

Our Ref: O50822
Your Ref:
Enquiries: Rob Stewart

14 March 2018

Mr Stephen Carter
President
Mount Barker Turf Club
PO Box 287
Mount Barker WA 6324

Dear Sir

Subject: Question: Council Meeting held 27 February 2018

At the meeting of the Council held 27 February 2018, you asked the following question:

'Is the Shire able to amend its by-laws relating to the management plan for Frost Park to enable the gates to be locked on mornings when horse training is in progress on the race track.'

I believe you are aware that Reserve A1790 is classified as a Class A Reserve (Frost Park).

Vesting or management orders are unable to be altered by Council local laws (formerly known as by-laws). An alteration to a vesting order to change its use or a condition of use is a matter for the state government.

I understand that the issues surrounding training times are a matter of safety. You are most likely aware that the Council has classified Frost Park as a dog exercise area and therefore members of the public, except on special occasions, have unfettered access to the reserve. It is acknowledged that the different uses (dog exercise and horse training) may be incompatible.

The Council in making Frost Park available for race meetings has not specifically made Frost Park available for training sessions. Therefore, from an 'official' point of view the Council is not aware of the training sessions. Hence, the locking of the gate was somewhat of a surprise, as I had not been advised.

I do not believe that the Dog Act provides for a means to restrict hours of a Dog Exercise Area. However, I am prepared to further research this.

In the meantime, I am disinclined to permit the locking of a gate, which would prevent the access of members of the public undertaking an otherwise sanctioned activity.

If permitted by the legislation, I could recommend to the Council to restrict the hours of the dog exercise area.

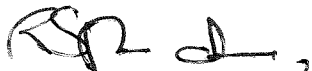
Another alternative, rather than restrict access to one group in favour of another, is simply to close the gate, indicate by sign that horse training is in progress in addition to having an attendant, advising people to take care.

For your further information, the Council's Local Government Property Local Law 2008 provides that a Council may make a determination '*... that specified local government property is set aside as an area on which a person may ... bring, ride or drive an animal;*'.

I am unaware of the Council ever having made a determination in relation to horses. However, I would be pleased to make such a recommendation to the Council if horse training is to continue.

You may like to consider for the future advising Council staff (Manager Community Services or CEO) when any changes are proposed to the way Council property is to be used. A determination can then be made as to whether such proposed change will impact other users and the Council's tenure.

In the meantime, I am happy for Frost Park gates to be closed and signed during horse training.



Rob Stewart
CHIEF EXECUTIVE OFFICER
cc: All Councillors

Attach. 4.1.

Junior football

We are asking if we can have the use of the main oval at Sounness Park for under 14s on home games and Auskick on Saturday mornings when the junior club has home games from the 5th of May till the end of August. When the junior club has an away game Auskick will use the cricket oval. Aprox 5 or 6 home games for the season.

We have been told that the main oval at Sounness Park is not to be used for junior football at all and that we have to use the cricket oval. The reason being the amount of foot traffic on the main oval.

On a home game we will have 4 games of football and Auskick to complete before lunchtime. There is no way we can all fit on the one oval. I am not sure under 14s and Auskick kids would have a large impact on the main oval verses senior football?

As the junior Football club is increasing in numbers and momentum we have introduced 2 more teams to our home and away fixtures against Denmark and Albany with year 3 and 4 having teams along with under 12s and 14s. (70 to 80 kids playing footy)

Auskick (pre-primary to year 2) is also growing in numbers including families that have been bypassing Mt Barker and taking their kids to Auskick in Albany now bringing their kids back to Mt Barker as the momentum grows. This was evident again at our registration fun day last Saturday. (25 to 35 kids)

It has taken 3 years of recruiting kids and parents to build numbers up in Auskick so we can have year 3 and 4 teams up and going, joining the under 12s and 14s building a good club culture of inclusiveness and comradery. This will be jeopardized if we have to split the club up on home games and parents have to drop kids all over town to play footy then juggle which game to watch.

As part of our growth we have a major sponsor that has been on board for 2 years helping with the improvement of the club. Last year buying a set of football jumpers for the Auskick kids, Year 3 and Year 4 teams. This year subsidizing the cost of registration to help more kids be involved. They have come on board because they want to help grass roots football and can see we have been building as a club. They also realize the importance of a healthy junior club flowing through to good numbers in the senior club into the future .

All we are asking is for Auskick and under 14s to play on the main oval when the junior club has a home game. This will keep all the footy and the junior club together in the one spot making it easier for families with children in multiple teams (which there are quite a few) to organize their children and also watch their games.

On a home game there will be 4 games of footy and Auskick that has to be played before lunch. To do this without using the main oval will mean teams will have to play at other venues. This will mean that Mt Barker will be the only club to do so in the SDJFL as Albany and Denmark will have all games at the same venue from now on.

All teams playing in the one spot will also make our canteen work better. This is our main source of fundraising for the year and it faces the main oval. If there is no football on the main oval the canteen will be out of the way and not utilized to its full capacity.

Training will be another issue adding under 16s into the mix in the same time slot as the junior club. Training is from 4 till 5 on Thursday afternoons after school for y3 through to under 16s. This will mean 5 teams trying to train on the same cricket oval

This will not be so bad if Frost is available for the older kids (14s and 16s) to train on but something would have to be done with the lack of goals at the southern end of the oval.

Training is all in the same time slot for the families that have kids in multiple grades