



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council held in the
Frost Park Pavilion, McDonald Avenue, Mount Barker
2:45pm Tuesday 8 November 2005

Rob Stewart
CHIEF EXECUTIVE OFFICER

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
4	PUBLIC QUESTION TIME.....	2
5	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE.....	2
7	CONFIRMATION OF MINUTES.....	3
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	3
9	REPORTS OF COMMITTEES AND OFFICERS.....	5
9.1	EXECUTIVE SERVICES REPORTS.....	5
9.1.1	ADMINISTRATION BUILDING – FIT OUT.....	5
9.1.2	ADMINISTRATION OFFICE - CHRISTMAS CLOSURE.....	7
9.1.3	COMMITTEE MINUTES - GREAT SOUTHERN REGIONAL CATTLE SALEYARDS ADVISORY - 11 OCTOBER 2005.....	9
9.1.4	SCHEDULE OF COUNCIL MEETINGS - 2006.....	11
9.2	CORPORATE SERVICES REPORTS.....	12
9.2.1	FEES AND CHARGES - 2005/2006 - AMENDMENT TO SWIMMING POOL SEASON FEES.....	12
9.2.2	NLIS SCANNING SYSTEM - BOONTECH PERFORMANCE TEST.....	17
9.3	DEVELOPMENT SERVICES REPORTS.....	20
9.3.1	LOT 303 AND 304 SECOND AVENUE, KENDENUP - PROPOSED PLANT NURSERY.....	20

- 9.3.2 LOT 31 PORONGURUP ROAD, MOUNT BARKER -
PROPOSED COTTAGE INDUSTRY - PRIVATE
RECREATION AND SHOP 23
- 9.3.3 LOT 5606 ST WERBURGHES ROAD, MOUNT BARKER -
PROPOSED COMMERCIAL TREE PLANTATION 27
- 9.3.4 LOT 5711 WATERMANS ROAD, MOUNT BARKER -
PROPOSED GRAVEL EXTRACTION..... 32
- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 42**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF THE MEETING 42**
- 11.1 HEAVY HAULAGE ADVISORY COMMITTEE 42
- 12 CONFIDENTIAL 45**
- 13 CLOSURE OF MEETING 45**

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:53pm The Presiding Member declared the meeting open.

The Chief Executive Officer, Mr Rob Stewart, 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.'

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

Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Williss	Deputy Shire President - East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr M Skinner	East Ward
Cr K Hart	Kendenuk Ward
Cr J Moir	South Ward
Cr K Clements	Town Ward
Cr B Hollingworth	Town Ward
Cr J Mark	Town Ward
Mr R Stewart	Chief Executive Officer
Mr J Byrne	Executive Director Corporate and Community Services
Mr I Bartlett	Acting Executive Director Technical and Development Services
Ms D Baesjou	Manager Development Services
Mrs K Skinner	Executive Secretary
Ms C Delmage	Administration Officer – Minutes and Agenda

One (1) member of the public was present.
No members of the media were present.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

4.1 HACC (CS/151/1)

Asked By: Ms Ruth York – Director of Nursing / Health Service Manager

Ms York noted that she was present today as a representative of Mrs Elva Etherington who was unable to attend this meeting due to a doctors appointment.

The seniors of Plantagenet would like to know how the proposed HACC Day Centre building project is progressing including:

- Jeopardising existing funding
- Unlikely availability of future funding if current moneys are withdrawn by the Commonwealth (HACC)
- The Plantagenet Cranbrook Health Service has completed and presented initial drawings and costings for the new building as agreed
- We are now awaiting Shire drawings and proposal as offered at a meeting held Thursday 8 September 2005

Response By: Mr R Stewart – Chief Executive Officer

Mr Stewart noted that his recollection of the meeting was different and that the question would need to be taken on notice and addressed at the next Council meeting of 22 November 2005.

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

Moved Cr J Moir, seconded Cr K Hart:

That the Minutes of the Ordinary Meeting of the Council held 25 October 2005 be confirmed subject to:

Cr K Clements' name being removed from the attendance list as he was on approved leave of absence.

CARRIED (9/0)

No. 310/05

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 17 October 2005 – The Shire President, Deputy Shire President, Manager Works and Executive Director Technical and Development Services attended the Regional Roads Group meeting in Kojonup which discussed the funding available for 2006 / 2007. The funding includes money to reseal Woogenellup Road, the Sleeman Creek section of Spencer Road and small amounts for the flood crossing on Woogenellup Road.
- 26 and 30 October 2005 and 1 November 2005 - The Shire President attended three (3) Town Planning Scheme Review – Community Forums those being meetings held at Narrikup, Kendenup and Mount Barker. Two (2) of those meetings had good public attendance and input although the Mount Barker forum was disappointing due to a lack of attendance by any members of the public. The Shire President thanked those Councillors who made the effort to attend the Community Forums and also gave thanks to Ms Delma Baesjou, Manager Development Services and Administration Assistant Ms Cobie McLean for their great efforts in organising and managing the Forums.
- 28 October 2005 – The Pastoralists and Graziers Association held a chemical forum – dinner meeting at Gilberts winery. Three (3) good speakers discussed a variety of topics including public health, aquaculture and new legislation. The evening was by invitation only and the Shire President thanked the Deputy Shire President, Cr B Hollingworth, Mr R Stewart - Chief Executive Officer and Mr Eric Howard - Environmental Health Officer for their attendance.
- 7 November 2005 – The Shire President, Deputy Shire President, Chief Executive Officer and Manager Works met with Mr Andrew Duffield from MRWA Albany and Mr John Rossiter of MRWA Heavy Haulage Permits section to discuss heavy haulage permits for local roads in our shire. We believe some progress was made but we need to review the work we did in 2001 and meet with Mr Rossiter again.
- 7 November 2005 – The Shire President attended the first meeting of Minister Chance's Timber Plantation Strategy Group at Dumas House in

Perth. This industry based group will operate independently to the Plantation Industry Ministerial Advisory Committee (PIMAC).

- 7 November 2005 – The Shire President also gave Minister Chance a Great Southern Regional Cattle Saleyards briefing regarding the National Livestock Identification System (NLIS) and discussed Muchea and capital money.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 EXECUTIVE SERVICES REPORTS

9.1.1 ADMINISTRATION BUILDING – FIT OUT

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	PE/21/4
Author:	Rob Stewart – Chief Executive Officer
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	1 November 2005

Purpose

The purpose of this report is to seek the Council's authority for the Chief Executive Officer to finalise the awarding of tenders for the new administration building furniture fit out.

Background

As part of the process in moving towards the finalisation of the new Council administration building, it will be necessary to purchase office and Council Chamber furniture including desks, chairs, tables and the like.

As the process is likely to require finalisation during the Christmas / New Year period, it is recommended that a delegation be given to the Chief Executive Officer for this purpose so that the process is not delayed.

Statutory Environment

The Local Government (Functions and General) Regulations 1996 relates to tenders for the provision of goods or services.

Section 5.42 of the Local Government Act 1995 enables the Council to delegate powers and duties to the Chief Executive Officer.

Consultation

Mr Ian Howard of Howard and Associates met with the Chief Executive Officer and the Executive Director Technical and Development Services to discuss the process for the fit out requirements.

Further, the Department of Local Government and Regional Development was contacted to discuss issues relating to the involvement of the Architect in the process.

It is considered more effective for the tender process to be undertaken by the Council's administration with tenderers getting in touch with the Architect to be provided with the technical specifications.

Financial Implications

The Local Government (Functions and General) Regulations 1996 require that tenders shall be called when the purchase consideration is \$50,000.00 or greater.

Administration Building – Fit Out (Cont.)

The fit out component of the new building has been included in the budgeted costs but is separate from the builder's contract, except where specified.

Officer Comment

The recommendation to delegate to the Chief Executive Officer the authority to settle the fit out tenders is seen as a means to avoid delays which could ultimately affect the effective completion of the new administration building. It would be appropriate for such a delegation to include conditions requiring, for example, the Chief Executive Officer to seek the advice of the Shire President, Architect and / or the Principal Building Surveyor.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Mark:

That the Chief Executive Officer be delegated the authority to finalise tender selection relating to office and Council furniture for the new administration building subject to the Chief Executive Officer conferring with and seeking advice from the Shire President, the appointed Architect and the Principal Building Surveyor.

