



ORDINARY MINUTES

DATE: Tuesday, 14 June 2011

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

2:45pm 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 Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Mr Dominic Le Cerf	Manager Works and Services
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mrs Linda Sounness	Executive Secretary

There were four members of the public present.

Previously Approved Leave of Absence:

Cr G Messmer – 5 July 2011

Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

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

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1.1 MR BEVAN LANG, CHAIRMAN PLANTAGENET MENS SHED

Mr Lang gave an overview of the charter and membership of the Plantagenet Mens Shed Group and advised that the group is soon to be incorporated. Mr Lang spoke to a proposal that was circulated to all Councillors regarding the Group's interest in the Fruit and Dehydration Shed (formerly Dyson's Wool Shed) and the many activities that this shed could accommodate.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr S Grylls disclosed a Proximity (Section 5.60(B)LGA) Interest – Location of Mother's House- in Item 9.1.2.

Cr A Budrikis disclosed a Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) and Closely Associated Person (Section 5.62 LGA) Interest – Related to owner of property in commercial zone – in Item 9.1.5.

Cr A Budrikis disclosed a Proximity (Section 5.60(B) LGA) and Closely Associated Person (Section 5.62 LGA) Interest – Related to owner of Lot 701 Albany Highway which is adjacent to the Railway Precinct – in Item 9.2.3.

Cr L Handasyde disclosed a Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct) – Purchase stock from H. Griffiths – in Item 9.1.6.

Cr M Skinner disclosed a Financial/Indirect Financial Interest (section 5.60(A) and Section 5.61 LGA) – Farming 400 head of cattle – in Item 9.5.1.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Cr M Skinner Deputy Shire President requested Leave of Absence for the Council meeting to be held 26 July 2011.

Moved Cr J Moir, seconded Cr L Handasyde:

That Councillor Skinner be granted Leave of Absence for the Council meeting to be held 26 July 2011.

CARRIED (9/0)

NO. 138/11

7 CONFIRMATION OF MINUTES

Moved Cr B Bell, seconded Cr L Handasyde:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 24 May 2011 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 139/11

8 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr M Skinner

- 27 May 2011 – Attended a Great Southern Zone WALGA meeting.

Cr G Messmer

- 1 June 2011 – Attended a Townscape Committee meeting.

Cr L Handasyde

- 26 May 2011 – Attended a TIRES meeting.
- 27 May 2011 – Attended a Great Southern Zone WALGA meeting.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 LOT 1511 ALBANY HIGHWAY, MOUNT BARKER - 10 LOT SUBDIVISION - YERRIMINUP SPECIAL INDUSTRIAL ZONE

File No:	N18402
Attachments:	Location Plan Concept Plan Stage One Plan of Subdivision
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	14 June 2011
Applicant:	Ayton Baesjou Planning

PURPOSE

The purpose of this report is to consider a proposal for a 10 lot subdivision at Lot 1511 Albany Highway, Mount Barker and respond to the Western Australian Planning Commission (WAPC).

BACKGROUND

Shire records indicate the owner of Lot 1511 Albany Highway, Mount Barker is LandCorp – WA Land Authority. The owner of Lot 1425, Albany Highway, Mount Barker which is the northern part of this Special Industrial Zone is the Department of Environment and Conservation. Lot 1425 is not part of the current subdivision application.

Yerriminup Special Industrial Area is located 6km south of Mount Barker off Albany Highway. Yerriminup Road forms the south boundary, the railway line the west boundary and the Great Southern Regional Cattle Saleyards the north boundary. Yerriminup Special Industrial Area consists of Lots 1425 and 1511 Albany Highway and this land has been zoned Special Industrial since gazettal of the Shire of Plantagenet Town Planning Scheme No. 3 in 1991.

In March 1994 a report entitled 'An Environmental and Engineering Analysis of the Yerriminup Industrial Site, Mount Barker' was completed and following that a 'Drainage Management Plan' was completed in September 1994. A subsequent amendment to the Shire of Plantagenet Town Planning Scheme No. 3 in 1995 created a buffer zone around the Special Industrial Zone. A review by Wood and Grieve Engineers undertaken in 2009 considered existing and future infrastructure servicing of the Special Industrial Zone.

This property was the subject of an earlier 22 lot subdivision application and was conditionally approved by the Western Australian Planning Commission (WAPC) on

15 August 1997. The original approval (WAPC 103924) was valid for three years and expired on 14 August 2000.

Conditions of the 1997 WAPC approval that relate to the Council include:

- 1. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local government the cost of such works as estimated by the Local government subject to the Local government giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission.*
- 2. Street corners within the subdivision being truncated to the standard truncation of 14 metres.*
- 3. Satisfactory arrangements being made with the Western Australian Planning Commission for the upgrading of Yerriminup Road.*
- 5. Such drainage easements as may be required by the Local Government being granted free of the cost to that Authority.*
- 6. The stormwater disposal systems being designed and constructed to the satisfaction of the Western Australian Planning Commission and shall include landscaped detention basins.*
- 7. Appropriate landscaping being carried out to ensure that the detention basins are not visible from Albany Highway.*
- 8. Measures being taken to the satisfaction of the Western Australian Planning Commission to ensure identification and protection of any vegetation on the site worthy of retention prior to the commencement of works.*
- 10. The applicant providing a geotechnical report certifying that the land is physically capable of supporting on site effluent disposal, to the satisfaction of the Western Australian Planning Commission.*
- 13. The subdivider making satisfactory arrangements with the Western Australian Planning Commission for adequate ongoing fire protection within the subdivision.*
- 15. Satisfactory arrangements being made with the Western Australian Planning Commission to ensure that prospective and successors in title of the lots are advised in writing of the following:*
 - i) that sewerage is not available to the proposed lots;*
 - ii) that the installation of an on-site effluent disposal system designed for long term usage to the specifications of the Local Government will be required to service any new development on each lot;*

- iii) *where the distance between the base of the leach drains and the highest known groundwater level or bedrock is less than 2 metres or the distance between the leach drains and the nearest open water body is less than 100 metres an approved alternative waste disposal system (amended soil type or nutrient removal system) shall be installed;*
- iv) *if a conventional effluent disposal system has the potential to cause adverse environmental or health impacts then an approved amended soil type or nutrient removal system may be required;*
- v) *the requirements for the retention and maintenance of a 20 metre vegetation buffer zone within the lots fronting Albany Highway;*
- vi) *that drainage and fill is the responsibility of individual land owners and approval to carry out such site works will be required from the Local Government;*
- vii) *that low fuel buffers of at least 20 metres wide, will need to be established and maintained around each building; and*
- viii) *those provisions of the Local Government's Town Planning Scheme which relate to the use and management of the land.*

ADVICE TO APPLICANT:

- 2. *The Commission advised that Condition 3 should not be interpreted to imply that it requires the construction/upgrading to be at the subdivider's cost but this is a matter for negotiation between the subdivider and the Local Government.*
- 3. *the applicant is advised to comply with the terms and conditions of the Shire of Plantagenet Town Planning Scheme No. 3.*
- 6. *The applicant is to provide certification by the Water Corporation/Bush Fires Board to the Local Government to ensure that the subdivision plans meet their specifications and that fire hydrants will be installed.*
- 8. *You are advised to liaise with the Bush Fires Board and the Local Authority in regard to the placement of strategic firebreaks.*
- 10. *The applicant is to liaise with the Local Authority in relation to the provision of street lighting.'*

The Great Southern Development Commission and the Council have been advising LandCorp for several years now to make lots available in this Special Industrial Zone.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

- Clause 3.6 states:

‘Special Industrial Zone

The objective of the Special Industrial Zone is to facilitate the development of special industries such as abattoirs, tanneries, food processing plants etc, and to encourage the development of such uses within Special Industrial estates established for such purposes subject to appropriate conditions of development and, where required, assessment by the Environmental Protection Authority and appropriate regulatory bodies.

The following provisions shall apply specifically to all land included in the Special Industrial Zone in addition to any provisions which are more generally applicable to such land under the Scheme.

- (a) No vehicular access shall be gained directly to Albany Highway except for subdivisional roads to the satisfaction of the Main Roads Department.*
- (d) All development shall provide a potable water supply and suitable means of effluent disposal to the satisfaction of the Council and where appropriate the Environmental Protection Authority and the Water Authority of WA.*
- (f) Unless otherwise approved by Council, no person shall use the land within 10 metres of the common boundary with Albany Highway or the rural Zone for any purpose other than:
 - (i) a means of access; and*
 - (ii) the planting of trees and shrubs.’**

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Western Australian Planning Commission - Development Control Policy 4.1 - Industrial Subdivision.

This policy provides guidance on matters to be considered when determining industrial subdivision applications.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003 Key Result Area 4 Development Services aims to:

‘Encourage and guide development in accordance with the Strategic Plan and Town Planning Scheme No. 3.’

and

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

OFFICER COMMENT

The land is ideally suited for the kind of industries that need buffering and has excellent road access to Albany Highway and Yerriminup Road. It has a long frontage to the Great Southern Railway on its western boundary which would be ideal for a spur line or siding to be constructed with the site.

The current concept plan for Lots 1425 and 1511 shows a grid and loop road network providing access to 66 lots with area of 192.98ha. The extent of the whole special industrial development requires the subdivision to be staged and this first stage subdivision proposal involves 10 lots over an area of 38.40ha. Proposed lot sizes for the first stage vary from 1.6ha to 9.1ha and this variety of sizes will allow for a range of possible industrial uses. The larger lots are located along the western boundary side of the subdivision abutting the railway line.

TPS3 requires all lots to be provided with a potable water supply and suitable means of effluent disposal to the satisfaction of the Council. TPS3 further requires land within 10m of the common property with Albany Highway to be used for access or landscaping.

20m wide roads will provide access to the lots and all internal roads will be constructed in accordance with the Shire of Plantagenet Engineering Development Guidelines/Standards. Lots abutting Albany Highway will not have direct access to Albany Highway and access to the subdivision will be to the satisfaction of the Main Roads WA.

A detailed Drainage Management Plan was prepared for the Special Industrial Zone in 1994. Flooding from surface runoff was not considered to be a problem and stormwater will be managed by way of compensating basins. An updated drainage plan will need to be incorporated into the detailed road design. A 2180m² lot has been provided for drainage purposes at the junction of the new internal road and Albany Highway. This lot may need to be enlarged to ensure the vegetation screen to Albany Highway is not impacted upon.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**Moved Cr A Budrikis, seconded Cr S Etherington:****That:**

1. **The Western Australian Planning Commission be advised that the proposed 10 lot subdivision of Lot 1511 Albany Highway, Mount Barker be supported subject to:**
 - a) **All lots created by this application being provided with access to a hot mix 8m sealed road, designed, drained and constructed to the satisfaction of the Manager Works and Services;**
 - b) **Crossovers to all lots being constructed, drained and sealed to the satisfaction of the Manager Works and Services;**
 - c) **A stormwater drainage plan being prepared and submitted for approval by the Manager Works and Services prior to the commencement of any site works. This may involve the setting of the verge at a particular gradient and the construction of the 2180m² drainage facility which is to be vested in the Council free of cost. This drainage facility lot may need to be enlarged to ensure the vegetation to Albany Highway is not adversely impacted upon;**
 - d) **Construction is not to commence until the Council has approved detailed engineering plans and specifications of works, including earth works, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, both during and after construction;**
 - e) **All development being provided with a potable water supply and suitable means of effluent disposal to the satisfaction of the Council;**
 - f) **All lots being provided with underground power;**
 - g) **Provision for future street lighting being provided to the satisfaction of the Manager Works and Services;**
 - h) **Arrangements being made for fire protection to the satisfaction of the Manager Works and Services;**
 - i) **Street trees being provided on internal road verges in accordance with the Mount Barker Townscape Review 2002 species list to the satisfaction of the Manager Development Services;**
 - j) **A 10m vegetation buffer being established and maintained within lots fronting Albany Highway to the satisfaction of the Manager Development Services;**
 - k) **A 20m wide easement or similar being provided on the western boundaries of Lots 1 and 9 to allow for the possible construction of a rail spur in the future. The 10m strip is not considered adequate as indicated on the application plan;**
-

- l) Truncations are to be as shown on the stage one plan of subdivision;
 - m) Any areas of weed infestation are to be eradicated;
 - n) Prospective purchasers being advised of the requirements of the Special Industrial Zone including the need to retain and maintain the 20m vegetated buffer to Albany Highway; and
2. If required as a result of a Western Australian Planning Commission condition of approval, authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to a Notification under Section 70A of the Transfer of Land Act 1893 (as amended).

CARRIED (9/0)

NO. 140/11

9.1.2 LOT 192 HASSELL STREET, MOUNT BARKER - AFFIX COMMON SEAL

A Proximity (Section 5.60(B) LGA) Interest was disclosed by Cr S Grylls. Nature of Interest – Location of Mother's house.

3:05pm Cr S Grylls withdrew from the meeting.

File No: N18716
Attachments: [Location Plan](#)
[Deposited Plan](#)
[Notification Under Section 70A](#)
[Agreement to Cede Land](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Vincent Jenkins
Planning Officer
Proposed Meeting Date: 14 June 2011
Applicant: David Moss and Company

PURPOSE

The purpose of this report is to seek authority for the Shire President and Chief Executive Officer to affix the Common Seal of the Council to an Application for New Title, Notification Under Section 70A for proposed Lot 192 on Deposited Plan 69578 Hassell Street, Mount Barker and the Agreement to cede land to the Shire of Plantagenet.

