



ORDINARY MINUTES

DATE: Tuesday, 8 September 2009

TIME: 2.45 pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE....	1
3	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
4	PUBLIC QUESTION TIME.....	2
5	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
5.1	MR SCOTT DRUMMOND – MOUNT BARKER VISITORS CENTRE.....	2
6	DISCLOSURE OF INTEREST	3
7	APPLICATIONS FOR LEAVE OF ABSENCE	3
7.1	APPLICANT: CR A BUDRIKIS.....	3
8	CONFIRMATION OF MINUTES.....	3
9	COMMITTEE MINUTES.....	4
10	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	4
11	ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION	4
12	REPORTS OF COMMITTEES AND OFFICERS.....	6
12.1	DEVELOPMENT SERVICES REPORTS.....	6
12.1.1	SMOKE ALARMS - APPOINTMENT OF AUTHORISED PERSON - BUILDING AMENDMENT REGULATIONS 2009.....	6
12.1.2	STREETScape IMPROVEMENTS - RAMP ADJACENT TO LOT 5 (2) SHORT STREET, MOUNT BARKER.....	9
12.1.3	TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 50 KENDENUP ZONINGS - SUBMISSIONS RECEIVED	12
12.2	WORKS AND SERVICES REPORTS.....	16
12.2.1	MOUNT BARKER LANDFILL SITE – OPERATING HOURS	16
12.3	COMMUNITY SERVICES REPORTS	19

- 12.4 CORPORATE SERVICES REPORTS 19
- 12.5 EXECUTIVE SERVICES REPORTS..... 19
- 12.5.1 COMMUNITY EMERGENCY SERVICES MANAGER -
EMPLOYMENT 19
- 12.5.2 MUIRS HIGHWAY - REQUEST TO RENAME 23
- 13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 25
- 14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF THE MEETING..... 28
- 15 CONFIDENTIAL..... 28
- 16 CLOSURE OF MEETING..... 28

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:48 pm The Presiding Member declared the meeting open.

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.'

2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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

Members Present:

Cr K Forbes AM	Shire President - Rocky Gully/West Ward
Cr K Clements	Deputy Shire President -Town Ward
Cr A Budrikis	Kendrup Ward
Cr B Hollingworth	Town Ward
Cr S Grylls	Rocky Gully/West Ward
Cr J Mark	Town Ward
Cr J Moir	South Ward

Cr D Nye-Chart East Ward
Cr M Skinner East Ward

In Attendance:

Mr Rob Stewart Chief Executive Officer
Mr John Fathers Deputy Chief Executive Officer
Ms Nicole Selesnew Manager Community Services
Mr Peter Duncan Manager Development Services
Ms Cobie MacLean Administration Officer (Planning)

Previously Approved Leave of Absence:

Cr J Mark 13 August 2009 to 10 September 2009 inclusive.
Cr S Grylls 20 September 2009 to 4 October 2009 inclusive.

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

4 PUBLIC QUESTION TIME

Section 5.24 Local Government Act 1995

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

5.1 MR SCOTT DRUMMOND – MOUNT BARKER VISITORS CENTRE

The Tourist Bureau would like to thank the Shire of Plantagenet for its continuing support for the promotion of the area and running the Visitors Centre.

The Tourist Bureau has been very busy this year.

The Manager (Robyn) has just spent two days at Forrest Place Visitors Centre in Perth promoting our area with the help of Ruby (the Kangaroo) and banksias from Banksia Farm.

Ms Linda Harris attended a four day Conscious Living Expo in Perth. The response was positive.

The Tourist Bureau would like to thank the Bendigo Bank for promoting the area with a display at their national conference in Manjimup. Plantagenet Wines supplied wine. Other produce from Plantagenet included: smoked trout, goats cheese and olive oil. Brochures promoting Plantagenet and Mount Barker were also handed out.

A board member and one staff member attended a Visitor Centre South West Meeting in Pemberton.

Upcoming events include:

- The Kings Park wildflower display at the end of the month.
- Involvement in the Art Trail with artwork by Kevin Penny displayed at the Visitors Centre.
- Display at the Perth Travel Expo in February.

- Display at the Mount Barker Community Fair and running the Cherry Pip spitting competition. Last year's winner and Mr Drummond went to New Zealand to represent and promote Mount Barker and its cherries and came runner up.
- Large wildflower display including books at the Visitors Centre.
- Five day display at the Ulysses bike conference in Albany during March 2010. Tours are also organised for Porongurup etc however sealed roads will be required for these tours to proceed.

We have made a small profit last year. The finances have been audited and showed a \$300.00 loss, however there is still an incoming grant that has not been acquitted for last year totalling \$4,000.00.

The Annual General Meeting will be held on 21 September 2009 at 7.30pm at Banksia Farm – all welcome.

6 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Nil

7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

7.1 APPLICANT: CR A BUDRIKIS

Cr A Budrikis requested Leave of Absence from 10 September 2009 to 16 September 2009 inclusive.