CARRIED (9/0)

No. 311/05

(Absolute Majority)

9.1.2 ADMINISTRATION OFFICE - CHRISTMAS CLOSURE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CU/2/2
Author:	Kaye Skinner – Executive Secretary
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	24 October 2005

Purpose

The purpose of this report is to seek approval to close the Shire of Plantagenet's Administration Office, Recreation Centre and Libraries between Christmas and New Year. The proposed dates of closure in addition to normal public holidays are Wednesday 28, Thursday 29 and Friday 30 December 2005. The office would then reopen on Tuesday 3 January 2006.

Background

The Council has closed for the period between Christmas and New Year in previous years and this has not caused community disquiet or inconvenience. Further, on at least one (1) occasion when the Council has remained open, there has been little or no activity in the office from members of the community.

Policy Implications

The Council's Policy Manual is silent in regard to this matter.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The closure of the Administration Office is an opportunity for all members of staff to utilise the former holidays enjoyed by officers in Local Government being Easter Tuesday and 2 January. Although these holidays were repealed some years ago at arbitration they were retained to be taken at mutually convenient times.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr K Hart, seconded Cr J Cameron:

THAT:

- (1) The Shire of Plantagenet's Administration Office, Recreation Centre and Libraries be closed on Wednesday 28, Thursday 29 and Friday 30 December 2005.
- (2) The closure be advertised locally.

AMENDMENT

Moved Cr D Williss, seconded Cr B Hollingworth:

That in Point (1) the words 'and Monday 2 January 2006 being from the close of business Friday 23 December 2005, and reopening Tuesday 3 January 2006' be added after the words 'December 2005'.

CARRIED (9/0)

No. 312/05

COUNCIL DECISION

THAT:

- (1) The Shire of Plantagenet's Administration Office, Recreation Centre and Libraries be closed on Wednesday 28, Thursday 29 and Friday 30 December 2005 and Monday 2 January 2006 being from the close of business Friday 23 December 2005, and reopening Tuesday 3 January 2006.
- (2) The closure be advertised locally.

CARRIED (9/0)

No. 313/05

9.1.3 COMMITTEE MINUTES - GREAT SOUTHERN REGIONAL CATTLE SALEYARDS ADVISORY - 11 OCTOBER 2005

A Financial Interest was disclosed by Cr K Forbes for Item 9.1.3

Extent Of Interest: Cattle Producer – Operate a mixed farming property of sheep and cattle with 400 head of cattle.

A Financial Interest was disclosed by Cr J Cameron for Item 9.1.3

Extent Of Interest: Part Owner Of Cattle – 50% interest in approximately 400 head of cattle on farm at Rocky Gully.

Authority To Participate Pursuant Section 5.69 (3)(b) Local Government Act 1995

The Chief Executive Officer advised the Council that by letter dated 24 May 2005, approval had been received from the Department of Local Government and Regional Development, giving permission for Cr K Forbes, Cr M Skinner and Cr J Cameron to participate in matters relating to the Great Southern Regional Cattle Saleyards and for Cr Forbes to act as Presiding Member for the period of 24 May 2005 to 31 December 2005 inclusive.

The Chief Executive Officer further advised the Council that by letter dated 14 June 2005, approval had been received from the Department of Local Government and Regional Development, giving permission for Cr B Hollingworth to participate in matters relating to the Great Southern Regional Cattle Saleyards for the period of 10 June 2005 to 31 December 2005 inclusive.

The Chief Executive Officer, Mr R Stewart, read aloud the attached letters from the Department of Local Government and Regional Development dated 24 May 2005 and 14 June 2005.

A copy of each letter is attached.

Location / Address:	N / A
Attachments: (1)	Committee Minutes
Name of Applicant:	N / A
File Reference:	CA/103/1
Author:	Cherie Delmage - Administration Officer Minutes and Agenda
Authorised By:	John Byrne - Executive Director Corporate and Community Services
Date of Report:	19 October 2005

Purpose

The purpose of this report is to receive the Minutes of the Great Southern Regional Cattle Saleyards Advisory Committee meeting held 11 October 2005.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Any issues or recommendations arising from these Minutes will be the subject of a separate report to the Council.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr J Mark, seconded Cr B Hollingworth:

That the Minutes of the Great Southern Regional Cattle Saleyards Advisory Committee meeting held 11 October 2005 be received.

CARRIED (9/0)

No. 314/05

9.1.4 SCHEDULE OF COUNCIL MEETINGS - 2006

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	GO/43/1
Author:	Kaye Skinner - Executive Secretary
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	24 October 2005

Purpose

The purpose of this report is to consider the schedule of Council meeting dates, times and venues for February 2006 to January 2007 inclusive.

Background

At the Ordinary Meeting of the Council held on 12 October 2004, meeting dates were set for February 2005 to January 2006 inclusive. The Council also resolved that no Council meeting be held in January 2005 and that all meetings be held in the Council Chambers, Lowood Road, Mount Barker which was subsequently changed to Frost Park Pavilion, McDonald Avenue, Mount Barker due to the demolition of the existing Council Chambers.

Statutory Environment

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

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Officer Comment

As the fourth Tuesday in December 2006 falls on 26 December it is suggested that only one (1) Ordinary Meeting of the Council be held in that month being 12 December. Further, due to Local Government Week commencing 5 August it is suggested that only one (1) meeting be held during August on 22 August 2005. The fourth Tuesday in April falls on Anzac Day so it is suggested that the Council meeting be held on Wednesday 26 April 2006.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr D Williss, seconded Cr B Hollingworth:

THAT:

- (1) The Ordinary Meetings of the Council for 2006 be held as follows commencing at 2.45pm:
 - 14 and 28 February 2006
 - 14 and 28 March 2006
 - 11 and 26 April 2006
 - 9 and 23 May 2006
 - 13 and 27 June 2006
 - 11 and 25 July 2006
 - 22 August 2006
 - 12 and 26 September 2006
 - 10 and 24 October 2006
 - 14 and 28 November 2006
 - 12 December 2006
- (2) No Ordinary Meeting of the Council be held in January 2007.
- (3) Meetings be held in Frost Park Pavilion, McDonald Avenue, Mount Barker until the completion of the new administration building.
- (4) A further report be presented to the Council at its meeting to be held on 28 February 2006 regarding any proposal to change the meeting venue to the new administration building.
- (5) Pursuant to Regulation 12 of the Local Government (Administration) Regulations (1996), public notice of the above be given, including the advice of a change of venue on completion of the new administration building.

CARRIED (8/1)

No. 315/05

9.2 CORPORATE SERVICES REPORTS

9.2.1 FEES AND CHARGES – 2005 / 2006 - AMENDMENT TO SWIMMING POOL SEASON FEES

Location / Address:	Mount Barker Swimming Pool
Name of Applicant:	N / A
File Reference:	FM/64/5
Author:	John Byrne - Executive Director Corporate and Community Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	2 November 2005

Purpose

The purpose of this report is to consider amending the season entry fees and charges to the Mount Barker Swimming Pool for the 2005 / 2006 summer.

Background

Due to the continuing wet weather that Mount Barker has experienced, the refurbishment works to the pool bowl lining have not been able to be commenced by the contractor. To effectively remove the existing coating and apply the new lining, at least five (5) continuous days of dry weather is required. This has delayed the commencement of the works and ultimately delayed the start of the pool season.

The contractor is scheduled to commence works on Wednesday 2 November 2005, and anticipates being completed in two (2) weeks time. The pool will then be filled, chlorinated and water samples taken for testing. Once the Director of Public Health has approved the water samples the pool can be opened to the public.

It is anticipated at this point in time that the pool season will commence on Friday 1 December 2005.

At its meeting held 25 October 2005, the Council resolved as follows:

'That a report on the fees and duration of the 2005 / 2006 season of the Mount Barker Swimming Pool be presented to the Council at its meeting to be held 8 November 2005.'

It is understood that some concern was expressed at the meeting that the delay to the start of the pool season, associated with the refurbishment of the swimming pool bowl lining, ought to be reflected in an amendment to the fees charged for season entry passes.

Statutory Environment

Sections 6.16 – 6.19 inclusive of the Local Government Act 1995 determine the procedure for setting fees and charges. Section 6.16 (3) states:

'Fees and charges are to be imposed when adopting the annual budget but may be –

- (a) imposed* during a financial year*
 - (b) amended* from time to time during a financial year.*
-

Fees And Charges 2005 / 2006 – Amendment To Swimming Pool Season Fees (Cont.)

Absolute majority vote required.

