will be amortised and will generally be six (6) monthly unless the applicant organisation requests otherwise.

Approval Process

The Council will consider the approval of the loan on the following basis:

- 1. Demonstrated ability to repay.*
-

2. *Maximum loan amount 50% project cost or 50% of value of completed structure (not to include land content).*
3. *Stability, sound management, membership base, community accessibility and longevity of applicant organisation.*
4. *Funds being used for capital improvements.*
5. *Debenture security over assets (including lease) of organisation if considered appropriate.*

Organisations will be required to:

- A. *Enter into a Deed of Agreement for the period of the loan repayments.*
- B. *Pay all costs associated with the preparation of documents concerning the raising of the loan.*
- C. *Insure and keep insured premises where the premises are security over repayment of a loan.*

Any proposal to lend to a community organisation that has not been included in the Council's annual budget must be advertised for one month in accordance with Section 6.20 (2) of the Local Government Act 1995.

Other

Funds will only be released after documentary proof of significant expenditure (or committed expenditure) is submitted.

The Council will seek any remedy available to it under law in terms of the recovery of delinquent instalments of loans'

be endorsed.'

STATUTORY ENVIRONMENT

The Local Government Act 1995 stipulates the requirements for a local authority when borrowing money. It does not differentiate between normal loans and self supporting loans.

FINANCIAL IMPLICATIONS

Self supporting loans are taken out in the Council's name, however all repayments relating to self supporting loans are met by the applicant and therefore there is no cost to the Council.

The purpose of this policy is to minimise the Council's exposure to inheriting a self supporting loan, by ensuring all applicants can financially meet the repayments of the loan.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

A continuation of the current policy is considered appropriate subject to minor formatting changes.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That Council Policy No. F/FM/1 – Self Supporting Loans:

‘OBJECTIVE: To assist clubs and organisations in improving community based facilities.

POLICY: Eligible Organisations

Loans will only be considered for applicants that are incorporated bodies occupying land either owned by, or vested in the care, control and management of a community organisation.

Organisations are to provide:

1. Three years audited financial statements.
2. A business plan for the proposed term of the loan that clearly demonstrates an ability to repay.
3. Their constitution.
4. Minute agreeing to borrow funds.
5. Whatever security or guarantees that the Council considers appropriate to ensure that the loan is repaid.
6. Any other information that the Council requires.

Funding Details

Funds will only be provided for capital works on the subject land when ownership of all infrastructure ultimately vests in the community (notwithstanding established leasehold arrangements).

Loans will be provided at the State Treasury interest rate when drawing the loan and will be fixed for the duration of the loan. The term of the loan is not to exceed ten years. Loan repayments will be amortised and will generally be six monthly unless the applicant organisation requests otherwise.

Approval Process

The Council will consider the approval of the loan on the following basis:

1. Demonstrated ability to repay.
2. Maximum loan amount 50% project cost or 50% of value of completed structure (not to include land content).
3. Stability, sound management, membership base, community accessibility and longevity of applicant organisation.
4. Funds being used for capital improvements.
5. Debenture security over assets (including lease) of organisation if considered appropriate.

Organisations will be required to:

1. Enter into a Deed of Agreement for the period of the loan repayments.
2. Pay all costs associated with the preparation of documents concerning the raising of the loan.
3. Insure and keep insured premises where the premises are security over repayment of a loan.

Any proposal to lend to a community organisation that has not been included in the Council's annual budget must be advertised for one month in accordance with Section 6.20 (2) of the Local Government Act 1995.

Other

Funds will only be released after documentary proof of significant expenditure (or committed expenditure) is submitted.

The Council will seek any remedy available to it under law in terms of the recovery of delinquent instalments of loans'

be endorsed.

CARRIED (9/0)

NO. 285/10

11.5 EXECUTIVE SERVICES REPORTS

11.5.1 COUNCIL MEETINGS - SCHEDULE 2011

File No: N15137
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Linda Sounness
Executive Secretary
Proposed Meeting Date: 9 November 2010

PURPOSE

The purpose of this report is to consider the schedule of Council meeting dates, times and venues for February to December 2011.