BACKGROUND

Council records show the registered owners of Lot 19 Hassell Street, Mount Barker are Debra Anne Hook and Steven Kenneth Hook.

The Manager Development Services considered the proposed two lot residential subdivision of Lot 19 Hassell Street on 31 March 2010 in accordance with Council Delegation LG035.

The subdivision application was supported subject to the following conditions and advice notes:

- ‘1. *A crossover for Lots B being constructed, drained and sealed to the satisfaction of the Manager Works and Services for the battleaxe accessway.*
 2. *The battleaxe accessway for Lot B being a minimum 10m.*
 3. *The battleaxe accessway being constructed, drained and sealed to a minimum 3m.*
 4. *All buildings having the necessary clearance from existing and new lot boundaries.*
-

5. *Arrangements being made for a legal agreement binding on all owners and successors in title of the lots created, to cede as a public road, free of cost, the battleaxe access leg and a 10m extension to the eastern boundary of Lot B, if and when required by the Shire of Plantagenet.*

Advice Note:

1. *In relation to condition 5, Town Planning Scheme Policy 18 – Planning Vision – earmarks the subject lot and other residential lots in the locality for possible future Residential R2.5/15. Because the proposed higher coding will increase the subdivision and development potential of residential lots this condition is intended to provide future public road access.*
2. *The Council will require the provision of 10% public open space for the total lot area of 1.73ha should lot B be further subdivided in the future.'*

The subdivision application was approved by the Western Australian Planning Commission (WAPC) on 25 May 2010 subject to a number of conditions including:

- '7. Arrangements being made at the cost of the applicant/owner for a legal agreement, binding on all owners and successors in title of the lots created, to cede as a public road, free of cost, the battleaxe leg and a 10 metre extension to the boundary of Lot B, if and when required by the Local Government.'*

STATUTORY ENVIRONMENT

Transfer of Land Act 1893 (as amended)

Local Government Act 1995

Planning and Development Act 2005

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The WAPC issued a conditional approval requiring a Notification under Section 70A of the Transfer of Land Act 1893 to be prepared. The notification on the deposited plan and the certificates of title will inform prospective owners the battleaxe access leg for proposed Lot 192 will be ceded to the Council as a public road, free of cost, when required by the Council.

The Shire President and Chief Executive Officer are further required to affix the Common Seal of the Council to the *'Agreement to Cede Land to Shire'* document prepared by David Moss and Company on behalf of the owners (Steven and Debra Hook).

The Council itself must resolve that the Shire President and Chief Executive Officer are to affix the Shire of Plantagenet Common Seal to the Notification under Section 70A of the Transfer of Land Act 1893 and also the Agreement to Cede Land.

The signing and sealing of these documents are required in order that the conditions imposed on the subdivision can be cleared.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Moir:

That authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the Notification under Section 70A of the Transfer of Land Act 1893 (as amended) and the 'Agreement to Cede Land To Shire' document between Steven Kenneth Hook and Debra Anne Hook and the Shire of Plantagenet pertaining to the creation of proposed Lot 192 Hassell Street, Mount Barker.

CARRIED (8/0)

NO. 141/11

3:06pm Cr S Grylls returned to the meeting.

9.1.3 LOTS 101-112, 117 AND 9000 SPRING ROAD, PORONGURUP - AFFIX COMMON SEAL

File No:	N18653
Attachments:	<u>Location Plan</u> <u>Deposited Plan 62018</u> <u>Notification Under Section 70A</u>
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	14 June 2011
Applicant:	Gadens Lawyers - Perth

PURPOSE

The purpose of this report is to seek authority for the Shire President and Chief Executive Officer to affix the Common Seal of the Council to an Application for New Title, Notification Under Section 70A for proposed Lots 101-112, 117 and 9000 on Deposited Plan 62018 Spring Road, Porongurup.

BACKGROUND

Council records show the registered owners of Lot 830 Spring Road are Westcross Pty Ltd and Kazza Nominees Pty Ltd.

A subdivision (WAPC 136087) for a boundary realignment of Lot 2150 with adjoining Lot 10 to the south created Lot 830 Spring Road. This subdivision was finalised with the approved Deposited Plan 60519 issued on 27 August 2008.

The Council considered the proposed 17 lot subdivision (WAPC 137389) of Lot 2150 Spring Road, Porongurup at its meeting held on 13 May 2008. The subdivision application was supported subject to a number of conditions including:

'19. *Notification to all prospective land purchasers of the relevant Town Planning Scheme provisions including:*

'...d. section 70A notification on the Titles of AS 3959.'

The subdivision application was approved by the Western Australian Planning Commission (WAPC) on 10 March 2009 subject to a number of conditions including:

'26. *Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that design and construction of dwellings and/or outbuildings shall be required to be in accordance with AS 3959. (Local Government)'*

On 16 June 2010 the Council received an application to clear the conditions of subdivision imposed by the WAPC (WAPC 137389). Since then the subdivider has

been finalising the necessary works. A further application to affix the Common Seal of the Council to Application for New Title, Notification Under Section 70A was received on 23 May 2011.

STATUTORY ENVIRONMENT

Transfer of Land Act 1893 (as amended)

Local Government Act 1995

Planning and Development Act 2005

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

FINANCIAL IMPLICATIONS

The subdivision clearance fee of \$627.00 has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The WAPC issued a conditional approval requiring a Notification under Section 70A of the Transfer of Land Act 1893 to be prepared. The notification on the deposited plan and the certificates of title will inform prospective owners that the design and construction of dwellings and/or outbuildings at Lots 101 – 112, 117 and 9000 are to be in accordance with Australian Standard 3959 - Construction of Buildings in Bush Fire Prone Areas.

The Council itself must resolve that the Shire President and Chief Executive Officer are to affix the Shire of Plantagenet Common Seal to the Notification under Section 70A of the Transfer of Land Act 1893.

This authority is now sought for a subdivision clearance to be issued.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the Notification under Section 70A of the Transfer of Land Act 1893 (as amended) between Westcross Pty Ltd, Kazza Nominees Pty Ltd and the Shire of Plantagenet pertaining to the creation of proposed Lots 101-112, 117 and 9000 Spring Road, Porongurup.

CARRIED (9/0)

NO. 142/11

9.1.4 LOTS 150 AND 151 CHORKERUP ROAD, NARRIKUP - AFFIX COMMON SEAL

File No:	N18758
Attachments:	<u>Location Plan</u> <u>Notification Under Section 70A</u>
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	14 June 2011
Applicant:	Charles and Margaret Hick

PURPOSE

The purpose of this report is to seek authority for the Shire President and Chief Executive Officer to affix the Common Seal of the Council to an Application for New Title, Notification Under Section 70A for Lots 150 and 151 Chorkerup Road, Narrikup.

BACKGROUND

Council records show the registered owners of Lots 150 and 151 Chorkerup Road, Narrikup are Charles and Margaret Hick.

A subdivision (WAPC 141200) for a boundary realignment to Lots 150 and 151 Chorkerup Road was received 24 December 2009.

The Manager Development Services considered the proposed two lot residential subdivision of Lots 150 and 151 Chorkerup Road on 11 January 2010 in accordance with Council Delegation LG035.

The subdivision application was supported subject to the following:

'That the proposed boundary realignment of Lots 150 and 151 Chorkerup Road, Narrikup is supported subject to a crossover for the proposed lot A being constructed and drained to the satisfaction of the Manager Works and Services.'

The Western Australian Planning Commission (WAPC) on 17 March 2010 refused the subdivision application.

An Application for Review (DR 113/2010) to the State Administrative Tribunal (SAT) was filed on 25 June 2010 and a final orders were issued in favour of the applicant on 9 November 2010. One condition of these orders was:

'Notification in the form of a Section 70A Notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate(s) of Title of the proposed lots advising that no reticulated water can be provided to the land by a licensed water supplier and, as a consequence, owners will be required to make their own arrangements to provide an adequate supply of potable water.'

This condition was requested by the Department of Planning Officer representing the WAPC at the hearing.

On 8 June 2011 the Council received an application to affix the Common Seal of the Council to Application for New Title, Notification Under Section 70A.

STATUTORY ENVIRONMENT

Transfer of Land Act 1893 (as amended)

Local Government Act 1995

Planning and Development Act 2005

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The SAT issued a conditional approval requiring a Notification under Section 70A of the Transfer of Land Act 1893 to be prepared. The notification on the deposited plan and the Certificates of Title will inform prospective owners that no reticulated water can be provided by a licensed water supplier and its the responsibility of the owners to supply adequate potable water.

The Council itself must resolve that the Shire President and Chief Executive Officer are to affix the Shire of Plantagenet Common Seal to the Notification under Section 70A of the Transfer of Land Act 1893.

The signing and sealing of these documents is required in order that the conditions imposed on the subdivision can be cleared.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the Notification under Section 70A of the Transfer of Land Act 1893 (as amended) between Charles and Margaret Hick and the Shire of Plantagenet pertaining to the subdivision of Lots 150 and 151 Chorkerup Road, Narrikup.

CARRIED (9/0)

NO. 143/11

9.1.5 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 54 - OMNIBUS AMENDMENT

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) and a Closely Associated Person (Section 5.62 LGA) was disclosed by Cr A Budrikis. Nature of interest – related to owner of property in commercial zone.

3:08pm Cr A Budrikis withdrew from the meeting.

File No: N18674
Attachments: [Amendment No. 54](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 14 June 2011

PURPOSE

The purpose of this report is to consider a proposed Amendment to Town Planning Scheme No. 3 to alter various parts of the text to clarify anomalies, rationalise numbering and to bring more consistency with model provisions.

BACKGROUND

Town Planning Scheme No. 3 has been in operation since gazettal in 1991 and it has become apparent there are several areas where the text needs to be rationalised and areas where improvements are needed to include some additional provisions based on the Western Australian Planning Commission (WAPC) Model Scheme Text.

In 2007, Amendment No. 41 to Town Planning Scheme No. 3 was finalised and that omnibus Amendment also clarified anomalies and introduced some model provisions.

This proposed Amendment No. 54 consists of 16 parts and brings the Scheme into line with current practices and corrects various anomalies.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

EXTERNAL CONSULTATION

The Amendment will need to be advertised for 42 days with letters to affected landowners and government agencies, newspaper notices and a notice on the Council's notice board.

FINANCIAL IMPLICATIONS

There will be the cost of advertising in the press which can be met by the town planning advertising budget. If finalised there will be the cost of publishing a notice in the Government Gazette.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result Area 4 includes an initiative to:

'Ensure that the Town Planning Scheme and Amendments are consistent with Council's strategic direction and the sustainable development of land, reflect community expectations and have regard to government requirements.'

OFFICER COMMENT

The proposed Amendment consists of 16 parts many of which are relatively minor in nature and correct typographical errors, update superfluous wording in forms and so on. The main points of importance are as follows:

Part (1) proposes the alteration of the symbol from 'P' to 'AA' in the Residential Zone for a Cottage Industry offering the Council the discretion to consider such a use which may have a potential impact on the residential amenity rather than it being automatically permitted.

Part (2) introduces the 'SA' symbol for Grouped Dwellings in the Commercial Zone which will mean such a use may be considered after a proposal has been advertised for comment. Part (6) of this Amendment is introducing a clause relating to residential development in the Commercial Zone. Presently Grouped Dwellings are not permitted in the Commercial Zone.

Part (6) introduces a new clause 5.3.5 which refers to the Council's preference for mixed use development in the Commercial Zone. It also sets the maximum density for housing at R30 in the Commercial Zone.

Part (8) refers to Schedule 3 which lists various Special Sites and site number R7 is occupied by the Mount Barker Caravan Park. The restricted use does not refer to a caravan park. The change proposed is to add caravan park to the restricted use column.

Part (9) refers to Special Site number R9 which refers to the restricted use being a rabbit abattoir. The original use of the abattoir was for the slaughter and processing of rabbits, but many years ago the activity changed to the slaughter and processing of poultry. The poultry abattoir has all of the necessary approvals and operated under a strict licence set by the Department of Environment and Conservation.

Parts (12) and (13) propose to renew and update two of the forms in the Scheme. The first is the Application for Planning Consent form and the second is the Decision on an Application for Planning Consent form. The changes proposed bring the forms more closely aligned with those in the Model Scheme Text. The decision form presently contains wording that states if the development is not 'completed' within the approval period a fresh approval is needed. The model decision form refers to 'substantially commenced' and this is more in line with present practices.

If initiated by the Council and authorised by the EPA, the Amendment will be advertised by way of notice in the press, letters to government agencies, letters to affected owners of the caravan park in Mount Barker and the poultry abattoir in Kendenup and a notice on the Council's notice board.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Bell:

That:

- 1. Amendment No. 54 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.**
- 2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.**
- 3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 18 October 2011.**

CARRIED (8/0)

NO. 144/11

3:09pm Cr A Budrikis returned to the meeting.

9.1.6 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 55 – LOTS 504, 505 AND 1330 MITCHELL STREET, WarBURTON ROAD AND MARMION STREET, MOUNT BARKER – SUBMISSIONS RECEIVED

A Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct) was disclosed by Cr L Handasyde. Nature of interest – Purchase stock from H. Griffiths. Extent of interest – neighbour.

File No: N18633

Attachments: [Location Plan](#)
[Subdivision Guide Plan](#)
[Indicative Precinct Plan](#)
[Summary of Submissions](#)
[Schedule of Modifications](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 14 June 2011

Applicant: Ayton Baesjou Planning

PURPOSE

The purpose of this report is to consider submissions received on a proposed Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) to rezone Lots 504, 505 and 1330 Mitchell Street, Warburton Road and Marmion Street from Rural and Rural Residential to Rural Residential and to recommend final approval.