Section 6.19 states:

'If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of –

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.'

The amended fees and charges will need to be advertised for a minimum period of seven (7) days in accordance with the definition of 'Local Public Notice' at Section 1.7 of the Local Government Act 1995.

Consultation

Consultation has occurred with the Chief Executive Officer and Pool Manager.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are financial implications for this report, however they are unable to be accurately quantified at the time of writing this report. The recommended reduction in season fees will realise a reduction in budgeted income, however this will be offset within the Swimming Pool budget by an expected decrease in operating costs, due to the potentially reduced length of pool season.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

It is possible that should we experience continued warmer weather in April, combined with the solar heating, that the pool may remain open longer at the end of the season. However, it is most likely that the pool season will be reduced in length by one (1) month from six (6) months to five (5) months, due to the closure of the pool during November.

It is therefore considered appropriate that the entry fees for season and half season tickets (for the first half season only), be reduced by 1 / 6. The following table shows the current fee structure and the proposed fees:

Season Tickets	Original Fee (\$)	Amended fee (\$)
5 – 16 years	60.00	50.00
Adult Season tickets	60.00	50.00
Family Season tickets	180.00	150.00
Family Half Season tickets (first half season only)	100.00	80.00
Family Half Season tickets (second half season)	100.00	100.00

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) The fees and charges for season ticket entry to the Mount Barker Swimming Pool be amended to take effect from 1 December 2005 in accordance with the following schedule:

Season Tickets	Original Fee (\$)	Amended fee (\$)
5 – 16 years	60.00	50.00
Adult Season tickets	60.00	50.00
Family Season tickets	180.00	150.00
Family Half Season tickets	100.00	80.00
Family Half Season tickets	100.00	100.00

- (2) The amended fees be advertised in accordance with Sections 1.7 and 6.19 of the Local Government Act 1995.

COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Cameron:

THAT:

- (1) The fees and charges for season ticket entry to the Mount Barker Swimming Pool be amended to take effect from 1 December 2005 in accordance with the following schedule:

Season Tickets	Original Fee (\$)	Amended fee (\$)
5 – 16 years	60.00	50.00
Adult Season tickets	60.00	50.00
Family Season tickets	180.00	150.00
Family Half Season tickets (first half season only)	100.00	80.00
Family Half Season tickets (second half season only)	100.00	100.00

- (2) The amended fees be advertised in accordance with Sections 1.7 and 6.19 of the Local Government Act 1995.

CARRIED (9/0)

No. 316/05

(Absolute Majority)

Reason For Change

The Council decided that it was important to define the cheaper season tickets as being applicable for the first half season only.

9.2.2 NLIS SCANNING SYSTEM - BOONTECH PERFORMANCE TEST

A Financial Interest was disclosed by Cr K Forbes for Item 9.2.2

Extent Of Interest: Cattle Producer – Operate a mixed farming property of sheep and cattle with 400 head of cattle.

A Financial Interest was disclosed by Cr M Skinner for Item 9.2.2

Extent Of Interest: Cattle Producer – 400 head of cattle.

A Financial Interest was disclosed by Cr J Cameron for Item 9.2.2

Extent Of Interest: Part Owner Of Cattle – 50% interest in approximately 400 head of cattle on farm at Rocky Gully.

A Financial Interest was disclosed by Cr J Moir for Item 9.2.2

A Proximity Interest was disclosed by Cr B Hollingworth.

3:34pm Cr J Moir withdrew from the meeting.

Authority To Participate Pursuant Section 5.69 (3)(b) Local Government Act 1995

The Chief Executive Officer advised the Council that by letter dated 24 May 2005, approval had been received from the Department of Local Government and Regional Development, giving permission for Cr K Forbes, Cr M Skinner and Cr J Cameron to participate in matters relating to the Great Southern Regional Cattle Saleyards and for Cr Forbes to act as Presiding Member for the period of 24 May 2005 to 31 December 2005 inclusive.

The Chief Executive Officer further advised the Council that by letter dated 14 June 2005, approval had been received from the Department of Local Government and Regional Development, giving permission for Cr B Hollingworth to participate in matters relating to the Great Southern Regional Cattle Saleyards for the period of 10 June 2005 to 31 December 2005 inclusive.

The Chief Executive Officer, Mr R Stewart, read aloud the attached letters from the Department of Local Government and Regional Development dated 24 May 2005 and 14 June 2005.

A copy of each letter is attached.

Location / Address:	Great Southern Regional Cattle Saleyards
Name of Applicant:	N / A
File Reference:	CA/126/1
Author:	John Byrne - Executive Director Corporate and Community Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	2 November 2005

Purpose

The purpose of this report is to endorse the actions of staff in accordance with the recommendations of the Great Southern Regional Cattle Saleyards Advisory Committee meeting held on 11 October 2005.

Background

At its meeting held on 11 October 2005, the Great Southern Regional Cattle Saleyards Advisory Committee resolved as follows:

‘THAT:

- (1) A performance test of the Boontech Scanning System be conducted prior to the end of the month of October during normal sale conditions on either Thursday 20 October 2005 or Thursday 27 October 2005.*
- (2) Members of the State National Livestock Identification Scheme (NLIS) Implementation Committee and Ashley Manners be invited to attend a meeting with members of the Great Southern Regional Cattle Saleyards Advisory Committee, following the conduct of the performance test of the Boontech Scanning System.’*

In accordance with that recommendation, and given the urgency of the situation and limited timeframe, both actions were pursued by staff prior to the recommendation being submitted to an Ordinary Meeting of the Council.

A performance test of the Boontech System was subsequently carried out on Thursday 27 October 2005. The results of that test and subsequent decision of the Chief Executive Officer are the subject of a separate communication to Councillors.

During discussions between John Byrne - Executive Director Corporate and Community Services and Mr Mike Norton – Chairman of the NLIS State Implementation Committee, Mr Norton advised that as yet further funding requests from the Federal Government had not been approved and it was pointless in the NLIS State Implementation Committee meeting with the Saleyards Committee as it does not have further funds to commit.

He further advised that once a decision was made by the Federal Government in relation to the most recent State request for additional funds for NLIS initiatives, he would be happy to meet with members of the Saleyards Committee to discuss NLIS equipment issues and associated funding.

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation occurred with Warren Lloyd – Saleyards Manager, Mike Norton – Chair of the State NLIS Implementation Committee, Ashley Manners – Consultant to Department of Agriculture, Brad McCormick – Department of Agriculture, Rob Stewart – Chief Executive Officer, solicitors Hudson Henning Goodman, Kevin Forbes – Shire President and David Williss – Chair of the Great Southern Regional Saleyards Advisory Committee.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The operations of the Great Southern Regional Cattle Saleyards is a key component of the Council's commitment to economic development in the region.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr D Williss:

THAT:

- (1) The actions taken by staff in accordance with the recommendations of the Great Southern Regional Cattle Saleyards Advisory Committee held on 11 October 2005, be endorsed.**
- (2) The outcomes of the performance test of the Boontech NLIS Scanning System being reported to Councillors in a separate communication, and the convening of a meeting in the future with the State NLIS Implementation Committee to discuss NLIS issues following the outcomes of the Federal Government's decision in relation to an additional funding request by the State NLIS Implementation Committee, be noted.**

CARRIED (8/0)

No. 317/05

3:36pm Cr J Moir returned to the meeting.

9.3 DEVELOPMENT SERVICES REPORTS

9.3.1 LOT 303 AND 304 SECOND AVENUE, KENDENUP - PROPOSED PLANT NURSERY

Location / Address:	Lot 303 and 304 Second Avenue, Kendenup
Attachments: (1)	Locality Plan
Name of Applicant:	P and K Waters
File Reference:	RV/182/4739
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	28 October 2005

Purpose

The purpose of this report is to consider an application for a Plant Nursery at Lots 303 and 304 Second Avenue, Kendenup.

Background

The subject lots are zoned Service Industrial under the Shire of Plantagenet Town Planning Scheme No. 3. Adjoining lots to the north of the site are zoned Rural, lots on the opposite side of Second Avenue, Kendenup are zoned Residential and lots to the rear and south are zoned Service Industrial. The lots have a combined size of 2,012m².

The premises are currently used as a Warehouse and Showroom. The Plant Nursery would be an additional use ton the same site.

Approval for a Warehouse and Showroom (Chemical Storage and Sales) on the subject land was granted by the Council at its meeting held 14 December 2004.

