



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2:45pm Tuesday 24 July 2007

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.50pm 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 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 M Skinner	East Ward
Cr J Moir	South Ward
Cr K Hart	Kendenu Ward
Cr J Mark	Town Ward
Cr B Hollingworth	Town Ward
Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Mr I Bartlett	Manager Works and Services
Mr P Duncan	Manager Development Services
Ms N Selesnew	Manager Community Services
Mrs K Skinner	Executive Secretary

Apologies

Cr K Clements Town Ward

There were eight (8) members of the public present.

There was one (1) member of the media present.

Previously Approved Leave of Absence

Cr J Cameron 23 July to 4 September 2007 (Inclusive)

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Craig Pursey – Employee of Harley Survey Group who had been engaged by the Bird and Blythe families to prepare a Scheme Amendment Request for the Council's consideration.

'We lodged a Scheme Amendment Request for the proposed development of a Rural Village in the Porongurup in November 2006. This has since been advertised for public comment and referred to Government Agencies.

We have reviewed the submissions and the Council report and have run a public information evening and realise that whilst there is considerable support for our proposal, there are also concerns. These concerns seem to be centred on the potential extent and scale of the village; the proposed lot sizes; and the need for the most sustainable outcome possible.

Most people it seems would have liked more detail. This will come, and people will have a chance to comment on the detail, should the Council agree to the principle of a village in this locality, as recommended by the Local Rural Strategy. However, at this stage we have only lodged a Scheme Amendment Request. My understanding of a Scheme Amendment Request is simply to ask:

- *'Is this a good idea strategically; and if so*
- *What are the major issues to be addressed as part of any future rezoning application?'*

We therefore only presented how the proposed village fits within the existing planning framework. We provided some general principles to give the local community, the Council and government agencies something on which to base their comments.

We are at the very beginning of the planning process and the Scheme Amendment Request system has worked very well in this instance. Usually we only have Government agency and Council feedback to a Scheme Amendment Request, however we are now much more aware of the Community's concerns. Therefore we know that should the Council continue to support a village for the Porongurup area, we are aware of the quantum of the issues that need addressing.

We would ask that you support the officer recommendation and give us the opportunity to present a more detailed vision for the village site and show that we can address the community's concerns and produce a sustainable, locally driven development that will provide a centre for the Porongurup locality.

Lastly, I would like you to consider how much of an opportunity this is for the Porongurup and the general locality; a village in this site will provide a focus for visitors and locals, a place to visit and meet. It can be a real drawcard for Plantagenet and an example for the region.'

Sharon Bird – 'I would like to briefly speak in support of the concept of locating a village in the Porongurup.

My family has owned and occupied part of the area for just on a hundred years and the remainder for most of that time. It has been my home for all my life and I intend to stay and enjoy influencing the development of an attractive and suitable village.

My family and I have a long history of Porongurup community involvement and I wish to have a part in creating something to be proud of for this very special place.'

Bill Hollingworth – Advising that there would be a Public Meeting at the Plantagenet District Hall on 25 July 2007– Transmission line from Kojonup to Albany.

Russ Paham representing ALTA Property Group – Item 9.5.10

'The proposal complies with the Council's own Strategy, which has been in place since 1997. Lot 4815 is within Precinct 6 of the Strategy which supports development of the site.

The Scheme Amendment Request process is not intended to deal with absolute detail. This will be provided in the formal application for rezoning.

Some of the issues raised in the objections are based on supposition and are unreliable. The comments in relation to the Tower Hill vineyard being sold and being available for subdivision are contrary to the advice provided to ALTA. The company had considered acquiring the property but was informed by Council staff that it would not be considered for subdivision because that land is not within a precinct.

The comments and concerns regarding gravel roads have no substance. Sealed roads will be provided in the development.

On balance, there are three hundred and twenty nine plus in favour of the proposal and only three (3) objections. The project which will benefit both the community and the Golf Club. We trust Council will support the rezoning and expedite the process.'

Delma Baesjou - Ayton Taylor Burrell – Item 9.5.10

'In recognising the Scheme Amendment Request process is concerned with strategic concepts and the issues raised in response to advertising and referral will be addressed in more detail through the rezoning process, should the Council support the project to the next stage. The efforts of staff in progressing this application to this point are acknowledged.

The rezoning proposal is consistent with the Mount Barker Rural Strategy which was adopted by the Council in 1997. There is general community support, as evident by the petitions containing two hundred and thirty nine and thirty-three signatures (respectively).

I encourage Councillors to move and adopt the Officer Recommendation contained in the Agenda.'

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

Moved Cr K Hart, seconded Cr D Williss:

That the Minutes of the Ordinary Meeting of the Council held 24 June 2007 be confirmed subject to the following changes:

Page 3 Third Dot point to read – '19.06.07 – Cr Forbes attended Public Draft Budget Meeting.'

Page 34 In line One (1) and Two (2) of Council Decision after the word (Lots) replace '183-187, 194-196, 2100, 2023 and 2036 Albany Highway Kendenup creating nine (9) lots from eleven (11)' with the words 'Lots 905-912, 2103, 2105 & 107 Webb Road Kendenup creating eleven (11) to nine (9)'.

CARRIED (7/0)

No. 239/07

Moved Cr J Mark, seconded Cr B Hollingworth:

That the Minutes of the Special Meeting of the Council held 6 July 2007 be confirmed subject to the following changes.

Page 12 In line two (2) of the Council Decision replace the words 'three sides' with the words 'on a further three sides'.

CARRIED (7/0)

No. 240/07

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 27.06.07 - Cr and Mrs Forbes attended the Great Southern Development Commission Natural Resource Management Awards Presentation Dinner in Albany. Mr and Mrs M Adams were finalists at this event.
- 29.06.07 - Cr and Mrs Forbes along with Cr and Mr Cameron attended the Mount Barker Wine Producers' Annual Winter Dinner at Frasers Restaurant in Perth. A very successful night.
- 29.06.07 - Cr Forbes attended a meeting convened by the WA Livestock Transporters Association in Perth to progress the development and funding of regional sheep and cattle saleyards in WA.
- 02.07.07 - Cr Forbes attended a Plantation Industry Ministerial Advisory Committee and a Timber Plantation Strategy Group Meeting with Minister Chance in Perth.
- 04.07.07 - Crs Forbes and Hollingworth attended an evening gathering with the Mount Barker Community Bank to discuss possible financial support for projects in our District.
- 07.07.07 to 10.07.07 – Crs Forbes, Williss and Mr Bartlett attended the Australian Local Government Rural Roads Congress in Newcastle NSW. The conference was attended by four hundred delegates with over fifty from WA. This forum consistently applies pressure on the Federal Government for Road Funding. The Roads to Recovery program is a direct result of these forums.
- July – Cr Forbes attended numerous meetings with Baptist Church, EBA Committee, Saleyards Environmental Issues, Budget, WALGA and Systemic Sustainability Study Committee.
- 26.07.07 - Cr Forbes will be meeting with Minister McGowan at the Mount Barker Senior High School to discuss the funding for the One Community One College Project.
- 26.07.07 - Councillors are encouraged to attend a farewell function for Paddy Knapp to be held at the Depot at 4.00pm. Paddy had been with the Shire for twenty nine years.
- 30.07.07 - Regional Road Group Meeting in Albany.
- 31.07.07 – Chief Executive Officer Review in the Council Chambers at 9.00am – Special Meeting of Council to adopt the 2007 / 2008 budget at 1.00pm.
- 04.08.07 to 06.08.07 – WALGA State Conference

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 EXECUTIVE SERVICES REPORTS

9.1.1 POLICY REVIEW – REQUEST TO WAIVE HALL HIRE CHARGES

Location / Address:	N / A
Name of Applicant:	Narrikup Playgroup
File Reference:	CP/174/4
Author:	Kaye Skinner - Executive Secretary
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	25 June 2007

Purpose

The purpose of this report is to review Council Policy No. A/PA/4 – Request To Waive Hall Hire Charges relating to bonds for hall hire following a request from the Narrikup Playgroup to waive the requirement of paying a bond when hiring the Narrikup Hall for the running of the Playgroup.

Background

At its meeting held 26 September 2006, the Council resolved to adopt Policy No. A/PA/4 – Request To Waive Hall Hire Charges as follows:

OBJECTIVE: *To enable the Council to properly account for both hall hire charges and donations.*

POLICY:

- (1) *That each request for waiving of hall hire bonds be presented to the Council and, if the request is granted, the group be noted in the Council's list of fees and charges as being exempt from payment of bonds. When such exemptions are granted, they are to be reviewed each year as part of the annual budget process.*
- (2) *Where the hire charges for Council owned buildings are waived or discounted, the relevant hire charges be raised and a corresponding sum be charged to a donation account.'*

Statutory Environment

There are no statutory implications for this report.

Policy Implications

The Council's policy is as stated in background above.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Policy Review – Request To Waive Hall Hire Charges (Cont.)**Officer Comment**

At the Draft Budget Meeting held on 7 June 2007, Councillors indicated that bond exemptions should no longer be considered. This will need to be reflected in the Council Policy to adequately direct the Council's administration.

Organisations directly affected are:

- Narrikup Amateur Theatre Society
- Uniting Church – Narrikup
- Narrikup Christmas Tree
- Narrikup Playgroup
- Taoist Tai Chi Society WA - Narrikup

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark:

That amended Council Policy No. A/PA/4 – Halls – Request to Waive Hall Hire Charges as follows:

OBJECTIVE: To enable the Council to properly account for both hall and equipment hire charges and to protect the Council's assets from misuse or inadvertent damage:

POLICY:

- (1) That for any hire of a Council facility or Council owned equipment, the appropriate bond, as adopted by the Council shall be paid by the hirer.
- (2) Where the hire charges for Council owned buildings are waived or discounted, the relevant hire charges be raised and a corresponding sum be charged to a donation account.
- (3) Organisations enjoying 'bond free' status be advised in the terms of (1) and (2) above.

be endorsed.

CARRIED (7/0)

No. 241/07

9.1.2 COLLECTIVE AGREEMENT

Location / Address:	N / A
Attachments: (1)	Agreement
Name of Applicant:	N / A
File Reference:	PE/103/2
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	15 July 2007

Purpose

The purpose of this report will propose that the existing Enterprise Agreements between the Council and all Council employees presently responding to those agreements, be replaced with a single Collective Agreement pursuant to the Workplace Relations Act.

Background

The Shire of Plantagenet Administrative Staff Certified Enterprise Bargaining Agreement became effective in 1999 and expired in July 2000.

Similarly, the Shire of Plantagenet Outside Workers Certified Enterprise Bargaining Agreement came into effect in 1999 and also expired in 2000.

The Legislation provides that where a certified agreement is not renewed all replaced by some other agreement, it shall remain in force until withdrawn or replaced by some other agreement.

Councillors will be aware that the non renewal of the agreements has caused some staff relations issues to surface especially as staff members responding to the Local Government Officers Award did not enjoy Consumer Price Index (CPI) or National Wage Case increases and therefore were effectively kept at their 2000 remuneration levels.

Employees responding to the Municipal Employees Award did receive National Wage increases.

Negotiations have been comparatively difficult in the quest to get a new agreement or agreements up and running. Due to the lengthy period of negotiations, a proposal was placed before the Council in late 2005 to increase remuneration for all staff by an amount that would ensure, in real terms, they were no worse off than when the enterprise payments of the Enterprise Agreements were made. The Council very graciously agreed to these payments which were effectively 'above award' and outside the terms of the Enterprise Agreement. The payment was made to staff to recognise the difficulty with negotiations.

Subsequently, the Australian Services Union (ASU) has become more active on behalf of its members and, consequently, non members alike. This has had the effect of hastening the negotiations, which was a welcome development.

The Council's Enterprise Bargaining Committee made up of Councillors Forbes, Cameron and Chief Executive Officer with Cr Bill Hollingworth (as deputy) has met

Collective Agreement (Cont.)

several times with ASU representatives and staff representatives. A fresh agreement has been developed and this is attached.

It is understood that this agreement will be circulated to staff by the ASU prior to the Council Meeting to be held on 24 July 2007 and that agreement from the staff should be forthcoming.

The agreement is reasonably standard and advice to its contents has been sought from our Industrial representatives being Western Australian Local Government Association (WALGA) (Workplace Solutions) and Anne Lake.

In brief, the agreement provides for a five (5) percent increase in remuneration for all staff responding to the agreement, (indexed to CPI annually) a four (4) percent increase in most allowances (indexed to CPI annually) the introduction of two weeks' paid maternity leave, the introduction of the possibility of buying out a proportion of annual leave, pro rata long service leave after fifteen years service and an emergency telephone allowance.

Statutory Environment

Workplace Relations Amendment (Work Choices) Act 2005

Workplace Relations Regulations 2006

Local Government Officers' (WA) Award 1999

Municipal Employees' (WA) Award 1999

Consultation

Extensive consultation has been undertaken on this matter between the Chief Executive Officer, Council members of the EBA Committee, Union representatives, WALGA, and staff.

Policy Implications

There are no policy implications for this report.

Financial Implications

Gross annual wages for those staff affected by the Agreement for the 2006 / 2007 financial year totalled \$2,034,198.00.

A five percent increase takes this gross figure to \$2,135,908.00, an increase of \$101,710.00.

Further, backpay from 1 May 2007 will total \$15,370.00.

The Union was seeking a 9% increase, similar to other local government authorities, but this was reduced to 5% taking into account the Council's over award payments.

Strategic Implications

During the development of the Shire's Strategic Plan, the Shire's staff was noted as a strength. Further, the Corporate Services Key Result Area notes our need to provide effective information and administrative support and that we will measure our success (in part) through staff feedback.

Officer Comment

There is a need to remain competitive from a remuneration and conditions point of view so that we can continue to attract and develop effective staff members. The endorsement of the Collective Agreement is recommended.

Collective Agreement (Cont.)

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr K Hart:

That the attached draft Collective Agreement be endorsed and registration be effected.

CARRIED (7/0)

No. 242/07

9.2 CORPORATE SERVICES REPORTS

9.2.1 FINANCIAL STATEMENTS UNAUDITED – JUNE 2007

Location / Address:	N / A
Attachments: (1)	Financial Statements – June 2007
Name of Applicant:	N / A
File Reference:	FM/65/1
Author:	Ross MacDonald - Accountant
Authorised By:	John Fathers – Deputy Chief Executive Officer
Date of Report:	10 July 2007

Purpose

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 30 June 2007.

Statutory Environment

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

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

The statement is to be accompanied by: (a) explanation of the composition of net current assets, less committed assets and restricted assets; (b) explanation of the material variances; and (c) such other information considered relevant by the local government.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr D Williss:

That the Unaudited Financial Statements for the month ending 30 June 2007 be received.