BACKGROUND

At the Ordinary meeting of the Council held on 23 February 2010, the Council resolved:

'That:

- 1. Notwithstanding the Council resolution 351/09 which resolved, among other things the dates or ordinary meetings for 2010, Council Meetings for the months April to December 2010 shall be held on a three weekly cycle commencing on 13 April 2010 and then:*

*4 May
25 May
15 June
6 July
27 July
17 August
7 September
28 September
19 October
9 November
30 November
14 December.*

- 2. The first ordinary meeting of the Council to be held in 2011 shall be held on 18 January 2011 and the three weekly cycle commencing from that date.*
- 3. All Council Meetings to be held in the Council Chambers, Lowood Road, Mount Barker, commencing at 2.45pm.*
- 4. All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.'*

Subsequently, at the meeting of the Council held on 19 October 2010 the question relating to Council meeting times was adjourned so that a workshop could be held on

9 November 2010. That workshop was to consider whether an alternative commencement time (say 7.00pm) could be contemplated.

At the time of writing, this workshop was yet to be held, and therefore no outcome is available.

STATUTORY ENVIRONMENT

Section 5.3 and Section 5.25(1)9g) of the Local Government Act 1995 and Regulation 12 of the Local Government (Administration) Regulations 1996 apply.

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

Although Tuesdays of Council meetings are generally busy due to workshops and meetings, the actual length of Council meetings has been decreasing for some time with the Council recognising its statutory obligations to move away from operational matters and concentrate more on strategic matters and those that are unable to be delegated to officers. Further, the use of workshops to develop direction for report preparation by officers is operating well.

The January meeting for 2012 will most likely be held on 17 January which is a four week cycle from when the three week cycle would recommence.

The Council has, in the past, considered alternative meeting commencement times. Anecdotally we hear that afternoon meetings preclude some members of the community from attending due to other commitments such as work. Alternatively, we hear that evening meetings preclude other members of the community from attending due to other commitments such as family responsibilities.

The present consideration for commencing meetings at say 7.00pm is designed to accommodate those elected representatives who, through work commitments, are experiencing difficulties in attending afternoon meetings.

A 7.00pm commencement would allow Councillors to have a meal at say 6.00pm which could be seen as a positive outcome. This would incur an increase in expenditure from the Meals and Refreshments Account as meals are not always provided with the 2.45pm commencement time. However, as we have reduced the total number of Council meetings held with the change to every third Tuesday, any increase would be marginal. Workshops will still need to be held and these would commence no earlier than 2.00pm generally. Therefore Councillors who are unable to attend in the afternoon would still be precluded from attending workshops.

There would be some impact on staff in that those members of staff required to attend Council meetings would be working at night time. However, contracted staff have in their contracts of employment a requirement to attend meetings at no extra

remuneration as this is deemed to be included in their contracted rate of compensation. Non contracted staff required to attend would be compensated at normal penalty rates.

No extra payment would accrue to any elected representative.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. Ordinary Meetings of the Council for 2011 be held as follows
 - 8 February
 - 1 and 22 March
 - 12 April
 - 3 and 24 May
 - 14 June
 - 5 and 26 July
 - 16 August
 - 6 and 27 September
 - 18 October
 - 8 and 29 November
 - 20 December
2. All Ordinary Meetings of the Council shall commence at xx.xxpm;
3. All Council meeting be held in the Council Chambers, Lowood Road, Mount Barker; and
4. All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.

COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr A Budrikis:

That:

1. Ordinary Meetings of the Council for 2011 be held as follows
 - 8 February
 - 1 and 22 March
 - 12 April
 - 3 and 24 May
 - 14 June
 - 5 and 26 July
 - 16 August
 - 6 and 27 September
 - 18 October
 - 8 and 29 November
 - 20 December
2. All Ordinary Meetings of the Council shall commence at 2:45pm apart from the Council meetings held on 22 March 2011 and 24 May 2011 where meetings will commence at 5.00pm.
3. All Council meetings be held in the Council Chambers, Lowood Road, Mount Barker; and
4. All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.

CARRIED (9/0)

NO. 286/10

Reason for Change

Council decided a trial of two meetings commencing at 5:00pm would be appropriate.