Statutory Environment

Town Planning and Development Act 1928 (as amended) effected by Town Planning Scheme No. 3.

The lots are zoned Service Industrial. The use classes Warehouse and Showroom are considered the most applicable to the current application.

Warehouse is an 'AA' use (at the Council's discretion), Showroom is 'P'. By definition, a showroom can include sales on the proviso 'that retail uses shall be limited to an area no greater than 20% of the total gross leasable area'.

Consultation

There has been consultation with the applicant, Mr Waters, regarding the increase in car parking bays from three (3) to seven (7) resulting from the expanded floor space. Mr Waters can achieve these amongst the proposed landscaping.

Mr Alan Watkins (Principal Building Surveyor) and Mr Eric Howard (Environmental Health Officer) have visited the site to assist the applicant in meeting the requirements of Condition 1 of the December 2004 approval.

Lot 303 And 304 Second Avenue, Kendenup – Proposed Plant Nursery (Cont.)

The current application is closely linked to fulfilling Condition 4 of the former approval which requires the provision of landscaping.

Mr Waters was asked to provide a detailed plan of landscaping to meet Condition 4 and to support the current proposal. Plans received on 27 October 2005 are attached.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The proposal is consistent with the Shire of Plantagenet Strategic Plan's objective to *'Retain local business and encourage new businesses that will create sustainable local employment.'* and *'New Initiative 4.3 – Encourage establishment of new businesses which provide employment and / or services to the tourist industry and contribute to the prosperity of Plantagenet.'*

Officer Comment

The proposal can improve the amenity of the lot and the immediate locality, if the landscaping is properly implemented. Sales of nursery items can be undertaken in conjunction with the sale of agricultural chemicals, much like in many hardware stores.

The proposal complies with the definition for Warehouse, in which a maximum of 20% of the site may be used for retail purposes. Landscaping for nursery purposes can be construed as showroom and storage. The landscaping is recommended to be conditional to achieve maintained green buffers. The area of landscaping shown on the revised site plan exceeds the 20% landscaping required for the zone.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr J Mark:

That planning consent be granted in respect of Development Application 28/05 for Lots 303 and 304 Second Avenue, Kendenup to be developed for the purpose of Warehouse and Showroom (Plant Nursery), in accordance with the plans dated 27 October 2005 subject to the following conditions:

- (1) Provision of seven (7) onsite car parking bays set back not less than 7.5m south of the boundary to Lot 305 in the Residential Zone.**
- (2) The crossover, access way and vehicle parking area being funded and maintained by the proponent to the satisfaction of the Executive Director Technical and Development Services..**
- (3) All stormwater runoff being contained on-site and disposed of to the satisfaction of the Executive Director Technical and Development Services.**

Lot 303 And 304 Second Avenue, Kendenup – Proposed Plant Nursery (Cont.)

- (4) Landscaping of not less than 400m² being planted and maintained with high hedges and screening vegetation to buffer the commercial activities on Lots 303 and 304, including plantings not less than 2m in height at the northern side of Lot 304 abutting the Residential zone to permanently screen the premises and parking bays from Lot 305.
- (5) Infill landscaping areas being planted and maintained with low shrubs and ground covers / lawns, using species that will minimise fire risk, such as succulents and fire retardant species.
- (6) Water reticulation being installed to maintain all plantings during summer months.
- (7) Any on-site signage being in accordance with clause 5.6 of the Shire of Plantagenet Town Planning Scheme No. 3.
- (8) All conditions not of an ongoing nature to be complied with within six (6) months of the date of this approval.

ADVICE NOTES

- (i) If the development, the subject of this approval, is not substantially commenced within a period of 24 months, the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.
- (ii) Advertising signage is limited to 5m² in total and shall be located within Lots 303 and 304 and not in the adjacent road reserve.
- (iii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development, in particular the Building Code of Australia.

CARRIED (9/0)

No. 318/05

9.3.2 LOT 31 PORONGURUP ROAD, MOUNT BARKER - PROPOSED COTTAGE INDUSTRY - PRIVATE RECREATION AND SHOP

Location / Address:	Lot 31 Porongurup Road, Mount Barker
Attachments: (3)	Locality Plan Property Map Site Plan
Name of Applicant:	Anthony and Bernice Gillam
File Reference:	RV/182/1591
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	27 October 2005

Purpose

The purpose of this report is to consider an application for a Cottage Industry, Animal Interaction Area (classified as Private Recreation) and a Craft Shop, at Lot 31 Porongurup Road, Mount Barker.

Background

The subject land is zoned Rural Residential 3 under the Shire of Plantagenet Town Planning Scheme No. 3. The lot is 5.724ha in area.

The applicant's site plan is attached.

Shire records show the registered landowners to be Anthony and Bernice Gillam.

Statutory Environment

Town Planning and Development Act 1928 (as amended); effected by Shire of Plantagenet Town Planning Scheme No. 3:

Schedule V Rural Residential Zones Provisions Relating to Specific Areas, sets out the following:

The purpose of the Mount Barker Townsite East Rural Residential Zone is to retain the semi-rural character of the lower lying land adjacent to the Mount Barker residential area and to minimise the export of nutrients and to encourage revegetation of cleared areas and areas adjacent to wetlands.

'3.0 (a) *The following uses are permitted (P) within the Rural Residential zone:*
Single House
Public Recreation

(b) *The following uses may be permitted at the discretion of Council ('AA'):*
Rural Uses
Home Occupation
Industry-cottage
Public Utility
Horse stables

Other incidental or non defined activities considered appropriate by Council which are consistent with the objective of the zone.'

Lot 31 Porongurup Road, Mount Barker – Proposed Cottage Industry – Private Recreation And Shop
(Cont.)

Schedule I of the Town Planning Scheme contains the following definition:

Industry: Cottage - means an industry which produces arts and craft goods which cannot be carried out under the provisions relating to a "home occupation" and that:

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products;
- (b) where operated in a Residential Zone, does not entail the employment of any person not a member of the occupier's family normally resident on the land;
- (c) is conducted in an out-building which is compatible to the zone and its amenity and does not occupy an area in excess of 55m²;
- (d) does not require the provisions of any essential service main of a greater capacity than normally required in the zone in which it is located, and;
- (e) does not display a sign exceeding 0.2 m² in area;

Consultation

The proponents contacted the Council's Town Planning section in November 2004 to discuss the development concept and were advised about zoning and the incidental uses which may be considered at the discretion of the Council.

There were telephone discussions with Council officers in September 2005, relating to the statutory requirements, objectives for Rural Residential 3 – Mount Barker Townsite East zone, the incidental and discretionary uses which may be considered and the need for a comprehensive site plan of the proposal.

Policy Implications

There are no current Local Government policies relevant to this report, however any decision to approve retailing on the site may influence a future Commercial Strategy and subsequent Council policy required by the Western Australian Planning Commission in relation to shop floor space. Such a policy requires an audit on existing retail floor space prior to any major expansion of Commercial Zones, and involves designating orders of shopping centres, eg: Town Centre, local centre, local shop.

Approval of a second crossover may set a precedent and could have policy implications for future proposals to develop cottage industries and tourist uses within Rural-Residential Zoned lots.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council may consider the proposal to be consistent with the Shire of Plantagenet Strategic Plan's objectives; ie: *'Retain local business and encourage new businesses that will create sustainable local employment.'* and *'New Initiative 4.3 – Encourage establishment of new businesses which provide employment and/or services to the tourist industry and contribute to the prosperity of Plantagenet.'*

Lot 31 Porongurup Road, Mount Barker – Proposed Cottage Industry – Private Recreation And Shop (Cont.)

An approval for commercial floor space outside the Commercial and various Industrial Zones has the potential to impact upon the businesses within those Zones which provide goods and services to the public on a permanent basis and pay rates and charges associated with significant investment.

Officer Comment

The proposal involves a combination of activities which fall within the definitions of Cottage Industry, Private Recreation and craft shop. The Town Planning Scheme provisions make allowance for Cottage Industry, at the discretion of the Council. The decision for the Council is whether the other activities are appropriate for the zone and can be regarded as incidental.

