



## **ORDINARY COUNCIL MEETING**

# **MINUTES**

Ordinary Meeting of the Council held at  
Frost Pavilion, McDonald Avenue, Mount Barker  
2:45pm Tuesday 14 June 2005

**Rob Stewart**  
**CHIEF EXECUTIVE OFFICER**

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
4	PUBLIC QUESTION TIME.....	2
5	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE.....	2
7	CONFIRMATION OF MINUTES.....	3
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	3
9	REPORTS OF COMMITTEES AND OFFICERS.....	5
9.1	DEVELOPMENT SERVICES REPORTS.....	5
9.1.1	LOT 151 MUIR STREET, MOUNT BARKER - GROUPED DWELLING.....	5
9.1.2	LOT 2 SPENCER ROAD, NARRIKUP - PROPOSED RESTAURANT AND CELLAR DOOR SALES.....	11
9.1.3	LOT 353 THIRD AVENUE, KENDENUP – PROPOSED SINGLE HOUSE ON SERVICE INDUSTRIAL LOT.....	14
9.2	TECHNICAL SERVICES REPORTS.....	18
9.2.1	ANNUAL FIRE BREAK NOTICE 2005 / 2006.....	18
9.2.2	FUTURE TREE PLANTING - SHORT STREET, LORD STREET AND MOUNT BARKER ROAD, MOUNT BARKER.....	23
9.2.3	UPGRADE OF LOWOOD ROAD, MOUNT BARKER - ADOPTION OF LANDSCAPE DRAWINGS.....	26

---

<b>9.3</b>	<b>EXECUTIVE SERVICES REPORTS.....</b>	<b>29</b>
9.3.1	ELECTED MEMBERS EXPENSES AND ALLOWANCES .....	29
9.3.2	GREAT SOUTHERN REGIONAL CATTLE SALEYARDS - ADVISORY COMMITTEE.....	31
9.3.3	REPRESENTATION - MOUNT BARKER LIQUOR ACCORD....	34
<b>9.4</b>	<b>CORPORATE SERVICES REPORTS .....</b>	<b>36</b>
9.4.1	COUNCIL MEETING - AUGUST 2005 .....	36
9.4.2	LOCAL GOVERNMENT WEEK - ATTENDEES .....	38
<b>10</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>39</b>
<b>11</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....</b>	<b>39</b>
<b>12</b>	<b>CONFIDENTIAL.....</b>	<b>40</b>
<b>13</b>	<b>CLOSURE OF MEETING.....</b>	<b>40</b>

## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:49pm The Presiding Member declared the meeting open.

The Chief Executive Officer, Mr Rob Stewart, read aloud the following disclaimer:

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

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

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

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

### Present

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

There was one member of the public present.  
There were two (2) members of the media present.

### **3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

### **4 PUBLIC QUESTION TIME**

Nil

### **5 PETITIONS / DEPUTATIONS / PRESENTATIONS**

#### Presentation

#### Maurice Buffham (RV/182/3225)

Maurice Buffham spoke to the Council in regards to his application (Agenda Item 9.1.3) for a Single House on Lot 353 Third Avenue, Kendenup, a Service Industrial lot, and asked that the Council not adopt the Officer's Recommendation to defer but go with Option 1: Approval.

Mr Buffham told the Council that he and his family had worked and lived in Kendenup for ten (10) years. He also told the Council that the house they currently rented would become unavailable in December as the owners wished to return and that this factor made the consideration and approval of his application urgent.

Mr Buffham also noted that if his application was deferred pending amalgamation, not only would he be hampered by the time factor but also the cost of amalgamation.

Mr Buffham told the Council that he had selected Lot 353 to build a house due to its good drainage and soil condition. He also noted that by building on this location his neighbours would be assured of their privacy.

Mr Buffham also told the Council that Mr Eric Howard, Environmental Health Officer had inspected the site and declared it suitable for septics and leach drains.

### **6 APPLICATIONS FOR LEAVE OF ABSENCE**

Councillor Forbes requested leave of absence for the period 18 July to 31 July 2005 inclusive.

**Moved Cr D Williss, seconded Cr M Skinner:**

**That Councillor Forbes be granted leave of absence for the period 18 July to 31 July 2005 inclusive.**

**CARRIED (9/0)**

**No. 179/05**

## 7 CONFIRMATION OF MINUTES

Moved Cr J Cameron, seconded Cr K Hart:

That the Minutes of the Ordinary Meeting of the Council held on 24 May 2005 be confirmed subject to it being noted on Page 2 that:

- (1) Councillor Forbes withdrew from the meeting at 2:55pm after the Confirmation of Minutes was moved and seconded; and
- (2) Councillor Forbes returned to the meeting at 3:05pm before Resolution No. 170/05 was voted.