11.5.2 SOUTH COAST NATIONAL LANDSCAPES

File No: N16323
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 9 November 2010

PURPOSE

The purpose of this report is to represent a formal request from the South Coast National Landscape 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

At its meeting held on 7 September 2010 the Council resolved:

'That the question be adjourned to enable the Chief Executive Officer to arrange a workshop on Tourism to be held on the 28 September 2010.'

The question that was adjourned was:

'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.'

Further, a Tourism workshop was held on 28 September 2010 the results of which were:

- Cancel lease with the Mount Barker Tourist Bureau Inc for Visitor Centre – give notice and prepare Council report;
- Remove signage directing visitors to the Council;
- Get Justine Nagorski here from the Denmark Tourism to talk to the Council;
- Continue with 'mini visitor centre' concept plus 'i' signs;
- Signboard. Council to maintain/sell;
- Location?;
- Economic Development Plan;
- Strategic Marketing Plan;
- Mapping;
- Advertise Railway Station Lease calling for 'expressions of interest' for a vibrant commercial activity plus tourist/visitor information.

EXTERNAL CONSULTATION

With regard to National Landscapes it is understood that a briefing session was held on 9 August 2010 at the Forest Hill Winery for interested stakeholders. No Shire of Plantagenet representative attended.

FINANCIAL IMPLICATIONS

Funding is 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 Officer Comment from the report before the Council held on 7 September 2010 follows:

'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.'

Since then we have heard from Justine Nagorski (CEO Denmark Tourism Incorporated) who presented to the Council at its meeting held on 19 October 2010. Ms Nagorski, who is also a board member of National Landscapes Steering Committee, spoke briefly about National Landscapes and the potential it had for marketing the district.

Although it is understood that some Councils have been donating up to \$5,000.00 to National Landscapes it would be reasonable to pledge \$2,000.00 from the Shire of Plantagenet.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr A Budrikis:

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 \$2,000.00 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 are making similar commitments to the program.

CARRIED (8/1)

NO. 287/10

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 SUPPLY AND DELIVERY OF A MOTOR GRADER**

File No: N16357
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Dominic Le Cerf
Manager Works and Services
Proposed Meeting Date: 9 November 2010

PURPOSE

The purpose of this report is to consider the supply of a new motor grader.

OFFICER RECOMMENDATION/COUNCIL DECISION**MOTION TO PROCEED BEHIND CLOSED DOORS**

Moved Cr B Bell, seconded Cr L Handasyde:

4:01pm That this matter be considered in the confidential component of this meeting due to 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.

CARRIED (9/0)

NO. 288/10

MOTION TO PROCEED IN PUBLIC

Moved Cr L Handasyde, seconded Cr B Bell:

4:15pm That the meeting proceed in public

CARRIED (9/0)

NO. 289/10

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That the quotation from WesTrac Pty Ltd for the trade of the Council's 2004 Volvo G710B grader and the supply of a new CAT 12M articulated motor grader for a net change over of \$287,170.00 (excluding GST) be accepted.

CARRIED (9/0)

NO. 290/10

14.2 COMMUNITY SERVICES REPORTS**14.2.1 SKATE PARKS - MOUNT BARKER AND KENDENUP - CONSTRUCTION**

File No: N16332
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 9 November 2010

PURPOSE

The purpose of this report is to seek endorsement to sign a quotation with Convic Skateparks Pty Ltd (Convic) to design and construct the Mount Barker and Kendenup Skateparks.

OFFICER RECOMMENDATION/COUNCIL DECISION**MOTION TO PROCEED BEHIND CLOSED DOORS**

Moved Cr B Bell, seconded Cr L Handasyde:

4:16pm That this matter be considered in the confidential component of this meeting due to 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;

CARRIED (9/0)

NO. 291/10

MOTION TO PROCEED IN PUBLIC

Moved Cr L Handasyde, seconded Cr B Bell:

4:32pm That the meeting proceed in public

CARRIED (9/0)

NO. 292/10

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr A Budrikis:

That authority be granted to the Chief Executive Officer to sign the Convic Skateparks Pty Ltd quotation dated 28 October 2010 for the design and construction of skateparks in Mount Barker and Kendenup, valued at \$220,000.00 (ex gst) and \$150,000.00 (ex gst) respectively.

CARRIED (9/0)

NO. 293/10

15 CLOSURE OF MEETING

4.33pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE: ____ / ____ / ____