The proposed Cottage Industry is considered to be consistent with the zone objectives on the following basis:

Use Class	Consistent With Zone Objectives Rating	Comments
Rural Uses	1	Particularly rural uses involving re-planting of low fire risk plants, orchards, horticulture, hedgerows, arboretum, etc.
Cottage Industry	2-3	If utilising rural produce to make artefacts, and promoting rural production. An inside shed activity with no spill over effects, unless selling to passing traffic.
Public Utility	3-4	Dependent upon type, level of use, wastewater export, landscaping to beautify.
Horse Stables	2	Compatible with zone objectives, particularly if linked to re-vegetation eg: dressage, pony club with hedges.
Home Occupation	3	Inside house activity

The suitability ratings are defined as:

- (1) Consistent to highest degree, as promoted in Zone objectives.
- (2) Consistent with Zone objectives.
- (3) Low impact, not contrary with Zone objectives.
- (4) Inconsistent with objectives of Zone.
- (5) Clearly inconsistent with Zone objectives, the intensification of use for purposes other than those promoted in Zone objectives.

Approval of the Cottage Industry, subject to standard conditions, is supported. The activity will involve an area less than the 55m² specified in the Town Planning Scheme and satisfies the relevant development standards.

The proposal to refurbish the former apple packing shed through renovation is supported and further landscaping of the site would improve the visual amenity of the area.

Use of the land for the keeping of animals is in some respects comparable to Horse Stables, however use of the shed for a small scale tourist venture involving customers paying to see and interact with animals is a more intensive land use than

Lot 31 Porongurup Road, Mount Barker – Proposed Cottage Industry – Private Recreation And Shop
(Cont.)

those generally anticipated in the Rural Residential zone. The proposal has merit, but is likely to have some visual and amenity impact because the success of the business is dependant upon attracting visitors to the area and will require signage in excess of the 0.2m² permissible for a Cottage Industry, additional parking and possibly the provision of an additional crossover.

Applying the suitability ratings used above, the proposed animal petting area is rated as 3 (low impact), however the retailing component is rated 4 to 5. Approval for the site to be used for Private Recreation could be supported subject to appropriate conditions including limiting the number visitors, further landscaping and ongoing management practices to ensure run off and nutrient export does not impact upon watercourses in the vicinity. Of relevance in determining the request for the retail floor space (craft shop) is the preliminary documentation prepared for the review of Town Planning Scheme No.3. The draft report for the Mount Barker townsite includes a recommendation to provide for tourist orientated activities and development within the townsite, particularly on larger lots adjacent to the main tourist routes.

The proposal has considerable merit and could be interpreted as falling within the scope of an incidental non defined activity consistent with the objective of the zone, however, given the potential impact on adjoining properties it is recommended that the proposal be advertised for public comment.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr K Clements:

THAT:

- (1) **The application for the development of Cottage Industry, Private Recreation (animal petting area) and craft shop at Lot 31 Porongurup Road, Mount Barker be advertised as an SA use to obtain public input in accordance with Clause 6.2.3 parts (a) and (b) of the Shire of Plantagenet Town Planning Scheme No 3 stating that submissions may be made to the Council within 21 days of the notice.**
- (2) **That a further report be prepared at the conclusion of the advertising period for consideration of the Council at its meeting to be held 13 December 2005.**

CARRIED (9/0)

No. 319/05

9.3.3 LOT 5606 ST WERBURGHS ROAD, MOUNT BARKER - PROPOSED COMMERCIAL TREE PLANTATION

A Financial Interest was disclosed by Cr B Hollingworth for Item 9.3.3

Extent Of Interest: Seed Supplier to Great Southern Plantations

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

Location / Address: Lot 5606 St Werburghs Road, Mount Barker

Attachments: (4) Locality Plan
Site Plan (2)
Extract from Annual Firebreak Notice 2005/2006

Name of Applicant: Angove Nominees Pty Ltd, via Great Southern Managers Australia Ltd

File Reference: RV/182/4738

Author: Delma Baesjou - Manager Development Services

Authorised By: Rob Stewart – Chief Executive Officer

Date of Report: 28 October 2005

Purpose

The purpose of this report is to consider an application for a commercial tree plantation at Lot 5606 St Werburghs Road, Narrikup.

Background

The proposal is for two (2) compartments of Commercial Tree Plantation totalling 39.5ha.

Shire records show the current owners to be Angove Nominees Proprietary Limited.

This 53ha lot has no residence nor other buildings currently constructed on it.

The land is in the Hay River catchment.

Statutory Environment

Town Planning and Development Act, effected by Town Planning Scheme No. 3.

Lot 5606 is zoned Rural under Town Planning Scheme No. 3. The use class 'Rural Use' is classified as P (permitted) in the zone, which means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent.

Bushfires Act 1954, effected by the Council's Annual Firebreak Notice 2005 / 2006: Firebreak and fire management requirements for all plantations.

Consultation

No consultation has occurred for this report. A site inspection was undertaken on 10 October 2005.

Policy Implications

Town Planning Scheme No. 3 Report contains relevant background in Section 2.3.3 Policy Statements:

2.3.3 Policy Statements

The following policies shall apply to the respective zones incorporated in the scheme.

(vii) *Rural*

a. *Rural Planning Objectives*

a.i *The rural land and water are considered to be the Shire's most valuable resources and Council will endeavour to protect these resources to the best of its ability. In considering any rural developments Council will be mindful of integrated catchment management approach to planning its rural areas. This policy reflects Council's awareness of the importance of a viable agricultural industry within the Shire and its intention to encourage the retention and expansion of activities in the rural sector.*

h. *Tree Farming*

h.i *Council recognises that tree planting can have beneficial effects in terms of soil conservation and water resources management and is a legitimate activity provided that it does not result in the loss of the better class of agricultural land and lead to a long term loss of rural population. A loss of rural population may affect the social infrastructure of the Shire.*

h.ii *Council shall require the submission of plans of proposals to plant trees for tree farming purposes for ongoing management issues such as fire protection and loss of visual amenity.'*

Financial Implications

There are no financial implications for this report.

Strategic Implications

Land uses which have buffer requirements to residences and townsites have strategic implications for the Rural Strategy, and future Town Planning Schemes. A minimum 1km setback from Commercial Tree Plantations to townsites and rural-residential zones applies.

Officer Comment

The proposal for two compartments totalling 39.5 ha of Commercial Tree Plantation is assessed against the Scheme Report provisions for Commercial Tree Plantations as follows:

- (ai) The proposal is consistent with this policy statement, in a district of the Hay River catchment which now has commercial tree farms as a predominant land use.
- (hi) Loss of population is not resultant from the proposal. There is currently no house on the subject land. This increases its suitability for the proposal. As the proposal precludes a house being constructed on the lot for the life of the Commercial Tree Plantation, this is recommended to be a footnote advice to the proponent.
- (hii) The submitted plans show contours, the extent of remnant vegetation, and required fire protection buffers and firebreaks.

Lot 5606 St Werburghs Road, Mount Barker – Proposed Commercial Tree Plantation (Cont.)

Visual amenity is not impacted upon negatively, as the predominant land use on adjacent rural lots is also Commercial Tree Plantations.

This proposal is also assessed against the requirements of the 'Code of Practice for Timber Plantations in Western Australia' 2005 Edition.

The application complies with the following:

- Clearing of native vegetation general guidelines.
- No clearing of vegetation for at least 30 metres from the banks of watercourse and 200 metres from edge of any wetlands.
- Plantation compartments size and design with all fire regulations including local government Fire Break notices.
- No plantation on slopes in excess of 30 degrees.

The application does not identify residences on adjoining lots. Aerial photography indicates there are no houses on adjoining lots, within the 100 metre minimum setback requirement. There are no other buildings apparent on aerial photography, nor upon site inspection, so the minimum 50 metre setbacks to other building can be achieved.

Visual amenity is not affected.

Conditions relating to road upgrading and repair are recommended together with advice notes in relation to chemical application.

Approval is recommended as the proposal meets objectives of the Town Planning Scheme and is located in a district where Commercial Tree Plantations are the predominant land use.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That planning consent be granted in respect of Application No. 33/05 for the development of Rural Use (39.5ha of Eucalyptus Globulus Plantation) on Lot 5606 St Werburghs Road generally in accordance with the plans dated 5 October 2005 subject to the following conditions:

- (1) The applicant being responsible for the upgrade and widening of St Werburghs Hay River Road to accommodate transportation associated with the harvesting operation.
- (2) The applicant being responsible for any undue damage to local roads caused by the harvesting operation.
- (3) A separate harvesting plan being submitted to the Council two years prior to harvesting of the subject land.