Moved Cr J Mark, seconded Cr D Nye-Chart:

That Cr A Budrikis be granted Leave of Absence from 10 September 2009 to 16 September 2009 inclusive.

CARRIED (9/0)

NO. 249/09

8 CONFIRMATION OF MINUTES

Moved Cr A Budrikis, seconded Cr J Moir:

THAT the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 25 August 2009 as circulated, be taken as read and adopted as a correct record subject to:

Page 32: It being noted that the Motion to Proceed in Public was carried by (7/0).

CARRIED (9/0)

NO. 250/09

9 COMMITTEE MINUTES

Moved Cr M Skinner, seconded Cr B Hollingworth:

That the Minutes of:

[Great Southern Regional Cattle Saleyards Advisory Committee Minutes – 25 August 2009](#)

be received.

CARRIED (9/0)

NO. 251/09

10 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 25 August 2009 – attended the Fire and Emergency Services Authority (FESA) Forum with 70 other invitees. There were presentations and discussions regarding changes to the Bush Fires Act. Some of the changes include handing over of fires to FESA, planning approvals for subdivisions for assessment regarding bush fire and Emergency Warning systems.
- 28 August 2009 – attended the FESA Capital Grants Committee meeting. It was a good outcome.
- 31 August 2009 – Met with Minister Castrilli and Mr Gary Brennan.
- 31 August 2009 – attended an onsite function at the Muchea Saleyards for the completion of the new 5½ha roof.
- 1 September 2009 – attended with the Saleyard Study Group a presentation of Minister Redman's Saleyard Study prepared by consultants – it is a slow process.
- 11 September 2009 – Mr Stewart, Mr Fathers and I will meet with Minister Redman to further discuss the Great Southern Regional Saleyard issue.

11 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr K Clements

- 3 September 2009 – Roadwise Steering Committee. The Committee has asked Main Roads Western Australia to erect speed signs as requested on previous occasions.

Cr S Grylls

- Timber 2020.

Cr B Hollingworth

- 31 August 2009 – attended a Kendenup Precinct Plan public meeting with the Kendenup Community Recreation Committee.

Cr A Budrikis

- 31 August 2009 – attended a Kendenup Precinct Plan public meeting with the Kendenup Community Recreation Committee. The meeting was well attended with between 60-70 members of the public present. The main topic of discussion was where the proposed building is to go.

Cr D Nye-Chart

- 2 September 2009 – attended the Tourist Bureau meeting.

Cr M Skinner

- 8 September 2009 – Long Term Financial Plan Working Group meeting. Things appear to be moving in the right direction.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 DEVELOPMENT SERVICES REPORTS

12.1.1 SMOKE ALARMS - APPOINTMENT OF AUTHORISED PERSON - BUILDING AMENDMENT REGULATIONS 2009

File No: N12596
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 8 September 2009

PURPOSE

The purpose of this report is to have the Building Surveyor approved as an authorised person in terms of Regulation 38P of the Building Amendment Regulations 2009 for smoke alarms.

BACKGROUND

The Building Amendment Regulations 2009 were published in the Government Gazette on 31 July 2009 and come into force on 1 October 2009. These Regulations require mains powered smoke alarms to be fitted to homes that are subject to sale, lease or hire.

In respect to existing homes that are offered for sale, from 1 October 2009, vendors must ensure that hard-wired smoke alarms are installed by an electrical contractor prior to the transfer of the property to the new owner. In circumstances where the vendor fails to do so, the new owner must fit the alarms and may recover the costs in court.

In respect to houses that are rented or hired out, landlords must ensure that hard-wired smoke alarms are installed prior to the commencement of a new lease and also ensure that the smoke alarms are maintained and are in working order. Dwellings being made available for hire must also have hard-wired smoke alarms installed. All rental properties must be fitted with hard-wired smoke alarms before 1 October 2011.

The new Regulations allow for an approved alternative building solution, such as battery powered smoke alarms in exceptional circumstances where there is no hidden space to conceal the wiring and there is no alternative location or if there is no mains power service available. The batteries in this instance must be a 10 year long life battery.

Whilst the Regulations are largely self regulating, the Department of Commerce has advised local governments should consider:

- Setting and administering a fee and processes for approving battery powered smoke alarms;
- Drafting a rectification notice;
- Authorising an appropriate person; and
- Preparing an infringement notice.

STATUTORY ENVIRONMENT

Local Government (Miscellaneous Provisions) Act 1960.

Building Amendment Regulations 2009 – Part 10A – Smoke alarms in certain buildings. Regulation 38P states the Council may appoint an authorised person to inspect a dwelling to determine whether smoke alarms have been installed and are operational. That authorised person is to have appropriate experience and qualifications.

EXTERNAL CONSULTATION

This matter has been discussed with the Western Australian Local Government Association.