BACKGROUND

Council records indicate the owners of the land are as follows:

Lot 504 – LE Welsh
Lot 505 – LE Welsh and HE Griffiths
Lot 1330 – PC Wallinger

A Scheme Amendment Request (SAR) for this subject land was submitted in September 2008 and after referral to three government agencies in accordance with Council Policy TP/SDC/6 the Council at its meeting held on 11 November 2008 resolved:

‘THAT:

- 1. The Scheme Amendment Request for Lots 105, 500 and 1330 Mitchell Street, Warburton Road and Marmion Street, Mount Barker be advertised to seek public feedback for a period of sixty (60) days.*

2. *At the conclusion of advertising a further report be prepared for the consideration of the Council at a meeting to be held no later than 10 February 2009.'*

When considering submissions on the SAR the Council at its meeting held on 10 February 2009 resolved:

'That the submissions received on the Scheme Amendment Request for Lots 105, 500 and 1330 Mitchell Street, Warburton Road and Marmion Street be noted and:

1. *The proponents be advised that the Council will be prepared to consider a formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3.*
2. *This support is subject to various matters raised in the submissions, including policy issues such as lot sizes, environmental (including creek line protection and effluent disposal), servicing, fire management plan, flood analysis, separation from vineyards, stormwater management and protection of Quenda population being adequately addressed.*

FURTHER MOTION

That a briefing session on the proposed amendment be held prior to the meeting day that the Council formally considers the Amendment.'

In June 2010 the consultants submitted a draft document that was incomplete and required extensive corrections. In December 2010 another draft document was submitted which still required additional work and corrections. Once the correct documentation was received, a separate copy of the full Amendment was provided to each Councillor with the agenda for the meeting held on 1 March 2011. At that March 2011 meeting the Council resolved:

'That:

1. *Amendment No. 55 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.*
2. *Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.*
3. *After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 5 July 2011.'*

The Amendment was referred to the Environmental Protection Authority (EPA) on 8 March 2011 and the EPA authorised the Amendment to proceed to advertising in a letter received on 4 April 2011. The necessary 42 day advertising period closed on 26 May 2011 and a total of seven submissions was received (see Summary of Submissions).

The key principles of the proposed Amendment including the subdivision guide plan and the indicative precinct plan were discussed with Councillors at a workshop held on 8 February 2011.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

TPS3 – zoned Rural and Rural Residential

EXTERNAL CONSULTATION

The Amendment was advertised for 42 days with letters to adjoining/nearby landowners and government agencies, newspaper notices, a notice on the Council's notice board and signs on site.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

Council Policy No. TP/SDC/6 – Scheme Amendment Requests – the SAR was considered in accordance with this policy.

STRATEGIC IMPLICATIONS

This land is within Planning Unit P4 (formerly Precinct 4 in the 1997 Local Rural Strategy) of the Council's Planning Vision (TPS Policy No. 18). The recommendations relative to Planning Unit P4 are as follows:

'Precinct 4

- *Subject to the management issues being addressed, applications to rezone land for rural residential and tourist development may be supported.*
- *The visually exposed upper slopes of the precinct must either be heavily revegetated prior to development taking place or retained for agricultural purposes with development clustered on the lower slopes.*
- *Prior to any rezoning, an overall structure plan for the precinct be prepared to ensure the potential conflict between rural residential and horticultural development is resolved and appropriate buffer areas provided. Given the relatively confined nature of the precinct, horticulture areas in excess of 2ha should not be permitted unless a buffer area of between 300-500 metres can be provided.*
- *Applications to rezone land within the precinct will need to justify lot sizes based on detailed site assessment, proposed uses and need to address management issues.'*

The Council's Strategic Plan at Key Result Area 4 includes initiatives to:

'Ensure a mix of housing types taking account of changing demographics and environmental conditions; and

Provide for a range of lot sizes, residential opportunities and adaptable housing.'

OFFICER COMMENT

The Amendment documentation includes an Indicative Precinct Plan (copy attached) which shows how the development of the three subject lots will relate to adjoining properties to the north and south in particular. Three lots, 1067, 502 and 503 are within this subject Planning Unit P4 but those landowners do not wish for their land to be included in this particular Amendment. The Indicative Precinct Plan provides a guide as to how these particular lots could be developed into the future subject to another Amendment being prepared.

The Amendment documentation also includes a Subdivision Guide Plan for the subject lots 504, 505 and 1330 (copy attached).

Also included with the Amendment which has previously been provided to Councillors are:

- Land Capability and Geotechnical Assessment;
- Fire Management Plan; and
- Local Water Management Strategy.

That information addresses the main issues arising from the SAR process including:

- Lot sizes;
- Environmental (creekline protection/effluent disposal);
- Servicing (water supply/effluent disposal);
- Fire Management Plan;
- Flood analysis;
- Separation from vineyards;
- Stormwater management; and
- Protection of Quenda population.

All houses on the proposed lots will be required to be connected to Aerobic Treatment Units (ATU) for onsite effluent disposal in accordance with the Council's Planning Vision.

At the conclusion of the public advertising seven submissions were received. These are detailed in the Summary of Submissions attached.

Following the submissions lodged and further consideration of the document, some modifications to the Amendment are proposed. The first being the reference to a foreshore management plan and appropriate fencing (provision 7.3). The second being the introduction of a new provision 11.0 ensuring the subdivider makes a per lot contribution to the recent sealing of Braidwood Road (former Marmion Street) from this site to the road's junction with Mount Barker Road. This is to ensure consistency with a contribution required of the subdivider of the Rural Residential zone to the south. The third is the introduction of a new provision 12.0 ensuring

detailed engineering design is incorporated into the Water Management Strategy at the subdivision stage. The final is a requirement to modify Attachment 3 (Water Management Strategy) to include copies of design examples for swales presently referred to by reference in section 7.0.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr G Messmer:

That:

- 1. The submissions lodged on Amendment No. 55 to Town Planning Scheme No. 3 be noted.**
- 2. Amendment No. 55 to Town Planning Scheme No. 3 be adopted with the modifications set out in the Schedule of Modifications and forwarded to the Western Australian Planning Commission for the final approval of the Minister for Planning.**
- 3. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to Amendment No. 55 once approved by the Honourable Minister.**

CARRIED (9/0)

NO. 145/11

9.1.7 TOWN PLANNING SCHEME POLICY NO. 6 - BUILDING MATERIALS - PORONGURUP AREA

File No: N18702
Attachments: [Porongurup Rural Strategy Precinct Plan](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 14 June 2011

PURPOSE

The purpose of this report is to rescind Town Planning Scheme Policy No. 6 – Building Materials – Porongurup Area.

BACKGROUND

At its meeting held 22 November 1994, Town Planning Scheme Policy No. 6 was adopted by the Council as follows:

<i>'POLICY BACKGROUND</i>	<i>The Porongurup area is renowned for its landscape and it is considered these attributes should be protected because of the economic and social benefits the community derives from them (e.g., tourism and associated employment opportunities and unique lifestyle opportunities). One way of helping to retain these attributes is to encourage the use of visually sensitive building materials and precluding the use of zincalume.</i>
<i>POLICY AREA</i>	<i>All land within the boundary of the Porongurup Limited Rural Strategy area.</i>
<i>POLICY OBJECTIVE</i>	<i>To retain the unique landscape and rural character of the Porongurup Area by encouraging the use of visually sensitive building materials and precluding the use of reflective materials such as zincalume.</i>
<i>POLICY STATEMENT</i>	<i>Council will require that non-reflective materials which blend with the landscape be used on the external walls and roofs of all buildings in the Porongurup Area (refer attached Plan) to the satisfaction of the Principal Environmental Health/Building Officer. Council may exempt water tanks and outbuildings required for legitimate commercial/agricultural use from this requirement subject to such tanks or buildings being screened from view to the satisfaction of the Council.'</i>

The plan referred to in this Town Planning Scheme Policy is attached to this agenda.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.6 ‘Power to Make Policies’ – A Town Planning Scheme Policy may only be rescinded at 7.6.3 by:

‘(b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.’

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This is an existing Town Planning Scheme Policy.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Results Area 4 states that the Council will *‘Develop and Review Town Planning Policies.’*

OFFICER COMMENT

This policy was created in 1994 to encourage the use of visually sensitive building materials in the Porongurup area covered by the then draft Porongurups Rural Strategy. That Strategy was not finalised until 1997.

The Council at its meeting held on 9 March 2010 adopted its Planning Vision as Town Planning Scheme Policy No. 18. Appendix 4 of that Planning Vision addresses the Porongurup Rural Village and Environs and sets in place standards for environmentally sensitive development standards for future development such as Rural Residential zones and the actual village itself.

This 1994 Town Planning Scheme Policy No. 6 is no longer required as it has been superseded by the Council’s Planning Vision.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That Town Planning Scheme Policy No. 6 – Building Materials – Porongurup Area as follows:

**‘POLICY
BACKGROUND**

The Porongurup area is renowned for its landscape and it is considered these attributes should be protected because of the economic and social benefits the community derives from them (e.g., tourism and associated employment opportunities and unique lifestyle opportunities). One way of helping to retain these attributes is to encourage the use of visually sensitive

building materials and precluding the use of zincalume.

POLICY AREA *All land within the boundary of the Porongurup Limited Rural Strategy area.*

POLICY OBJECTIVE *To retain the unique landscape and rural character of the Porongurup Area by encouraging the use of visually sensitive building materials and precluding the use of reflective materials such as zincalume.*

POLICY STATEMENT *Council will require that non-reflective materials which blend with the landscape be used on the external walls and roofs of all buildings in the Porongurup Area (refer attached Plan) to the satisfaction of the Principal Environmental Health/Building Officer. Council may exempt water tanks and outbuildings required for legitimate commercial/agricultural use from this requirement subject to such tanks or buildings being screened from view to the satisfaction of the Council.'*

be rescinded in accordance with Clause 7.6.3(b) of Town Planning Scheme No. 3 and formal notice of that rescission be published twice in a newspaper circulating in the area.

CARRIED (9/0)

NO. 146/11

9.1.8 TOWN PLANNING SCHEME POLICY NO. 7 - MOUNT BARKER TOWNSITE

File No:	N18705
Attachments:	<u>Policy Plan</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	14 June 2011

PURPOSE

The purpose of this report is to rescind Town Planning Scheme Policy No. 7 – Mount Barker Townsite.

BACKGROUND

At its meeting held 26 April 1995, Town Planning Scheme Policy No. 7 was adopted by the Council as follows:

‘1. *Background*

This policy relates to the Mt Barker Townsite Strategy and supporting Town Planning Scheme Amendment No. 8 which was adopted for final approval by the Shire of Plantagenet at its February 1995 Council Meeting.

The purpose of this Policy is to provide further guidance regarding Council’s requirements for subdivision and/or development within the Townsite, particularly in relation to road upgrading contributions, protection/reservation of creek lines, revegetation and protection of vegetation, treatment of wet areas, subdivision guide plans, water supply, building materials and fencing.

Detailed background information is provided within the Mt Barker Townsite Strategy document.

2.0 *Policy Area*

The Policy Area encompasses the Mt Barker Townsite with the exception of the area zoned “Rural Residential” as indicated on Figure 1.

3.0 *Overall Objective*

To provide for further consolidation and development within the Mt Barker Townsite in a manner which recognises and enhances the existing character of the town and ensures that there are no negative environmental impacts.

4.0 *Policy Guidelines*

4.1 *R10/20 and R12.5/20 AREAS*

Within residential areas coded R10/20 and R12-5/20, Council will encourage subdivision and/or development subject to:

- 4.1.1 connection to reticulated sewerage;*
- 4.1.2 compliance with the Residential Planning Codes and Council's development standards as contained in Town Planning Scheme No. 3;*
- 4.1.3 utilisation of Rights of Way to create minimum width roads to facilitate subdivision of the rear portion of existing lots;*
- 4.1.4 where practical, preference shall be given to the creation of gazetted roads to facilitate further subdivision, however, where this is not achievable, consideration will be given to battleaxe subdivision subject to compliance with State Planning Commission Guidelines;*
- 4.1.5 application for further subdivision and/or development shall indicate existing vegetation and where possible, demonstrate how significant trees are to be retained. Where it is necessary to remove established trees, Council shall require new trees to be planted to Council's specification and satisfaction;*
- 4.1.6 further subdivision and/or development shall have regard to the existing character of the streetscape by ensuring new lots front, rather than back onto existing street. All new development shall observe existing street setbacks.*

4.2 R2, R2.5 & R5 AREAS

Within Residential areas coded R2, 2.5 & 5 Council will give consideration to further subdivision and/or development subject to:

- 4.2.1 the submission of a subdivision guide plan indicating contours, wetlands and areas subject to inundation, existing and proposed lot boundaries, existing buildings and structures, vegetation, creeks, water bodies and services. The plan shall demonstrate how adjoining land is to be subdivided and where necessary shall set aside land for future access. The Guide Plan shall have regard to the overall Subdivision Guide Plan indicated in Figure 2.*
- 4.2.2 Where it is not economically possible to connect to reticulated sewerage, Council will give consideration to on site effluent disposal subject to the following considerations:*
 - (a) lot sizes shall be determined by detailed site assessment of the soil profile, soil absorption characteristics, water table*

levels and proximity to water bodies. Council may require absorption tests and water table levels to be monitored during winter months.,

- (b) on site effluent disposal systems shall be set back a minimum of 100 metres from creek lines or water bodies. Where such a setback cannot be met, Council may allow setbacks to be reduced to 50 metres subject to the use of suitable alternative treatment units.*