CARRIED (7/0)

No. 243/07

9.2.2 LIST OF PAYMENTS - JUNE (PART 1) 2007

Location / Address:	N / A
Attachments: (1)	List of Payments (Part 1) – June 2007
Name of Applicant:	N / A
File Reference:	FM/65/3
Author:	Rayona Evans - Accounts Officer
Authorised By:	John Fathers - Deputy Chief Executive Officer
Date of Report:	10 July 2007

Purpose

The purpose of this report is to present the list of payment that were made during the month of June 2007, together with a payment dated 16 April 2007 which had previously been unreported.

Statutory Environment

Regulation 13 of the Local Government (Financial Management) Regulations 1996 defines the reporting requirements to the Council of the list of accounts.

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

If any Councillor has a query in relation to any accounts could they please contact Mr Rob Stewart - Chief Executive Officer or Mr John Fathers - Deputy Chief Executive Officer prior to the meeting.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION**Moved Cr M Skinner, seconded Cr D Williss:**

That the payment of accounts for the month of June 2007 covering electronic payments, cheques 37040 to 37226 and previously unreported cheque 36823 dated 16 April 2007, totalling \$1,483,771.38 and trust cheques 173 to 179 totalling \$3,314.80 be noted.

CARRIED (7/0)

No. 244/07

9.2.3 MATERIAL VARIANCE AMOUNT - ADOPTION

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	ED/103/4
Author:	John Fathers - Deputy Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	12 July 2007

Purpose

The purpose of this report is to advise of the requirement to adopt a percentage over which a budget variance would be considered.

Background

In accordance with Regulation 34 of the Local Government (Financial Management) Regulations, the Council must adopt a percentage over which a budget variance would be considered material when they review the monthly statements of financial activities and accept the annual budget review. The purpose of this report is to assist the Council in adopting the required annual percentage and minimum value over which budget variances would be considered material.

Statutory Environment

This recommendation is governed by Regulation 34. Financial Activity Statement Report – *Local Government (Financial Management) Regulations 1966*, Part 4 – Financial reports.

Paragraph 5 of Regulation 34 states:

'Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS5, to be used in statements of financial activity for reporting material variances.'

AAS5 defines the term 'material' in Paragraph 4.1 as follows:

'Information is material if its omission, misstatement or non-disclosure has the potential to adversely affect: (a) decisions about the allocation of scarce resources made by users of the financial report; or (b) the discharge of accountability by the management or governing body of the entity.'

Paragraph 4.1.6 goes on to state:

'In the context of the new regulations, councils need to determine a percentage and/or value which, as a general rule, will help avoid adverse affects. The thresholds used as a guide for determining the materiality of an amount of items must, of necessity, be drawn at arbitrary levels. Materiality is a matter of professional judgement influenced by characteristics of the entity and the perceptions as to who are, or are likely to be, the users of the financial reports and their information needs.'

This same paragraph also gives the following guidance in considering the materiality of any amount:

Material Variance Amount – Adoption (Cont.)

‘An amount which is equal to or greater than 10 per cent of the appropriate base amount may be presumed to be material unless there is a convincing argument to the contrary; and

An amount which is equal to or less than 5 per cent of the appropriate base amount may be presumed not to be material unless there is evidence or convincing argument to the contrary.’

This is effectively saying that 10% is material and 5% is not. Anything in between could be considered to be in the grey area.

This material variance percentage and minimum amount must be adopted by the Council each financial year.

Consultation

The Council's Auditors, UHY Haines Norton have been consulted.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no actual budget implications from adopting these materiality figures as they are there to assist and guide management and the Council. Adoption of this recommendation should assist the Council in making sound financial management decisions.

Officer Comment

The Council's Auditors, UHY Haines Norton, advise that a minimum amount should be adopted and that in addition to 10%, an amount of \$5,000.00 be the minimum adopted. It is recommended that a minimum figure of \$2,000.00 is an appropriate figure to be adopted in the case of the Shire of Plantagenet. That means that any expenditure in excess of 10% of (monthly) budget, to a minimum of \$2,000.00 be subject to explanation. In addition, any income less than 90% of (monthly) budget, to a minimum of \$2,000.00 be subject to explanation.

It should be noted that material variances have always been reported to the Council in any case, but that no set parameters had been adopted by the Council.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr D Williss:

That the following be adopted for reporting material variances in assessing statements of financial activity for the 2007 / 2008 financial year.

- (1) Expenditure in excess of 10% of (monthly) budget, to a minimum of \$2,000.00.**
- (2) Income less than 90% of (monthly) budget, to a minimum of \$2,000.00.**

CARRIED (7/0)

No. 245/07

9.2.4 FEES - WASTE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	WM/103/2
Author:	Rob Stewart -Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	12 July 2007

Purpose

The purpose of this report is to revisit proposed fees and charges for the disposal of waste at the Council's various landfill and transfer station sites.

Background

At its meeting held 26 June 2007, the Council recommended a series of fees for commercial waste disposal within the Shire of Plantagenet for inclusion in the 2007 / 2008 Annual Budget.

The adoption of the proposed fees raised some concern among Councillors due to the absence of complete fencing around waste sites.

Following on from this concern, at the Special Meeting of the Council held on 6 July 2007, it was resolved that certain fencing be carried out at Kamballup and Porongurup.

Also, and due to the concern raised by some Councillors, the Waste Management Committee, at a meeting held 17 July 2007, further considered the issue of fees and charges for the disposal of waste.

Statutory Environment

Health Act 1911

Local Government Act 1995 (Section 6.17) relates to the setting of fees and charges. Section 40 of the Health Act 1911 relates to the adoption of a general health rate.

Local Laws relating to the Operation of the Shire of Plantagenet Landfill and Transfer Station Facilities 2004.

Consultation

No external consultation has taken place with regard to the recommendations in this report. If adopted, public information dissemination will be required.

Policy Implications

By Government Gazette 1 June 2007 the Government introduced its Zero Waste Plan Development Scheme. The comparatively lengthy gazette notes 'the state government considers the adoption and implementation by local government of Zero Waste Plans to be a vital first step in facilitating the behavioural changes required to work towards Zero Waste in Western Australia.' The vision in the Gazettal Notice notes 'all Western Australians will move towards a waste free society.'

The government proposes to promote a shift away from solely focusing on reducing the amount of waste disposed to landfill towards the management of the whole life

Fees - Waste (Cont.)

cycle of every product and its waste, from creation to disposal, with the prevention of waste to become the main focus.'

The Gazette notes that Waste prevention will be achieved through 'active decisions made to anticipate where the generation of waste begins, and to stop this from occurring.'

A further objective of the scheme is to encourage local governments to take a regional view of waste management and recycling and to develop collaborative approaches with neighbouring local governments to work towards the vision of zero waste in Western Australia.

Members are advised that funding under the Zero Waste Plan Development Scheme has already been sought, and, in accordance with Council direction, liaison with the Shires of Cranbrook and Denmark has commenced.

The adoption by the Government of the above policy will mean that the Shire will be encouraged to work toward the Zero Waste outcomes set down by the Government.

Financial Implications

Funding of \$50,000.00 has been sought through the Zero Waste Plan Development Scheme. The draft 2007 / 2008 budget shows total operating expenditure of \$366,287.00 for the collection and disposal of waste.

Strategic Implications

The Council's Strategic Plan Key Result Area 2 – Infrastructure provides as an aim:

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

Officer Comment

This report will present to the Council a slightly different regime for charging to deposit waste at waste sites.

An area of concern is the distribution of equitable services across the Shire. This has historically been difficult due to the provision of kerb side 240 litre mobile garbage bin (MGB) pick ups in residential areas such as Mount Barker, Narrikup, Kendenup (and Pardelup) but not in Porongurup, Rocky Gully or any rural areas. When the Council first adopted a general health (refuse) rate, this was designed to partially offset the inequity that had arisen through the cost of waste management being factored into the kerb side service. Accordingly, with the introduction of the refuse rate, the kerb side service charge was reduced by the amount of the refuse rate and then the refuse rate was levied across the whole shire, with some exceptions for multiple ownership.

The proposal now will be to adopt shire wide charges but to introduce a free component for those who do not enjoy a kerb side pick up. By introducing a free allowance this will enable domestic waste to be disposed of at waste sites while anything over the free allowance will be charged at the normal rate.

It is proposed that the existing MGB to those areas enjoying this service remain as is and that the charge remain at \$125.00. This will raise \$148,000.00 in the 2007 / 2008 financial year.

Fees - Waste (Cont.)

It will also be suggested that for those areas enjoying the MGB service (and other *urban* areas that do not enjoy such a service) to receive two (2) bulk verge collections a year: one (1) x green waste and one (1) x hard waste respectively. It is suggested that a further report be prepared regarding this initiative. Costings are unknown at this stage but the collections could be scheduled to occur outside of road construction periods so that day labour and Council owned plant could be used. This would involve a truck and skid-steer loader and three or four operators.

It will be proposed that for all areas that do not enjoy the MGB service (including urban areas that do not receive the service) a free non cumulative allowance of .5 m³ of waste per week to waste sites. This allowance will amply look after waste from the domestic component of a farm operation. Anything above the .5m³ would be charged at the normal rates. For those who enjoy the MGB service and the verge pick ups, there would be no free allowance. (The free allowance is equivalent to two (2) MGB's per week)

This regime will have the effect of encouraging the reduction of waste at both a domestic and commercial level.

It is recommended that the refuse rate remain at the minimum of charge of \$50.00. The General Health (Refuse) Rate raises \$150,000.00. With proposed fees for the dumping of waste it is expected that waste operations could break even in 2007 / 2008. Without fees, a loss would be incurred which would be made up from general rate revenue. If fees are not charged then the General Health rate should be increased to \$65.00 to avoid utilising general revenue (ie: raise an extra \$50,000.00).

It is recommended that loads exceeding 2m³ not be accepted at transfer stations. Loads bigger than this should be deposited at O'Neill Road. This may require Local Law amendment to achieve the restriction.

Notwithstanding the recommendation adopted by the Council at its meeting held 26 June 2007 (Resolution No. 224/07) it is proposed that a simpler charging regime be adopted for all sites, being:

Materials Accepted	Charge per cubic metre or part thereof
Clean fill	No charge
Uncontaminated and sorted scrap metal	No Charge
Uncontaminated Green Waste	No Charge
All other waste	\$10.00

In addition, O'Neill Road will accept:

Materials Accepted	Charge
Asbestos	\$50/m ³
Septage	\$10/kilolitre (kl)
Carcases	\$2.00 small animal \$10.00 large animal
Waste Oil	No charge
Recyclables (if placed in provided bin or nominated area)	No charge

This charging regime with restricted hours and specific services could have the effect of encouraging consumers to examine their production of waste and, potentially, their

Fees - Waste (Cont.)

buying habits. Purchasing decisions may be based on details such as packaging, bio degradability, recycling etc.

A further initiative to endeavour to restrict the amount of waste being put into landfill is being developed with Cleanaway. That organisation has offered the Shire a collection and processing of co-mingled recyclables service at O'Neill Road and Kendenup tip sites, on a fortnightly or monthly basis.

Cleanaway would charge \$67.50 per collection (say four (4) bins) plus a bin rental (\$7.50/bin/week) from O'Neill Road.

Kendenup would be \$115.00 per collection plus the bin rental.

Accordingly, based on a monthly collection:

O'Neill Road would be:

Four (4) bins @ \$7.50 / week	\$120.00
Collection fee	\$ 67.50
	\$187.50

Kendenup would be:

Four (4) bins @ \$7.50 / week	\$120.00
Collection fee	\$115.00
	\$235.00

This pricing is based on Cleanaway being able to deposit mixed waste at O'Neill Road. The amount is still being discussed, but possibly 15m³ / week.

The number of bins provided would depend on volume to be taken from the waste stream. As Cleanaway is happy to take co-mingled recyclables, there would be no need to sort.

A meeting of the Waste Management Committee was held on 17 July 2007 and resolved in accordance with the recommendation below.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr J Moir, seconded Cr K Hart:

THAT:

- (1) All waste deposited at the Council's Waste Facilities by other than Council staff or contractors be charged at the following rates, such rates being recommended for adoption during the 2007 / 2008 Budget Adoption process.

Materials Accepted	Charge per cubic metre or part thereof
Clean fill	No charge
Uncontaminated and sorted scrap metal	No Charge
Uncontaminated Green Waste	No Charge
All other waste	\$10.00

In addition, O'Neill Road will accept:

Fees - Waste (Cont.)

Materials Accepted	Charge
Asbestos	\$50/m ³
Septage	\$10/kilolitre (kl)
Carcases	\$2.00 small animal \$10.00 large animal
Waste Oil	No charge
Recyclables (if placed in provided bin or nominated area)	No charge

- (2) For those residents not receiving a weekly kerbside rubbish pickup, a free weekly allowance of up to .5m³ of waste be implemented, such allowance being non-cumulative and only available on provision of satisfactory evidence that no kerbside pickup is available.
- (3) A further report be prepared by the Manager of Works and Services regarding the implementation of a Bulk Pickup Service across the Shire, of one green waste and one bulky items per year, such report to be prepared for the Council Meeting to be held on 28 August 2007.
- (4) A further report be prepared relating to Local Law changes that may be necessary to effect changes to materials that may be deposited at waste sites.
- (5) The matters referred to in part (1) and (2) above be widely advertised for public information.

AMENDMENT

Moved Cr D Williss, seconded Cr J Mark:

That the words 'fenced and manned' be inserted after the word 'Council's' in line one of the motion.

CARRIED (7/0)

No. 246/07

COUNCIL DECISION

THAT:

- (1) All waste deposited at the Council's fenced and manned Waste Facilities by other than Council staff or contractors be charged at the following rates, such rates being recommended for adoption during the 2007 / 2008 Budget Adoption process.

Materials Accepted	Charge per cubic metre or part thereof
Clean fill	No charge
Uncontaminated and sorted scrap metal	No Charge
Uncontaminated Green Waste	No Charge
All other waste	\$10.00

Fees - Waste (Cont.)

In addition, O'Neill Road will accept:

Materials Accepted	Charge
Asbestos	\$50/m³
Septage	\$10/kilolitre (kl)
Carcases	\$2.00 small animal \$10.00 large animal
Waste Oil	No charge
Recyclables (if placed in provided bin or nominated area)	No charge

- (2) For those residents not receiving a weekly kerbside rubbish pickup, a free weekly allowance of up to .5m³ of waste be implemented, such allowance being non-cumulative and only available on provision of satisfactory evidence that no kerbside pickup is available.
- (3) A further report be prepared by the Manager of Works and Services regarding the implementation of a Bulk Pickup Service across the Shire, of one green waste and one bulky items per year, such report to be prepared for the Council Meeting to be held on 28 August 2007.
- (4) A further report be prepared relating to Local Law changes that may be necessary to effect changes to materials that may be deposited at waste sites.
- (5) The matters referred to in part (1) and (2) above be widely advertised for public information.
- (6) That all waste deposited at the Council's Fenced and Manned Waste Facilities by other than Council staff or contractors be charged at the following rates, such rates being recommended for adoption during the 2007 / 2008 Budget Adoption process.