ADVICE NOTES

If the development, the subject of this approval, is not substantially commenced within a period of 24 months, the approval shall lapse and be of no further effect.

There is an obligation to comply with relevant statutes including:

Lot 5606 St Werburghs Road, Mount Barker – Proposed Commercial Tree Plantation (Cont.)

- The Shire of Plantagenet Annual Fire Break Notice
- The Environmental Protection Act 1986
- The Code of Practice for Plantations, in particular:

‘to provide neighbours with adequate notice of impending, significant silvicultural activities, which will allow both parties to take any necessary action to avoid detrimental impacts as a result of these activities’; and

‘The application of chemicals, including fertiliser and pesticide in (Public Drinking Water Supply Areas) should be in accordance with Health Department, Water and Rivers Commission and Environmental Protection Authority policies and guidelines. The interpretation of policies and guidelines should be achieved in partnership between the relevant government agency and the plantation manager.’

COUNCIL DECISION

Moved Cr J Moir, seconded Cr D Williss:

That planning consent be granted in respect of Application No. 33/05 for the development of Rural Use (39.5ha of Eucalyptus Globulus Plantation) on Lot 5606 St Werburghs Road generally in accordance with the plans dated 5 October 2005 subject to the following conditions:

- (1) The applicant being responsible for the upgrade and widening of St Werburghs Road to accommodate transportation associated with the harvesting operation.**
- (2) The applicant being responsible for any undue damage to local roads caused by the harvesting operation.**
- (3) A separate harvesting plan being submitted to the Council two years prior to harvesting of the subject land.**

ADVICE NOTES

If the development, the subject of this approval, is not substantially commenced within a period of 24 months, the approval shall lapse and be of no further effect.

There is an obligation to comply with relevant statutes including:

- **The Shire of Plantagenet Annual Fire Break Notice**
- **The Environmental Protection Act 1986**
- **The Code of Practice for Plantations, in particular:**

‘to provide neighbours with adequate notice of impending, significant silvicultural activities, which will allow both parties to take any necessary action to avoid detrimental impacts as a result of these activities’; and

‘The application of chemicals, including fertiliser and pesticide in (Public Drinking Water Supply Areas) should be in accordance with Health Department, Water and Rivers Commission and Environmental Protection Authority policies and guidelines. The interpretation of policies and guidelines should be achieved in partnership between the relevant government agency and the plantation manager.’

CARRIED (8/0)

No. 320/05

Reason For Change

The Council decided that the words 'Hay River' needed to be removed to correctly identify the property in question.

3:51pm Cr B Hollingworth returned to the meeting.

9.3.4 LOT 5711 WATERMANS ROAD, MOUNT BARKER - PROPOSED GRAVEL EXTRACTION

A Financial Interest was disclosed by Cr J Moir for Item 9.3.4

Extent Of Interest: Client of proponent.

3:51pm Cr J Moir withdrew from the meeting.

Location / Address: Lot 5711 Watermans Road, Mount Barker
Attachments (3): Maps x 2
Letter – 11 August 2005 - from Great Southern Sand and Landscaping Supplies (GSSLS)
Name of Applicant: Great Southern Sand and Landscaping Supplies on behalf of Mr G Nicol
File Reference: RV/182/411
Author: Delma Baesjou - Manager Development Services
Authorised By: Rob Stewart – Chief Executive Officer
Date of Report: 1 November 2005

Purpose

The purpose of this report is to consider the submissions and determine a development application for Extractive Industry (Gravel) and for an extractive industry licence for Lot 5711 Watermans Road, Mount Barker.

Background

The proposal is to extract approximately 79,000m³ of gravel over an area of approximately 13ha on the southern portion of the 338ha lot.

The Council considered a report on this proposal at its meeting held on 13 September 2004 and resolved:

‘THAT:

- (3) *The application for the development of Extractive Industry (Gravel Extraction) and for an extractive industry licence for Lot 5711 Watermans Road, Mount Barker be advertised as an SA use to obtain public input in accordance with Clause 6.2.3 parts (a) and (b) of the Shire of Plantagenet Town Planning Scheme No 3 stating that submissions may be made to the Council within 21 days of the notice.*
- (4) *That a further report be prepared at the conclusion of the advertising period for consideration of the Council at its meeting to be held 8 November 2005.’*

Statutory Environment

The subject land is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3. The proposal falls within the definition of Extractive Industry contained in the Scheme and is listed as an SA use in the Rural Zone. This proposal requires advertising for public input prior to discretionary determination by the Council.

Town Planning and Development Act (1928) as amended.

Local Government Act 1995

Shire of Plantagenet's Extractive Industries Local Law (1999)

Consultation

There has been consultation with the proponent, Great Southern Sand and Landscaping Supplies. A site visit with representatives of that company was undertaken on 16 August 2005.

A Vehicle Crossover application form was forwarded to the proponent and is yet to be submitted to the Shire of Plantagenet for assessment.

The proposal was advertised in accordance with Clause 6.2.3 of the Town Planning Scheme No. 3.

Two submissions have been received. Concerns include noise and dust from the crusher and the condition of Watermans Road, potential damage to the Road and traffic safety.

Policy Implications

The following Policy Statement from the Town Planning Scheme No. 3 report is relevant:

i. Mining

i.i Council generally supports measures to ensure that rural land and landscape quality are not subject to undue degradation through quarrying, mining and other extractive industries and will require appropriate rehabilitation of mine sites upon the completions of such activities. Council recognises that applications to explore or mine, for whatever purpose, is subject to the approval and control of the Department of Mines but Council also stresses that such activities fall within the definition of development and as such require Council approval under this Town Planning Scheme.'

Financial Implications

There are no financial implications for this report.

Strategic Implications

The strategic implications of this proposal, as discussed and summarised in the previous report to the Council are:

'There are strategic land management implications for wind erosion and water logging if development is too close to drainage lines. Salinity risk, subsurface acidification and subsurface compaction can be managed via rehabilitation techniques.'

Officer Comment

The proposed plan has been developed from an initial concept forwarded by Great Southern Sand and Landscaping Supplies in July 2005. The plans and documentation submitted in August 2005 aim to address Local Law requirements.

Relevant aspects of the Extractive Industries Local Law (1999) were examined in the report to the Council held on 13 September 2005. The body of the applicant's written application forms the Overall Strategy and Management Plan as required to comply with Sections 7(1)(b), 7(1)(c) and 7(1)(i) of the Extractive Industry Local Law.

Lot 5711 Watermans Road, Mount Barker - Proposed Gravel Extraction (Cont.)

The proposed works and excavation program, involving a three (3) to four (4) year period, addresses most requirements of Section 7(1)(b) Works and Excavation Program except for:

'(xii) a report of an acoustic consultant verifying that the various plant, machinery and operational noise levels will comply with the requirements of the Environmental Protection (Noise) Regulations 1997;'

Although the proponent has not addressed this aspect, the impact on local amenity is likely to be minimal, given the nature of the proposed activity, the size of the subject land and the prevailing lot size. There are no small lots within the immediate vicinity.

It is recommended approval be granted without the need for acoustic testing and reporting, but that the Council reserve the right to 'call in' this requirement, in the event of any noise problems in the future. These may arise if a dwelling house is approved or subdivision of land occurs in the vicinity during the life of the extractive industry.

The proposal addresses part 7(1)(c) 'Rehabilitation and De-commissioning Program' as set out in the statements on the first page of the application letter of August 2005:

- *The excavated gravel will be stockpiled in the centre of the excavation site.*
- *The top soil will be stored around the perimeter of the excavation site until used for rehabilitation.'*

Rehabilitation Program

- *The topsoil or overburden will be spread back over the excavation site. The site will then be used as grazing land for livestock.*
- *The rehabilitation process will be done progressively. eg: As Stage 1's excavation is completed it will be rehabilitated, and so on.*
- *The batter of the excavation site will be 6:1 Grade and recovered with topsoil.*
- *The topsoil will be pushed back into place by bulldozer. The hard seeded nature of the pasture will allow fast regrowth of the pasture back to its natural state.*
- *The area will naturally revegetate under normal climatic conditions. The rehabilitation process will be undertaken during appropriate seasonal conditions eg: Autumn, Winter or Spring.'*

This method, with stages averaging of 2ha, should be successful in rehabilitating good grazing land and limiting erosion. No topsoil is proposed to be brought on to the site.

Stockpiled topsoil may have to be covered in summer months to prevent wind erosion.