- 4.2.3 All lots shall be connected to a reticulated water supply.*
- 4.2.4 Council shall require all proposed lots to be connected to a bitumen sealed road or to provide a contribution to upgrading of existing or proposed roads. Contributions shall be determined by Council based on the number of lots to be created as a proportion of all lots to be serviced by the existing or proposed road. Where necessary, land required to construct a subdivisional road shall be ceded free of cost as a condition of subdivision.*
- 4.2.5 Creeklines and their foreshores indicated in Figure 2 shall be set aside as Reserves for Foreshore Protection. The boundaries of the Reserves shall be determined on-site in consultation with Council, Wilson Inlet Management Authority and/or the Albany Waterways Management Authority, and Pawakkeubach LCDC. The Reserves shall be ceded, fenced and revegetated at the time of subdivision.*
- 4.2.6 Houses and outbuildings shall be designed and constructed of materials to enable them to blend in with the semi-rural character of the locality. Particular consideration shall be given to development adjoining Places of Heritage Value as listed in Council's Town Planning Scheme.*
- 4.2.7 Front building setbacks shall be 15 metres and a minimum of 5 metres shall be required from side and rear setbacks unless otherwise approved by Council. In approving any setback relaxation, Council shall take into account the topography, lot shape and vegetation on the site.*
- 4.2.8 In order to retain the semi rural character of the area, solid fencing such as fibre cement or metal sheeting shall be avoided. Preference shall be given to more open, rural fencing styles currently used in the locality.*
- 4.2.9 No clearing of vegetation shall occur except for:*
- a) clearing to comply with the Bush Fires Act 1954 (as amended);*

b) *clearing which may reasonably be required to construct an approved building curtilage and access;*

c) *trees are diseased or dangerous or any other clearing which may be approved by Council;*

d) *prior to the clearance of titles, or as a condition of building approval, the subdivider and/or developer may be required to revegetate part of the lot to Council's satisfaction.*

4.2.10 *Fire hydrants shall be provided at 200metre intervals where reticulated water supply is available and lot sizes are below 2ha.'*

The plan referred to in the policy is attached to this agenda.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.6 'Power to Make Policies' – A Town Planning Scheme Policy may only be rescinded at 7.6.3 by:

'(b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.'

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This is an existing Town Planning Scheme Policy.

STRATEGIC IMPLICATIONS

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

OFFICER COMMENT

This policy was created in 1995 and was linked to Amendment No. 8 to Town Planning Scheme No. 3. That Amendment No. 8 altered residential density codings with the Mount Barker Townsite by creating dual codings such as R10/20 and R12.5/20. The Amendment also rezoned some Rural zoned land to Residential and Rural Residential. Amendment No. 8 was finalised and published in the Government Gazette on 16 April 1996.

Since the adoption of the subject Town Planning Scheme Policy No. 7, the Council has prepared several other documents including a Local Rural Strategy for Mount Barker in 1997 and a draft Mount Barker Townsite Strategy of 2002. The Council at its meeting held on 9 March 2010 adopted its Planning Vision as Town Planning Scheme Policy No. 18. Appendix 1 of that Planning Vision addresses the Mount Barker Townsite and its rural surrounds. The Planning Vision sets in place

standards for all forms of residential development, the protection of creeklines, provision of public open space, the use of rights-of-way, the road layout, servicing and infrastructure and so on.

This 1995 Town Planning Scheme Policy No. 7 is no longer required as it has been superseded by the Council's Planning Vision.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr L Handasyde:

That Town Planning Scheme Policy No. 7 – Mount Barker Townsite as follows:

‘1. Background

This policy relates to the Mt Barker Townsite Strategy and supporting Town Planning Scheme Amendment No. 8 which was adopted for final approval by the Shire of Plantagenet at its February 1995 Council Meeting.

The purpose of this Policy is to provide further guidance regarding Council's requirements for subdivision and/or development within the Townsite, particularly in relation to road upgrading contributions, protection/reservation of creek lines, revegetation and protection of vegetation, treatment of wet areas, subdivision guide plans, water supply, building materials and fencing.

Detailed background information is provided within the Mt Barker Townsite Strategy document.

2.0 Policy Area

The Policy Area encompasses the Mt Barker Townsite with the exception of the area zoned "Rural Residential" as indicated on Figure 1.

3.0 Overall Objective

To provide for further consolidation and development within the Mt Barker Townsite in a manner which recognises and enhances the existing character of the town and ensures that there are no negative environmental impacts.

4.0 Policy Guidelines

4.1 R10/20 and R12.5/20 AREAS

Within residential areas coded R10/20 and R12-5/20, Council will encourage subdivision and/or development subject to:

- 4.1.1 *connection to reticulated sewerage;*
- 4.1.2 *compliance with the Residential Planning Codes and Council's development standards as contained in Town Planning Scheme No. 3;*
- 4.1.3 *utilisation of Rights of Way to create minimum width roads to facilitate subdivision of the rear portion of existing lots;*
- 4.1.4 *where practical, preference shall be given to the creation of gazetted roads to facilitate further subdivision, however, where this is not achievable, consideration will be given to battleaxe subdivision subject to compliance with State Planning Commission Guidelines;*
- 4.1.5 *application for further subdivision and/or development shall indicate existing vegetation and where possible, demonstrate how significant trees are to be retained. Where it is necessary to remove established trees, Council shall require new trees to be planted to Council's specification and satisfaction;*
- 4.1.6 *further subdivision and/or development shall have regard to the existing character of the streetscape by ensuring new lots front, rather than back onto existing street. All new development shall observe existing street setbacks.*

4.2 R2, R2.5 & R5 AREAS

Within Residential areas coded R2, 2.5 & 5 Council will give consideration to further subdivision and/or development subject to:

- 4.2.1 *the submission of a subdivision guide plan indicating contours, wetlands and areas subject to inundation, existing and proposed lot boundaries, existing buildings and structures, vegetation, creeks, water bodies and services. The plan shall demonstrate how adjoining land is to be subdivided and where necessary shall set aside land for future access. The Guide Plan shall have regard to the overall Subdivision Guide Plan indicated in Figure 2.*
- 4.2.2 *Where it is not economically possible to connect to reticulated sewerage, Council will give consideration to on site effluent disposal subject to the following considerations:*

- (a) lot sizes shall be determined by detailed site assessment of the soil profile, soil absorption characteristics, water table levels and proximity to water bodies. Council may require absorption tests and water table levels to be monitored during winter months.,*
- (b) on site effluent disposal systems shall be set back a minimum of 100 metres from creek lines or water bodies. Where such a setback cannot be met, Council may allow setbacks to be reduced to 50 metres subject to the use of suitable alternative treatment units.*

- 4.2.3 All lots shall be connected to a reticulated water supply.*
- 4.2.4 Council shall require all proposed lots to be connected to a bitumen sealed road or to provide a contribution to upgrading of existing or proposed roads. Contributions shall be determined by Council based on the number of lots to be created as a proportion of all lots to be serviced by the existing or proposed road. Where necessary, land required to construct a subdivisional road shall be ceded free of cost as a condition of subdivision.*
- 4.2.5 Creeklines and their foreshores indicated in Figure 2 shall be set aside as Reserves for Foreshore Protection. The boundaries of the Reserves shall be determined on-site in consultation with Council, Wilson Inlet Management Authority and/or the Albany Waterways Management Authority, and Pawakkeubach LCDC. The Reserves shall be ceded, fenced and revegetated at the time of subdivision.*
- 4.2.6 Houses and outbuildings shall be designed and constructed of materials to enable them to blend in with the semi-rural character of the locality. Particular consideration shall be given to development adjoining Places of Heritage Value as listed in Council's Town Planning Scheme.*
- 4.2.7 Front building setbacks shall be 15 metres and a minimum of 5 metres shall be required from side and rear setbacks unless otherwise approved by Council. In approving any setback relaxation, Council shall take into account the topography, lot shape and vegetation on the site.*
- 4.2.8 In order to retain the semi rural character of the area, solid fencing such as fibre cement or metal sheeting shall be avoided. Preference shall be given to more open, rural fencing styles currently used in the locality.*

4.2.9 No clearing of vegetation shall occur except for:

- a) clearing to comply with the Bush Fires Act 1954 (as amended);**
- b) clearing which may reasonably be required to construct an approved building curtilage and access;**
- c) trees are diseased or dangerous or any other clearing which may be approved by Council;**
- d) prior to the clearance of titles, or as a condition of building approval, the subdivider and/or developer may be required to revegetate part of the lot to Council's satisfaction.**

4.2.10 Fire hydrants shall be provided at 200metre intervals where reticulated water supply is available and lot sizes are below 2ha.'

be rescinded in accordance with Clause 7.6.3(b) of Town Planning Scheme No. 3 and formal notice of that rescission be published twice in a newspaper circulating in the area.

CARRIED (9/0)

NO. 147/11

9.1.9 TOWN PLANNING SCHEME POLICY NO. 11 - PORONGURUPS RURAL STRATEGY

File No:	N18709
Attachments:	Porongurups Rural Strategy (separate attachment)
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	14 June 2011

PURPOSE

The purpose of this report is to rescind Town Planning Scheme Policy No. 11 – Porongurups Rural Strategy.

BACKGROUND

At its meeting held 23 September 1997, Town Planning Scheme Policy No. 11 was adopted by the Council. A full copy of that Policy is attached to this agenda for each Councillor.

The draft of the Strategy was advertised in late 1995 and a final draft was adopted after advertising on 27 February 1996 and referred to the Western Australian Planning Commission (WAPC). In October 1996 the WAPC approved the Strategy subject to modifications which were considered by the Council in November 1996. The Strategy was adopted as Town Planning Scheme Policy No. 11 on 23 September 1997.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.6 ‘Power to Make Policies’ – A Town Planning Scheme Policy may only be rescinded at 7.6.3 by:

‘(b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.’

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This is an existing Town Planning Scheme Policy.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Results Area 4 states that the Council will ‘Develop and Review Town Planning Policies.’

OFFICER COMMENT

This Town Planning Scheme Policy No. 11 was created in 1997 following extensive community consultation. The Council at its meeting held on 9 March 2010 adopted its Planning Vision as Town Planning Scheme Policy No. 18. Appendix 4 of the Planning Vision addresses the Porongurup Village and Environs. Much of that Appendix 4 is based on the 1997 document. The major difference being the planning unit numbering has been changed as has the extent of the coverage of the planning units. The principles and future proposals of the 1997 document have been incorporated into Appendix 4 of the Planning Vision.

This 1997 Town Planning Scheme Policy No. 11 is no longer required as it has been superseded by the Council's Planning Vision.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr M Skinner:

That Town Planning Scheme Policy No. 11 – Porongurups Rural Strategy be rescinded in accordance with Clause 7.6.3(b) of Town Planning Scheme No. 3 and formal notice of that rescission be published twice in a newspaper circulating in the area.

CARRIED (9/0)

NO. 148/11

9.1.10 TOWN PLANNING SCHEME POLICY NO. 12 - MOUNT BARKER RURAL STRATEGY

File No: N18713
Attachments: [Rural Strategy - Figure 1](#)
[Rural Strategy - Figure 6](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 14 June 2011

PURPOSE

The purpose of this report is to rescind Town Planning Scheme Policy No. 12 – Mount Barker Rural Strategy.

BACKGROUND

At its meeting held 23 September 1997, Town Planning Scheme Policy No. 12 was adopted by the Council as follows:

‘1.0 BACKGROUND

This policy relates to the Mount Barker Rural Strategy which was adopted for final approval by the Shire at its February 1996 Council Meeting.

The purpose of this Policy is to provide Council and prospective developers with guidelines in relation to the development of rural residential areas within a 5 kilometre radius of Mount Barker Townsite.

2.0 POLICY AREA

The Policy Area correlates with the Study Area as indicated in Figure 1 and more specifically with the Planning Precincts as depicted in Figure 6.

3.0 OBJECTIVES

The objectives of the Policy are:

- i) to minimise fragmentation of valuable broadacre farming land within the shire;*
- ii) to concentrate rural residential development close to existing infrastructure and services;*
- iii) to support the economy of Mount Barker by providing for a wide variety of lifestyles and provide opportunities for the development of horticulture;*

- iv) *to ensure proposed development within the Policy Areas addresses the management issues and recommendations outlined in the Strategy.*

4.0 POLICY GUIDELINES

The Mount Barker Rural Strategy provides a description of the Study Area, land capability assessment, management issues, services and specific guidelines for each Planning Precinct.

This Policy endorses the recommendations contained within the Strategy and will have regard to the Strategy and its recommendations when assessing applications for development and subdivision within the Policy Area.'

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.6 'Power to Make Policies' – A Town Planning Scheme Policy may only be rescinded at 7.6.3 by:

'(b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.'

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This is an existing Town Planning Scheme Policy.

STRATEGIC IMPLICATIONS

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

OFFICER COMMENT

This policy was created in 1997 at the time of finalisation of the Mount Barker Rural Strategy. The Council at its meeting held on 9 March 2010 adopted its Planning Vision as Town Planning Scheme Policy No. 18.

Appendix 1 of the Planning Vision addresses Mount Barker and its rural surrounds. Parts of that Appendix 1 are based on the 1997 Rural Strategy.

This 1997 Town Planning Scheme Policy No. 12 is no longer required as it has been superseded by the Council's Planning Vision.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr B Bell:

That Town Planning Scheme Policy No. 12 – Mount Barker Rural Strategy as follows:

‘1.0 BACKGROUND

This policy relates to the Mount Barker Rural Strategy which was adopted for final approval by the Shire at its February 1996 Council Meeting.