CARRIED (7/0)

No. 247/07

9.2.5 GENERAL HEALTH (REFUSE SITE) RATE

Councillors were advised that Item 9.2.5 was withdrawn from the Agenda for discussion at a Special Meeting of the Council to be held 31 July 2007.

9.2.6 PROPERTY RATES

Councillors were advised that Item 9.2.6 was withdrawn from the Agenda for discussion at a Special Meeting of the Council to be held 31 July 2007.

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9.2.7 BUDGET ADOPTION - 2007 / 2008

Councillors were advised that Item 9.2.7 was withdrawn from the Agenda for discussion at a Special Meeting of the Council to be held 31 July 2007.

9.2.8 POLICY REVIEW - VEHICLE REGISTRATION PL1 AND PL2

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	PS/120/1
Author:	Kaye Skinner - Executive Secretary
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	10 July 2007

Purpose

The purpose of this report is to review Council Policy No. A/PA/11 - Vehicle Registration PL1 and PL2.

Background

At its meeting held 12 July 2005, the Council resolved:

'That the Council will:

- (1) Issue to the Shire President of the day whilst that person occupies the office of Shire President Vehicle Registration Plate PL.1; and*
- (2) Issue to the Chief Executive Officer of the day whilst that person occupies the office of Chief Executive Officer Vehicle Registration Plate PL.2.'*

Consultation

Consultation has taken place with Mr Rob Stewart - Chief Executive Officer and Cr Kevin Forbes - Shire President.

Policy Implications

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

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Strategic Plan Key Result Area 1, new initiative 1.4 provides the following:

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

To achieve this we will:

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

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr M Skinner:

That Council Policy No. A/PA/11 – Vehicle Registration PL1 and PL2 as follows:

'VEHICLE REGISTRATION PLATE PL1 AND PL2 ISSUE:

OBJECTIVE: To provide guidelines for the issue of vehicle number plates to the Shire President and Chief Executive Officer of the day.

POLICY:

- (1) Issue to the Shire President of the day whilst that person occupies the office of Shire President, Vehicle Registration Plate PL1; and
- (2) Issue to the Chief Executive Officer of the day whilst that person occupies the office of Chief Executive Officer, Vehicle Registration Plate PL2.'

be endorsed.

CARRIED (7/0)

No. 248/07

9.2.9 PARDELUP NATURE RESERVE 23171 - RENAMING

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	GR/97/69
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	John Fathers - Deputy Chief Executive Officer
Date of Report:	3 July 2007

Purpose

The purpose of this report is to reconsider the decision to support the name change of the Pardelup Nature Reserve to Drage Nature Reserve.

Background

At its ordinary meeting held 10 April 2007 the Council resolved that:

- '(1) The Geographic Names Committee be requested to change the name of Pardelup Nature Reserve 23171 to Drage Nature Reserve to reflect the association of the Reserve with the Drage family.*
- (2) Mr Terry Redman MLA and Mr Basil Drage be advised of the terms of (1) above.'*

As the Pardelup Nature Reserve 23171 is not vested with the Shire of Plantagenet a request was forwarded to the Department of Environment and Conservation (DEC) for comment on the renaming proposal. The DEC is responsible for this Reserve.

The DEC do not agree with this proposal based on the fact that the Reserve has been known as the Pardelup Nature Reserve since its gazettal on 25 February 1983 and that the "...description Pardelup both provides a geographical focus and informs the public of an Aboriginal presence in the area."

Statutory Environment

The Land Administration Act governs the renaming of reserves.

Consultation

Consultation has occurred with the Department of Environment and Conservation.

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.

Pardelup Nature Reserve 23171 – Renaming (Cont.)**Officer Comment**

Given that Reserve 23171 is under the management of the DEC and that they are opposed to any renaming proposal this report recommends that the Council does not proceed with its request to the Geographic Names Committee.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) Part (1) of Resolution 131/07 made on 10 April 2007 as outlined below be revoked:
'(1) The Geographic Names Committee be requested to change the name of Pardelup Nature Reserve 23171 to Drage Nature Reserve to reflect the association of the Reserve with the Drage family.'
- (2) The proposal received from Mr Basil Drage to rename Reserve 23171 'Drage Nature Reserve' not be endorsed, due to the opposition received from the reserve's management body, the Department of Environment and Conservation.
- (3) Mr Terry Redman MLA and Mr Basil Drage be advised in terms of (1) above.

COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr D Williss:

THAT:

- (1) The Geographic Names Committee be requested to change the name of Pardelup Nature Reserve 23171 to Drage Nature Reserve to reflect the association of the Reserve with the Drage family.**
- (2) Mr Terry Redman MLA and Mr Basil Drage be advised in the terms of (1) above.**
- (3) Further consultation take part with the Department of Environment and Conservation.**

CARRIED (5/2)

No. 249/07

Reason For Change

Councillors believed that the name change should occur.

9.3 COMMUNITY SERVICES REPORTS

9.3.1 MOUNT BARKER PUBLIC LIBRARY - REVIEW OF OPEN HOURS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CS/93/1
Author:	Nicole Selesnew - Manager Community Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	15 July 2007

Purpose

The purpose of this report is to review the hours that the Mount Barker Library is open to the public.

Background

The Council first investigated the operations of the Mount Barker Library at its meeting held on 14 September 2004. Consequent meetings (both Council meetings and workshops) on 26 October 2004, 11 October 2005 and 24 April 2007 resulted in clear recommendations to reduce the open hours of the Library.

Statutory Environment

The operational standards for all local government libraries in Western Australia are set by the State Library of Western Australia (SLWA) and are summarised in a publication titled 'Operational Standards for Public Libraries in Western Australia'.

The framework for the provision of library services has been formalised through an agreement between the Minister for Culture and the Arts, Western Australian Local Government Association and the SLWA. The provision of library services is detailed in a publication titled 'Framework Agreement Between State and Local Government for the Provision of Public Library Services in Western Australia' (Framework Agreement).

A recommendation within the Framework Agreement is the establishment of 'Local Agreements' between the SLWA and individual Local Governments, clarifying local library service delivery. SLWA anticipates the development of the Local Agreements over the next twenty four months.

The SLWA is governed by the Library Board of Western Australia, which in turn, abides by the Library Board of Western Australia Act 1951.

Consultation

Consultation has occurred with Ms Margaret Allen – Chief Executive Officer and State Librarian, Ms Sue North – State Library of Western Australia, Ms Jenni Flottmann – Regional Librarian, librarians from the Kojonup, Denmark, Manjimup and Katanning libraries, Mr Rob Stewart - Chief Executive Officer and Ms Hazel Rutter – Mount Barker Library.

Policy Implications

There are no policy implications for this report.

Mount Barker Public Library – Review Of Open Hours (Cont.)**Financial Implications**

A reduction in the Mount Barker Library opening hours will reduce the operating expenses associated with the service.

Strategic Implications

Key Result Area 3 – Community Services, Initiative 4.1 lists the following goals:

‘Evaluate different options for providing community services and facilities.’

Officer Comment

The Mount Barker Public Library must provide the following core products and services in order to comply with the Framework Agreement with the State Government. The core services are:

- *Entrance to the library building.* Includes occupation of general public spaces within the building during open hours;
- *State wide membership for all Western Australian citizens;*
- *Loans and renewals of items from the general lending collections of the library;*
- *Access to the information and other resources of the library for use on the library premises.* Includes public access to the internet for accessing information content (but excludes personal transactions, eg: e-mail, banking etc);
- *Access to local public library catalogues, to the State wide catalogue and access to the SLWA website.* Includes provision of a computer and basic assistance by staff;
- *Assistance in the use of the library and provision of basic reference / information services.* Includes assistance to identify and locate library materials (within the library and from other sources) and assistance to identify, retrieve and make available relevant information in response to requests by library clients;
- *Provision of community information; and*
- *Provision of an inter-library loans service.*

In addition to meeting these requirements, the Mount Barker Library provides a homebound service, assistance with the Toy Library, a paper back exchange system, jigsaws and games, meeting rooms for community groups such as the Plantagenet News, support for the Smart Start program and the Claude Hotchin Art Gallery and Acquisitive Art Collection.

The Library is open for a total of 44 hours per week, the spread being:

Monday – 9.00am to 5.00pm (8 hours)

Tuesday – 9.00am to 5.00pm and 7.00pm to 9.00pm (10 hours)

Wednesday – 9.00am to 5.00pm (8 hours)

Thursday – 9.00am to 6.00pm (9 hours)

Friday – 9.00am to 5.00pm (8 hours) and

Saturday – 9.00am to 11.00am (2 hours).

In order to revise the open hours a number of factors have been considered: comparisons against other libraries of varying sizes, library activity over a twelve month period and non-statistical information.

Mount Barker Public Library – Review Of Open Hours (Cont.)

A comparison of other libraries is summarised below (open hours may not reflect actual staff hours):

Library	Stock		Open Hours		Library Visitors (inc members) / annum		Issues / annum
	State	Local	Spread	Total	Members	Visitors	
Mount Barker	5,653	4,477	Mon, Wed and Fri 9am-5pm	44	3,147	15,964	31,641
			Tues 9am-5pm, 7pm-8pm				
			Thurs 9am-6pm				
			Sat 9am-11am				
Manjimup	9,095	7,911	Mon – Fri 10.30am-5pm	35	3,828	-	40,212
			Sat 9.30am-12pm				
Katanning	7,465	2,068	Mon & Fri 10am-5pm	37	1051	-	37,221
			Tues & Thurs 10am-6pm				
			Wed 1pm-5pm				
			Sat 10am-1pm				
Denmark	6,132	7,672	Mon, Tues, Thur and Fri 10am-4.30pm	35	3,166	44,943	60,438
			Wed 1pm-7pm				
			Sat 9am-12pm				
Kambalda	5,955	691	Mon – Fri 8am-5pm	45	461	-	8,195
Bridgetown	5,300	4,835	Mon, Tues, Wed & Fri 10am-5pm	39	2,071	-	36,025
			Thurs 10am-7pm				
			Sat 10am-12pm				
Dongara	4,532	-	Mon – Fri 9am-5pm	45	-	-	-
			Sat 9am-2pm				

The level of library activity (issuing and returning items only) for each day the Library is open has been measured over a twelve month period, from 13 April 2006 to 12 April 2007. The day that averages the most 'services' (issues and returns) over twelve months is Saturday, averaging 1,555 services. The remainder of the week, listed from busiest to quietest, is: Thursday (1,291 services), Wednesday (1,186 services), Tuesday (1,143 services), Friday (1,145 services) and Monday (1,109 services).

The amount of activity per hour the Library is open has also been measured over a twelve month period:

Mount Barker Public Library – Review Of Open Hours (Cont.)

Time	Services (issues and returns) over 12 months
07.00 – 09.00	2,025 (includes returns placed in the return slot when the Library is closed).
09.00 – 10.00	6,980
10.00 – 11.00	8,909
11.00 – 12.00	6,156
12.00 – 13.00	4,727
13.00 – 14.00	5,517
14.00 – 15.00	5,006
15.00 – 16.00	6,043
16.00 – 17.00	5,193
17.00 – 18.00	466
18.00 – 19.00	77
19.00 – 20.00	166

Non-statistical information that has also been considered when revising the Library open hours is:

- Open hours that accommodate students after school hours;
- The increased utilisation of the Toy Library on Playgroup days (Tuesday and Thursdays);
- Open in conjunction with regular sport days / activities (this pattern of usage is presently unclear, which may be attributed to the perceived decline in structured sports activities over the past few years);
- The utilisation of services such as the internet by students (for example mature age students, external correspondence students etc) throughout the daytime; and
- The minimum SLWA requirements for library open hours is twenty hours weekly, including at least one evening or two hours on the weekend (the recommended open hours are thirty hours weekly).

Following the review of the above information, the following open hours have been recommended:

Library Open Hours	Supporting Information
Monday – closed	Monday is on average the quietest day of the week.
Tuesday, Thursday and Friday 10.30am – 5pm (6.5 hours)	This spread of hours encompasses the busiest period of the day (between 10.00am and 11.00am) and the 5pm closing time allows students to use the Library following school hours. Tuesday and Thursday are also Playgroup days and the Library and Toy Library are often frequented by children after Playgroup.
Wednesday 2pm – 5pm (3 hours)	Staff will be present in the Library on Wednesday mornings to carry out necessary Library activities (for example completing reports and returns) without interruption.

Mount Barker Public Library – Review Of Open Hours (Cont.)

Saturday 9am – 11am (2 hours)	Saturday mornings have proven the busiest for the Library and should therefore remain unchanged.
Total Hours: 24.5 hours	Evening hours have not been considered due to the small amount of Library use during the evenings over the past year.

The reduction in open hours will decrease the working hours for both the Library Manager and part time Library staff, from 1FTE to 0.75FTE and 0.6FTE to 0.4FTE respectively.

The current (and proposed) Library staff ratios do not comply with the minimum staff ratio set by SLWA which is 1FTE per 3,000 State Library stock (recommend 2 – 3 FTEs for the Mount Barker Library).

The proposed staff ratio of 1.15FTE has been discussed with representatives from SLWA who have recognised that while the situation is not ideal, provided the staff are able to work sufficient time during non-open hours to complete the various statutory requirements, SLWA would accept the staff levels.

Library staffing may be addressed during the formation of the Local Agreement between the Shire and SLWA, anticipated to start in twenty-four months time.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr B Hollingworth:

THAT:

- (1) The open hours for the Mount Barker Library be reduced to 24.5 hours per week, with the following spread:**

Library Open Hours
Monday – closed
Tuesday, Thursday & Friday - 10.30am – 5.00pm
Wednesday – 2.00pm – 5.00pm
Saturday – 9.00am – 11.00am
Total Hours: 24.5 hours

- (2) The new open hours for the Mount Barker Library be advertised locally for a period of four (4) weeks prior to the change taking place.**

CARRIED (7/0)

No. 250/07

9.3.2 PLANTAGENET CHILD CARE CENTRE – LONG DAY CARE SUSTAINABILITY ASSISTANCE AGREEMENT VARIATION

Location / Address:	Lot 7 Marmion Street, Mount Barker
Name of Applicant:	Department of Families, Community Services and Indigenous Affairs
File Reference:	CS/9/1
Author:	Nicole Selesnew - Manager Community Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	5 July 2007

Purpose

The purpose of this report is to grant the Shire President and the Chief Executive Officer authority to sign and affix the Common Seal of the Council to the Long Form Funding Agreement, held between the Commonwealth of Australia (represented by the Department of Families, Community Services and Indigenous Affairs), and the Shire of Plantagenet.