FINANCIAL IMPLICATIONS

As the intention is for this matter to be self regulating and the responsibility of house owners there should be little cost to the Council.

POLICY IMPLICATIONS

There are no policy implications for this report.

OFFICER COMMENT

The Council's Building Surveyor is the officer with the most relevant experience and qualifications in relation to this matter of smoke alarms.

The new Regulations allow the Council to charge a fee for applications for 10 year life battery powered alarms in exceptional circumstances and the staff time figure in the Annual Budget (presently \$70.00 per hour) would be charged in such instances.

The Regulations also allow for infringement notices to be issued and the penalties range from \$750.00 to \$1,000.00 for failure to comply with the Regulations.

The authorised person may give a home owner a rectification notice to require specific works to be done.

Staff will prepare a procedure for relevant matters under these Regulations including the rectification notice and infringement notice being in the form of letters to the owner.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Moir:

That the person holding the position of Building Surveyor be the authorised officer in respect to Regulation 38P of the Building Amendment Regulations 2009, regarding smoke alarms.

CARRIED (9/0)

NO. 252/09

**12.1.2 STREETScape IMPROVEMENTS - RAMP ADJACENT TO LOT 5 (2)
SHORT STREET, MOUNT BARKER**

File No: N12568
Responsible Officer: Peter Duncan
Manager Development Services
Author: Vincent Jenkins
Planning Officer
Proposed Meeting Date: 8 September 2009

PURPOSE

The purpose of this report is to review the approval for streetscape improvements (access ramp) at the Mount Barker Bendigo Bank at Lot 5 Short Street, Mount Barker.

BACKGROUND

Shire records show the registered landowner of lot 5 to be Plantagenet Community Financial Services Pty Ltd.

At its meeting held on 25 September 2001, the Council considered a report on proposed streetscape improvements within the public thoroughfare at Lot 5 Short Street, Mount Barker. The proposal was to provide a trouble-free and safe access ramp to the Bendigo Bank building and Automatic Teller Machine (ATM).

The Council on 25 September 2001 when considering the application resolved that:

'That the preliminary plans for the proposed alterations to the road and footpath pavements at 2 Short Street, Mount Barker be approved subject to:

- *Alterations being completed at the expense of the developer to the satisfaction of the Council;*
- *Issues of stormwater drainage, kerb alignments, disabled ramps, road and footpath widths and visibility of intrusions onto the thoroughfare being addressed to the satisfaction of the Council;*
- *The alterations accommodating a future minimum road width of 6 metres, excluding parking bays, and a minimum footpath width of 2 metres in the vicinity of the proposed ramp and planter box;*
- *Authorities such as Telstra, Western Power and the Water Corporation who may be effected by the proposal, being consulted;*
- *The developer being required to carry public liability insurance for that part of the development intruding onto the thoroughfare.'*

The access structure consisting of a ramp, steps and two flower boxes was constructed early in 2002.

STATUTORY ENVIRONMENT

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Lot 5 zoned Commercial

Building Code of Australia 2009

AS 1428.1-2001 Design for access and mobility, Part 1: General requirements for access

Shire of Plantagenet 'Activities in Thoroughfares and Public Places and Trading Local Law' Part 2 applies:

- Division 1, Clause 2.2 (1)(c) stipulates that a permit is required for any obstruction in a thoroughfare;
- Division 3 – Verge Treatments, Clause 2.8 sets out that the owner of the land abutting that part of the verge may install a 'permissible verge treatment' provided that visibility is maintained for any person using the thoroughfare (road and/or footpath). Clause 2.10 specifies that the owner/occupier is obliged to 'keep the permissible verge treatment in a good and tidy condition' and to 'not disturb a footpath on the verge'.
- Part 7 of the Local Law relates to Permits and allows the Council to specify the duration of a permit. In this instance the period to the review should be to December 2010 as this will tie in with similar permits issued for Mount Barker Post Shop and the Westpac Bank.

Local Government (Uniform Local Provisions) Regulations 1996, Encroaching on public thoroughfare.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The proposal is consistent with the Shire of Plantagenet Strategic Plan, in particular the aim to 'Retain local business and encourage new businesses that will create sustainable local employment.'

Key Result Area 4 Development Services aims to:

'Encourage and guide local development in accordance with the Strategic Plan and Town Planning Scheme No. 3 (as amended).'

The Mount Barker Townscape Improvement Plan is an important strategic document and the design for Short Street recognises the existence of this ramp and steps.

OFFICER COMMENT

The access ramp and steps were approved by the Council in 2001 and constructed in early 2002. A disabled car parking bay has been installed near the ramp providing good disabled access.

No objections or complaints have been received in respect of the access ramp and steps.