The purpose of this Policy is to provide Council and prospective developers with guidelines in relation to the development of rural residential areas within a 5 kilometre radius of Mount Barker Townsite.

2.0 POLICY AREA

The Policy Area correlates with the Study Area as indicated in Figure 1 and more specifically with the Planning Precincts as depicted in Figure 6.

3.0 OBJECTIVES

The objectives of the Policy are:

- i) to minimise fragmentation of valuable broadacre farming land within the shire;*
- ii) to concentrate rural residential development close to existing infrastructure and services;*
- iii) to support the economy of Mount Barker by providing for a wide variety of lifestyles and provide opportunities for the development of horticulture;*
- iv) to ensure proposed development within the Policy Areas addresses the management issues and recommendations outlined in the Strategy.*

4.0 POLICY GUIDELINES

The Mount Barker Rural Strategy provides a description of the Study Area, land capability assessment, management issues, services and specific guidelines for each Planning Precinct.

This Policy endorses the recommendations contained within the Strategy and will have regard to the Strategy and its recommendations when assessing applications for development and subdivision within the Policy Area.’

be rescinded in accordance with Clause 7.6.3(b) of Town Planning Scheme No. 3 and formal notice of that rescission be published twice in a newspaper circulating in the area.

CARRIED (9/0)

NO. 149/11

9.1.11 ASBESTOS MANAGEMENT PLAN - SHIRE OF PLANTAGENET

File No: N18731
Attachments: [Asbestos Management Plan](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 14 June 2011

PURPOSE

The purpose of this report is to consider and endorse the Shire of Plantagenet Asbestos Management Plan.

BACKGROUND

Asbestos is a hazardous material that poses a risk to health by inhalation if the asbestos fibres become airborne and people are exposed to these airborne fibres. Exposure to asbestos fibres is known to cause mesothelioma, asbestosis and lung cancer.

On 17 October 2001, the National Occupational Health and Safety Commission (NOHSC) declared a prohibition on all uses of chrysotile (white) asbestos from 31 December 2003. This prohibition also confirmed earlier prohibitions of the use of amosite (brown) and crocidolite (blue) asbestos.

Under the National Model Regulations for the Control of Workplace Hazardous Substances the asbestos bans prohibit the use (i.e. manufacture, supply, storage, sale, use, re-use, installation and replacement) of all three (white, brown and blue) types of asbestos in the workplace.

The ultimate goal of NOHSC is for all workplaces to be free of asbestos containing material (ACM). Where practicable, consideration should be given for the removal of ACM during renovation, refurbishment, and maintenance, rather than other control measures such as enclosure, encapsulation or sealing.

The well known adverse health consequences of exposure to airborne asbestos fibres can be prevented if precautions are taken and appropriate procedures are developed and implemented. The main elements of managing the risks of ACM in the workplace are to:

- Identify all ACM in the workplace, as far as practicable;
- Assess the current and future risks associated with all ACM; and
- Introduce control measures to prevent, as far as practicable, the generation of airborne asbestos fibres and any potential exposure to airborne asbestos fibres.

In accordance with Council Policy OP/HRS/3 – Occupational Health and Safety, an Asbestos Management Plan has been developed to underpin and guide its asbestos management procedures.

The Asbestos Management Plan has been produced in conformity with standard workplace aims, objectives and specific legislative requirements of:

- Regulation 3.1a of the *Occupational Safety and Health Regulations 1996 (OSH Regulations 1996)*, which requires an employer to identify hazards at a workplace, assess the risk of harm to a person from each hazard and to take steps to reduce the risk; and
- Regulation 5.43 (*OSH Regulations 1996*) which specifically requires the presence and location of asbestos at a workplace to be identified and that the process of identification and risk assessment is conducted in accordance with the *Code of Practice for the Management and Control of Asbestos in Workplaces* [NOHSC:2018 (2005)].

The Asbestos Management Plan has been reviewed and supported by the Shire of Plantagenet's Occupational Safety and Health Committee and is now presented to the Council for endorsement.

STATUTORY ENVIRONMENT

Occupational Safety and Health Act 1984

Occupational Safety and Health Regulations 1996

National Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC:2018 (2005)]

Code of Practice for the Safe Removal Of Asbestos 2nd Edition [NOHSC:2002(2005)]

Health (Asbestos) Regulations 1992

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Council Policy No. OP/HRS/3 – Occupational Health and Safety applies to this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Plan, Key Result Area 4 Development Services provides the following as one of its aims:

'Ensure the Shire's operational and legislative requirements with relation to appropriate health statutes are met.'

OFFICER COMMENT

The adoption of the Asbestos Management Plan and implementation of the asbestos containing material management objectives, principles and procedures will enable the Shire to further control potential hazards of ACM within the work place.

Concurrent to the development of the Asbestos Management Plan, Shire Officers have inspected and risk rated all Council owned and operated properties within the district for the presence of ACM in accordance with the requirements of the National Code of Practice.

The adoption and implementation of the Asbestos Management Plan will formalise safety and health procedures to further:

- Identify and risk rate ACM within the workplace;
- Ensure all ACM within the workplace is readily identified to staff, contractors and building occupants;
- Control and manage maintenance of ACM within those buildings;
- Ensure Council staff and contractors are adequately educated on the hazards and safe handling of ACM;
- Ensure Council staff and contractors are adequately trained to identify and maintain ACM within the workplace; and
- Maintain regular follow up inspection and review of Council owned property for the presence and condition of ACM.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr A Budrikis:

That the Shire of Plantagenet – Asbestos Management Plan, as attached, be adopted.

CARRIED (9/0)

NO. 150/11

9.2 WORKS AND SERVICES REPORTS

9.2.1 PLANT REPLACEMENT PROGRAM – INDICATIVE 2011/2012 - 2022/2023

File No:	N18431
Attachments:	Indicative Plant Replacement Program
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Megan Beech Administration Officer
Proposed Meeting Date:	14 June 2011

PURPOSE

The purpose of this report is to receive the Indicative Plant Replacement Program for the period 2011/2012 to 2022/2023.

BACKGROUND

The Council adopted Stage 1 of the Long Term Financial Plan 2009/2010 to 2019/2020 (LTFFP) at its meeting held 13 October 2009.

A workshop was held with Councillors on 22 March 2011 to provide an early look at the Indicative Plant Replacement Program, particularly those items of plant listed for consideration in the 2011/2012 financial year.

A memorandum was also provided to all Councillors at the Council Meeting held 24 May 2011 with an amended Indicative Plant Replacement Program attached.

The Plant Replacement Program is based on the Council's current work environment and level of plant ownership. An inflationary component has been utilised for all future year projections. These figures will be revised and updated each year.

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 Plant Replacement Program has been developed in line with the LTFFP and Council Policy I/PM/1 – Plant General Policy. This program provides an indication of future budgets required for the replacement of plant. Adjustment are made at necessary times to ensure that there is a balance between those items required to be replaced and what is achievable from a budget perspective.

Plant prices are subject to change as more accurate figures are obtained closer to adoption of the budget.

POLICY IMPLICATIONS

Council Policy No. I/PM/1 – Plant – General Policy applies to this report.

ASSET MANAGEMENT IMPLICATIONS

This report relates to the acquisition of capital plant items. Items will be recorded in the Council's asset register at purchase cost and depreciated on a monthly basis.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan, Key Results Area 2 Infrastructure provides the following:

'To 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

The Indicative Plant Replacement Program provides a review of the financial requirements for plant replacement in the coming year's budget. It also provides a view of what budgets in the near future may expect to incorporate for the replacement of plant.

The Indicative Plant Replacement Program has been adjusted to bring it in line with the LTFP and Council Policy I/PM/1.

Plant items considered for replacement in the 2011/2012 financial year include:

- T4 – Hino Truck (small);
- T5 – Isuzu Crew Cab;
- T25 – Mack Hook Lift Truck;
- TC7 – Kubota Tractor Mower;
- SL4 – Slasher;
- TR4 – Vehicle Trailer; and
- BR2 – Sewell Road Broom.

It is considered that the above items of plant will be traded and new replacements purchased in the new financial year.

A new item is considered to be purchased outright to replace TR1 (Custom Made Bitumen Trailer). The existing plant item will not be traded as it is of little value.

The 10,000L Water Tank has been removed from the program as the existing tank is adequate and replacement is therefore not required.

The CAT 928 Loader which was originally considered for replacement in the 2011/2012 budget has been deferred back one year due to budget constraints.

Fleet vehicles have been removed from the indicative program as funds for the replacement of these vehicles are allocated in other departmental budgets. Also any items of plant previously noted on the program, which were not considered for replacement at any point in the coming 12 years, have been removed. It is

considered that these items can be included at the appropriate time, should they require replacement.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr A Budrikis:

That the Indicative Plant Replacement Program for the period 2011/2012 to 2022/2023, as attached, be received.

CARRIED (9/0)

NO. 151/11

9.2.2 ROAD PROGRAM - INDICATIVE 2011/2012 – 2015/2016

File No:	N18430
Attachments:	<u>INDICATIVE ROAD PROGRAM</u>
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Megan Beech Administration Officer
Proposed Meeting Date:	14 June 2011

PURPOSE

The purpose of this report is to receive the Indicative Road Program for the period 2011/2012 to 2015/2016.

BACKGROUND

The Indicative Road Program is based on the Council's requirements to maintain and upgrade the existing road network.

The program includes all projects which have been outlined at the Regional Road Group and lists projects which can be completed from all funding sources. This includes Roads to Recovery, Direct Grant, Untied Road Grant, Blackspot and TIRES. The proposed funding allocations are based upon average figures which the Shire of Plantagenet has received over the last three financial years.

The Council adopted Stage 1 of the Long Term Financial Plan 2009/2010 to 2019/2020 (LTFP) at its meeting held 13 October 2009.

The Council adopted a Forward Capital Works Plan 2010/2011 to 2014/2015 (FCWP) at the Council Meeting held 19 October 2010.

A workshop was held with Councillors on 22 March 2011 to provide an early look at the Indicative Road Program, particularly those projects listed for consideration in the 2011/2012 financial year.

Councillors attended bus trips on 6 and 14 April 2011 to inspect possible projects and provide feedback to the budget preparation process.

A memorandum was provided to all Councillors at the Council Meeting held 24 May 2011 with an amended Indicative Road Program attached.

STATUTORY ENVIRONMENT

The Land Administration Act 1997 - Part Five, Division 1 s. 55 (2) provides the following:

'Subject to the *Main Roads Act 1930* and the *Public Works Act 1902*, the local government within the district of which a road is situated has the care, control and management of the road.'

The Main Roads Act 1930 – Part Four, s.15 (2) provides the following:

‘The Commissioner shall have the care, control and management of the land over which a highway or main road is declared.’

The Public Works Act 1902 – Part Five, s. 86 (3) provides the following:

‘The Governor may in like manner declare that any Government road or any part thereof shall be under the control of any local government, and thereupon such road or part thereof shall cease to be a Government road.’

EXTERNAL CONSULTATION

External consultation has occurred between members of different funding groups.

FINANCIAL IMPLICATIONS

The Indicative Road Program details the proposed expenditure for each budget during the five year period from 2011/2012 to 2015/2016. This program was developed in line with the Council’s LTFP and FCWP.

It should be noted that expenditure associated with budgets in future years is dependant on funding allocations that the Council may receive from external sources. As this income is uncertain, these future projections remain uncertain until such time as the funding is confirmed. This ‘funding gap’ between what has been identified for inclusion from a capital works point of view and what is financially achievable has also been identified in the LTFP and the FCWP.

The following statement was made in the FCWP:

‘Indications are that some projects in this FCWP will not be delivered unless the Council can secure a 16%-18% funding increase each year. It is important to note that this increase is not a ‘rate increase’ but an overall funding increase.

The LTFP, Goal 4, was to reduce the infrastructure maintenance gap to zero. In reality the Council is currently spending just 70% of our minimum road maintenance requirements.

In adopting the LTFP, one consideration was that the Council could adopt a policy to spend 70% of its optimum road expenditure which would mean it would be within this guideline or it can choose to increase expenditure to its optimum level. This decision would need to be handled by either an increase in revenue or decrease in expenditure elsewhere.

The five year funding agreement for Roads to Recovery is due to end in 2014/2015. It is assumed that Roads to Recovery funding will be in place for 2015/2016 onwards.

Gross expenditure from each funding source for the 2011/2012 financial year includes:

- Roads to Recovery (fully federally funded) \$408,000
(approx)

- | | |
|---|-----------|
| • Regional Road Group (2/3 state funded, 1/3 LG funded) | \$872,000 |
| • TIRES (2/3 state funded, 1/3 LG funded) | \$300,000 |
| • Council Funded | \$762,310 |

Revenue attached to this expenditure includes:

- | | |
|---|-----------|
| • Roads to Recovery (fully federally funded)
(approx) | \$408,000 |
| • Regional Road Group (2/3 state funded, 1/3 LG funded) | \$581,000 |
| • TIRES (2/3 state funded, 1/3 LG funded) | \$200,000 |
| • Great Southern Development Commission – Grant
(Short Street) | \$125,000 |

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan, Key Results Area 2 Infrastructure, provides the following:

'To 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

The Indicative Road Program provides a review of the financial requirements for the road program in the coming year's budget. It also provides a view of what budgets in the near future may expect to incorporate for the upgrading of roads. It should be noted that the year five column on the attachment incorporates year five projects and beyond.