Background

The Shire of Plantagenet entered into a funding agreement with the Department of Families, Community Services and Indigenous Affairs, on 30 June 2006 for funding for the Plantagenet Child Care Centre. The agreement expired on 30 June 2007.

The Department is offering an agreement for the 2007 / 2008 financial year.

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred with Ms Gillian Thirlwall - Child Care Centre Co-ordinator.

Policy Implications

There are no policy implications for this report.

Financial Implications

This funding is reviewed annually and the Department has amended its funding arrangements for the 2007 / 2008 financial year. Funding offered for the 2007 / 2008 financial year is \$44,396.00 (excluding GST). This is a \$12,259.00 increase on 2006 / 2007 funding.

Strategic Implications

Key Result Area 3 – Community Services aims to:

‘Deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural well being of the community’.

Officer Comment

Payment of the funding amount will not be made by the Department of Families, Community Services and Indigenous Affairs until such time as the funding agreement is signed and affixed with the Common Seal of the Council.

Plantagenet Child Care Centre – Long Form Funding Agreement – Variation To Funding Agreement
(Cont.)

It is therefore recommended that the Council approve the signing and affixing of the Common Seal to the Funding Agreement.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr J Moir:

That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Plantagenet Child Care Centre Long Form Funding Agreement, for the period 30 June 2007 to 30 June 2008.

CARRIED (7/0)

No. 251/07

9.3.3 POLICY – DISABILITY ACCESS AND INCLUSION

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	GR/97/37
Author:	Nicole Selesnew - Manager of Community Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	5 July 2007

Purpose

The purpose of this report is to establish a policy that clarifies the Shire's commitment to developing an accessible and inclusive community.

Background

The amendments to the Western Australian Disability Services Act 1993 (amended in 2004), require that Local and State Government authorities develop and implement a Disability Access and Inclusion Plan (DAIP) that will further both the principles and the objectives of that Act.

Guidance notes for the preparation of a DAIP, provided by the Disability Services Commission, strongly recommend the adoption of a Disability Access and Inclusion Policy for people with disabilities, their families and carers.

Statutory Environment

Disability Services Act 1993

Consultation

Consultation has occurred with Mr Mark Hutson and Mr Steve Dale – Disability Services Commission and Mr Rob Stewart – Chief Executive Officer.

Policy Implications

This report recommends the adoption of a new policy for the Council.

Financial Implications

There are no financial implications in relation to this report.

Strategic Implications

The Shire of Plantagenet Strategic Plan Key Result Area 1 addresses the adoption and revision of all policies, procedures and delegations to ensure internal consistency and convergence.

Community Services - Initiative 3.3 highlights the desire to '*engender a sense of belonging and community pride across all sections of the community*'.

Officer Comment

Strategies to improve access and inclusion for people with disabilities require coordination and cooperation between all areas of the Shire. It is important for the Shire to make clear its overall commitment to particular principles and practices by the adoption of a relevant policy and to include the policy in the DAIP.

Policy - Disability Access & Inclusion (Cont.)

The proposed Council Policy No. CS/LP/1 - Disability Access and Inclusion Policy is based on meeting and furthering the principles and objectives of the Disability Services Act 1993 and meeting the six (6) standards in the Disability Services Regulations 2004 as follows:

DISABILITY ACCESS AND INCLUSION POLICY**OBJECTIVE**

The Shire of Plantagenet is committed to ensuring that the community is an accessible and inclusive community for people with disabilities, their families and carers. An accessible and inclusive community is interpreted as one in which all council functions, facilities and services (both in-house and contracted) are open, available and accessible to people with disabilities, providing them with the same opportunities, rights and responsibilities as other people in the community.

POLICY

The Shire of Plantagenet will plan to achieve the following strategies to ensure the community is accessible and inclusive for people with disabilities, their families and carers:

- (1) People with disabilities have the same opportunities as other people to access the services of, and any events organised by, the Shire of Plantagenet;
- (2) People with disabilities have the same opportunities as other people to access the buildings and other facilities of the Shire of Plantagenet;
- (3) The Shire of Plantagenet provides information in a format that will enable people with disabilities to access the information as readily as other people are able to access it;
- (4) People with disabilities receive the same level and quality of service from the staff of the Shire of Plantagenet as other people;
- (5) People with disabilities have the same opportunities as other people to make complaints to the Shire of Plantagenet; and
- (6) People with disabilities have the same opportunities as other people to participate in any public consultation arranged by the Shire of Plantagenet.

The Shire of Plantagenet is committed to consulting with people with disabilities, their families and carers and disability organisations in addressing barriers to access and inclusion.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr D Williss:

That Council Policy No. CS/LP/1 - Disability Access and Inclusion as follows:

'DISABILITY ACCESS & INCLUSION POLICY

OBJECTIVE:

The Shire of Plantagenet is committed to ensuring that the community is an accessible and inclusive community for people with disabilities, their families and carers. An accessible and inclusive community is interpreted as one in which all council functions, facilities and services (both in-house and contracted) are open, available and accessible to people with disabilities, providing them with the same opportunities, rights and responsibilities as other people in the community.

POLICY:

The Shire of Plantagenet will plan to achieve the following strategies to ensure the community is accessible and inclusive for people with disabilities, their families and carers:

- (1) People with disabilities have the same opportunities as other people to access the services of, and any events organised by, the Shire of Plantagenet;
- (2) People with disabilities have the same opportunities as other people to access the buildings and other facilities of the Shire of Plantagenet;
- (3) The Shire of Plantagenet provides information in a format that will enable people with disabilities to access the information as readily as other people are able to access it;
- (4) People with disabilities receive the same level and quality of service from the staff of the Shire of Plantagenet as other people;
- (5) People with disabilities have the same opportunities as other people to make complaints to the Shire of Plantagenet; and
- (6) People with disabilities have the same opportunities as other people to participate in any public consultation arranged by the Shire of Plantagenet.

The Shire of Plantagenet is committed to consulting with people with disabilities, their families and carers and disability organisations in addressing barriers to access and inclusion.'

be endorsed.

CARRIED (7/0)

No. 252/07

9.3.4 DISABILITY ACCESS AND INCLUSION PLAN - DRAFT

Location / Address:	N / A
Attachments: (1)	Disability Access & Inclusion Plan
Name of Applicant:	N / A
File Reference:	GR/97/37
Author:	Nicole Selesnew – Manager Community Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	6 July 2007

Purpose

The purpose of this report is to adopt the Disability Access and Inclusion Plan.

Background

The Shire of Plantagenet adopted a Disability Service Plan (DSP) in 1996 to address access barriers within the community. Since the adoption of the DSP, the Shire has made significant progress towards achieving better access for people with disabilities.

In 2004 a review of the Western Australian Disability Services Act was completed and several changes made. The Act now requires that Local and State Government authorities develop and implement a Disability Access and Inclusion Plan (DAIP) that will further both the principles and the objectives of the Act.

A copy of the draft DAIP is provided in Attachment One.

Statutory Environment

Disability Services Act 1993
Equal Opportunity Act 1984
Disability Discrimination Act 1992

Consultation

Consultation has occurred with Mr Mark Hutson and Mr Steve Dale – Disability Services Commission and various Shire Officers.

An advertisement was placed in the Plantagenet News distributed on Wednesday 27 June 2007 inviting people to make comment. No comments were received.

Mr Steve Dale – Disability Services Commission, also forwarded a copy of the DAIP to his clients that reside in the Plantagenet district encouraging them to comment.

One response was received, requesting the Shire to encourage local business owners to provide alternate access into shops (for example ramps) and requesting that the Shire continue to pursue a pedestrian crossing in Lowood Road to enable a 'safe crossing zone' for people with limited mobility.

Policy Implications

There are no policy implications for this report.

Disability Access & Inclusion Plan – Draft (Cont.)**Financial Implications**

While there are no financial implications relating to the adoption of the DAIP, there will be financial implications associated with achieving the strategies identified in the DAIP Implementation Plan.

Strategic Implications

Community Services - Initiative 3.3 highlights the desire to '*engender a sense of belonging and community pride across all sections of the community*'.

Officer Comment

The attached DAIP outlines a number of strategies and tasks that will assist the development of a community that is accessible and inclusive for people with disabilities, their families and carers. Each of the tasks are practical and achievable.

The DAIP also complies with the legislative requirements as detailed in the amended Disability Services Act 1993.

Once endorsed, the DAIP needs to be lodged with the Disability Services Commission.

Voting Requirements

Simple majority.

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr K Hart:

That the Disability Access and Inclusion Plan, as attached, be adopted.

CARRIED (7/0)

No. 253/07

9.4 TECHNICAL SERVICES REPORTS

9.4.1 TENDER C18-0607 - INITIAL PURCHASE, PERIODIC REPLACEMENT, MANAGEMENT AND MAINTENANCE OF FLEET VEHICLES

A Financial Interest was disclosed by Mr Rob Stewart - Chief Executive Officer
A Financial Interest was disclosed by Mr John Fathers - Deputy Chief Executive Officer
A Financial Interest was disclosed by Mr Ian Bartlett - Manager Works and Services
A Financial Interest was disclosed by Mr Peter Duncan - Manager Development Services
A Financial Interest was disclosed by Ms Nicole Selesnew - Manager Community Services
Nature of Interest: Financial

Extent of Interest Vehicles are part of contracts of employment.

Location / Address: N / A

Name of Applicant: N / A

File Reference: PS/165/31

Author: Ian Bartlett - Manager Works and Services

Authorised By: Rob Stewart - Chief Executive Officer

Date of Report: 6 July 2007

Purpose

The purpose of this report is to consider submissions from the advertising of Tender C18-0607 – Initial Purchase, Periodic Replacement, Management and Maintenance of Fleet Vehicles.

Background

A tender was recently called for the initial purchase, periodic replacement, management and maintenance of the Council's fleet vehicles. Tender C18-0607 closed at 12 noon on Wednesday 4 July 2007 and was advertised for a period of twenty eight (28) days.

At the close of submissions, six (6) tenders were received from the following registered companies:

- (1) Albany City Motors
- (2) Albany City Motors (Alternative)
- (3) Albany Toyota
- (4) Albany Toyota (Alternative)
- (5) Barnesby Ford
- (6) Barnesby Ford (Alternative)

Statutory Environment

Part 4 of the Local Government (Functions and General) Regulations 2007 requires that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$100,000.00.

The Tendering process for goods and services must be in accordance with sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 2007.

Tender C18-0607 - Initial Purchase, Periodic Replacement, Management and Maintenance of Fleet Vehicles (Cont.)

In particular, Regulation 18 outlines a number of requirements relating to the choice of Tender. A Council is to decide which of the tenders is most advantageous and may decline to accept any or all of the tenders received.

Regulation 19 requires Council to advise each tenderer in writing the results of Council's decision.

Consultation

Consultation has occurred with Mr Rob Stewart - Chief Executive Officer.

Policy Implications

Council Policy No. I/FM/3 - Vehicle Usage and Council Policy No. I/FM/2 - Vehicle Specifications applies.

Financial Implications

The budget allocation for the Council's fleet vehicles is \$176,762.00.

Strategic Implications

The provision of engineering services in the Shire of Plantagenet Strategic Plan, Key Result area 2 – Infrastructure.

Officer Comment

A request for Tenders was published in the West Australian and Albany Advertiser during the month of June 2007. In addition, a Tender notice was placed on the Shire of Plantagenet website and on the notice board at the Administration Office to inform prospective Tenderers. The closing date for the receipt of tenders was Wednesday 4 July 2007, with delivery of submissions to the Tender box.

Six (6) tenders were received from the various suppliers for the initial purchase, periodic replacement, management and maintenance of the Council's fleet vehicles. A summary of the prices is attached. The Manager Works and Services and Administration Officer reviewed the Tenders offered, rating each Tender against the selection criteria (Financial Costing (Whole of Contract), Operational Costs, Relevant Experience, Services Offered and Vehicle Safety Features).

The Alternative tender submitted by Albany Toyota would seem to be the cheapest, however is based on a changeover at 15,000km which is contrary to Council Policy. The increased number of changeovers actually increases the cost during the life of the contract. Albany Toyota's Original tender is excessively priced and does not provide any ongoing changeover prices.

Both tenders submitted by Albany City Motors were well presented and included lots of additional information, however are clearly the most expensive.

The Original tender submitted by Barbesby Ford scored the same as the Alternative tender (on the evaluation scorecard) and was slightly cheaper, however if any tender is accepted it is believed that the more expensive offer (of the two) from Barnesby Ford would be more advantageous.

At its meeting held 10 April 2007, the Council adopted the following Policy:

'POLICY No: I/FM/2 FORMER POLICY No:

Vehicle specifications

Tender C18-0607 - Initial Purchase, Periodic Replacement, Management and Maintenance of Fleet Vehicles (Cont.)

DIVISION **BUSINESS UNIT** **RESPONSIBILITY AREA**
Works and Services *Infrastructure* *Plant and Machinery*

OBJECTIVE:

To provide clear guidelines to staff regarding the specifications of new vehicles purchased by the Shire of Plantagenet and when these vehicles should be replaced.

POLICY:**THAT:**

- (1) *Arrangements for the calling of tenders and / or quotes as applicable for the replacement of the Council's light fleet vehicles be at 50,000km unless vehicles are under other contractual arrangements for purchase / changeover.*
- (2) *All existing PL registration plates shall be retained at changeover.*
- (3) *Passenger vehicles shall have a 4 star Australian New Car Assessment Program (ANCAP) rating or better.*
- (4) *Only vehicles available at a Government price shall be purchased.*
- (5) *Specifications for light fleet vehicles for the Chief Executive Officer, Managers and other relevant staff members be as follows, unless negotiated otherwise.*

Vehicle Specifications

<i>Vehicle Type (or equivalent)</i>	<i>Ford Fairmont</i>	<i>Holden Commodore Sedan</i>	<i>Ford Territory</i>	<i>Toyota Ateva</i>	<i>4WD Dual Cab Utility</i>	<i>4WD Utility</i>	<i>2WD Utility</i>
<i>Officer</i>	<i>CEO</i>	<i>Deputy CEO</i>	<i>Manager Works & Services, Manager Development Services</i>	<i>Environmental Health Officer, Building Surveyor</i>	<i>Manager Community Services, Engineering Technical Officer, Works Supervisor, Ranger</i>	<i>Workshop Supervisor, Saleyards Manager</i>	<i>Maintenance Services, Storeman</i>
<i>Laminated, tinted Windscreen</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>Factory air conditioning</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>Mud flaps</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>Standard CD Player / Radio</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>Lockable fuel cap</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>Headlight protectors</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>Seat Covers (where possible)</i>	<i>ALL SEATS</i>	<i>ALL SEATS</i>	<i>ALL SEATS</i>	<i>ALL SEATS</i>	<i>ALL SEATS</i>	<i>ALL SEATS</i>	<i>ALL SEATS</i>
<i>Rubber floor mats</i>	<i>FRONT & BACK (Note 1)</i>	<i>FRONT & BACK</i>	<i>FRONT & BACK</i>	<i>FRONT & BACK</i>	<i>FRONT & BACK</i>	<i>FRONT & BACK</i>	<i>FRONT & BACK</i>

Tender C18-0607 - Initial Purchase, Periodic Replacement, Management and Maintenance of Fleet Vehicles (Cont.)