CARRIED (9/0)

No. 180/05

## 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 27 May 2005 – The Shire President, Deputy Shire President, Executive Director Corporate and Community Services and David Blurton, Accountant, attended the State Budget Breakfast in Albany. There does not appear to be many benefits for the Shire of Plantagenet. No funding was brought forward for the proposed Northern Bypass but we may get some assistance with regional sewage works.
- 31 May 2005 – The Shire President attended the Great Southern Development Commission's National Resource Management (NRM) Awards Dinner. There were no Shire of Plantagenet finalists. The overall winner was Mr Keith Bradby. The President of the Shire of Woodanilling was also a finalist showing that the awards are covering a large portion of the region.
- 1 June 2005 – The Western Australian Local Government Association (WALGA) held its State Council meeting, at which the Vice Presidency position was declared vacant. Councillor Pauline O'Connor, Deputy Mayor of Cambridge, was elected as the new Vice President from four (4) nominations.
- 8 June 2005 – The Shire President attended a One Community One College meeting. The Committee is making steady progress but still has a long way to go. There does not appear to be a clear understanding of timelines or monetary requirements. Further discussion will occur on Thursday, 23 June 2005, with a small working group.
- 11 June 2005 – The Shire President and his wife attended the Lions Changeover Dinner at Gilberts Winery to welcome Simon Tracy as the incoming Lions President.
- 12 June 2005 – Plantagenet Village Homes held a dinner at Karribank to farewell and thank Ms Linda Sounness for her outstanding efforts as Manager. Linda's position is no longer available due to the new Multi Purpose Service taking over Plantagenet Village Homes. Linda is now working in an auditing role for Aged Hostels as well as working part time in Albany in Aged Care.

- 13 June 2005 – The Shire of Plantagenet held a reception for the Governor of Western Australia, Lieutenant General John Sanderson, at Frost Pavilion. Although there was a lesser crowd than invited, the reception went well.
- 17 June 2005 – The Lower Great Southern Planning Strategy Workshop will be held in Denmark. The draft is now down to 110 draft pages but still appears quite indecisive. The draft does not appear to bear much in relation to our Planning Scheme but may be a guide in some areas.
- 19 June 2005 – Rotary Club are having a Changeover luncheon at the Whistlestop Restaurant.
- 20 June 2005 – The Shire President will attend a Plantation Industry Ministerial Advisory Committee (PIMAC) meeting in Perth.
- 23 June 2005 – A Sub Committee meeting will be held at Mount Barker Senior High School to assess progress, direction and funding for the One Community One College plan.
- 24 June 2005 – The Shire President, Deputy Shire President and their wives will attend the Mount Barker Wine Producers Dinner in Perth.
- 28 June 2005 – The Chief Executive Officer (CEO) review will be held at 9:00am. Could all Councillors please return the CEO Review Forms to the Shire President as soon as possible. Could all Councillors also please consider whether to extend Mr Stewart's contract and if so, for how long? These matters must be decided at the next Council meeting.
- After today's Council meeting, the Executive Director Technical and Development Services, Mr Stephen Bell would like some time to present an update on the current road situation / flood damage. The CEO would also like to discuss the matter of doctors with the Council after the meeting.

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 DEVELOPMENT SERVICES REPORTS

#### 9.1.1 LOT 151 MUIR STREET, MOUNT BARKER - GROUPED DWELLING

<b>Location / Address:</b>	<b>Lot 151 Muir Street, Mount Barker</b>
<b>Attachments: (6)</b>	<b>Locality Plan Site Plan x 2 Elevation x 3</b>
<b>Name of Applicant:</b>	<b>Department of Housing and Works</b>
<b>File Reference:</b>	<b>RV/182/4196</b>
<b>Author:</b>	<b>Joe O'Keefe - Town Planner</b>
<b>Authorised by:</b>	<b>Delma Baesjou – Manager Development Services</b>
<b>Date of Report:</b>	<b>13 May 2005</b>

---

#### **Purpose**

The purpose of this report is to consider the submissions and determine the application for two (2) three (3) bedroom family units and five (5) two (2) bedroom aged persons units on Lot 151 Muir Street, Mount Barker.