Major projects listed for consideration in the 2011/2012 budget include (but are not limited to):

- Short Street – townscape improvement works;
- Lowood Road – asphalt from the southern entrance to the Mount Barker Cooperative Fuel Station;
- Takalarup Road – re-sheet gravel and widen formation;
- Wilson Road – re-sheet gravel and widen formation;
- Woogenellup Road – widen and re-seal with drainage improvements;
- Porongurup Road – second coat seal; and
- Spencer Road – second coat seal and bridge guard rails (Hay River).

Roads to Recovery funding has been amended for Yellanup Road in 2012/2013 as the previous amount stated was incorrect. Total Roads to Recovery funding has also been included in the revenue table for the 2015/2016 (and beyond) financial year. It is assumed that a new funding agreement will be in place at that stage.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That the Indicative Road Program for the period 2011/2012 to 2015/2016, as attached, be received, noting that actual road works will depend on future external funding sources including, but not limited to, Roads to Recovery, Black Spot, TIRES, Regional Road Group and Supplementary Commodities Fund and accordingly may not be achievable.

CARRIED (9/0)

NO. 152/11

9.2.3 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROJECT GRANT - ROUND 3 - RAILWAY CRANE

A Proximity (Section 5.60 (B) LGA) Interest and Closely Associated Person (Section 5.62 LGA) Interest was disclosed by Cr A Budrikis. Nature of Interest – related to owner of Lot 701 Albany Highway which is adjacent to the Railway Precinct.

3:52pm Cr A Budrikis withdrew from the meeting.

File No: N18749
Attachments: [Paving and Furniture Setout Plan Lowood Road Pedestrian Roundabout Railway Precinct](#)
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Megan Beech
Administration Officer
Proposed Meeting Date: 14 June 2011

PURPOSE

The purpose of this report is to consider an alternative location for the Railway Crane project using the remaining \$15,000.00 of Round 3 of the Regional and Local Community Infrastructure Program (RLCIP) 2010/2011.

BACKGROUND

On 18 June 2010, the Australian Government made an additional \$100 million available to boost the Regional and Local Community Infrastructure Program (RLCIP).

At its meeting held on 27 July 2010, the Council resolved that the following project(s) be endorsed as the Council's submission for Round 3 of the RLCIP:

1. Forest Hill Hall – Improvements to a maximum contribution of \$15,000.00.
2. Gravel Footpath on Lowood Road between Albany Highway and the Mount Barker Cooperative fuel bowsers (on curve) – approximate \$15,000.00.

The Council was advised that the gravel footpath was ineligible as the pathway is associated with a road and is located within the road reservation.

At its meeting held on 28 September 2010, the Council resolved that the following project be endorsed as the amended submission for the remaining \$15,000.00 of Round 3 of the RLCIP:

1. Old Railway Station Crane in Lowood Road Roundabout – sandblasting, paint, weld, concrete footings, crane hire, historical plaque, earthworks and engineering sign-off.

It has since come to the Council's attention that the Lowood Road Roundabout is not a preferred location for the crane. A report from the State Coroner on 31 October 2003 provided the following recommendation:

'1. that local government authorities not install limestone walls or other non-frangible hazards on roundabouts unless there is a very clear need to do so (this excludes the use of vertical elements such as trees when these are used in order to provide a roundabout with presence and visibility).'

Further, 'Austroads 2011 – Guide to Road Design Part 4B: Roundabouts' provides the following:

'...However, the most important aspect is that roundabouts including landscaping and street furniture are designed and installed to ensure a safe and forgiving roadside. Specifically, landscape design should:

- Not create a danger to road users, particularly when vehicles leave the road;*
- Impede the sight distance available to drivers approaching the roundabout or their ability to recognise the type of treatment; and*
- Not obscure the view to potentially conflicting vehicles for a driver at the holding line of a roundabout.*

...Landscaping and the fixed objects that maybe associated with it should be selected, designed and located so that they do not have an adverse effect on an impacting vehicle. Adherence to this principle requires that:

- Rocks, stone walls, power supply poles or other fixed objects should not be placed in areas where vehicles are likely to run off the road;*
- Signs and light poles should be frangible;*
- Kerbs should be of a light colour (e.g. not bluestone), smooth and of a semi-mountable type;*
- Steep ditches or culvert end walls should not be provided within the central island or adjacent to the roundabout; and*
- Trees, and bushes with substantial trunks, should generally not be located in areas vulnerable to vehicle run-offs.....'*

The Council is therefore requested to determine a suitable alternative location for the railway crane project.

EXTERNAL CONSULTATION

Consultation has occurred with the Public Transport Authority regarding the 'pedestrian roundabout' location, at the railway station and no objections have been raised.

Consultation has also occurred with the Heritage Council and they have advised that their first preference would be for the railway crane to be relocated to its original location (a loading platform that was removed to make way for a car park to the west of the station), however if this is impractical, then the alternative location (being the 'pedestrian roundabout') would be acceptable, provided there was some interpretation of its original location and relationship to the station included.

FINANCIAL IMPLICATIONS

The income of \$15,000.00 will be offset by similar expenditure.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Two alternative locations have been identified for the old railway crane project:

1. Shire Administration Office grounds – in front of the building on the western side of the entrance, a half semi circle area off the pathway was previously considered in the Lowood Road Upgrade 'Paving and Furniture Setout' plans (as attached) for a piece of artwork; or
2. Railway Precinct – inside the 'Pedestrian Roundabout' – adjacent to the Public Toilets at the Visitor Centre (as shown on the plan attached).

It is important that a decision on an alternative location is made quickly to allow the project to proceed.

Approval from the funding source (RLCIP) will be required for the alternative location once a decision has been made by the Council.

It is recommended that the 'Pedestrian Roundabout' next to the Public Toilets at the Visitor Centre be the preferred location for the crane as this will be within the railway precinct.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr S Etherington, seconded Cr M Skinner:

That the 'Pedestrian Roundabout' adjacent to the Public Toilets located at the Mount Barker Railway Station (as shown on the plan attached), be endorsed as the preferred location for the installation of the railway crane as part of Round 3 of the Regional and Local Community Infrastructure Program.

Amendment

Moved Cr J Moir, seconded Cr B Bell:

That a part 2 be added to the motion to read 'Future maintenance requirements be scheduled into the asset management plan' and that the motion be recast accordingly.

CARRIED (8/0)

NO. 153/11

Further Amendment**Moved Cr B Bell, seconded Cr S Etherington:****That the words 'Mount Barker Railway Station (as shown on the plan attached)' be deleted and be replaced with 'centre of the lawn area outside the Council Administration building.'****THE MOTION WAS LOST (3/5)****THE SUBSTANTIVE MOTION WAS THEN PUT****That:**

- 1. That the 'Pedestrian Roundabout' adjacent to the Public Toilets located at the Mount Barker Railway Station (as shown on the plan attached), be endorsed as the preferred location for the installation of the railway crane as part of Round 3 of the Regional and Local Community Infrastructure Program; and**
- 2. Future maintenance requirements be scheduled into the asset management plan.**

CARRIED (7/1)**NO. 154/11****4:03pm Cr A Budrikis returned to the meeting.**

9.3 COMMUNITY SERVICES REPORTS

9.3.1 GUIDES HALL - FORMER - USE BY RSL - CORNER BOOTH STREET AND ALBANY HIGHWAY MOUNT BARKER

File No: N18784
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 14 June 2011

PURPOSE

The purpose of this report is to advise the Council that the Returned Services League (RSL) is planning renovations to its property (former Kindergarten) at Lot 364 Osborne Road Mount Barker. Further, the RSL now seeks from the Council use of the former Guides Hall at Lot 363, 66 Albany Highway Mount Barker on a regular basis for the next twelve months.

BACKGROUND

The land upon which the Guides Hall is situated is vested in the Council with Power to Lease. The land upon which the former Kindergarten is situated is vested in the RSL.

EXTERNAL CONSULTATION

The Manager Community Services has liaised with the RSL regarding this matter.

FINANCIAL IMPLICATIONS

The RSL has not proposed any rent to be payable.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

The former Guides Hall has variously been suggested as a site for a 'Men's Shed' or for a community garden. Support for the community garden appears to have dissipated and proponents of the 'Men's Shed' appear to be now favouring the Dehydration Shed.

From an asset management point of view the former Guides Hall should be considered for demolition.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan, at Key Result Area 3 Community Services notes an aim of the Council is to deliver, or facilitate the delivery of a range of services which respond to, and reflect, the physical, social and cultural well being of the community.

OFFICER COMMENT

Normally, casual use of a Council building would be handled administratively. The premises that the RSL formerly occupied were demolished when the Council's old Administration Buildings were demolished. Since then the RSL has been seeking a new permanent home and the former Kindergarten in Booth Street was subsequently vested in the RSL. That body is trying to raise funds to undertake renovations and it would be appropriate that these efforts be supported.

It will be recommended that the intention of the CEO to negotiate with representatives of the RSL for the use of the former Guides Hall be noted.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

That the advice of the Chief Executive Officer that he intends to negotiate the casual occupation of the former Guides Hall at the corner of Booth Street and Albany Highway Mount Barker by the Mount Barker Sub Branch of the RSL be noted.

CARRIED (9/0)

NO. 155/11

9.3.2 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS 2011/2012

File No: N18699
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rayona Evans
Administration Officer (Relief)
Proposed Meeting Date: 14 June 2011

PURPOSE

The purpose of this report is to appoint the Shire of Plantagenet Bush Fire Control Officers for 2011/2012.

BACKGROUND

The Shire of Plantagenet appoints delegates to a number of positions on an annual basis in accordance with the Bush Fires Act 1954 and the Shire of Plantagenet Bush Fire Management and Response Plan.

At its meeting held on 4 May 2011, the Shire of Plantagenet Bush Fire Advisory Committee (BFAC) endorsed the nominations for the appointment of the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officers, Chief Fire Weather Reporting Officer, Deputy Chief Fire Weather Reporting Officers, Base Radio Operator, Deputy Base Radio Operators, Bush Fire Control Officers (including Dual Bush Fire Control Officers) and Clover Burn Permit Officers.

STATUTORY ENVIRONMENT

Section 38 of the Bush Fires Act 1954 details the appointment and duties of Bush Fire Control Officers, Dual Bush Fire Control Officers, Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Chief Fire Weather Reporting Officer and Deputy Chief Fire Weather Reporting Officer.

The role of Base Radio Operator is defined in the Shire of Plantagenet Bush Fire Management and Response Plan.

EXTERNAL CONSULTATION

The BFAC has made the recommendations detailed in this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Nominations for appointment for the Bush Fire Control Officers for the Shire of Plantagenet for 2011/2012 are as follows:

Shire of Plantagenet Bush Fire Brigade	Bush Fire Control Officer Nominee
Denbarker	Simon Grylls Warren Drage Norm Handasyde John Rodgers
Forest Hill	Matt Candy Len Handasyde Jason Scherel Robbie Walker
Kendenup	Wayne Davis Robert Baines David Burcham Brian Harwood Geoff DePledge Stan Hall Stephen Beech Ken Frost Phillip Webb
Middle Ward	Kevin Forbes AM Ian Mackie Greg Sounness
Narpyn	Norm Hill Mark Wallace Brett Bell Owen Sounness
Narrikup	Warren Forbes Bill Bentley Bill Hollingworth Joe Plowright Graham Ravenhill
Perillup	Robin Ditchburn
Porongurup	John Russell Brad Cluett Ray Williams Warren Thomas
Rocky Gully	Murray Wills Andy Simmons
South Porongurup	Jim Baily Wayne Mathews
Woogenellup	Grant Cooper Bryce Skinner Trevor Pieper Barry Pearce
Kojaneerup (Dual Fire Control Officers)	Terry Bradshaw Tony Slattery
South Stirlings	Graeme Pyle

(Dual Fire Control Officers)	Luke Bennet
Shire of Plantagenet	Ray Parry Stephen Player
Mount Barker Volunteer Fire and Rescue Brigade	Wesley Beck Carrie Linster

The Shire of Plantagenet BFAC has nominated the following to the Designated Positions for 2011/2012:

Designated Position	Officer
Chief Bush Fire Control Officer	Murray Wills
Deputy Bush Fire Control Officer 1	Matt Candy
Deputy Bush Fire Control Officer 2	John Russell
Chief Fire Weather Reporting Officer	Len Handasyde
Deputy Chief Fire Weather Reporting Officer 1	Rod Stan-Bishop
Deputy Chief Fire Weather Reporting Officer 2	David Burcham
Base Radio Operator	Keith Hart
Deputy Base Radio Operator	Rod Stan-Bishop
Clover Burn Permit Officer	Murray Wills
Clover Burn Permit Officer	Matt Candy
Clover Burn Permit Officer	John Russell

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That:

1. All previous appointments for the positions of Bush Fire Control Officers and designated positions for the Shire of Plantagenet be cancelled.
2. The following be appointed as Bush Fire Control Officers within the designated Bush Fire Brigade areas for 2011/2012, taking effect from 14 June 2011:

Shire of Plantagenet Bush Fire Brigade	Bush Fire Control Officer Nominee
Denbarker	Simon Grylls Warren Drage Norm Handasyde John Rodgers

Forest Hill	Matt Candy Len Handasyde Jason Scherel Robbie Walker
Kendenup	Wayne Davis Robert Baines David Burcham Brian Harwood Geoff DePledge Stan Hall Stephen Beech Ken Frost Phillip Webb
Middle Ward	Kevin Forbes AM Ian Mackie Greg Sounness
Narpyn	Norm Hill Mark Wallace Brett Bell Owen Sounness
Narrikup	Warren Forbes Bill Bentley Bill Hollingworth Joe Plowright Graham Ravenhill
Perillup	Robin Ditchburn
Porongurup	John Russell Brad Cluett Ray Williams Warren Thomas
Rocky Gully	Murray Wills Andy Simmons
South Porongurup	Jim Baily Wayne Mathews
Woogenellup	Grant Cooper Bryce Skinner Trevor Pieper Barry Pearce
Kojaneerup (Dual Fire Control Officers)	Terry Bradshaw Tony Slattery
South Stirlings (Dual Fire Control Officers)	Graeme Pyle Luke Bennet
Shire of Plantagenet	Ray Parry Stephen Player
Mount Barker Volunteer Fire and Rescue Brigade	Wesley Beck Carrie Linster

3. The following be appointed as Designated Positions for 2011/2012 taking effect from 14 June 2011:

Designated Position	Officer
Chief Bush Fire Control Officer	Murray Wills
Deputy Bush Fire Control Officer 1	Matt Candy
Deputy Bush Fire Control Officer 2	John Russell
Chief Fire Weather Reporting Officer	Len Handasyde
Deputy Chief Fire Weather Reporting Officer 1	Rod Stan-Bishop
Deputy Chief Fire Weather Reporting Officer 2	David Burcham
Base Radio Operator	Keith Hart
Deputy Base Radio Operator	Rod Stan-Bishop
Clover Burn Permit Officer	Murray Wills
Clover Burn Permit Officer	Matt Candy
Clover Burn Permit Officer	John Russell

CARRIED (9/0)

NO. 156/11

9.4 CORPORATE SERVICES REPORTS

9.4.1 BUDGET REVIEW – MAY 2011

File No: N18125
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Brendan Webb
Accountant / Office Manager
Proposed Meeting Date: 14 June 2011

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. This is the fourth review of the 2010/2011 Annual Budget and is required due to some late issues impacting on the budget.