<i>Compliance plates</i>	<i>To match year of supply</i>	<i>To match year of supply</i>	<i>To match year of supply</i>	<i>To match year of supply</i>	<i>To match year of supply</i>	<i>To match year of supply</i>	<i>To match year of supply</i>
<i>Minimum 3 litre EFI petrol</i>	YES	YES	YES	YES	YES	YES	YES
<i>2.5 litre diesel turbo option</i>	YES	NO	YES	NO	YES	YES	YES
<i>Transmission</i>	AUTOMATIC	AUTOMATIC	AUTOMATIC	AUTOMATIC	MANUAL (Note 2)	MANUAL	MANUAL
<i>Power steering</i>	YES	YES	YES	YES	YES	YES	YES
<i>Tow bar / ball & electrics with 7 pin plug</i>	YES	NO	YES	NO	YES	YES	YES
<i>Bull bar</i>	NO	NO	NO	NO	POLISHED ALUMINIUM	POLISHED ALUMINIUM	POLISHED ALUMINIUM
<i>Doors</i>	4 DOOR HATCH	4 DOOR WAGON	4 DOOR 4WD WAGON	4 DOOR SEDAN	4 DOOR DUAL CAB	2 DOOR CAB	2 DOOR CAB
<i>Tray</i>	N/A	N/A	N/A	N/A	STEEL OR DROP SIDE OR WELL BODY	STEEL OR DROP SIDE OR WELL BODY	STEEL OR DROP SIDE OR WELL BODY
<i>Canopy</i>	N/A	N/A	N/A	N/A	OPTIONAL	OPTIONAL	OPTIONAL
<i>Hoist</i>	N/A	N/A	N/A	N/A	NO	YES	NO (Note 3)
<i>Immobiliser</i>	APPROVED	APPROVED	APPROVED	APPROVED	APPROVED	APPROVED	APPROVED
<i>Cruise Control</i>	YES	YES	YES	YES	YES	YES	YES

Notes:

- (1) *Carpet floor mats to be provided for CEO*
- (2) *Works Supervisor to have automatic transmission*
- (3) *Maintenance Services to have hoist.'*

Notwithstanding the Council's Policy, it is the opinion of the Manager Works and Services that the Council would be better off by obtaining prices from car dealers that have Government price options discounts giving staff better opportunity on a car by car basis.

Rego.	Officer	Current Vehicle	Barnesby Ford Alternative Tender
PL2	CEO	Volkswagen Golf	Fairmont
PL10430	Deputy CEO	Holden Commodore S/Wagon	Falcon XT
PL10470	Manager Works & Services	Ford Territory	Territory TX AWD
PL10450	Manager Dev. Services	Ford Territory	Territory TX AWD
PL244	Manager Comm. Services	Toyota Hilux Dual Cab 4WD	Ranger 4WD Crewcab
PL10460	Building Surveyor	Toyota Ateva	Falcon XT

Tender C18-0607 - Initial Purchase, Periodic Replacement, Management and Maintenance of Fleet Vehicles (Cont.)

PL10440	Environmental Health Officer	Toyota Sportivo	Falcon XT
PL734	Engineering Tech. Officer	Toyota Hilux Dual Cab 4WD	Ranger 4WD Crewcab
PL774	Rangers Services	Toyota Hilux Dual Cab 4WD	Ranger 4WD Crewcab
PL777	Works Supervisor	Toyota Hilux Dual Cab 4WD	Ranger 4WD Crewcab
PL1311	Maintenance Services	Toyota Hilux 2WD	Ranger 2WD
PL531	Building Maintenance	Toyota Hilux 2WD	Ranger 2WD
PL656	Workshop Supervisor	Toyota Hilux 4WD	Ranger 4WD
PL526	Storeman	Ford Falcon Utility	Falcon T.Top
PL16	Saleyards Manager	Toyota Hilux 4WD	Falcon 4WD

Councillors are also advised that the opportunity has been taken to calculate cost/km of the light fleet, taking into account residual values and running costs such as fuel, consumables etc.

The Ford Territory is the most expensive at .44c/km and the Toyota Sportivo the cheapest at 29c/km. The Volkswagen Golf is 31c/km.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr M Skinner:

THAT:

- (1) With regard to Tender C18-0607 - Initial Purchase, Periodic Replacement, Management and Maintenance of Fleet Vehicles no tender be accepted.**
- (2) Quotes be obtained from vehicle suppliers offering Government pricing at the time of replacement.**

CARRIED (7/0)

No. 254/07

9.5 DEVELOPMENT SERVICES REPORTS

9.5.1 POLICY REVIEW - HOUSING - SECOND HAND HOUSES

Location / Address: N / A
Name of Applicant: N / A
File Reference: TP/SDC/5
Author: Peter Duncan - Manager Development Services
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 9 July 2007

Purpose

The purpose of this report is to review Council Policy No. TP/SDC/5 'Housing – Second Hand Houses'.

Background

Council Policy No. TP/SDC/5 'Housing – Second Hand Houses' reads as follows:

'That second hand houses, in areas other than Townsites will be approved at Council's discretion and subject to an \$2,500 bond; engineers constructional certification, coloured photos, asbestos cladding removed before entry into the Shire and be to the satisfaction of the Principal Building Surveyor.'

HOUSING – SECOND HAND HOUSES TOWNSITES: *That second hand houses, within Townsites, less than 12 years old will be approved at Council's discretion and subject to an \$2,500 bond; engineer's constructional certification, coloured photos, asbestos cladding removed before entry into the Shire and be to the satisfaction of the Principal Building Surveyor.'*

That second hand houses, within Townsites, more than 12 years old will be approved at Council's discretion, and subject to an \$5,000 bond; engineer's constructional certification, coloured photos, asbestos cladding removed before entry into the Shire and be to the satisfaction of the Principal Building Surveyor.'

This policy was last reviewed on 16 December 1997.

Statutory Environment

Local Government Act 1995
Shire of Plantagenet Town Planning Scheme No. 3 (TPS3)
Building Code of Australia

Consultation

There has been no consultation for this report.

Policy Implications

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

Financial Implications

There are no financial implications for this report.

Strategic Implications

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

'1.4 Ensure the Administrative System and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

Revise all policies, procedures and delegations to ensure internal consistency and convergence; and

Promote and provide access to policies, procedures, standards and legislation.'

Officer Comment

This policy sets bond amounts to help ensure these relocated houses are finished to an acceptable standard. Two (2) amounts are set as follows;

\$2,500.00 in areas outside townsites and where the building is less than twelve (12) years old

\$5,000.00 within townsites where the building is over twelve (12) years old

Charges such as these should be set in the Council's Annual Budget and not in a policy.

The policy also requires engineering certification, coloured photographs and asbestos cladding removal before entering into the Shire.

The issue of the removal of asbestos cladding has arisen when a house containing asbestos is moved within the Shire as the policy only refers to such cladding being removed before the house is brought into the Shire. It is considered appropriate to require all asbestos wall and roof cladding be removed as part of any proposal to relocate such a structure. It is acknowledged that asbestos is a dangerous material and installing another cladding over the top of asbestos wall sheeting only covers the problem. Difficulties will occur at later times when additions or alterations are carried out if the owners are unaware asbestos is behind the cladding.

The policy needs to be reworded firstly to refer to bond amounts set in the Council's Annual Budget (proposed at \$2,500.00 under twelve (12) years old and \$5,000.00 for over twelve (12) years old in the draft 2007 / 2008 Budget), and secondly to clarify that asbestos wall and roof cladding is to be removed before a house is relocated regardless of its present location.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr B Hollingworth:

That amended Council Policy No. TP/SDC/5 - Housing – Relocation of Second Hand Houses as follows:

OBJECTIVE:

To set guidelines to ensure second hand houses that are to be relocated are of a standard acceptable to the Council.

POLICY:

Second hand houses that are within and outside Townsites will only be approved at the Council's discretion and be subject to:

- (1) A bond being paid to ensure a good standard of completion. Such bond amounts will be set annually in the Council's Budget.**
- (2) An engineer's structural certification that the house is appropriate to be moved being submitted.**
- (3) Coloured photographs of the external facades of the house being supplied with the application.**
- (4) Asbestos wall and roof cladding being removed before the house is transported.**
- (5) Any other conditions considered appropriate by the Council.'**

be endorsed.

CARRIED (7/0)

No. 255/07

9.5.2 POLICY REVIEW - DEVELOPMENT COMMERCIAL

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	TP/SDC/3
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	9 July 2007

Purpose

The purpose of this report is to review Council Policy No. TP/SDC/3 - Development Commercial.

Background

Council Policy No. TP/SDC/3 reads as follows:

'That where Council is satisfied the developer of a commercial property is unable to supply the required parking under Schedule IV of Councils Town Planning Scheme the developer be required to make a contribution to Council of a minimum of \$1,500 per parking bay or as otherwise determined by Council.'

This policy was last reviewed on 8 July 1997.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Amendment No. 41 (Omnibus) is to be finalised within the next few weeks. Proposed new clause 5.11 'Cash Payment in Lieu of Providing a Parking Area' will enable the Council to collect cash-in-lieu of parking space is part of that Amendment.

Local Government Act 1995

Consultation

The progress of Amendment No. 41 to TPS3 has been discussed with officers of the Department for Planning and Infrastructure who advise the finalisation is purely procedural and is expected very soon.

Policy Implications

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

Financial Implications

There are no financial implications for this report.

Strategic Implications

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

'1.4 Ensure the Administrative System and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

Policy Review – Development Commercial (Cont.)

Revise all policies, procedures and delegations to ensure internal consistency and convergence; and

Promote and provide access to policies, procedures, standards and legislation.'

Officer Comment

The intention of this policy was to provide guidance as to how much a developer is to contribute when car parking cannot be provided onsite. Before such a charge can be levied there must be enabling provisions in the TPS3. Any monetary amounts must be specified in the Council's annual budget and not in a policy document.

The draft 2007 / 2008 Council Annual Budget includes an amount of \$1,650.00 per space for cash-in-lieu.

It is considered this subject policy is not required.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark:

That Council Policy No. TP/SDC/3 – Development Commercial, as follows:

'That where Council is satisfied the developer of a commercial property is unable to supply the required parking under Schedule IV of Councils Town Planning Scheme the developer be required to make a contribution to Council of a minimum of \$1,500 per parking bay or as otherwise determined by Council.'

be revoked.

CARRIED (7/0)

No. 256/07

9.5.3 POLICY REVIEW - HOLIDAY ACCOMMODATION BY-LAWS AND REGULATIONS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	TP/SDC/4
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	9 July 2007

Purpose

The purpose of this report is to review Council Policy No. TP/SDC/4 - Holiday Accommodation By-Laws and Regulations.

Background

Council Policy No. TP/SDC/4 - Holiday Accommodation By-Laws and Regulations reads as follows:

'That Holiday accommodation By-Laws and Regulations be considered to apply to all Bed and Breakfast Farm stay and Holiday Accommodation applications irrespective of the number of units covered by the application.'

It is unknown when this policy was last reviewed.

Statutory Environment

Local Government Act 1995
Health Act 1911 and associated Regulations
Building Code of Australia 2007
Shire of Plantagenet Health Local Laws 1997

Consultation

This policy has been discussed with Mr Eric Howard - Environmental Health Officer.

Policy Implications

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

Financial Implications

There are no financial implications for this report.

Strategic Implications

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

'1.4 Ensure the Administrative System and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.'

To achieve this we will:

Revise all policies, procedures and delegations to ensure internal consistency and convergence; and

Promote and provide access to policies, procedures, standards and legislation.'

Policy Review – Holiday Accommodation By-Laws & Regulations (Cont.)**Officer Comment**

The intention of this policy was to ensure bed and breakfast, farm stay and holiday accommodation activities were considered in relation to the Holiday Accommodation By-Laws and Regulations.

The Council does not have any Holiday Accommodation By-Laws.

Controls addressing bed and breakfast, farm stay, holiday accommodation and the like are set under the Health Act. The Building Code of Australia also sets various classifications and standards for these types of buildings. This policy is unnecessary and should be revoked.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark:

That Council Policy No. TP/SDC/4 - Holiday Accommodation By-Laws and Regulations, as follows:

'That Holiday accommodation By-Laws and Regulations be considered to apply to all Bed and Breakfast Farm stay and Holiday Accommodation applications irrespective of the number of units covered by the application.'

be revoked.

CARRIED (7/0)

No. 257/07

9.5.4 LOT 569 NARPUND ROAD, MOUNT BARKER - GROUPED DWELLINGS

Location / Address:	Lot 569 Narpund Road, Mount Barker
Attachments: (4)	Location Plan Site Plan Elevations x 2 Submissions x 2
Name of Applicant:	Howard and Heaver Architects on behalf of Department of Housing and Works (DHW)
File Reference:	RV/182/1643
Author:	Juliet Albany – Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	2 July 2007

Purpose

The purpose of this report is to consider a development proposal for two (2) grouped dwellings at Lot 569 Narpund Road, Mount Barker.

Background

Lot 569 is one of four (4) adjacent Crown lots owned by the Department for Housing and Works (DHW), Lot 569 is the most easterly of the four in a row on the south side of Narpund Road.

The site has been cleared and has also recently been re-fenced on three sides with green colorbond. Narpund Road is generally a traditional country town suburban street. The north side of Narpund Road is zoned Residential (R2) with larger lots.

The proposal is for two (2) grouped dwelling which link to traditional materials used in Mount Barker.

There are two driveways proposed and two crossovers to the street. No front fence is to be provided.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No.3 (TPS3) – zoned Residential (R12.5/20)

Residential Design Codes 2002

Dividing Fences Act

Consultation

Consultation was undertaken in the form of letters to adjacent land owners, notices in the local newspapers, with a sign on site and a sign on the Shire notice board. Advertising closed 27 June 2007.

Two (2) submissions have been received (copies attached).

Policy Implications

There are no policy implications for this report.