#### **Background**

The subject land is zoned 'Residential' under the Shire of Plantagenet Town Planning Scheme No. 3. The R12.5/20 Density Code applies. 'Grouped Dwelling' is an 'SA' use within the 'Residential' zone which means that Council may at its discretion, permit the use after Notice of the Application has been given in accordance with Clause 6.2.

Council records show the registered owners to be the Department of Housing and Works.

A report on this matter was considered by the Council at its meeting on 12 April 2005. The following resolution was adopted:

*'THAT:*

- (1) The application for two (2) three (3) bedroom family units and five (5) two (2) bedroom aged persons units at Lot 151 Muir Street, Mount Barker be advertised in accordance with Clauses 6.2.3 (a) and (b) of the Shire of Plantagenet Town Planning Scheme No. 3 stating that submissions may be made within twenty one (21) days from the date of the notice.*
- (2) At the conclusion of the advertising period a further report be prepared for the consideration of the Council at its meeting to be held on 14 June 2005.'*

The proposal was advertised in accordance with that resolution.

#### **Statutory Environment**

Shire of Plantagenet Town Planning Scheme No. 3  
The Residential Design Codes of Western Australia (2002)  
Health Act 1911

---



**Lot 151 Muir Street, Mount Barker – Grouped Dwelling (Cont.)**

Building Code of Australia 1996

**Consultation**

Formal advertising was undertaken in accordance with Clause 6.2 of Town Planning Scheme No. 3 and the Council's resolution.

The notice period closed on 6 May 2005. Seven (7) submissions have been received. Six (6) submissions are against the proposal while only one (1) has no objections.

Name	Comments
Judy Leahy	Against - location to medical / aged care precinct, already accessible housing available, proximity to hospital service entrance – noise / smell, extra traffic, possibly in Kendenup.
WA Country Health	No objections - provision of aged care accommodation in location detailed is viewed as complementary use.
Karen Braithwaite	Against - block does not seem big enough, family units close to age not well planned, need to consider proximity to hospital, Overton, Langton, should be joint venture.
Grant & Susann Lubcke	Against - proximity to Hospital, Overton and Langton, decrease in property value because of 'Homeswest' property, family safety and security.
Dorothy & Derek Gorman	Against - due to lack of information given to make informed decision. Unless much more information given they object.
Tony & Michelle Moore	Against - area developed for elderly, not suitable for families, increase in traffic, Homeswest assisted with other elderly development so extend on existing not start new.
William Spencer	Against - other more suitable land already available, prior joint ventures with Homeswest,

Terry Redman MLA, has also contacted the Chief Executive Officer regarding this development.

**Policy Implications**

Policy Statement No. 1: Dwelling Size:

'Council will support the construction of such smaller dwellings provided that they are constructed to a standard of development of other new residences throughout the Shire and do not impact upon the visual amenity of the locality.'

Policy Statement No. 7: Mount Barker Townsite:

'within residential areas coded R10/20 and R12.5/20, Council will encourage subdivision and/or development subject to:

4.1.1 – Connection to reticulated sewerage.

4.1.2 – Compliance with the R Codes and Council's development standards as contained in Town Planning Scheme No. 3.'

**Financial Implications**

There are no financial implications for this report.

### Strategic Implications

The proposal is consistent with the Shire of Plantagenet Strategic Plan, in particular the aim to ensure a mix of housing types taking into account changing demographics and environmental conditions.

### Officer Comment

The proposal complies with R20 density coding, as per Section 3.1.3, where 'In the case of Grouped Dwellings in areas Coded R20 at the time of the gazettal of the Residential Design Codes the average site area shall be 450 square metres'. For Aged Persons Units (APU's), the minimum site area may be reduced by up to one third. The absolute site area minimum for five (5) APU's, plus two (2) family units, is therefore 2,400m<sup>2</sup>. The design achieves the minimum 50% of site being retained as Open Space. This assists in water recharge to water table (ie: drainage being retained on site). A drainage plan is an essential condition of approval.

A dedicated pedestrian walkway, to access the APU's, has been discussed with the applicant. It has been agreed that this is required on the western side of the proposed central driveway, to minimise driveways crossing it. The proposed 6 metre wide driveway can be reduced to 4.5 metres for most of its length, with the 6 metre width retained towards the crossover to Muir Street. A central pedestrian island is needed to protect pedestrians from vehicular traffic at this point.

A separate crossover to Unit 1 from Muir Street, as proposed in the revised design (dated 23 May 2005) is not supported. Re-orientation of Unit 1, to ensure vehicular traffic can access Unit 1 from the central driveway, is achievable.