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 a nil dollar impact.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

A number of issues have arisen which are worthy of a budget amendment and the following action is recommended, which overall has a nil dollar cash impact:

- Valuation expenses have been approximately \$15,000.00 below budget, which is available for reallocation.
- Interest on municipal and reserve investments has been significantly higher than budgeted, resulting in approximately \$30,000.00 available for reallocation.
- The Council has been required to provide a contribution of approximately \$3,950.00 towards a former staff member's long service leave payment. This could be accommodated from the Employee Entitlements Reserve, however as it is so close to the end of the financial year, it can be reallocated from other savings instead.
- Budget Item Reimbursements-Other has been higher than budget by approximately \$10,850.00.
- The Council has received an offer of \$25,000.00 from the Department of Local Government to engage a consultant to assist with finalising a Long Term Financial Plan. Amendments are sought for the relevant income and expenditure.
- An additional allocation of approximately \$10,000.00 is sought for software support contracts due to the requirement for such costs to be paid in advance under the new managed services contract.
- The Council was successful in its bid for a grant of \$3,705.00 from Lotterywest for the installation of zip track blinds at the Shire's playgroup. Amendments are sought for the relevant income and expenditure.
- The project to install safety barriers at transfer stations at Kendenup and Porongurup has come in approximately \$6,400.00 under budget, which is available for reallocation.
- The two hook lift bins identified in the budget are no longer required. The waste sites now rotate the existing bins as required. Therefore \$10,000.00 is available for reallocation.
- An additional increase for Waste Disposal Site maintenance of \$13,000.00 is sought, as additional expenditures have been required during the year due to compliance with licence conditions being addressed.
- Repairs to the roof at the Recreation Centre have been carried out, in liaison with the Education Department. The repairs were required due to the water leaks which have been occurring for many years. The Education Department will reimburse the full cost of \$29,240.00.
- The Council was successful in its bid for a grant of \$5,663.64 from the Disability Services Commission for the tractor component within the nature playground at Wilson Park. Amendments are sought for the relevant income and expenditure.
- The details of a previous budget review to split up the various expenditure and income components of the Mount Barker Community Centre were incorrect. This review will correct that and is a nil dollar impact.

- The Council has made a preliminary allocation of \$40,000.00 within its 2011/2012 budget associated with the commitment to upgrade the carpark at the Community Centre. It is intended to progress with a design of the upgrade, expected to cost an additional \$24,000.00 (of which approximately \$16,000.00 relates to electrical and lighting requirements).
- Additional funds of \$20,000.00 are sought for road maintenance. Additional costs have been required for a number of things, predominantly more frequent grading on some roads. As a result, the worst of those roads have been included on the 2011/2012 road program for gravel sheeting.
- The Council has received an offer of \$70,000.00 from the Department of Local Government to enable consultants to assist with preparing Asset Management Plans. This will involve things such as consultancies for asset condition and survey reports, Shire-wide gravel re-sheeting program requirements and staff / Councillor training. Amendments are sought for the relevant income and expenditure.
- Garden maintenance at the visitor centre has been approximately \$1,000.00 higher than predicted in the budget and additional funds are sought.
- Updated final figures on Royalties for Regions projects has identified a requirement to re-allocate some funds between the cemetery, stack signs and pruning of road vegetation accounts.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr M Skinner:

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

Account	Description	Original / Amended Budget \$	New Budget \$	Net Cash Amount \$
20009.0156	Other Expenses - Valuation Expenses	(40,000)	(25,000)	15,000
10009.0067	Interest on Municipal Investments	84,592	\$114,299	29,707
10009.0066	Interest on Reserve Funds	15,000	\$50,000	35,000
50301.0399	Transfer Interest to Reserve Funds	(15,000)	(50,000)	(35,000)
10016.0229	Reimbursements - Other	50,000	\$60,850	\$10,850
20047.0311	Employee Costs - Long Service Leave Disbursements	0	(3,950)	(3,950)
New	Other Expenses - Professional Services	0	(25,000)	(25,000)
New	Grant Income - Long Term Financial Plan	0	25,000	25,000
20048.0270	Office Expenses - Software Support Contracts	(74,993)	(85,000)	(10,007)
20811.0010	Playgroup - Building Maintenance	\$(1,500)	(5,205)	(3,705)
10813.0213	Grant Income - Lotterywest	0	3,705	3,705
51007.0252	Transfer Stations - Safety Barriers	(10,000)	(3,600)	6,400
51436.0006	O'Neill Landfill Site - Two Hook Lift Bins	(\$10,000)	0	10,000
20165.0052	Waste Disposal Sites - Grounds Maintenance	(\$420,000)	(433,000)	(13,000)
50524.0252	Recreation Centre - Roof Repairs	0	(29,240)	(29,240)
41113.0227	Capital Reimbursements - Education Dep't	0	29,240	29,240
51140.0006	Playground Equipment (Centenary/Wilson Park)	(\$49,262)	(54,926)	(5,664)
41120.0483	Wilson/Centenary Park	0	5,664	5,664
51145.0252	Mount Barker Community Centre	(463,247)	(\$183,247)	280,000
51148.0252	Mount Barker Community Centre Fitout	(280,000)	(\$345,000)	(65,000)

41145.0489	Lotterywest Grant - Mount Barker Comm Centre	613,103	333,103	(280,000)
41146.0489	Lotterywest Grant - Mount Barker Comm Centre Fitout	280,000	345,000	65,000
New	Mount Barker Community Centre - Upgrade Carpark	0	(24,000)	(24,000)
20225.0126	Road Maintenance - General	(1,050,000)	(1,070,000)	(20,000)
21211.0030	Other Expenses - Professional Services	0	(70,000)	(70,000)
10133.0089	Grant Income - Asset Management	1,000	71,000	70,000
20244.0052	Tourist Bureau - Grounds Maintenance	(1,200)	(2,200)	(1,000)
20225.0396	Road Maintenance - Implement Signage Policy (R for R)	(48,788)	(47,860)	928
20225.0395	Road Maintenance - Excavator Work TIRES Rds (R for R)	(8,419)	(256)	8,163
51020.0252	Cemetery Land Design / Development (R for R)	(211,586)	(220,677)	(9,091)
		<u>(1,640,300)</u>	<u>(1,640,300)</u>	<u>0</u>

CARRIED (9/0)

NO. 157/11

Absolute Majority

9.4.2 FINANCIAL STATEMENTS – MAY 2011

File No:	N18718
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	14 June 2011

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending May 2011.

STATUTORY ENVIRONMENT

Regulation 34 of the Financial Management Regulations 1996 requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- a) annual budget estimates;
- b) budget estimates to the end of the month;
- c) actual amount of expenditure and revenue;
- d) material variances between comparable amounts in b) and c) above; and
- e) the net current assets at the end of the month to which the statement relates ie: surplus/deficit position.

The Statement is to be accompanied by:

- a) explanation of the composition of net current assets, less committed assets and restricted assets;
- b) explanation of the material variances; and
- c) such other information considered relevant by the local government.

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.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr S Etherington:

That the Financial Statements for the period ending May 2011 be received.

CARRIED (9/0)

NO. 158/11

9.4.3 LIST OF ACCOUNTS - MAY 2011

File No: N18717
Attachments: [List of Accounts](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 14 June 2011

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of May 2011.

STATUTORY ENVIRONMENT

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments (10 May 2009). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Council Policy F/FM/7 – Purchasing and Tender Guide applies.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr M Skinner:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended May 2011 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$641,258.70;
- b. Municipal Cheques 41987 – 42051 and 42053 totalling \$34,100.27; and
- c. Cancelled Cheque 42052.

CARRIED (9/0)

NO. 159/11

9.4.4 POLICY REVIEW - EQUAL EMPLOYMENT OPPORTUNITY

File No: N18748
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna Jo McDonald
Senior Administration/Human Resources
Officer
Proposed Meeting Date: 14 June 2011

PURPOSE

The purpose of this report is to review Council Policy No. OP/HRE/2 – Equal Employment Opportunity.

BACKGROUND

Council Policy No. OP/HRE/2 - Equal Employment Opportunity reads as follows:

OBJECTIVE:

The Shire of Plantagenet recognises its legal obligations under the Equal Opportunity Act, 1984, and actively promotes equal employment opportunity based solely on merit to ensure that discrimination does not occur on the grounds of gender, marital status, pregnancy, race, disability, religious or political convictions.

POLICY:

All employment training with the Shire of Plantagenet is directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements for such training.

All promotional policies and opportunities with the Shire of Plantagenet are directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements for such promotion.

All offers of employment within the Shire of Plantagenet are directed towards providing equal opportunity to prospective employees provided their relevant experience, skills and ability meet the minimum requirements for engagements.

The Shire of Plantagenet does not tolerate harassment within its workforce. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, sex, colour, language, ethnicity, political or religious convictions, gender, marital status or disability.

The equal employment opportunity goals of the Shire of Plantagenet are designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability.

The Shire of Plantagenet in no way deems the adoption of this policy as meaning that the Council's current attitude, or those of its current employees, requires changing or modification.'

STATUTORY ENVIRONMENT

The Equal Opportunity Act 1984 governs the necessity for employers to provide a workplace that supports the achievement of equity and diversity and is free from bias and unlawful discrimination against employees or potential employees.

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

There are no strategic implications for this report.

OFFICER COMMENT

It is considered that the policy should be endorsed subject to the inclusion of several additional grounds of discrimination, as noted during a recent training course run by the Equal Opportunity Commission, and some minor rewording.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr J Moir:

That amended Council Policy No. OP/HRE/2 – Equal Employment Opportunity as follows:

OBJECTIVE:

The Shire of Plantagenet recognises its legal obligations under the Equal Opportunity Act, 1984, and actively promotes equal employment opportunity based solely on merit to ensure that neither direct nor indirect discrimination occurs on the grounds of gender, marital status, pregnancy, race, impairment, religious or political convictions, age, sexual orientation, family status or responsibilities.

POLICY:

1. All employment training with the Shire of Plantagenet is directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the inherent requirements for such training.
2. All promotional policies and opportunities with the Shire of Plantagenet are directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the inherent requirements for such promotion.

3. All offers of employment within the Shire of Plantagenet are directed towards providing equal opportunity to prospective employees provided their relevant experience, skills and ability meet the inherent requirements for engagements.
4. The Shire of Plantagenet does not tolerate harassment within its workforce. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, sex, colour, language, ethnicity, political or religious convictions, gender, marital status or impairment.
5. The equal employment opportunity goals of the Shire of Plantagenet are designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability.
6. The Shire of Plantagenet in no way deems the endorsement of this policy as meaning that the Council's current attitude, or those of its current employees, requires changing or modification.'

be endorsed.

CARRIED (9/0)

NO. 160/11

9.4.5 CEMETERIES AMENDMENT LOCAL LAW 2011

File No:	N18642
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Donna Jo McDonald Senior Administration/Human Resources Officer
Proposed Meeting Date:	14 June 2011

PURPOSE

The purpose of this report is to consider any submissions on the proposed Cemeteries Amendment Local Law 2011 that was advertised for public comment on 6 April 2011 and to make that local law.

BACKGROUND

The purpose of this local law is to remove unauthorised determination devices and clauses from the local law.

The effect of this local law is that:

- The unauthorised determination devices used to give the Board (Council) power to set aside lawn areas and specify the requirements for memorials within those sections are removed.
- The unauthorised and ineffective right of appeal by the holder of a Monumental Mason's licence to the State Administrative Tribunal is removed.

The Shire of Plantagenet Cemeteries Amendment Local Law 2011 amends the Shire of Plantagenet Cemeteries Local Law 2008 as published in the Government Gazette on 8 October 2010.