There are two (2) other requirements of the Local Law that have not been addressed. No datum peg has been established on-site and Surveyor Certification of land area has not occurred. It is recommended that the requirements of 7(1)(d) and 7(1)(e) be waived at this stage, and that the Council reserve the right to 'call in' these requirements if the need arises.

Issues raised in the submissions received during formal advertising of the proposal relate to noise, dust and road conditions. As the extractive Industry does not involve blasting or crushing, any potential disruption is most likely to result from vehicle movements associated with transportation. It is acknowledged that upgrading of

Lot 5711 Watermans Road, Mount Barker - Proposed Gravel Extraction (Cont.)

Watermans Road will be required prior to commencement of the operation. Standard conditions relating to road upgrading and repair are recommended.

Provision of a new crossover is required. A formal application is yet to be submitted to the Shire of Plantagenet. Traffic safety issues, sight lines, culvert design, pipe size and crossover width will be formally assessed and will be subject to compliance with the Shire of Plantagenet specifications for construction of a vehicle crossover

The proposal, if it is to be supported, requires the planning consent of the Council and the issue of an Extractive Industry Licence. Part 7(1)(g) of the Extractive Industry Local Law stipulates that planning consent precede the issuing of an extractive industry licence.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

- (1) That planning consent be granted in respect of Application No. 22/05 for a 13.164ha portion of Lot 5711 Watermans Road, Mount Barker to be used for the purpose of Extractive Industry (gravel) in accordance with the two (2) site plans and Management Plan dated 11 August 2005 subject to the following conditions:
 - (a) This approval is granted for a period of four (4) years from the date of issue.
 - (b) The hours of operation being between 6:00am and 6:00pm, Monday to Saturday.
 - (c) No blasting or crushing of rock is included in this approval.
 - (d) The designated access route to the Extractive Industry being via Albany Highway and Watermans Road eastwards of Albany Highway to the proposed new crossover to Lot 5711 as shown on the approved site plans.
 - (e) The applicant being responsible for the upgrade of Watermans Road to accommodate transportation associated with the Extractive Industry to the satisfaction of the Executive Director of Technical and Development Services.
 - (f) The applicant being responsible for the cost of repairing any damage to Watermans Road caused by the Extractive Industry operation.
 - (g) The speed of heavy haulage vehicles being limited to 60km/hr on Watermans Road.
 - (h) All heavy haulage vehicles associated with the Extractive Industry adhering to any road closure as specified in Section 3.50 of the Local Government Act 1995 and refraining from using Watermans Road during wet weather conditions.

Lot 5711 Watermans Road, Mount Barker - Proposed Gravel Extraction (Cont.)

- (i) School bus operators being notified of the commencement of heavy haulage associated with the Extractive Industry operation to coordinate travel times on Watermans Road.
- (j) The excavation area being fenced off at all times to ensure the public is kept out, and gates being locked outside of approved hours of operation.
- (k) Warning signs being placed on the fenced area for the duration of the extractive industry to warn against entry to the site.
- (l) Provision of a new crossover, including all necessary pipes or culverts, in accordance with the Shire of Plantagenet specifications for construction of a vehicle crossover.
- (m) The crossover and internal access ways being funded and maintained by the developer.
- (n) The site being suitably rehabilitated and recontoured including rebattering of banks and reseeded and stabilising old extraction areas.
- (o) A minimum of 150mm of top soil being left above any hard surface (ie: clay / gravel) unless a lesser amount is approved by the Council.

ADVICE NOTES

- (i) If the development, the subject of this approval, is not substantially commenced within a period of 24 months the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.
 - (ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:
 - The Shire of Plantagenet Annual Fire Break Notice
 - The Environmental Protection Act 1986
- (2) That pursuant to Section 3 (2) and Section 6 of the Shire of Plantagenet Extractive Industries Local Law 1999 an Extractive Industry Licence be issued, to Great Southern Sand and Landscaping Supplies and Graham Nicol for a 13.164ha area of Lot 5711 Watermans Road as shown on the Management Plan and maps dated 11 August 2005 subject to:
- (a) The licence is valid for a period of twelve (12) months and subject to annual renewal up to a total of four (4) years from the date of issue.
 - (b) Payment of all outstanding licence fees, bonds and advertising costs associated with this application in accordance with the schedule of adopted Fees.
 - (c) Excavation depth being a maximum of 600mm from the surface.
 - (d) Drainage and rehabilitation being undertaken in stages in accordance with the approved plan and documentation which includes a maximum of 2ha being excavated at any one (1) time.

Lot 5711 Watermans Road, Mount Barker - Proposed Gravel Extraction (Cont.)

- (e) The control of dust and windblown material is to be managed in accordance with the approved Management Plan.

ADVICE NOTES

- (i) The requirements of 7(1)(b)(xii) of the Shire of Plantagenet Extractive Industry Local Law for the report of an acoustic consultant have been waived, however the Council reserves the right to require the proponent undertake an assessment of noise levels in the event of any noise issues which may arise during the four (4) year period of this approval.
- (ii) The requirements of Sections 7(1)(d) and 7(1)(e) of the Shire of Plantagenet Extractive Industry Local Law for establishment of a datum peg on site and for surveyors certification of the size and location of the areas being excavated have been waived, however the Council reserves the right to require the proponent undertake such work at any stage.

MOTION

Moved Cr M Skinner, seconded Cr J Cameron:

- (1) That planning consent be granted in respect of Application No. 22/05 for a 13.164ha portion of Lot 5711 Watermans Road, Mount Barker to be used for the purpose of Extractive Industry (gravel) in accordance with the two (2) site plans and Management Plan dated 11 August 2005 subject to the following conditions:**
 - (a) This approval is granted for a period of four (4) years from the date of issue.**
 - (b) The hours of operation being between 6:00am and 6:00pm, Monday to Saturday.**
 - (c) No blasting of rock is included in this approval.**
 - (d) The designated access route to the Extractive Industry being via Albany Highway and Watermans Road eastwards of Albany Highway to the proposed new crossover to Lot 5711 as shown on the approved site plans.**
 - (e) The applicant being responsible for the upgrade of Watermans Road to accommodate transportation associated with the Extractive Industry to the satisfaction of the Executive Director of Technical and Development Services.**
 - (f) The applicant being responsible for the cost of repairing any damage to Watermans Road caused by the Extractive Industry operation.**
 - (g) The speed of heavy haulage vehicles being limited to 60km/hr on Watermans Road.**
 - (h) All heavy haulage vehicles associated with the Extractive Industry adhering to any road closure as specified in Section 3.50 of the**

Local Government Act 1995 and refraining from using Watermans Road during wet weather conditions.

- (i) School bus operators being notified of the commencement of heavy haulage associated with the Extractive Industry operation to coordinate travel times on Watermans Road.
- (j) The excavation area being fenced off at all times to ensure the public is kept out, and gates being locked outside of approved hours of operation.
- (k) Warning signs being placed on the fenced area for the duration of the extractive industry to warn against entry to the site.
- (l) Provision of a new crossover, including all necessary pipes or culverts, in accordance with the Shire of Plantagenet specifications for construction of a vehicle crossover.
- (m) The crossover and internal access ways being funded and maintained by the developer.
- (n) The site being suitably rehabilitated and recontoured including rebattering of banks and reseeded and stabilising old extraction areas.
- (o) A minimum of 150mm of top soil being left above any hard surface (ie: clay / gravel) unless a lesser amount is approved by the Council.

ADVICE NOTES

- (i) If the development, the subject of this approval, is not substantially commenced within a period of 24 months the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.
 - (ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:
 - The Shire of Plantagenet Annual Fire Break Notice
 - The Environmental Protection Act 1986
- (2) That pursuant to Section 3 (2) and Section 6 of the Shire of Plantagenet Extractive Industries Local Law 1999 an Extractive Industry Licence be issued, to Great Southern Sand and Landscaping Supplies and Graham Nicol for a 13.164ha area of Lot 5711 Watermans Road as shown on the Management Plan and maps dated 11 August 2005 subject to:
- (a) The licence is valid for a period of twelve (12) months and subject to annual renewal up to a total of four (4) years from the date of issue.

Lot 5711 Watermans Road, Mount Barker - Proposed Gravel Extraction (Cont.)

- (b) Payment of all outstanding licence fees, bonds and advertising costs associated with this application in accordance with the schedule of adopted Fees.
- (c) Excavation depth being a maximum of 600mm from the surface.
- (d) Drainage and rehabilitation being undertaken in stages in accordance with the approved plan and documentation which includes a maximum of 2ha being excavated at any one (1) time.
- (e) The control of dust and windblown material is to be managed in accordance with the approved Management Plan.