The current proposed setback for Unit 1 (6.9 metres) is greater than the minimum (6 metres), allowing some space to re-orientate the unit. Whilst forward of the typical front setback in the locality, a 6 metre setback is considered preferable to an extra crossover which would impact upon streetscape, pedestrian amenity and stormwater run-off.

The six submissions objecting to the proposal question the location of aged units, the mix of aged and family units, and other possibly more suitable potential sites for such developments. Commonwealth Health Department locational criteria for aged accommodation can be summarized as:

'A culturally valued setting in easy walking distance to doctors, other health professionals, hospital facilities, churches and social opportunities, eg: Autumn Centres.'

The site clearly meets most of these criteria, as it abuts Plantagenet Hospital. The Hospital has visiting General Practitioner's, basic pharmacy facilities, counselling and social work, podiatry services etc. In the future 'Autumn Centre' social activities may be accommodated at the Hospital if there are enough nearby participants.

The two (2) family units provide a mix of housing types, supported as all social planning criteria recommend mixtures of families and aged accommodation. This is reflected in the Council's Strategic Plan (January 2003).

It is recommended that all contributors be thanked for their input, and advised that:

- (1) The site is zoned Residential and coded R20 density.

---

**Lot 151 Muir Street, Mount Barker – Grouped Dwelling (Cont.)**

- (2) The location next to Plantagenet Hospital is very suitable for aged accommodation.
- (3) The mixture of family and aged accommodation is entirely consistent with the Council's Strategic Plan, especially the following aims (Page 13):
- Encourage and guide local development in accordance with the strategic plan and Town Planning Scheme No. 3 (As Amended).
  - Support sustainable and managed growth within existing urban settlements in the Shire and encourage the development of a variety of housing opportunities.
  - Plan a safe and healthy living environment.

The following Measures of Success (Page 15):

- Increasing number of new dwellings/units.

and the following New Initiatives (Page 15):

- Ensure a mix of housing types taking account of changing demographic and environmental conditions.
- Provide for a range of lot sizes, residential opportunities and adaptable housing.
- Plan for aged housing.

Whilst other sites exist in the residential zone which offer similar locational advantages, this site's proximity to the hospital and the availability to sewerage connection make it highly capable and suitable for the proposed development.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

**Moved Cr M Skinner, seconded Cr D Williss:**

**THAT:**

- (1) **Planning consent be granted in respect of Application No. 09/05 for Lot 151 Muir Street, Mount Barker to be developed for the purpose of two (2) three (3) bedroom family units and five (5) two (2) bedroom aged persons units in accordance with the revised plans dated 23 May 2005 subject to the following conditions:**
- (a) **Provision of a dedicated pedestrian access way along the western side of proposed central driveway, designed to be easily distinguished from adjacent vehicular road surface for ease of use by elderly and sight impaired residents.**
- (b) **Provision of a pedestrian traffic island within the crossover to Muir Street.**
- (c) **Re-orientation of Unit 1 to allow its vehicular traffic to access unit from the central driveway, and deletion of the proposed separate crossover.**

---

Lot 151 Muir Street, Mount Barker – Grouped Dwelling (Cont.)

- (d) The minimum setback for Unit 1 is to be 6 metres from the Muir Street road reserve.
- (e) A drainage assessment of the lot is to be submitted to ensure that runoff to the district drainage stormwater system is not increased as a result of roaded catchment to the satisfaction of the Executive Director of Technical and Development Services.
- (f) Suitable arrangements being made for storage of weekly rubbish for collection to the satisfaction of the Executive Director of Technical and Development Services.
- (g) All stormwater runoff being contained on-site and disposed of to the satisfaction of the Executive Director of Technical and Development Services.
- (h) Landscaping and sealed access ways and parking areas being installed in accordance with the approved plan.
- (i) The crossover, access way and vehicle parking areas being funded and maintained by the developer.
- (j) The development being connected to reticulated sewer.

All conditions not of an ongoing nature being complied with, within six (6) months of this approval.

#### ADVICE NOTES

- (i) If the development, the subject of this approval, is not substantially commenced within a period of 24 months the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.
- (ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:
  - The Building Code of Australia 2004
  - Building Regulations 1989, in particular the need to obtain a Demolition Licence prior to the removal of the existing duplex.
  - Health Act 1911, in particular the safe and appropriate handling and disposal of asbestos.

LOST (0/9)

---

Lot 151 Muir Street, Mount Barker – Grouped Dwelling (Cont.)