The existing access structure has been incorporated as part of the streetscape proposal and one way configuration proposed for Short Street.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr J Mark:

That pursuant to the Shire of Plantagenet 'Activities in Thoroughfares and Public Places and Trading Local Law' a permit for the access ramp and steps at Lot 5 Short Street, Mount Barker be issued subject to:

- 1. The structure being maintained in a good and tidy condition at the expense of the developer.**
- 2. The developer being required to have public liability insurance which will indemnify the Council from responsibility for damages or claims associated with that part of the development intruding onto the thoroughfare.**
- 3. The permit being reviewed by the Council in December 2010.**

CARRIED (9/0)

NO. 253/09

**12.1.3 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 50 KENDENUP
ZONINGS - SUBMISSIONS RECEIVED**

File No: N12509

Attachments: [Summary of Submissions](#)
[Schedule of Modifications](#)
[Site Plan](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 8 September 2009

PURPOSE

The purpose of this report is to consider submissions received on a proposed Amendment to Town Planning Scheme No. 3 (TPS3) to create an Enterprise Zone and to alter the zonings in the Kendenup Village.

BACKGROUND

The Council's draft Local Planning Strategy (LPS) has been with the Department for Planning and Infrastructure (DPI) now the Department of Planning (DoP) since June 2008. The DoP reported to the Western Australian Planning Commission (WAPC) on 7 July 2009 and discussions are ongoing. With no real sign of the LPS progressing to advertising and as it had been with DPI for 11 months it was considered appropriate to prepare this particular Amendment to initiate one of the important actions in the LPS.

A copy of the full Amendment was provided to each Councillor with the 12 May 2009 agenda papers.

The Council at its meeting held on 12 May 2009 resolved at resolution 125/09:

'That:

- 1. Amendment No. 50 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.*
- 2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.*
- 3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 8 September 2009.'*

The Council adopted draft Town Planning Scheme Policy 18 (Draft LPS) on 12 May 2009 for the purposes of enabling public comment to be made due to inactivity of the DoP. The Shire President and the Manager Development Services attended a meeting of the WAPC Statutory Planning Committee on 7 July 2009 when the draft LPS was discussed. A range of DoP suggested changes and the public submissions

received are now being considered by staff before a report is placed before the Council on the LPS.

This subject Amendment No. 50 was referred to the Environment Protection Authority (EPA) on 20 May 2009. The EPA authorised the Amendment to proceed to advertising in a letter received on 17 June 2009. The necessary 42 day advertising period closed on 25 August 2009 and a total of 18 submissions were received (see Summary of Submissions).

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Town Planning Regulations – these have set procedures for Amending a Town Planning Scheme including once initiated by the Council, referral to the EPA for 28 days. Once cleared by the EPA a 42 day advertising period applies. Once advertised the Council must consider any submissions lodged within 42 days and refer its recommendations to the WAPC and the Minister within 28 days.

CONSULTATION

The Amendment was advertised for 42 days with letters to all landowners, a notice on both shop notice boards, notices in the newspaper and letters to government agencies.

FINANCIAL IMPLICATIONS

The cost of publishing a notice in the Government Gazette will be met from the advertising budget. The DoP Perth office have prepared the existing and proposed zoning maps for \$104.00. The document was prepared in house.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

Key Result Area 4 of the Council's Strategic Plan refers to the Town Planning Scheme as being a blueprint for future development and is the mechanism by which many of the community's aims and initiatives can be implemented. An up-to-date Scheme is critical.

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

OFFICER COMMENT

The proposed Amendment consists of several parts. The main components are to alter the Scheme Text to create an Enterprise Zone and to alter the Scheme Maps to zone the majority of the Rural zoned lots in the village to Residential (R5) and to zone the area bounded by Hassell Avenue, Simons Street, Third Avenue and Beverley Road to the Enterprise Zone.

The Amendment also rezones the tennis courts and agricultural show grounds from Rural to Recreation, and rezones the golf course from Public Purpose to Recreation.

The Council owned Lot 976 Austin Street and the now closed portion of Sixth Avenue between Newman and Austin Streets is to be zoned Recreation. This is the eastern portion of the Doc Rowe Reserve. The western portion is a Crown Reserve vested in the Department of Education and officers from that Department do not favour changing the present Public Purpose Reserve to Recreation. They are prepared to consider a Memorandum of Understanding (MOU) with the Oyster Harbour Catchment Group Inc over the use and management of the western part of the Doc Rowe Reserve.

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

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

The EPA in its letter received on 17 June 2009 which authorised the Amendment to proceed to advertising raised two issues needing to be addressed.

The first was that of noise, dust, vibration and light spill from the railway line for future residential lots and suggested a memorial be placed on Certificates of Title over the whole village for new subdivisions. As the majority of the lots already exist and have done so from the 1920's and the Amendment proposes to reduce the RCode density thereby increasing the minimum lot size to 2,000m², such a requirement is considered an overreaction. If anything perhaps a memorial could be placed on all lots over 4,000m² when a subdivision is proposed but again this would be an overreaction. A preferred solution is to include a new clause 5.3.7 which refers to residential subdivisions within 50m of the railway corridor requiring a memorial on the titles for new lots created.