Financial Implications

The fee of \$943.00 has been paid.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The proposal meets the requirements of the Residential Design Codes for an R20 area.

Regarding the comments from the neighbours during the advertising period:

- (1) The concerns regarding anti social behaviour is an extremely difficult and sensitive area to deal with from a local authority perspective.

It could be argued that the previous home was old and run down and that with the new development the new tenants are less likely to behave in an antisocial manner. This is a matter for the DHW to address as the landowner and responsible government agency.

- (2) A fence of 1.8m in its entirety to the front boundary is in conflict with the Residential Design Codes which require a maximum fence height of 1.2m in the front set back area. The issue of fence responsibility is controlled by the Dividing Fences Act.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr B Hollingworth:

That the proposed two (2) grouped dwellings for Lot 569 Narpund Road, Mount Barker, be approved subject to the following conditions:

- (1) Development being in accordance with the plans dated 24 April 2007.**
- (2) The crossovers are to be designed, constructed, drained and sealed to the satisfaction of the Manager Works and Services.**
- (3) A stormwater drainage plan shall be prepared and submitted for approval by the Manager Works and Services prior to the issuing of a building licence and commencement of any site works. This may involve the setting of the verge at a particular gradient.**
- (4) Connection of both dwellings to reticulated sewer.**
- (5) The provision of street trees to accord with the Mount Barker Townscape Street Tree Strategy to the satisfaction of the Manager Works and Services.**

CARRIED (7/0)

No. 258/07

9.5.5 LOT 71 WEBSTER STREET, MOUNT BARKER - GROUPED DWELLINGS

Location / Address:	Lot 71 Webster Street, Mount Barker
Attachments: (4)	Location Plan Site Plan Elevations x 2 Submission
Name of Applicant:	Howard and Heaver Architects on behalf of Department of Housing and Works
File Reference:	RV/182/1648
Author:	Juliet Albany – Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	2 July 2007

Purpose

The purpose of this report is to consider a development proposal for two (2) grouped dwellings at Lot 71 Webster Street Mount Barker.

Background

Two (2) grouped dwellings are proposed to be of stud frame construction with Hardies Board walls and colorbond roofs.

The proposal is an 'SA' use under the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) and has been advertised by letter to adjacent land owners, in the local newspapers, with a sign onsite and a sign on the Shire notice board. One (1) submission was received.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No.3 (TPS3) – Zoned Residential (R10/20)

Residential Design Codes 2002

Consultation

The proposal was advertised for a period of twenty-one days and one (1) submission has been received in support of the proposal from a resident of Ormond Road Mount Barker (copy attached).

Policy Implications

There are no policy implications for this report.

Financial Implications

The fee of \$1,006.00 has been paid.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The proposal meets the R20 requirements of the Residential Design Codes for grouped dwellings.

Lot 71 Webster Street, Mount Barker – Grouped Dwellings (Cont.)

No adverse comments have been received from neighbours.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr M Skinner:

That the proposed two (2) grouped dwellings on Lot 71 Webster Street, Mount Barker be approved subject to the following conditions:

- (1) Development being in accordance with the plans dated 24 April 2007.**
- (2) The crossovers are to be designed, constructed drained and sealed to the satisfaction of the Manager Works and Services.**
- (3) A stormwater drainage plan shall be prepared and submitted for approval by the Manager Works and Services prior to the issuing of a building licence and commencement of any site works. This may involve the setting of the verge at a particular gradient.**
- (4) Connection of both dwellings to reticulated sewer.**
- (5) The provision of street trees to accord with the Mount Barker Townscape Street Tree Strategy to the satisfaction of the Manager Works and Services.**

CARRIED (7/0)

No. 259/07

9.5.6 LOT 91 BOOTH STREET, MOUNT BARKER - GROUPED DWELLINGS

Location / Address:	Lot 91 Booth Street, Mount Barker
Attachments: (3)	Location Plan Site Plan Elevations
Name of Applicant:	Vince Middleton
File Reference:	RV/182/1654
Author:	Juliet Albany - Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	2 July 2007

Purpose

The purpose of this report is to consider a development proposal for two (2) grouped dwellings at Lot 91 Booth Street, Mount Barker.

Background

A two (2) lot survey strata subdivision was recently approved for this Lot by the Western Australian Planning Commission on 22 June 2007.

The proposal meets the R20 requirements of the Residential Design Codes.

The proposal is an 'SA' use under the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) and has been advertised by letter to adjacent land owners, in the local newspapers, with a sign on site and a sign on the Shire notice board. No submissions have been received.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No.3 (TPS3) – zoned Residential (R10/20)
Residential Design Codes 2002

Consultation

The proposal was advertised for a period of twenty-one days and no submissions were received.

Policy Implications

There are no policy implications for this report.

Financial Implications

The appropriate application fee has been paid.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

This proposal meets the majority of the R20 standards of the Residential Design Codes.

The proposal provides 3m² storage areas, whereas a minimum of 4m² storage areas are required under the Residential Design Codes for each dwelling.

Lot 91 Booth Street, Mount Barker – Grouped Dwellings (Cont.)

The land currently has some nine (9) semi mature eucalypts on site. Their retention is unlikely given the development proposal. It is therefore important that two (2) street trees are provided by the developer to accord with the Mount Barker Street Townscape Tree Strategy, to contribute to the local amenity.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr B Hollingworth:

That the proposed two (2) grouped dwellings, on Lot 91 Booth Street, Mount Barker be approved subject to the following conditions:

- (1) Development being in accordance with the plans dated 28 February 2007.**
- (2) Design, construction, draining and sealing of the battleaxe leg and the two access crossovers to the satisfaction of the Manager Works and Services.**
- (3) All dimensions are to accord with the approved survey strata subdivision (WAPC No. 530-07).**
- (4) The enclosed storage units for both dwellings are to be expanded to a minimum of 4m² each.**
- (5) The provision of two (2) street trees to accord with the Mount Barker Townscape Street Tree Strategy to the satisfaction of the Manager Works and Services.**
- (6) Connection of both dwellings to reticulated sewer.**
- (7) A stormwater drainage plan shall be prepared and submitted for approval by the Manager Works and Services prior to the issuing of a building licence and commencement of any site works. This may involve the setting of the verge at a particular gradient.**

CARRIED (7/0)

No. 260/07

9.5.7 LOCATION 5230 YARALLA ROAD, WOOGENELLUP - CATTLE FEEDLOT

Location / Address:	Location 5230 Yaralla Road, Woogenellup
Attachments: (3)	Location Plan Site Plan Yard Plan
Name of Applicant:	John Joseph Hetherington
File Reference:	RV/182/731
Author:	Juliet Albany - Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	9 July 2007

Purpose

The purpose of this report is to consider an application for a feedlot for one hundred head of beef cattle on Location 5230 Yaralla Road, Woogenellup.

Background

The applicant has operated a feed lot on this site in the past and was awarded a Certificate of Accreditation – Feedlot by the National Feedlot Accreditation Scheme in 1996.

The applicant as a member of the West Australian Lot Feeders Association contributed to the Guidelines for the 'Environmental Management of Beef Cattle Feedlots in Western Australia, Bulletin 4550, July 2002' put out by the Departments of Agriculture, Environmental Protection and the Water and Rivers Commission (the Guidelines).

The Council adopted the Town Planning Scheme Policy No 13 Feedlots on 14 November 2006 which provides guidance for feedlot proposals. That Policy is backed by the Guidelines.

In November 2005 the proponent applied for a Fire Break Exemption – Location 5230 ie: the feedlot. He received the exemption for a period of five years. In the letter dated 9 November 2005 exempting Mr Hetherington the Shire Ranger noted that 'due to erosion around several of your boundaries and the soil type being light sand (prone to erosion) in areas that remain, installing fire breaks may cause further land degradation problems'.

Records show that the proponent has provided a Statutory Declaration – Fire Fighting equipment option in lieu of boundary firebreaks on rural land larger than 40ha - in September 2006.

The proponent in discussion with staff has indicated a reluctance to plant trees.

Statutory Environment

Environmental Protection Act 1986

Water and Rivers Commission Act 1995

Planning and Development Act 2005

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

Town Planning Scheme Policy No 13 'Feedlots'

Location 5230 Yaralla Road, Woogenellup – Cattle Feedlot (Cont.)

Consultation

The Shire's Environmental Health Officer and Planning Officer met on site with Mr Hetherington and Mr Hetherington came in to the Shire offices for further discussions.

Comment was sought from the Department of Environment and Conservation (DEC) and the Department of Water (DoW). The DEC's advice is:

- *'The feedlot does not trigger licensing or registration under the Environmental Protection Regulation as the capacity is less than 500 head. A works approval would be required if the feedlot is to be expanded.'*
- *The feedlot is expected to be designed and operated in accordance with the Guidelines for the 'Environmental Management of Beef Cattle Feedlots in Western Australia, Bulletin 4550, July 2002' - Departments of Agriculture, Environmental Protection and the Water and Rivers Commission*
- *The Department recommends that all feedlots adhere to this guideline to ensure the feedlot does not cause pollution or environmental harm. The 2.5km 'buffer' between the feedlot and the nearest residence should be adequate to ensure odour does not adversely impact on surrounding residences.'*

The DoW supported the advice from DEC.

Policy Implications

The applicant must meet the standards of the Town Planning Scheme Policy No 13 (Feedlots).

Financial Implications

The \$100.00 application fee has been paid.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

TPS3 feedlots are included in the Rural use definition as a use to be approved by the Council on Rural zoned land.

Feedlots of over 500 head cattle require works permits and licensing or registration with the DEC.

If the boundaries of Location 5230 are sufficiently eroded as to preclude fire breaks being installed then there is a case to require the proponent to plant trees to rectify the situation and as a contribution to the good management of the feedlots and to meet the requirements of TPS Policy No13 (Feedlots.)

The proponent should be reminded that the Guidelines apply to this activity.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Moir:

That the application for a cattle feedlot for Location 5230 Yaralla Road, Woogenellup be approved subject to:

- (1) The applicant complying with the requirements of Town Planning Scheme Policy No 13 (Feedlots).
- (2) The applicant adhering to the Guidelines for the 'Environmental Management of Beef Cattle Feedlots in Western Australia, Bulletin 4550, July 2002' - particularly with regard to progressively adopting operational and management practices consistent with these Guidelines.
- (3) The applicant providing a sketch plan and outline program of action with regard to controlling and reducing erosion on the subject land, including tree planting to the satisfaction of the Manager Development Services prior to the commencement of the feedlot.
- (4) The provision of details of a waste management plan.
- (5) The number of cattle held at any one time not to exceed 100 head.

CARRIED (7/0)

No. 261/07

9.5.8 LOCATION 859 HEALY ROAD, NARRIKUP - COMPOSTING FACILITY UPGRADE

Location / Address:	Location 859 Healy Road, Narrikup
Attachments: (2)	Locality Plan Site Plan Site Details Layout Plan
Name of Applicant:	Paul Hoult
File Reference:	RV/182/364
Author:	Juliet Albany - Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	9 July 2007

Purpose

The purpose of this report is to consider advertising a development application for an extension of an existing noxious industry (a Chicken Composting Facility) by way of 'composting facility upgrade'.

Background

In June 2003 the Council approved an application for a Noxious Industry (Chicken Composting Operation of up to 1,000 tonne capacity) in accordance with plans dated 7 March 2003 and subject to a range of nine (9) conditions:

- The first five (5) of which relate to the then Department Environment standards and were imposed by the Council on advice from the Department, because the Department only licences Compost facilities of 1,000 tonnes and over. The conditions related to the compost facility being protected from the weather for initial stages of composting and upon a hard stand, stormwater runoff, containment of contaminated water, no nutrient export, exotic pests being satisfactorily addressed.
- Conditions 6 – 9 relate to fire breaks, access ways and crossovers, on site signage and finally '*total production shall not exceed 1000 tonnes of organic material per year.*'

On 17 March 2006 the Shire received a copy of a letter from the Department of Environment and Conservation (DEC) Albany Office, to Paul Hoult regarding results of an inspection that raised the following concerns:

'The facility is not constructed on an impermeable surface that minimises the infiltration of leachate from the compost into the ground. This could result in leachate from the compost contaminating the soil, groundwater or nearby surface waters.'

'There is no drainage system to control runoff from the compost areas. This could result in contaminated runoff entering the surrounding soils and groundwater, nearby surface waters and damaging local native vegetation.'

On 19 June 2006 the Shire received a copy of a letter from the DEC to Paul Hoult in response to a request for an upgrade of the Composting facility to over 1,000 tonnes of compost per year. This letter reiterated the need for impermeable clay liner for the composting facility and stormwater and wastewater control and leachate pond.

Location 859 Healy Road, Narrikup – Composting Facility Upgrade (Cont.)

On 9 March 2007 the DEC advised the Council that they were advertising a proposal for compost manufacturing and soil blending at Lot 859 Healy Road Narrikup as the proponent proposes to exceed 1000 tonnes.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No.3 (TPS3) – zoned Rural – A noxious industry is an 'SA' use and requires formal advertising.

Environmental Protection Act 1986

Environmental Protection Regulations 1987

Health Act 1911 (as Amended)

Health Local Laws part 9 Offensive Trades

Health (Poultry Manure) Regulations 2001

Contaminated Sites Act 2003

Consultation

Some consultation has occurred with officers of DEC who have raised concerns over this operation.

Policy Implications

There are no policy implications for this report.

Financial Implications

The necessary fee has been paid.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The proponent is seeking to extend the operation as a chicken composting facility (noxious industry).

Under the Town Planning Scheme No3, Industry – Noxious – means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act 1911 (as amended),

The physical environment in which this facility operates is a low lying area, with seasonal intermittent swamp pans, it slopes west and north to Lake Eyrie (a fauna flora Conservation reserve). There may also be some movement of water east. The catchment drains ultimately into Wilson Inlet.

Consultants employed by the proponent state that soil sampling undertaken in June 2006 showed the soils to be generally sandy silt to an average depth of 650mm over laterite or clay. Test pit 4 struck ground water at 1500mm. It appears that test pit 4 is in the west portion of the lot somewhere near the area for the composting and waste pit, (at N6151313 and E559003).

The composting waste pit is located approximately 500m from the lake edge and the composting area is approximately 700m from the lake edge. The soils are sandy silts.

The applicant has now applied to increase his capacity for composting to over 1,000 tonnes a year, which requires a licence from the Department for Environment. Works imposed prior to the licence being granted may assist with improving the future operations of the site.

Location 859 Healy Road, Narrikup – Composting Facility Upgrade (Cont.)

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr M Skinner:

That the proposal to extend the existing noxious industry (Chicken Composting Facility) to a facility handling over 1,000 tonnes of compost a year and soil blending be advertised for a period of twenty-one days.