**FURTHER MOTION / COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr B Hollingworth:**

**THAT:**

- (1) The Department of Housing and Works be advised that consideration of Application No. 09/05 for the purpose of two (2) three (3) bedroom family units and five (5) two (2) bedroom aged persons units on Lot 151 Muir Street, Mount Barker, has been deferred; and**
- (2) The Department be further advised that a revised application for seven (7) aged persons units is considered to have a more amenable social mix and be more in keeping with the residential amenity and community expectations for the area.**

**CARRIED (9/0)**

**No. 181/05**

**9.1.2 LOT 2 SPENCER ROAD, NARRIKUP - PROPOSED RESTAURANT AND CELLAR DOOR SALES**

<b>Location / Address:</b>	<b>Lot 2 Spencer Road, Narrikup</b>
<b>Attachments: (3)</b>	<b>Site Plan Locality Plan Floor Plan</b>
<b>Name of Applicant:</b>	<b>Alexander and Janet Taylor</b>
<b>File Reference:</b>	<b>RV/182/3907</b>
<b>Author:</b>	<b>Delma Baesjou - Manager Development Services</b>
<b>Authorised By:</b>	<b>Rob Stewart – Chief Executive Officer</b>
<b>Date of Report:</b>	<b>14 June 2005</b>

---

**Purpose**

The purpose of this report is to consider the submission and determine the application for Restaurant and Rural Use (Cellar Sales) at Lot 2 Spencer Road, Narrikup. It is proposed to construct a new purpose built structure for cellar sales and café.

**Background**

The subject land comprises 60.4324ha and is zoned 'Rural' under the Shire of Plantagenet Town Planning Scheme No. 3. The site contains a vineyard, an olive grove and a dwelling.

Shire records show the registered land owner to be Alexander and Janet Kay Taylor

A report on this matter was considered by the Council at its meeting on 12 April 2005. The following resolution was adopted:

*'THAT:*

- (1) The application for a Restaurant and Rural Use (Cellar Sales) at Lot 2 Spencer Road, Narrikup be advertised in accordance with Clauses 6.2.3 (a) and (b) of the Shire of Plantagenet Town Planning Scheme No. 3 stating that submissions may be made within twenty one (21) days from the date of the notice.*
- (2) At the conclusion of the advertising period a further report on the Restaurant and Rural Use (Cellar Sales) at Lot 2 Spencer Road, Narrikup be prepared for the consideration of the Council at its meeting to be held on 14 June 2005.'*

The proposal was advertised in accordance with that resolution.

**Statutory Environment**

Shire of Plantagenet Town Planning Scheme No. 3

**Consultation**

Formal advertising was undertaken in accordance with Clause 6.2 of Town Planning Scheme No. 3 and the Council's resolution.

The notice period closed on 6 May 2005. One (1) submission has been received.

---

Name	Submissions
Mark Bailey	Hours of business? Will this have a negative effect on Narrikup General Store? What type of goods will be sold?

A number of questions are posed in the submission however, no objection is raised to the proposal. A reply will be sent to answer these questions.

### **Policy Implications**

There are no policy implications for this report.

### **Financial Implications**

There are no financial implications for this report.

### **Strategic Implications**

The proposal is consistent with the Shire of Plantagenet Strategic Plan, in particular 'New Initiative 4.3 - Encourage establishment of new businesses which provide employment and / or service to the tourist industry and contribute to the prosperity of Plantagenet (and to) focus on the diverse rural sector.'

### **Officer Comment**

The development is considered to be compatible with the existing rural land uses in the locality and will complement the existing rural enterprise. The property has frontage to a sealed road.

The following issues / requirements have been identified:

The kitchen and restaurant shall comply with the Food Hygiene Regulations.

The effluent disposal facilities are to comply with Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 as amended. Size and type of system to be determined after site evaluation.

A building licence is to be obtained.

Compliance with the Building Code of Australia (BCA) Volume One – Class 2-9 buildings is required.

Prior to the issue of any approvals, the proponent will need to demonstrate how sufficient quantities of potable water are to be provided.

### **Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr J Mark, seconded Cr J Cameron:

**THAT:**

- (1) Planning consent be granted in respect of Application No. 08/05 for Lot 2 Spencer Road, Narrikup to be developed for the purpose of Restaurant and Rural Use (Cellar Sales) in accordance with the plans dated 11 March 2005 subject to the following conditions:
- (a) Twenty (20) on-site car parking bays being provided, designed in accordance with relevant Australian Standards.
  - (b) A revised plan detailing parking and driveway access being submitted prior to the issue of a building licence.
  - (c) The crossover, access ways and vehicle parking areas being funded and maintained by the developer.
  - (d) All stormwater runoff from the development being contained onsite and disposed of to the satisfaction of the Council.
  - (e) Details of the proposed method of stormwater disposal system being submitted for assessment by the Council's Technical and Development Services Officers, prior to the issue of a building licence.
  - (f) Production of a Fire Management Plan for the site being submitted for assessment to Council's Ranger (Emergency) Services prior to issue of any building licence.
  - (g) Building Plans being submitted to Fire and Emergency Services Authority (FESA) prior to the issue of a building licence.
  - (h) Signage being erected in accordance with the Town Planning Scheme No. 3, Section 5.6 – Control of Advertisements.