The second point made by the EPA was that of buffers between incompatible land uses particularly in the proposed Enterprise Zone. In that zone a large range of uses are permissible as 'AA' uses and some may be incompatible with the 'P' single house use. It is agreed some of the proposed discretionary 'AA' uses may cause neighbour concern and as such the following uses should be made 'SA' which is discretionary but only after public advertising has been carried out: Automotive Panel Beating and Spraypainting, Automotive Repairs, Automotive Wrecking, Builders Storage Yard, Caravan Park, Club Premises, Fuel Depot, Industry Service, Marine Collectors Yard, Motel, Motor Repair Station, Service Station, Transport Depot, Winery.

The submissions received do not require any modifications to the Amendment, particularly when the proposal to include several of the uses as 'SA' as discussed above is carried out.

The modifications proposed are listed in the Schedule of Modifications attached.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Moir:

That:

1. The submissions lodged on Amendment No. 50 to Town Planning Scheme No. 3 be noted.
2. Amendment No. 50 to Town Planning Scheme No. 3 be adopted with the modifications listed in the attached Schedule of Modifications and be 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. 50 once approved by the Honourable Minister.

Adjournment of meeting

3:15 pm The meeting was adjourned to undertake a fire drill.

3:23 pm The meeting resumed.

Attendance

Cr K Forbes AM	Shire President - Rocky Gully/West Ward
Cr K Clements	Deputy Shire President -Town Ward
Cr A Budrikis	Kendenup Ward
Cr B Hollingworth	Town Ward
Cr S Grylls	Rocky Gully/West Ward
Cr J Mark	Town Ward
Cr J Moir	South Ward
Cr D Nye-Chart	East Ward
Cr M Skinner	East Ward

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Ms Cobie MacLean	Administration Officer (Planning)

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

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

COUNCIL DECISION

The motion was put.

CARRIED (9/0)

NO. 254/09

12.2 WORKS AND SERVICES REPORTS**12.2.1 MOUNT BARKER LANDFILL SITE – OPERATING HOURS**

File No:	N12541
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Sharon Williams Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date:	8 September 2009

PURPOSE

The purpose of this report is to review the Sunday summer opening hours of the Mount Barker Landfill Site.

BACKGROUND

The Council resolved, at its meeting held on 9 June 2009,

‘That:

- 1. Pursuant to Clause 12 of the Council’s Local Laws relating to the operation of the Shire of Plantagenet Landfill and Transfer Station facilities, the Sunday (winter) opening hours relating to the Mount Barker Landfill Site be 10.00am – 5.00pm for the months May to September annually.*
- 2. The changes be advertised in the local print media and signs erected in appropriate locations to inform the public of the changes to Sunday opening times at the Mount Barker Landfill Site.’*

The Sunday winter opening hours will conclude at the end of September and the Council needs to consider the opening times for the months of October to April.

Traffic data entering the Mount Barker landfill site was collected for eight Sundays during June, July and August 2009. The information indicated that the majority of persons visiting the site arrive between 11.00am -12.00pm and 2.00pm and 3.00pm. An average of around 46 people utilise the facility on a Sunday.

Time	Percentage (%)
10.00am – 11.00am	16
11.00am – 12.00pm	18
12.00pm – 1.00pm	13
1.00pm – 2.00pm	11
2.00pm – 3.00pm	17
3.00pm – 4.00pm	14
4.00pm – 5.00pm	11

The following opening hours currently apply to the Mount Barker Landfill Site:

- Tuesday 1:00pm – 5:00pm
- Wednesday 8:00am – 12:00 noon

- Thursday 1:00pm – 5:00pm
- Friday 8:00am – 12:00 noon
- Saturday 1:00pm – 5:00pm
- Sunday 10:00am – 6:00pm

STATUTORY ENVIRONMENT

The Council's Local Laws relating to the operation of the Shire of Plantagenet Landfill and Transfer Station Facilities 2004 provides at Clause 12:

'The Council may from time to time set and amend by resolution the hours of operation of the facility and such hours will be displayed for public information.'

FINANCIAL IMPLICATIONS

There are sufficient funds in the budget to open the Mount Barker Landfill Site on Sundays in summer from 10:00am to 6:00pm (Budget line 20165.0052 - \$360,000.00).

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

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

Further, under Key Result Area 2 Infrastructure – waste and recycling, the Strategic Plan provides the following:

'Our success is measured by:

- *Development of a waste management plan which reflects legislative requirements and community demands;*
- *Level of customer satisfaction;*
- *Internal and external benchmarking; and*
- *Demonstrated pursuit of continuous improvement initiatives.'*

OFFICER COMMENT

During the summer months it is expected that the traffic data may increase after 4.00pm as the public takes advantage of the longer daylight hours. It is recommended that Sunday summer opening hours remain as 10.00am – 6.00pm as previously adopted and advertised. It should be noted that Daylight Saving will not be operating.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth:

That pursuant to Clause 12 of the Council's Local Laws relating to the operation of the Shire of Plantagenet Landfill and Transfer Station facilities, the Sunday (summer) opening hours relating to the Mount Barker Landfill Site be 10.00am – 6.00pm for the months October to May annually.