At its meeting held on 22 March 2011, the Council resolved that the proposed amendments to the Shire of Plantagenet Cemeteries Local Law 2008, be adopted and advertised for public comment.

The Council's intention to adopt the proposed Amendment Local Law was advertised on 6 April 2011. A copy of the Amendment Local Law was sent to the Minister for Local Government on 20 April 2011.

STATUTORY ENVIRONMENT

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

EXTERNAL CONSULTATION

On 6 April 2011, the proposed local was advertised for public comment and public submissions were invited within a 42 day consultation period. The invitation was advertised state wide and locally. No public submissions were received within the consultation period.

The Department of Local Government provided some minor grammatical and formatting changes which have been incorporated in the proposed local law.

FINANCIAL IMPLICATIONS

Advertising costs are likely to be approximately \$1,000.00.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The draft local law has been amended to reflect the changes sought by the Department of Local Government. It is recommended that the Council proceed with the amendments to the local law, subject to these changes.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That under the power conferred by the Local Government Act 1995 and under all other powers enabling it, the Shire of Plantagenet Cemeteries Amendment Local Law 2011 be made in the following form:

**CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995
Shire of Plantagenet**

CEMETERIES AMENDMENT LOCAL LAW 2011

Under the powers conferred by the Cemeteries Act 1986 and the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Plantagenet resolved on 14 June 2011 to adopt the following local law.

1. Citation

This local law may be cited as the Shire of Plantagenet Cemeteries Amendment Local Law 2011.

2. Commencement

This Local law comes into operation 14 days after the date of its publication in the Government Gazette.

3. Principal local law

In this local law, the Shire of Plantagenet Cemeteries Local Law as published in the Government Gazette on 11 April 2008, as amended and published in the Government Gazette on 8 October 2010, is referred to as the principal local law. The principal local law is amended.

4. Clause 7.2 amended

Delete clause 7.2 and its heading and substitute with—

7.2 Placement of Memorials

Every memorial shall be placed on proper and substantial foundations.

5. Clause 7.13 amended

Delete clause 7.13 and its heading.

6. Clause 7.16 amended

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

7. Clause 7.17 amended

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

8. Clause 7.19 amended

Delete subclause (3).

9. Part 7 amended

Designations "7.14" through to "7.19" are re-designated "7.13" through to "7.18" respectively.

Dated: 2011.

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

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

CARRIED (9/0)

NO. 161/11

Absolute Majority

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 CONFERENCE ATTENDANCE - COUNCILLOR M SKINNER - AUSTRALIAN LIVESTOCK MARKETS ASSOCIATION INC AGM AND CONFERENCE

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr M Skinner. Nature of Interest – farming 400 head of cattle.

4:30pm Cr M Skinner withdrew from the meeting.

File No: N18661
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 14 June 2011

PURPOSE

The purpose of this report is to seek authority for the Deputy Shire President, Councillor Michael Skinner, to attend the 2011 Australian Livestock Markets Association Inc (ALMA) Annual General Meeting (AGM) and Conference and visit other saleyards.

BACKGROUND

The 2011 ALMA Inc AGM and Conference is to be held in Dubbo on 27 and 28 July 2011. The Chief Executive Officer has authorised the attendance of the Deputy Chief Executive Officer, John Fathers and Saleyards Manager, Stewart Smith.

At its meeting held on 24 May 2011, the Great Southern Regional Cattle Saleyards Advisory Committee resolved that it be a recommendation to the Council:

‘That the Deputy Shire President, Councillor Michael Skinner be authorised to attend the Australian Livestock Markets Association Inc AGM and Conference to be held in Dubbo from 27 to 28 July 2011 and the expenditure be charged to budget item Governance – Members of Council: Conferences, Training and Accommodation – 20026.0029.’

The Committee has also discussed the opportunity for delegates to visit saleyards in Mueha, Carcoar and Forbes while on the trip.

FINANCIAL IMPLICATIONS

The registration for the conference is \$390.00 (early bird rate) and accommodation for five nights will be \$710.00. Air fares to and from Dubbo will be approximately \$340.00.

POLICY IMPLICATIONS

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

OFFICER COMMENT

The annual ALMA Conference is a key event on the livestock industry calendar. It provides a forum for the livestock industry across the nation to share ideas, knowledge and information.

Dubbo City Council's saleyards have the highest combined throughput of sheep and cattle in Australia. It is also home to Fletcher International Exports. Fletcher International exports to more than 90 countries across the globe and also operates a railway terminal and export grain business. Roger Fletcher will address the Conference on *World Markets: the future of the food industry and security*.

Other issues covered in the conference include:

- Working with the media - Rural Press Agricultural Publishing
- The Angus explosion
- Update on Livestock Exchange range of products and services
- Farming beyond 2011 – the challenges and opportunities!
- Supply of NLIS readers to the livestock industry
- Achieve positive welfare - achieve a win-win
- NLIS Cattle – the early warning systems
- Working with industry to improve safety in saleyards
- World markets and future of food industry and security
- OH&S Inductions on line and where are the next generation of staff going to come from?
- Saleyards outlook – A Council perspective
- Investment in regional livestock exchanges

There will also be tours of the Dubbo Regional Livestock Markets and Fletchers International Exports.

This will not only be a good conference, but will also have the added benefit of visits to other major saleyards, with a particular focus on obtaining information on waste water management. This should assist the Committee and the Council in its deliberations on environmental management within the Council's own saleyards.

Attendance by the Deputy Shire President is recommended.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**Moved Cr L Handasyde, seconded Cr G Messmer:****That:**

- 1. Deputy Shire President Councillor Michael Skinner be authorised to attend the Australian Livestock Markets Association Inc AGM and Conference to be held in Dubbo from 27 to 28 July 2011.**
- 2. The proposal to visit saleyards in Muchea, Carcoar and Forbes be authorised.**
- 3. The expenditure in parts 1 and 2 above be charged to Budget Item Governance – Members of Council: Conferences, Training and Accommodation – 20026.0029.**

CARRIED (8/0)**NO. 162/11**

4:39pm Cr M Skinner returned to the meeting.

9.5.2 MOUNT BARKER CARAVAN PARK - WATER USE, BOUNDARY ANOMALIES AND LEASE

File No: N18610
Attachments: [Survey - Boundary Encroachments](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 14 June 2011

PURPOSE

The purpose of this report is to consider a number of matters relating to the Mount Barker Caravan Park, use of water by the Caravan Park from the Government Dam, boundary anomalies and encroachments between the Caravan Park and the Reserves immediately to the south (old Museum Police Station complex) and the potential for encroachments by the Museum complex to be 'set off' in return for water usage.

BACKGROUND

The Caravan Park used to be situated on land vested in the Council. In 1999 negotiations with the State Government and the operator of the Caravan Park resulted in the vested land being transferred into Freehold title which the Council was then able to purchase and immediately on-sell.

Prior to the sale the issue of boundary encroachments was not an issue as all land was vested in the one authority, being the Council. Further, while the Caravan Park land was vested in the Council, issues regarding the use of water from the Government Dam did not arise. After the sale of the land by the Council to the then Caravan Park operator, the use of water continued on an ad-hoc basis and only became an issue when the Caravan Park was sold to the present owner.

The matter was considered by the Council at its meeting held on 10 March 2009. At that meeting the Council extended the licence to access the water supply by Resolution 62/09 as follows:

That a licence be granted to the Mount Barker Caravan Park at Lot 584 Albany Highway, Mount Barker for the continued use of the Government Dam water supply for the reticulation of lawns within the caravan park expiring 30 August 2016, subject to:

- a) the primary purpose of the water within the Government Dam being for municipal uses and if the consumption of that water impacts adversely upon the usual and actual quality and quantity of the Government Dam water source in the opinion of the Council's Environmental Health Officer, the water supply to the caravan park may be restricted at any time;*
 - b) the installation of an approved water metering device capable of accurately measuring water supplied to the caravan park prior to 30 August 2011, at the*
-

licence holder's expense;

- c) the payment by the licence holder for the supply of non-potable water at a rate set in the Annual Budget;*
- d) the licence shall be renewable and transferable to subsequent proprietors of the Caravan Park;*
- e) the licence may not necessarily be renewed by the Council at the expiry of the licence period in 2016; and*
- f) the licence holder is to investigate alternative means of water supply for the reticulation of the caravan park grounds prior to the licence expiry in 2016.'*

The proprietor of the Caravan Park Mr Steven Smith, now seeks the Council's consideration to enter into a Lease of that portion of Caravan Park land which is encroached by the Museum complex. Mr Smith has indicated that any Lease payments could act as a 'contra' against the use of water. Mr Smith believes that this would be beneficial both for his business and the Council as, with a reliable supply of water from the Government Dam, he could continue to keep the Caravan Park green and welcoming on a main entrance into Mount Barker.

STATUTORY ENVIRONMENT

Fees and Charges proposed by the Council must be adopted pursuant to Section 6.2(4) (c) of the Local Government Act.

A Local Government has control of land vested in it pursuant to Section 3.54 of the Local Government Act.

EXTERNAL CONSULTATION

The Chief Executive Officer and the Manager Development Services met with Mr Smith at the Caravan Park on 10 March 2011 to discuss water usage and the encroachment issues. As a result of that meeting and the impending deadline for the installation of the water meter, Mr Smith has now written to the Council.

FINANCIAL IMPLICATIONS

The 2011/2012 Budget will include an amount of \$2.15 per kilolitre as the cost to extract water from the Government Dam by the Caravan Park.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

The Council already has a licence agreement with Mr Smith regarding the maintenance of pump infrastructure at Government Dam and the Caravan Park relating to sewer applications.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result Area 5 (Strategic Planning) notes an aim of the Council is to attract and retain small to medium sized enterprises to Plantagenet.

OFFICER COMMENT

The boundary issues and use of water at the Caravan Park are matters requiring a solution. The Caravan Park proprietor, Mr Smith, has been willing and cooperative but notes that the cost of water will present a significant financial impost. He therefore seeks the Council's consideration in ensuring that the area of encroachment by the Council is recorded by a lease arrangement and that a contra arrangement would be reasonable for the use of water.

Although no immediate objections are raised to such an arrangement, at this stage there is no indication as to the amount of water extracted from the Government Dam as no measuring devices are in place for extraction by either the Caravan Park or indeed Council uses.

It is therefore proposed that water use be monitored over a 12 month period so that the value of any contra arrangement can be recorded in the Council's books of account. It may be difficult to incorporate such a contract arrangement in a lease and it may be preferable to have two separate documents being a lease for the encroachment and a licence for the extraction of water.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. The Proprietor/s of the Mount Barker Caravan Park be advised that the Council is willing to enter into a Lease for such land which forms portion of the Old Police Station Museum and which encroaches onto the Caravan Park site and would be happy to set off any lease payments for a defined amount of water to be extracted from the Government Dam for use by the Caravan Park subject to water use figures being ascertained over the period 1 August 2011 to 31 July 2012; and
2. A draft lease be considered by the Council on or before its meeting to be held on 6 September 2011.

COUNCIL DECISION

Moved Cr J Moir, seconded Cr S Grylls:

That:

1. The Proprietor/s of the Mount Barker Caravan Park be advised that the Council is willing to enter into a Lease for such land which forms portion of the Old Police Station Museum and which encroaches onto the Caravan Park site.
2. A draft lease be considered by the Council on or before its meeting to be held on 6 September 2011.

Reason for Change

The mover believed that a community asset should not be used for private use.

AMENDMENT

Moved Cr L Handasyde, seconded Cr M Skinner:

That the following words be added to part 1 after the word site 'and would be happy to set off any lease payments for a defined amount of water to be extracted from the Government Dam for use by the Caravan Park subject to water use figures being ascertained over the period 1 August 2011 to 31 July 2012'.

CARRIED (7/2)

NO. 163/11

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr J Moir, seconded Cr A Budrikis:

4:55pm That the Council move into a Confidential Session to discuss items under the terms of the Local Government Act 1995 as follows:
5.23 (2)(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

CARRIED (9/0)

NO. 164/11

MOTION TO PROCEED IN PUBLIC

5:25pm Moved Cr L Handasyde, seconded Cr A Budrikis:
That the meeting proceed in public.

CARRIED (9/0)

NO. 165/11

THE SUBSTANTIVE MOTION WAS PUT

That:

1. The Proprietor/s of the Mount Barker Caravan Park be advised that the Council is willing to enter into a Lease for such land which forms portion of the Old Police Station Museum and which encroaches onto the Caravan Park site and would be happy to set off any lease payments for a defined amount of water to be extracted from the Government Dam for use by the Caravan Park subject to water use figures being ascertained over the period 1 August 2011 to 31 July 2012; and
2. A draft lease be considered by the Council on or before its meeting to be held on 6 September 2011.

CARRIED (8/1)

NO. 166/11

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**

Moved Cr A Budrikis, seconded Cr M Skinner:

That new business of an urgent nature namely:

- Training attendance – Cr L Handasyde

be introduced to the meeting

CARRIED (9/0)

NO. 167/11

11.1 TRAINING ATTENDANCE – CR L HANDASYDE

Moved Cr A Budrikis, seconded Cr G Messmer:

That Cr L Handasyde be authorised to attend the WALGA Land Use Planning training course on Monday 20 June 2011 in Manjimup and the registration cost of \$395.00 be charged to Account No 20026.0029.

CARRIED (9/0)

NO. 168/11

12 CONFIDENTIAL**13 CLOSURE OF MEETING**

5:34pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE: ____ / ____ / ____