CARRIED (7/0)

No. 262/07

9.5.9 LOT 36 EATON AVENUE AND LOT 66 LANGTON ROAD, MOUNT BARKER - SURVEY-STRATA SUBDIVISION (18 LOTS)

A Financial Interest was disclosed by Cr M Skinner for Item 9.5.9

Nature of Interest: Financial

3:55pm Cr M Skinner withdrew from the meeting.

Location / Address:	Lot 36 Eaton Avenue and Lot 66 Langton Road, Mount Barker
Attachments: (2)	Locality Plan Subdivision Plan
Name of Applicant:	Yaran Pty Ltd
File Reference:	LP/158/93, RV/182/1166 (WAPC 646-07)
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	4 July 2007

Purpose

The purpose of this report is to consider a Survey-Strata subdivision application for Lots 36 Eaton Avenue and 66 Langton Road, Mount Barker. The proposal involves eighteen survey strata lots and one (1) common property lot for the central driveway.

Background

In December 2006 the owners of Lots 36 Eaton Avenue and 66 Langton Road lodged a development application with the Shire of Plantagenet for eighteen (18) Grouped Dwellings. The Council resolved (resolution 95/07) on 13 March 2007:

'That planning consent be granted for Application No. 60/06 for eighteen grouped dwellings at Lot 36 Eaton Avenue and Lot 66 Langton Road Mount Barker subject to:

- (1) Development being generally in accordance with the plans dated 15 December 2006.*
 - (2) The 4m² storage sheds being relocated off rear and / or side boundaries to ensure a 1.0m setback or alternatively the facilities being incorporated into the dwelling design.*
 - (3) Redesign the dwellings numbered 12, 13 and 14 to ensure habitable rooms front the street and to bring the dwellings forward to reduce the impact of the garages on the streetscape.*
 - (4) The submission and approval of a landscape plan.*
 - (5) The submission by the proponents and approval by the Manager Works and Services of a drainage management plan.*
 - (6) Delete security gates to Eaton Avenue entry.*
 - (7) Provision of adequate signage to direct visitors to the visitor parking area.*
 - (8) Provision of 3m x 3m truncations on Lots 1 and 11 where they meet Eaton Avenue and Lot 18 adjacent to the visitor parking area.*
-

Lot 36 Eaton Avenue, Mount Barker – Eighteen Lot Survey Strata Subdivision (Cont.)

- (9) *Invert the plan for the dwelling at Lot 14 to ensure the garage is separated from the adjoining Lot 35 Eaton Avenue.*
- (10) *Redesign dwellings on Lots 5, 6 8 and 9 to provide habitable room frontage / exposure to the private roadway.*
- (11) *Construct, drain and seal the private driveway and Lot 66 (RoW) from Eaton Avenue through to Langton Road to the satisfaction of the Manager Works and Services.*
- (12) *Construct, drain and seal all crossovers to the satisfaction of the Manager Works and Services.*
- (13) *No garage doors are to be installed on any of the lots except for those already shown on Lots 12, 13 and 14.*
- (14) *Fencing in front of the building setback line to be a maximum of 1.2m in height.*
- (15) *Lot 66 (RoW) common property driveways to be made available for public use for the owners and customers of the businesses on Lots 7,8 and 22 Langton Road.*
- (16) *Connection of all dwellings to reticulated sewer and water. This will include the provision of fire hydrants.*
- (17) *Eventual survey strata submission of the development will require the provision of 10% public open space and the proponents intention to provide cash-in-lieu of the land is supported.*
- (18) *Amalgamation of Lot 36 Eaton Avenue and Lot 66 Langton Road, to one (1) Lot whilst maintaining the rights for Lots 7, 8 and 22 Langton Road to utilise the northern access to Langton Road.*
- (19) *Street trees being provided in accordance with the species list and specifications set out in the Mount Barker Townscape Review for Eaton Avenue.*
- (20) *External clothes drying facilities being provided for each dwelling in accordance with the RCodes ensuring clothes drying areas are screened from view from any primary street or public area.*

ADVICE NOTES

- (i) *If the development, the subject of this approval, is not substantially commenced within a period of twenty-four 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 Building Code of Australia 2006.*
- (iii) *The developer is encouraged to landscape to a high standard.'*

Council records show the registered owners to be Yaran Pty Ltd Aft Yaran Trust, Yaran Pty Ltd Aft Central Trust and Yaran Pty Ltd Aft Arion Trust.

The proponents are now working to address the planning consent conditions.

Statutory Environment

Planning and Development Act 2005

Town Planning Scheme No. 3 – zoned Residential (R30)

Consultation

The development application was advertised and considered along with submissions received by the Council at its meeting held on 13 March 2007.

The Western Australian Planning Commission is now seeking the Council's comment on the survey strata subdivision.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Shire of Plantagenet Strategic Plan, Development Services section has two (2) aims that are of relevance. They are:

'Support sustainable and managed growth within existing urban settlements in the Shire and encourage the development of a variety of housing opportunities', and

'Plan a safe and healthy living environment'.

The Strategic Plan notes the following new initiatives that are of relevance to this proposal:

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

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

Officer Comment

The proposal meets the RCodes requirements and is on land zoned Residential R30.

Lot 66 Langton Road is a privately owned Right of Way (ROW) and is owned by the owners of the development site (Lot 36). It is to be part of the vehicular access of the development. Conditions 15 and 18 of the planning consent are relevant in that they require the ROW land be made available for 7, 8 and 22 Langton Road and the Lots 66 and 36 being amalgamated.

The survey strata application matches the planning consent for the development issued by the Council in March 2007 and as such can be supported subject to appropriate conditions.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr K Hart:

That the survey-strata subdivision of Lot 36 Eaton Avenue and Lot 66 Langton Road, Mount Barker (WAPC No. 646-07) be supported subject to:

Lot 36 Eaton Avenue, Mount Barker – Eighteen Lot Survey Strata Subdivision (Cont.)

- (1) Amalgamation of Lot 36 Eaton Avenue and Lot 66 Langton Road, to one (1) Lot whilst maintaining the rights for Lots 7, 8 and 22 Langton Road to utilise the northern access to Langton Road.
- (2) The internal access road being designed, constructed, drained and sealed to the satisfaction of the Manager Works and Services.
- (3) The former Lot 66 Langton Road and crossover to Langton Road to be upgraded, sealed and drained to the satisfaction of the Manager Works and Services.
- (4) The new crossovers to Eaton Avenue to be designed, constructed, drained and sealed to the satisfaction of the Manager Works and Services.
- (5) A footpath to be provided on one side of the internal road to the satisfaction of the Manager Works and Services.
- (6) The internal road to Langton Road is to be signed as an emergency access only to Langton Road.
- (7) Street lighting to be provided to the internal road to the satisfaction of the Manager Works and Services.
- (8) A landscaping plan for all common property being submitted detailing the appropriate planting and timing of planting, particularly of street trees on the internal road to the satisfaction of the Manager Works and Services.
- (9) Semi mountable kerbs to be provided to the internal road to the satisfaction of the Manager Works and Services.
- (10) A stormwater drainage plan shall be prepared and submitted for the approval to the Manager of Works and Services prior to the issue of building licences and the commencement of any site works. Stormwater shall be contained on site, however, overflow can be directed to the district drainage system to the satisfaction of the Manager Works and Services.
- (11) Suitable arrangements being made for a cash-in-lieu contribution for the 10% Public Open Space, in accordance with Section 153 of the Planning and Development Act 2005.
- (12) All lots being connected to reticulated water and sewer.
- (13) An indicative Strata Management Plan showing how weekly rubbish collection, mail delivery, internal infrastructure and maintenance will be managed is required to be sighted.

AMENDMENT

Moved Cr J Moir, seconded Cr K Hart:

That the words 'tandem axle truck' be added after the word 'weekly' in part 13 of the motion.

CARRIED (6/0)

No.263/07

COUNCIL DECISION

That the survey-strata subdivision of Lot 36 Eaton Avenue and Lot 66 Langton Road, Mount Barker (WAPC No. 646-07) be supported subject to:

- (1) Amalgamation of Lot 36 Eaton Avenue and Lot 66 Langton Road, to one (1) Lot whilst maintaining the rights for Lots 7, 8 and 22 Langton Road to utilise the northern access to Langton Road.
- (2) The internal access road being designed, constructed, drained and sealed to the satisfaction of the Manager Works and Services.
- (3) The former Lot 66 Langton Road and crossover to Langton Road to be upgraded, sealed and drained to the satisfaction of the Manager Works and Services.
- (4) The new crossovers to Eaton Avenue to be designed, constructed, drained and sealed to the satisfaction of the Manager Works and Services.
- (5) A footpath to be provided on one side of the internal road to the satisfaction of the Manager Works and Services.
- (6) The internal road to Langton Road is to be signed as an emergency access only to Langton Road.
- (7) Street lighting to be provided to the internal road to the satisfaction of the Manager Works and Services.
- (8) A landscaping plan for all common property being submitted detailing the appropriate planting and timing of planting, particularly of street trees on the internal road to the satisfaction of the Manager Works and Services.
- (9) Semi mountable kerbs to be provided to the internal road to the satisfaction of the Manager Works and Services.
- (10) A stormwater drainage plan shall be prepared and submitted for the approval to the Manager of Works and Services prior to the issue of building licences and the commencement of any site works. Stormwater shall be contained on site, however, overflow can be directed to the district drainage system to the satisfaction of the Manager Works and Services.
- (11) Suitable arrangements being made for a cash-in-lieu contribution for the 10% Public Open Space, in accordance with Section 153 of the Planning and Development Act 2005.
- (12) All lots being connected to reticulated water and sewer.
- (13) An indicative Strata Management Plan showing how weekly tandem axle truck rubbish collection, mail delivery, internal infrastructure and maintenance will be managed is required to be sighted

CARRIED (6/0)

No. 264/07

4:00pm Cr M Skinner returned to the meeting.

**9.5.10 LOT 4815 O'NEILL ROAD, MOUNT BARKER - SCHEME AMENDMENT
REQUEST - RURAL TO RURAL RESIDENTIAL**

An Impartiality Interest was disclosed by Cr J Mark for Item 9.5.10
Nature of Interest: Impartial

Location / Address: Lot 4815 O'Neill Road, Mount Barker
Attachments: (2) Summary of Submissions
Location Plan
Name of Applicant: Ayton Taylor Burrell
File Reference: LP/181/20
Author: Peter Duncan - Manager Development Services
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 2 July 2007

Purpose

The purpose of this report is consider submissions received on a proposed Scheme Amendment Request (SAR) to rezone portion of Lot 4815 O'Neill Road, Mount Barker from Rural to Rural Residential.

Background

The Mount Barker Local Rural Strategy adopted by the Council in September 1997 refers to the southern portion of the Golf Course (included in Precinct 6) as possibly being developed for rural retreat lots. In view of the desire to retain remnant vegetation, only limited development, concentrated within existing cleared areas is recommended.

The SAR was initially submitted in February 2007 and in accordance with Council Policy No. TP/SDC/6 copies were forwarded to the Department for Planning and Infrastructure (DPI), Department of Water (DoW) and Department of Environment and Conservation (DEC) for comment.

All three (3) agencies have provided their comments on the SAR.

On 8 May 2007 a further report was considered by the Council and Resolution 170/07 is as follows:

'THAT:

- (1) The Scheme Amendment Request for Lot 4815 Albany Highway / O'Neill Road, Mount Barker be advertised to seek public feedback for a period of twenty-one days.*
- (2) At the conclusion of advertising a further report be prepared for the consideration of the Council at a meeting to be held no later than 10 July 2007.'*

It was pointed out in the 8 May 2007 report that the DPI would not support an Amendment based on the SAR as the area was identified for rural retreat type lots and not special residential sized lots.

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967 – set the procedure for Amending a Town Planning Scheme.

Consultation

The SAR has been advertised for a period of twenty-one days which closed on 8 June 2007. Eleven submissions have been received – two (2) petitions (both organised by Alta Property Group – but submitted at different times), three (3) letters of support, three (3) letters of objection and three (3) letters providing comments. A Summary of Submissions is attached.

Main Roads provided comment about the bandicoot population, an issue from the 1999 Highway realignment.

Policy Implications

Council Policy No. TP/SDC/6 – Scheme Amendment Requests applies.

Financial Implications

The fee of \$550.00 has been paid.

Strategic Implications

This land is within Precinct 6 of the 1997 Mount Barker Local Rural Strategy. That Strategy proposes larger rural retreat lots and lots clustered in the cleared part of the site. The current proposal is suggesting lots of between 2,000m² and 3,000m².

Officer Comment

It is clear from the submissions more work and detail will be required should the Council agree it is prepared to consider a formal Amendment to Town Planning Scheme No. 3 to rezone the land. One central issue is the fact that the Department for Planning and Infrastructure (DPI) does not support the concept as the lot sizes proposed (2,000m² to 3,000m²) are smaller than conventional Rural Residential lots which differs from the Mount Barker Local Rural Strategy. Additional work will be required here to convince the DPI. The Department of Environment and Conservation (DEC) also raised the issue of the remnant vegetation to the east of the site and that the concept put forward does not retain and protect native vegetation as stated in the text. This matter was raised with the consultants when they were preparing the SAR but it was not addressed. This matter must now be addressed should a formal Scheme Amendment follow and this will involve clustering any lots further to the west (in the regrowth area) and realigning the internal road in the eastern part.

Although the Main Roads WA response during the submission period involved the bandicoot population further to the south, the potential traffic impact on the O'Neill Road junction must be discussed with that Department as part of the Amendment documentation.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Moir:

That the submissions received on the Scheme Amendment Request for Lot 4815 Albany Highway / O'Neill Road be noted and the proponent be advised the Council will be prepared to consider a formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 subject to the various matters raised in the submissions including vegetation protection, Bandicoot population, variance from the Mount Barker Local Rural Strategy, land capability, drainage, fire safety, any potential road works at Albany Highway etc, being addressed.

CARRIED (7/0)

No.265/07

9.5.11 LOT 6 BOYUP ROAD, FOREST HILL - RECLASSIFICATION TO CELLAR SALES - SUBMISSIONS

Location / Address:	Lot 6 Boyup Road, Forest Hill
Attachments: (4)	Location Plan Site Plan Floor Plan Submissions x 2
Name of Applicant:	Trappers Gully Wines - T & E Lester
File Reference:	RV/182/3413
Author:	Juliet Albany – Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	18 June 2007

Purpose

The purpose of this report is to consider submissions received on a proposal to establish Cellar Sales at Lot 6 Boyup Road, Forest Hill.