CARRIED (9/0)

NO. 255/09

12.3 COMMUNITY SERVICES REPORTS

Nil

12.4 CORPORATE SERVICES REPORTS

Nil

12.5 EXECUTIVE SERVICES REPORTS**12.5.1 COMMUNITY EMERGENCY SERVICES MANAGER - EMPLOYMENT**

File No: N12563

Attachments: [Business Plan](#)
[Memorandum of Understanding](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Rob Stewart
Chief Executive Officer

Proposed Meeting Date: 8 September 2009

PURPOSE

The purpose of this report is to seek the Council's further endorsement for the engagement of a Community Emergency Services Manager (CESM) through a Memorandum of Understanding (MOU) with the Fire and Emergency Services Authority (FESA) and a budget reallocation.

BACKGROUND

At its meeting held on 11 November 2008 the Council resolved:

'That consideration be given, during consideration of the 2009 / 2010 budget for an allocation of \$70,000.00 for the shared engagement with the Fire and Emergency Services Authority (FESA) of a Community Emergency Services Manager subject to the Council's organisational chart being amended in due course by Council resolution and subject also to a satisfactory Memorandum of Understanding being entered into with FESA also subject to Council resolution and that a further report be presented to the Council addressing financial and ratepayer benefits and changes of staff duties.'

Councillors will recall that during the budget deliberations referred to in the above resolution, no allocation was made for the Community Emergency Services Manager due to financial constraints. It is understood however that there was a wish to engage the officer if at all possible.

Further discussions have been held with FESA both in Albany and Perth. FESA has now indicated that it is willing to fund the engagement of the CESM for a period of twelve months under the same terms and conditions as previously advised except for the provision of a motor vehicle. FESA requests that the Council provide a vehicle and the running costs.

At its meeting held on 24 February 2009 the Council resolved:

- ‘1. That the Council’s Staff establishment be altered by deleting the 1.0FTE position of Child Care Coordinator and 2.7FTE Child Care assistants.*
- 2. Amending the existing 1.0FTE position of Compliance Officer to Community Emergency Services Manager.*
- 3. The Council’s total staff establishment be decreased by 3.7FTE.’*

STATUTORY ENVIRONMENT

Section 5.36 of the Local Government Act 1995 refers to employment of ‘...such other persons that the Council believes are necessary to enable the functions of the local government and the functions of the Council to be performed.’

FINANCIAL IMPLICATIONS

To employ the CESM on a shared basis with FESA would involve the Council in approximately \$10,500.00 which is the estimated cost of running a 4 wheel drive vehicle for twelve months including depreciation. It will be recommended that the vehicle presently being utilised at the Saleyards and due to be replaced this financial year be allocated to the CESM. Unfortunately this will mean that the Manager of Community Services will need to retain her vehicle for a further period of twelve months so that the funds allocated to the purchase of that vehicle can be utilised to purchase a new vehicle for the saleyards. The vehicle presently being utilised by the Manager of Community Services is in good running order and depreciation for a further twelve months will be negligible.

POLICY IMPLICATIONS

There are no policy implications for this report.

OFFICER COMMENT

It is advised that the creation of such a position was endorsed by the Council at its meeting held on 11 November 2008. The creation of the position would allow the Council to provide specialist bush fire and emergency service within the district. Specific duties would involve Fire Prevention Planning, Awareness Programs, School Education Programs, Cause of accidental and suspicious fires, Strategic firebreak network, Unallocated Crown land and unmanaged reserves program, Fire Protection Standards, assessing Subdivision Fire Management Plans for the Shire, Pre-season fire forum, Training for Bush Fire Brigades, Shire Emergency Services Directory, Brigade Memberships, Evacuation Centres, Bush Fire Advisory Committee, Bush Fire Brigade Administration, Evaluation of Incident Reports, Exercise planning, Emergency Water Supplies, Risk to Resource Model, Incident Recovery and Local Emergency Management Committee (LEMC) Plans and Meetings.