**ADVICE NOTES**

- (iii) If the development, the subject of this approval, is not substantially commenced within a period of 24 months the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.
- (iv) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:
  - The Building Code of Australia 2004
  - Health Act 1911
  - Liquor Licensing Act

**CARRIED (9/0)**

**No. 182/05**



**9.1.3 LOT 353 THIRD AVENUE, KENDENUP – PROPOSED SINGLE HOUSE ON SERVICE INDUSTRIAL LOT**

<b>Location / Address:</b>	<b>Lot 353 Third Avenue, Kendenup</b>
<b>Attachments: (3)</b>	<b>Site Plan Locality Plan Elevation / Floor Plan</b>
<b>Name of Applicant:</b>	<b>Maurice Buffham</b>
<b>File Reference:</b>	<b>RV/182/3225</b>
<b>Author:</b>	<b>Joe O’Keefe – Town Planner</b>
<b>Authorised By:</b>	<b>Delma Baesjou – Manager Development Services</b>
<b>Date of Report:</b>	<b>19 May 2005</b>

---

**Purpose**

The purpose of this report is for the Council to consider an application for a single house on Lot 353 Third Avenue, Kendenup. This property is zoned Service Industrial.

**Background**

The proposal is to construct a dwelling on a 1,012m<sup>2</sup> lot. A ‘Single House’ is the only relevant use class, as there is no service industrial use on the lot for which it could be described as a ‘Caretaker’s dwelling’. ‘Single House’ is an ‘AA’ use, a use that is permissible at the Council’s discretion.

Shire records show the registered owner to be Mr MF Buffham. Lot 354 (to the South) is also owned by Mr Buffham.

**Statutory Environment**

Shire of Plantagenet Town Planning Scheme No. 3  
Town Planning and Development Act (1928)

**Consultation**

Some discussions have taken place between Shire of Plantagenet officers and the applicant.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

New industrial and commercial developments within Kendenup tend to be service orientated or rural based. As such, most are single operator or family owned businesses. In addition to home occupations in the Residential zone, areas such as the existing Service Industrial zone are appropriate to meet this demand. Such an area enables business to benefit from co-location and accommodates activities that have outgrown their home location.

## Officer Comment

### Option 1: Approval

The Service Industrial zone allows only for those industrial uses without spill over effects. The two industrial use classes classified 'P' and therefore permitted in the Zone, Light Industry and Service Industry, have by definition minimal noise and other impacts.

The Service Industrial Zone cannot achieve the required buffers for General Industry nor any heavier form of industry, which must be buffered and set well away from residential zones, commercial zones and rural zones. Waste water and other servicing requirements are paramount.

Studies prepared for the Council nominate the future of the current Service Industrial Zone as a 'Mixed Use Zone', where houses and the lightest of industries could co-exist. (Kendenup Townsite Review, Ayton, Taylor and Burrell 2002)

For these reasons, a Single House in the zone would not be detrimental to future planning. The lot to the north of Lot 353 is zoned Rural, as are lots to the west. The Service Industrial zoned lot to the south is owned by the applicant and apparently is seen by him as a garden / yard (curtilage) for the proposed house. The Service Industrial zoned lot to the east has an approved warehouse, for storage purposes only.

The historical reasons for the zone are based on a low growth scenario, where a small area adjacent to the Residential Zone was earmarked for, typically, few light industries.

A future Town Planning Scheme will locate new Industrial zones based on land suitability, capability and buffer criteria.

A single house is therefore an acceptable use, as neither general nor heavy industry would ever be contemplated within 500 metres to 1 kilometre to residences.