Background

The Council initially considered this proposal on 8 May 2007, and resolved at resolution 168/07:

'THAT:

- (1) The application for re-classification from Trappers Gully Wines to facilitate Wine Production and Cellar Door Sales including food preparation be advertised for twenty-one days.*
- (2) At the conclusion of advertising a further report be prepared for the consideration of the Council at a meeting to be held no later than 12 June 2007.'*

Trappers Gully's shed was reclassified to a Wine Storage and sales facility in July 2002, the owners now seek reclassification to allow for Cellar Sales.

Statutory Environment

Building Code of Australia

Health (Food and Hygiene) Regulations 1993

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) - Currently under Town Planning Scheme No3 (TPS3) Cellar Sales is an unlisted use. Thus this proposal requires the Council's consideration and public advertising.

Amendment 41 to TPS3 which will permit cellar sales at the Council's discretion in the Rural Zone is about to be finalised.

Consultation

Advertising was by way of a newspaper notice, a sign on site, a notice on the Shire notice board and letters to neighbours.

At the close of advertising on 15 June 2007 two (2) supporting submissions had been received (copies attached).

Policy Implications

There are no policy implications for this report.

Financial Implications

The necessary application fee has been paid.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Advertising resulted in two submissions, from neighbouring owners supporting the application. No opposing submissions have been received.

The applicant advises that food preparation will be minor to complement wine tasting. Therefore food preparation classification Class 3 Food Premises applies, which restricts the type of food prepared and sold. The internal fit-out is consistent with Class 3 food premises.

Toilet facilities are now sufficient for no more than twenty patrons at any one time.

The premises and operation of food business are to comply with the provisions of the Health (Food and Hygiene) Regulations 1993 and the Australian New Zealand Food Standards Code 2002.

The building is already classified as Class 8 for the Laboratory Area but will now need a 6/8 classification to include Wine Tasting (Class 6) and a Class 3 Food Premises under the Building Code.

Boyup Road is a bitumen road and the applicant provides on site parking.

Voting Requirements

Absolute Majority (use not listed)

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr Hollingworth, seconded Cr Mark:

That the application for Cellar Sales at Lot 6 Boyup Road, Forest Hill be approved subject to the following conditions:

- (1) Any signage proposed to comply with clause 5.6 of the Shire of Plantagenet Town Planning Scheme No. 3.**
- (2) The car parking area being constructed, drained and marked to the satisfaction of the Manager Works and Services and a minimum of 5 spaces being provided.**

CARRIED (7/0)

No. 266/07

**9.5.12 LOTS 1 AND 1664 BOXHILL ROAD AND LOTS 5 AND 11 MOUNT
BARKER-PORONGURUP ROAD, PORONGURUP - SCHEME
AMENDMENT REQUEST - SUBMISSIONS**

Location / Address:	Lot 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road, Porongurup
Attachments:	Summary of Submissions
Name of Applicant:	Harley Survey Group on behalf of Blythe and Bird
File Reference:	LP/181/16
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	2 July 2007

Purpose

The purpose of this report is to consider submissions received on a proposed Scheme Amendment Request to amend Town Planning Scheme No. 3 to add 'Rural Village' to the text and to rezone Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road to Rural Village.

Background

The Porongurup Rural Strategy of 1996 refers to the Bolganup Precinct C having objectives of consolidating existing residential and tourist development and the creation of an attractive centre and focal point for the community. That Strategy recommended rezoning for rural residential, special residential and residential following the implementation of an overall structure plan for the precinct.

The SAR was submitted in December 2006 and in accordance with the Council Policy TP/SDC/6 copies were forwarded to Department for Planning and Infrastructure (DPI), Department of Water (DOW) and Department of Environment and Conservation (DEC) for comment.

All three (3) agencies provided their comments on the SAR.

On 13 February 2007 a further report was submitted to the Council and Resolution 57/07 is as follows:

'THAT:

- (1) The Scheme Amendment Request for Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road be advertised to seek public feedback for a period of sixty days.*
- (2) After advertising a further report be prepared for the Council no later than its meeting to be held on 12 June 2007.'*

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967 – set the procedure for Amending a Town Planning Scheme.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – all lots zoned Rural. Karribank Guest House is listed in Schedule 11 as a Place of Heritage Value.

Lots 1 & 1664 Boxhill Road & Lots 5 & 11 Mount Barker-Porongurup Road, Porongurup - Scheme Amendment Request – Submissions (Cont.)

Consultation

The SAR has been advertised (closed 1 May 2007). Thirty five (35) submissions were received – One (1) feedback from Harley Survey Group regarding the public meeting, Ten (10) objections and twenty four support. A Summary of Submissions has been attached.

A briefing meeting was held on 29 March 2007 by Harley Survey Group.

A meeting has been held with Mr Craig Pursey – Harley Survey Group, Ms Juliet Albany – Planning Officer, Mr Eric Howard – Environmental Health Officer and Mrs Cobie MacLean – Administration Assistant on 24 May 2007. Mrs Jennifer Dowling also attended this meeting but only as an observer. At this meeting it was discussed that the land owners may be willing to wait until Mr Peter Duncan – Manager Development Services had returned from long service leave and was able to complete the report for the next Council meeting.

On 28 May 2007, an email from Mr Craig Pursey was received confirming the delay.

Policy Implications

Council Policy No. TP/SDC/6 – Scheme Amendment Requests applies.

Financial Implications

The fee of \$550.00 has been paid.

Strategic Implications

This proposal is in accordance with the principals of the Porongurup Rural Strategy of 1996.

The proposal is consistent with the Shire of Plantagenet Strategic Plan. Key Result Area 4 Development Services aims to:

‘Support sustainable and managed growth within existing urban settlements in the Shire and encourage the development of a variety of housing opportunities.’

Officer Comment

It is clear from the submissions received that there are many issues requiring attention. Some of the issues include:

- Community consultation;
- Large quantity of new lots being developed (density of development);
- Effluent disposal;
- Size of lots (density of development);
- Impact on existing residents, properties and environment;
- Sustainable development.

In accordance with the Council's Policy No. TP/SDC/6 the Scheme Amendment Request was advertised for a period of 60 days closing on 1 May 2007. Advertising included letters to adjoining property owners, a sign erected in a prominent location, notices in the Albany Advertiser and Plantagenet News, a sign in the Porongurup Shop and the document available on the Shire website.

In accordance with the SAR Policy a decision to allow the applicant to proceed with further documentation which is to detail such matters as:

- (a) policy issues to be addressed in the amending report;

Lots 1 & 1664 Boxhill Road & Lots 5 & 11 Mount Barker-Porongurup Road, Porongurup - Scheme Amendment Request – Submissions (Cont.)

- (b) environmental issues;
- (c) servicing issues (e.g. full testing of groundwater tables prior to document lodgement) and the provision of a fire management plan;
- (d) design requirements on subsequent development;
- (e) developer commitments required by the Council from Scheme Amendment process;
- (f) mechanisms for cost sharing of common cost items such as public open space, drainage, roads, footpaths, etc; and
- (g) any other matters considered relevant to the Council.

is required.

Obviously an extensive amount of work and detail is required if this proposal is to proceed to be a formal Scheme Amendment document.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr K Hart:

That the submissions received on the Scheme Amendment Request for Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road be noted and the proponents be advised the Council will be prepared to consider formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 subject to various matters raised in the submissions, including: policy issues, environmental, servicing, fire management plan, design requirements on subsequent development, size and number of properties to be developed, density of development and sustainable forms of development etc. being addressed.

FORESHADOWED MOTION

Cr Moir advised of his intent to move the following motion in the event that the motion before the chair was lost. Cr Moir also requested that the foreshadowed motion be recorded in the minutes.

That the submissions received on the Scheme Amendment Request for Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker – Porongurup Road be noted and the proponents be advised the Council will not be prepared to consider formal Amendment to the Town Planning Scheme No 3.

THE SUBSTANTIVE MOTION WAS PUT

CARRIED (5/2)

No.267/07

9.5.13 TOWN PLANNING SCHEME NO. 3 – AMENDMENT NO. 38 – LOTS 1, 3 AND 4 ORMOND ROAD AND LOT 172 OSBORNE ROAD, MOUNT BARKER - REZONING FROM 'PUBLIC PURPOSE' TO 'RESIDENTIAL R20'

Location / Address:	Lots 1, 3 & 4 Ormond Road and Lot 172 Osborne Road, Mount Barker
Attachments:	Locality Plan Schedule of Submission
Name of Applicant:	SJB Town Planning and Urban Design on behalf of Department of Education and Training
File Reference:	LP/181/10
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	2 July 2007

Purpose

The purpose of this report is consider submissions received on a proposal to amend the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) to rezone Lots 1, 3 and 4 Ormond Road and Lot 172 Osborne Road/Hassell Street from a Public Purpose Scheme Reserve to the Residential (R20) Zone.

Background

At its meeting held 13 March 2007, the Council initially considered this proposed amendment where it resolved at resolution 89/07:

'THAT:

- (1) Pursuant to the Town Planning Regulations 1967, Amendment No. 38 to the Shire of Plantagenet Town Planning Scheme No. 3 be initiated; and*
 - (a) Referred to the Environmental Protection Authority.*
 - (b) Upon authorisation from the Environmental Protection Authority, it be advertised for a period of forty-two days to enable comment to be made.*
- (2) After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held 14 August 2007.'*

The Environmental Protection Authority (EPA) cleared the Amendment to proceed to advertising in a letter received on 5 April 2007.

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967 - these have set procedures for Amending a Town Planning Scheme including once initiated by the Council, referral to the Environmental Protection Authority (EPA) for twenty-eight days. Once cleared by the EPA a forty-two day advertising period applies. Once advertised the Council must consider any submissions lodged within forty-two days and refer its recommendation to the Western Australian Planning Commission and the Minister within twenty-eight days.

Town Planning Scheme No. 3 – Amendment No. 38 – Lots 1, 3 & 4 Ormond Road & Lot 172 Osborne Road, Mount Barker – Rezoning From Public Purpose To Residential R20 (Cont.)

Consultation

The EPA cleared the Amendment to proceed to advertising and the forty-two day advertising period ended on 6 June 2007. Advertising was by way of a newspaper notice, a sign on site, a sign on the Shire notice board, letters to neighbours and various Government Agencies.

At the close of the advertising period a total of four (4) submissions and one (1) late submission had been received (see Summary of Submissions attached).

Policy Implications

There are no policy implications for this report.

Financial Implications

The required fee of \$3,300.00 has been paid.

Strategic Implications

This Amendment, should it reach finalisation, will lead to the rezoning of Lots 1,3 and 4 Ormond Road and Lot 172 Osborne Road/Hassell Street from Public Purpose Reserve to Residential (R20).

Officer Comment

The zoning of this land to Residential (R20) will allow for residential use of all of the properties. The church use can continue in the Residential zone. The Public Purpose Reservation under TPS3 restricts the land use and development that can take place.

Services such as power, reticulated water and reticulated sewer are all available to the land. As the area is sewered there is no need to consider a dual coding of R10/20 as new R20 development will attract a reticulated sewer condition.

The Amendment was advertised for a period of forty-two days. Four (4) submissions were received. Three (3) of those submissions were in support of the rezoning whilst the fourth submission from the Water Corporation was supplying comments.

Voting Requirements

Simple Majority

Town Planning Scheme No. 3 – Amendment No. 38 – Lots 1, 3 & 4 Ormond Road & Lot 172 Osborne Road, Mount Barker – Rezoning From Public Purpose To Residential R20 (Cont.)

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth:

THAT:

- (1) The submissions lodged on Amendment No. 38 to Town Planning Scheme No. 3 be noted.
- (2) Amendment No. 38 to Town Planning Scheme No. 3 be adopted without modification and forwarded to the Western Australian Planning Commission for the final approval of the Honourable Minister for Planning and Infrastructure.
- (3) Authority be granted to the Shire President and the Chief Executive Officer to execute the documentation and affix the Common Seal of the Council to Amendment No. 38 once approved by the Honourable Minister.

CARRIED (7/0)

No. 268/07

9.5.14 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 43 - HOUSE SETBACKS - KENDENUP SETTLEMENT

Location / Address:	Kendenup Settlement
Attachment: (1)	Summary of Submission
Name of Applicant:	N / A
File Reference:	LO/181/18
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	2 July 2007

Purpose

The purpose of this report is to consider the submission received on a proposal to amend Town Planning Scheme No. 3 to alter boundary setbacks applicable in the settlement of Kendenup.

Background

The Council initially considered this proposed Amendment at its meeting held on 13 March 2007, and resolve at resolution 92/07:

'THAT:

- (1) Amendment No. 43 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 forty-two 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 14 August 2007.'*

The Environmental Protection Authority (EPA) cleared the Amendment to proceed to advertising in a letter received on 5 April 2007.

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967 – these have set procedures for Amending a Town Planning Scheme including once initiated by the Council, referral to the Environmental Protection Authority (EPA) for twenty-eight days. Once cleared by the EPA a forty-two day advertising period applies. The Council must consider any submissions lodged within forty-two days and refer its recommendations to the Western Australian Planning Commission and the Minister within twenty-eight days.

Consultation

The EPA cleared the Amendment to proceed to advertising and the forty-two day advertising period ended on 6 June 2007. Advertising was by way of a newspaper notice, a sign on the Kendenup notice board and various Government Agencies.

At the close of the advertising period one (1) submission had been received (see Summary of Submissions attached).

Policy Implications

There are no policy implications for this report.

Financial Implications

The cost of advertising was met by the Town Planning Advertising Budget. If finalised, the cost of publishing a notice in the Government Gazette will be met by the Town Planning Advertising Budget.

Strategic Implications

The Local Planning Strategy (LPS) will provide long term guidance in the future of the Kendenup settlement.

Officer Comment

A full copy of the Amendment was provided for each Councillor with the 13 March 2007 Agenda.

The Amendment to TPS3 is proposed as a means of applying residential setback standards to the 'urban' area of the Kendenup settlement. The present Rural zone setback standards are not practical for lots particularly of 1000m² in area with a 20m wide frontage.

The LPS will determine the long term appropriate standards for the settlement of Kendenup but in the interim, the fact that many 1000m² and 2000m² lots exist in the area, cannot be ignored. The level of building licence applications in Kendenup in recent times means that the Zone Development Table (Schedule 4) requires alteration to apply R10 setback standards, particularly the 1.5m side boundary setback.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr. D Williss:

THAT:

- (1) The submission lodged on Amendment No. 43 to Town Planning Scheme No. 3 be noted.**
- (2) Amendment No. 43 to Town Planning Scheme No. 3 be adopted without modification and forwarded to the Western Australian Planning Commission for the final approval of the Honourable Minister for Planning and Infrastructure.**
- (3) Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to execute the documentation to Amendment No. 43 once approved by the Honourable Minister.**

CARRIED (7/0)

No. 269/07

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

4.15pm The Presiding Member declared the meeting closed.

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