The MOU and Business Plan further relate to these issues.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That:

1. That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Memorandum of Understanding between the Fire and Emergency Services Authority and the Shire of Plantagenet for the engagement of a Community Emergency Services Manager.
2. The Business Plan relating to the engagement of a Community Emergency Services Manager be adopted.
3. The adopted 2009/2010 annual budget be amended as follows:

Account	Description	Original Budget	New Budget	Net Amount
50418.0006	Purchase Vehicle MCS	(\$35,000)	-	\$35,000
40418.0006	Trade in Vehicle - MCS	\$12,000	-	(\$12,000)
41322.0105	Trade in Vehicle - Saleyards Manager	\$19,500	-	(\$19,500)

COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr J Mark:

That:

1. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Memorandum of Understanding between the Fire and Emergency Services Authority and the Shire of Plantagenet for the engagement of a Community Emergency Services Manager.
2. The Business Plan relating to the engagement of a Community Emergency Services Manager be adopted with the following inclusions:
 - a. Annually review and update the Plantagenet Local Emergency Management Arrangements;
 - b. Act as an Executive Officer for the Local Emergency Management Committee;
 - c. Co-ordinate the annual review of the Annual Firebreak Notice;
 - d. Co-ordinate the endorsement of the Shire's Fire Control Officers annually; and
 - e. Assist Local Government to draft Emergency Services Levy (ESL) Budget, prepare the annual ESL Application and acquit accurately for Bush Fire Brigades and State Emergency Services.

3. The adopted 2009/2010 annual budget be amended as follows:

Account	Description	Original Budget	New Budget	Net Amount
50418.0006	Purchase Vehicle MCS	(\$35,000)	-	\$35,000
40418.0006	Trade in Vehicle – MCS	\$12,000	-	(\$12,000)
41322.0105	Trade in Vehicle – Saleyards Manager	\$19,500	-	(\$19,500)

CARRIED (9/0)**NO. 256/09****(Absolute Majority)**Reason for Change

Clarify additional requirements of the business plan.

12.5.2 MUIRS HIGHWAY - REQUEST TO RENAME

File No: N12564
Attachments: [Muir Highway - Request to Rename](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 8 September 2009

PURPOSE

The purpose of this report is to bring to the attention of the Council a request for assistance from Mr J Muir of Manjimup for the renaming of 'Muir Highway' to 'Muir Highway'.

BACKGROUND

Mr Muir has communicated with the Chief Executive Officer on a number of occasions regarding the naming of Muirs Highway and historical connections with the Muir family. Councillors may recall that the issue of the naming of 'Muir Highway' arose comparatively recently with the completion of the Mount Barker Bypass at which time signs were erected by Main Roads indicating that the name of Muirs Highway was in fact Muirs Road. Main Roads subsequently removed these signs and replaced them with Muirs Highway although at the time it was stated that Muirs Road was technically correct as Muirs Highway although named a Highway was not officially classified as a Highway.

STATUTORY ENVIRONMENT

That primary task of the Geographic Names Committee is to develop rules and guidelines for approval by the Minister. The Geographic Names Committee was established by the Minister.

Legislation that impacts on Geographic Names is as follows:

Land Administration Act 1997

Part 2 - General Administration

Division 3 - General

26. Constitution, etc. of land districts and townsites (2) (c) '*name, rename and cancel the name of any topographical feature, road or reserve.*'

CONSULTATION

The Geographic Names Committee has indicated that one of the reasons that it has refused the request of Mr Muir is that there has been no public consultation. This is correct and it is agreed that consultation would be lengthy and would also need the agreement of Shire of Manjimup. The Geographic Names Committee has advised that it has had an enquiry from the Shire of Manjimup in relation to the naming of Muirs Highway and this matter will be rediscussed at the next quarterly meeting of the Geographic Names Committee.

The Chief Executive Officer has spoken with the Chief Executive Officer from the Shire of Manjimup and possibly if the matter was formally presented to the Shire of Manjimup some sympathy for Mr Muir's request would be evidenced.

The Geographic Names Committee requires that a proposed road name change conform to the Road Naming Guidelines, in that the proposal has broad community support and majority support from affected residents. This means that the Council is required to provide some level of community consultation prior to submitting the proposal to the Minister for Lands.

FINANCIAL IMPLICATIONS

The Council has, in the recent past, received a number of requests for street name changes. Officer time, correspondence and advertising generally costs around \$500.00. Given the complexity and the number of addresses on Muirs Highway it would be expected that the cost would be substantially higher in this instance.

POLICY IMPLICATIONS

Council Policy I/RR/1 - Future Street and Reserve names applies.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan is silent with regard to street naming.

OFFICER COMMENT

The letter responding to Mr Muir from the Geographic Names Committee is attached in its entirety for the information of Councillors. Given this response it is difficult to support Mr Muir's request to change from Muirs Highway to Muir Highway.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr S Grylls:

That Mr J Muir be advised that the Council, given the response of the Geographic Names Committee, is unable to support the request to change the name of Muirs Highway to Muir Highway.

CARRIED (9/0)

NO. 257/09

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

The following question was adjourned at the Ordinary Meeting of the Council held on 25 August 2009.

Cr Budrikis has given notice pursuant to Clause 3.7 of Standing Orders that he intends to move:

'That:

1. The Shire of Plantagenet will not accept a rate increase of greater than 10% applied to its existing ratepayers in any proposed merger of the Shire of Plantagenet with any other Shire or Shires.
2. The Shire of Plantagenet would seek that any rate surplus raised from existing Plantagenet ratepayers in a merger with other Shires be applied to reducing the debt of the new Shire inherited from the Shire of Plantagenet.'