### Option 2: Deferral

Amalgamation of Lot 353 with the adjacent Lot 354 to the south is a preferable outcome, for the following reasons:

- (i) Lot 354 could be sold to any third party and be developed as a car sales yard, for example, which may impact upon residential amenity of Lot 353.
- (ii) Unsewered lots of 2,000m<sup>2</sup> are more capable environmentally than lots of 1,012m<sup>2</sup>.
- (iii) As the lots are in the same ownership, amalgamation is consistent with the perceived future use as curtilage to the proposed house.
- (iv) Amalgamation cannot be a condition of development approval as it may "fetter" the State Government's decision on it.
- (v) Whilst mixed use zoning may be envisaged for the current Service Industrial zone, it is certainly not a *fait accompli*. The town planning process could result in an unforeseen zoning, or area restrictions, over the lot/s to ensure environmental imperatives are achieved.

Option 3: Refusal

There are limited lots (14) zoned for Service Industrial purposes. To effectively remove one of these for purely residential purposes is to ignore the predominance of lots zoned Residential and Rural, both of which classify single house 'P', permitted use. To approve single houses in the Zone is contrary to the Town Planning Scheme objectives ie:

'1.6.2 To promote the development of Kendenup, Narrikup, Rocky Gully and Mount Barker townsites....'

And

'1.6.5 To rationalise the small allotment subdivision in and around Kendenup townsite.'

Conclusion

Deferral pending amalgamation is the recommended option, as lots of approximately 2,000m<sup>2</sup> are preferable for on-site wastewater disposal and the zone is most likely to be a mixed use zone under any new Town Planning Scheme.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

That consideration of Application No. 17/05 for the development of a single house on Lot 353 Third Avenue, Kendenup be deferred until, in order to meet residential amenity and land capability criteria, Lot 353 and Lot 354 Third Avenue, Kendenup have been amalgamated into a lot of approximately 2,000m<sup>2</sup>, a lot size capable of accommodating a single house in a Service Industrial zone and having reasonable buffers to adjacent lots and accommodating on-site wastewater disposal.

**COUNCIL DECISION**

**Moved Cr K Hart, seconded Cr J Cameron:**

**That Planning Consent be granted in respect of Application No. 17/05 for Lot 353 Third Avenue, Kendenup to be developed for the purpose of single dwelling subject to the following conditions:**

- (1) Development of the single house to accord with Residential R10 standards including a minimum of 60% of the lot being open space, minimum primary street setback 7.5m, side and rear setbacks in accordance with Tables 2a and 2b – Boundary Setbacks from Residential Design Codes gazetted 2002).**
- (2) Wastewater effluent systems being positioned and constructed to the Council's satisfaction.**
- (3) The crossover and access way being constructed and maintained by the proponent.**
- (4) All stormwater runoff being contained on-site.**

**ADVICE NOTES**

- (i) If the development, the subject of this approval, is not substantially commenced within a period of 24 months, the approval shall lapse and be of no further effect. Where approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and appointed.
- (ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development, in particular the Building Code of Australia.
- (iii) This approval may influence future zonings in the Kendenup townsite as Residential amenity and correct buffer distances to industry are to be considered as part of the Town Planning Scheme review.

**CARRIED (7/2)**

**No. 183/05**

Reason For Change

The Council decided that Application No. 17/05 should be approved as the rationale for supporting the proposal is outlined in Option 1 of the Officer's Report and the Environmental Health Officer indicated that the site is capable of supporting onsite effluent disposal and there are no policy implications.

## 9.2 TECHNICAL SERVICES REPORTS

### 9.2.1 ANNUAL FIRE BREAK NOTICE 2005 / 2006

<b>Location / Address:</b>	<b>Shire of Plantagenet</b>
<b>Attachments: (1)</b>	<b>Annual Firebreak Notice 2005 / 2006</b>
<b>File Reference:</b>	<b>LE/108/1</b>
<b>Author:</b>	<b>Stephen Bell - Executive Director Technical and Development Services</b>
<b>Authorised By:</b>	<b>Robert Stewart – Chief Executive Officer</b>
<b>Date of Report:</b>	<b>3 June 2005</b>

---

#### **Purpose**

The purpose of this report is for the Council to endorse or otherwise the Annual Firebreak Notice 2005 / 2006 for gazettal, publication and distribution to owners and occupiers of land in the Shire of Plantagenet.

#### **Background**

At its meeting held 4 May 2005, the Bush Fire Advisory Committee discussed the Annual Firebreak Notice (AFN) and resolved to allow a working group of the Committee to review the AFN for adequacy. Further, members advised that the AFN did not need to be reported back to the Committee provided the amendments were relatively minor in nature and addressed the following issues, these being:

- Media drop advising of the three (3) metre fire break requirement;
- Concerns in relation to the 40ha or less section of the firebreak notice;
- Wording regarding whether the Shire has the power to demand a change in conditions on a property; and
- How to define a townsite.