ADVICE NOTES

- (i) The requirements of 7(1)(b)(xii) of the Shire of Plantagenet Extractive Industry Local Law for the report of an acoustic consultant have been waived, however the Council reserves the right to require the proponent undertake an assessment of noise levels in the event of any noise issues which may arise during the four (4) year period of this approval.
- (ii) The requirements of Sections 7(1)(d) and 7(1)(e) of the Shire of Plantagenet Extractive Industry Local Law for establishment of a datum peg on site and for surveyors certification of the size and location of the areas being excavated have been waived, however the Council reserves the right to require the proponent undertake such work at any stage.

Reason For Change

The words 'or crushing' needed to be removed from Part 1 (c) as crushing was an integral part of the proponent's application.

AMENDMENT

Moved Cr D Williss, seconded Cr J Cameron:

That the figure of '600mm' be replaced with the words 'one (1) metre' in Part (2), Section (c) of the recommendation.

CARRIED (8/0)

No. 321/05

COUNCIL DECISION

- (1) That planning consent be granted in respect of Application No. 22/05 for a 13.164ha portion of Lot 5711 Watermans Road, Mount Barker to be used for the purpose of Extractive Industry (gravel) in accordance with the two (2) site plans and Management Plan dated 11 August 2005 subject to the following conditions:
 - (a) This approval is granted for a period of four (4) years from the date of issue.

Lot 5711 Watermans Road, Mount Barker - Proposed Gravel Extraction (Cont.)

- (b) The hours of operation being between 6:00am and 6:00pm, Monday to Saturday.
- (c) No blasting of rock is included in this approval.
- (d) The designated access route to the Extractive Industry being via Albany Highway and Watermans Road eastwards of Albany Highway to the proposed new crossover to Lot 5711 as shown on the approved site plans.
- (e) The applicant being responsible for the upgrade of Watermans Road to accommodate transportation associated with the Extractive Industry to the satisfaction of the Executive Director of Technical and Development Services.
- (f) The applicant being responsible for the cost of repairing any damage to Watermans Road caused by the Extractive Industry operation.
- (g) The speed of heavy haulage vehicles being limited to 60km/hr on Watermans Road.
- (h) All heavy haulage vehicles associated with the Extractive Industry adhering to any road closure as specified in Section 3.50 of the Local Government Act 1995 and refraining from using Watermans Road during wet weather conditions.
- (i) School bus operators being notified of the commencement of heavy haulage associated with the Extractive Industry operation to coordinate travel times on Watermans Road.
- (j) The excavation area being fenced off at all times to ensure the public is kept out, and gates being locked outside of approved hours of operation.
- (k) Warning signs being placed on the fenced area for the duration of the extractive industry to warn against entry to the site.
- (l) Provision of a new crossover, including all necessary pipes or culverts, in accordance with the Shire of Plantagenet specifications for construction of a vehicle crossover.
- (m) The crossover and internal access ways being funded and maintained by the developer.
- (n) The site being suitably rehabilitated and recontoured including rebattering of banks and reseeded and stabilising old extraction areas.
- (o) A minimum of 150mm of top soil being left above any hard surface (ie: clay / gravel) unless a lesser amount is approved by the Council.

ADVICE NOTES

- (i) If the development, the subject of this approval, is not substantially commenced within a period of 24 months the approval shall lapse and be of no further effect. Where the

approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.

- (ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:
- The Shire of Plantagenet Annual Fire Break Notice
 - The Environmental Protection Act 1986
- (2) That pursuant to Section 3 (2) and Section 6 of the Shire of Plantagenet Extractive Industries Local Law 1999 an Extractive Industry Licence be issued, to Great Southern Sand and Landscaping Supplies and Graham Nicol for a 13.164ha area of Lot 5711 Watermans Road as shown on the Management Plan and maps dated 11 August 2005 subject to:
- (a) The licence is valid for a period of twelve (12) months and subject to annual renewal up to a total of four (4) years from the date of issue.
- (b) Payment of all outstanding licence fees, bonds and advertising costs associated with this application in accordance with the schedule of adopted Fees.
- (c) Excavation depth being a maximum of one (1) metre from the surface.
- (d) Drainage and rehabilitation being undertaken in stages in accordance with the approved plan and documentation which includes a maximum of 2ha being excavated at any one (1) time.
- (e) The control of dust and windblown material is to be managed in accordance with the approved Management Plan.

ADVICE NOTES

- (i) The requirements of 7(1)(b)(xii) of the Shire of Plantagenet Extractive Industry Local Law for the report of an acoustic consultant have been waived, however the Council reserves the right to require the proponent undertake an assessment of noise levels in the event of any noise issues which may arise during the four (4) year period of this approval.
- (ii) The requirements of Sections 7(1)(d) and 7(1)(e) of the Shire of Plantagenet Extractive Industry Local Law for establishment of a datum peg on site and for surveyors certification of the size and location of the areas being excavated have been waived, however the Council reserves the right to require the proponent undertake such work at any stage.

CARRIED (8/0)

No. 322/05

3:59pm Cr J Moir returned to the meeting.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Moved Cr J Mark, seconded Cr J Cameron:

That new business of an urgent nature, namely:

- Heavy Haulage Advisory Committee

be introduced into the meeting.

CARRIED (9/0)

No. 323/05

11.1 HEAVY HAULAGE ADVISORY COMMITTEE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/103/6
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	7 November 2005

Purpose

The purpose of this report is to consider the re-establishment of a committee, which would be charged with the responsibility of advising the Council on matters relating to heavy haulage vehicles.

Background

Heavy Haulage issues are of prime concern to the Council. Council at its meeting held on 18 December 2001 endorsed the recommendations of the Heavy Haulage Committee Meeting Minutes of 13 November 2001, plus attachments.

Statutory Environment

Pursuant to Section 5.8 of the Local Government Act 1995, a Local Government may establish committees to exercise the powers and discharge the duties of the Local Government that can be delegated to Committees.

Further, Section 5.9 of the Act specifies the various types of Committee and it is suggested that a Committee of Council Members, should be appointed pursuant to subsection (2)(a) of Section 5.9, to be comprised of Councillors only.

A committee shall have three (3) or more persons appointed to it.

Consultation

The Chief Executive Officer has discussed this matter with Crs Forbes and Williss.

Heavy Haulage Advisory Committee (Cont.)**Policy Implications**

There are no policy implications for this report.

Financial Implications

There are no financial implications relating to the creation of a committee.

Strategic Implications

The Shire of Plantagenet's Strategic Plan Key Result Area 2 Infrastructure Aims to include:

- 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 role of the proposed Shire of Plantagenet Heavy Haulage Committee will be:

- (1) To advise the Council relating to heavy haulage movement within the Shire of Plantagenet; and
- (2) To make recommendations to the Council relating to the use of local roads by classes of heavy vehicles.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATIONBreaking Down of Complex Question

Pursuant to Standing Order 9.4 the Presiding Member directed that Point 1 be considered as a separate motion.

Moved Cr D Williss, seconded Cr J Moir:

THAT:

- (1) Pursuant to Section 5.8 of the Local Government Act 1995, a committee of the Council be created, such committee to be known as the Heavy Haulage Advisory Committee.

CARRIED (9/0)

No. 324/05

(Absolute Majority)

Moved Cr K Clements, seconded Cr J Mark:

- (2) The Committee referred to in (1) above be constituted pursuant to subsection (2)(a) of Section 5.9 of the Act with the following Councillors being appointed:

**Cr J Cameron;
Cr J Moir;
Cr K Forbes;
Cr M Skinner; and
Cr D Williss.**

Heavy Haulage Advisory Committee (Cont.)

- (3) The role of the Committee shall be to:
- (a) Advise the Council relating to heavy haulage movement within the Shire of Plantagenet; and
 - (b) Make recommendations to the Council relating to the use of local roads by classes of heavy vehicles.
- (4) A workshop be held on 15 November 2005 at the Frost Park Pavilion, McDonald Avenue, Mount Barker with representatives of the heavy haulage industry, the purpose of such workshop being to determine the classes of heavy haulage vehicles which may access Council roads.

CARRIED (9/0)

No. 325/05

(Absolute Majority)

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

4:35pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ **DATE:/..../....**