Comment

A proposal has been agreed to seek a merger of the following Shires: Shire of Plantagenet, Shire of Cranbrook, Shire of Kojonup and the Shire of Broomehill/Tambellup. Council agreed to seeking this merger prior to any financial modelling of the outcome being presented to Council. Information was provided at the Southern Link VROC meeting on 12 August outlining each Shires financial position. It is clear from this information that there is a large discrepancy between the rates in the \$UV and rates in the \$ GRV that is levied in the Shire of Plantagenet and the other Shires.

It is not possible to charge differing rates in \$ in a Shire so if a merger takes place the rates will have to be set at the same values for the new Shire across the Shire. The following table outlines these rates and the rates that would be collected in each existing Shire if the rates were set at:

- a) Exist Plantagenet rates in \$ (PER)
- b) Exist Plantagenet rates in \$ + 10% (PER10)

Shire	Rate \$ UV c	Tot \$UV	Rate \$ GRV c	Tot \$GRV	Tot Rates \$	Rate Deficit/ Surplus \$
Plantagenet Exist Rates (PER)	0.44469	2,754,046	7.8842	876,554	3,630,600	
Plantagenet Rates + 10% (PER10)	0.48916	3,029,451	8.6726	964,209	3,993,660	363,060
Kojonup Exist Rates	0.72880	2,136,556	17.2570	654,365	2,790,921	
Kojonup (PER)	0.44469	1,303,657	7.8842	298,960	1,602,616	(1,188,305)
Kojonup (PER10)	0.48916	1,434,022	8.6726	328,855	1,762,878	(1,028,043)

Cranbrook Exist Rates	0.70760	1,502,200	7.3800	174,787	1,676,987	
Cranbrook (PER)	0.44469	944,055	7.8842	186,728	1,130,783	(546,204)
Cranbrook (PER10)	0.48916	1,038,461	8.6726	205,401	1,243,862	(433,125)
Broomehill/ Tambellup Exist Rates	0.75510	1,421,700	7.1771	158,600	1,580,300	
Broomehill/Tambellup (PER)	0.44469	837,261	7.8842	174,226	1,011,487	(568,813)
Broomehill/Tambellup (PER10)	0.48916	920,987	8.6726	191,648	1,112,635	(467,665)

Clearly there will be large deficits in the other three Shire current budgets if these rates were set at the current Plantagenet rate level or at the current Plantagenet rate level plus 10%.

In the absence of legislation that allows differential rate setting it will not be possible to collect rates at different levels based on geographical location in a merger of these four Shires as is proposed. If Council accepted a 10% rate increase in the Shire of Plantagenet as a cost to our rate payers of the merger there would still be a combined budget deficit of \$1,928,833.00 p.a. (i.e. every year). In addition the rate payers of the Shire of Plantagenet would be asked to pay an additional \$363,060.00 p.a. in perpetuity for no known additional benefit.

The Presiding Member invited Cr Budrikis to move the motion.

Moved Cr A Budrikis, seconded Cr S Grylls:

That:

- 1. The Shire of Plantagenet will not accept a rate increase of greater than 10% applied to its existing ratepayers in any proposed merger of the Shire of Plantagenet with any other Shire or Shires.**
- 2. The Shire of Plantagenet would seek that any rate surplus raised from existing Plantagenet ratepayers in a merger with other Shires be applied to reducing the debt of the new Shire inherited from the Shire of Plantagenet.**

WITHDRAWAL OF MOTION

With the consent of the seconder Cr Budrikis withdrew the motion in favour of an alternative motion.

ALTERNATIVE MOTION

Moved Cr A Budrikis, seconded Cr J Moir:

That:

1. The Shire of Plantagenet will not accept a rate increase of greater than 10% per annum applied to its existing ratepayers for rate equalisation in any proposed merger of the Shire of Plantagenet with any other Shire or Shires.
2. The Shire of Plantagenet suggests that any rate surplus raised from existing Plantagenet ratepayers in a merger with other Shires be applied to reducing the debt of the new Shire inherited from the Shire of Plantagenet.

PROCEDURAL MOTION

Moved Cr K Clements, seconded Cr J Mark:

That the Motion be put.

CARRIED (9/0)

NO. 258/09

The motion was put.

LOST (3/6)

**14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF THE MEETING**

Nil

15 CONFIDENTIAL

Nil

16 CLOSURE OF MEETING**Congratulation to Presiding Member**

Cr K Clements put forward his congratulations on behalf of all Councillors to the Presiding Member, Cr K Forbes AM on his successful appointment by the Minister for Regional Development to the board of the Great Southern Development Commission.

4:48 pm The Presiding Member declared the meeting closed.

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