A workshop was held with relevant bushfire personnel on 25 May 2005 to discuss the Annual Firebreak Notice 2005 / 2006. The workshop was attended by:

- Chief Bush Fire Control Officer – David Burcham
- Deputy Chief Bush Fire Control Officer – Len Handasyde
- Shire President – Cr Kevin Forbes
- Deputy President / Chairman Bush Fire Advisory Committee – Cr David Williss
- Executive Director Technical and Development Services – Stephen Bell
- Ranger Services – Ray Parry
- Captain Porongurup Bush Fire Brigade – John Russell
- Administration Officer – Nicole Selesnew

#### **Statutory Environment**

Bush Fires Act 1954

Town Planning Scheme No. 3

Town Planning and Development Act 1928

The Western Australian Planning Commission Policy DC 3.7, Fire Planning, which includes planning for Bush Fire Protection (FESA 2001).

---

### **Consultation**

The Annual Fire Break Notice 2005 / 2006 has been refined following consultation with members of the Bush Fire Advisory Committee and Council staff. Those persons involved in the review of the Annual Fire Break Notice were:

- Chief Bush Fire Control Officer – David Burcham
- Deputy Chief Bush Fire Control Officer – Len Handasyde
- Shire President – Cr Kevin Forbes
- Deputy President / Chairman Bush Fire Advisory Committee – Cr David Williss
- Executive Director Technical and Development Services – Stephen Bell
- Ranger Services – Ray Parry
- Captain Porongurup Bush Fire Brigade – John Russell
- Administration Officer – Nicole Selesnew

Councillor Keith Hart who normally attends the working group meetings was not present during the review of the Annual Firebreak Notice.

At its meeting of 4 May 2005, the Bush Fire Advisory Committee provided input into the Annual Firebreak Notice 2005 / 2006.

### **Policy Implications**

There are no policy implications for this report.

### **Financial Implications**

Funds have been allocated in the annual budget to facilitate the printing and distribution of the Annual Fire Break Notice 2005 / 2006. Printing costs will be similar to 2004 / 2005, that is, in the order of three thousand five hundred dollars (\$3,500.00).

Where non-compliance with the Annual Fire Break Notice occurs, a financial penalty of up to two hundred and fifty dollars (\$250.00) for each infringement may apply. During 2004 / 2005, fifty four (54) infringements were issued for non-compliance with the Annual Firebreak Notice.

### **Strategic Implications**

The Shire of Plantagenet Strategic Plan is silent on issues relating to Bush Fire management and operation.

The Annual Fire Break Notice is the primary means of advising owners and occupiers of land in the Shire of Plantagenet about their responsibilities for fire risk management on privately owned land.

### **Officer Comment**

The following minor changes have been made to the Annual Firebreak Notice, these being:

- (1) On the front cover of the Annual Firebreak Notice 2005 / 2006, the photograph has been changed and the wording amended. The new wording highlights that the AFN is a first and final warning and penalties may apply where owners and / or occupiers of land fail to comply with the requirements of the AFN.

---

**Annual Fire Break Notice 2005 / 2006 (Cont.)**

---

Reason for Change

During 2004 / 2005, many owners and / or occupiers of land complained that they were not aware that an infringement would be issued for non-compliance with the AFN. Hence, insertion of the wording '*First and Final Notice – Penalties May Apply*' on the cover of the notice.

- (2) At the bottom of the second page that contains the Glossary, wording has been inserted that provides advice about the photograph on the front cover of the AFN.

Reason for Change

The photograph on the front cover of the AFN occurred at Halsey Road during the 2004 / 2005 bush fire season. It was considered that owners and / or occupiers of land may be interested where the bushfire occurred.

- (3) On the page entitled 'Important Information and Glossary', the wording 'See Contact List' has been replaced with 'Refer to Brigade / Shire Contact Details.'

Reason for Change

Some owners and / or occupiers of land did not realise that the contact list referred to the Brigade and Shire Contact Details, hence the amendment.

- (4) On the Shire of Plantagenet zones map, 'to' has been inserted next to the town names of Manjimup, Cranbrook, Borden, Denmark and Albany.

Reason for Change

During 2004 / 2005, some owners and / or occupiers of land thought that the nearby towns of Manjimup, Cranbrook, Borden, Denmark and Albany were located as shown on the Shire of Plantagenet zones map. To correct any confusion, the word 'to' has been added to signify that the roads on the map provide access to the above towns.

- (5) On the page entitled 'Rural Land Protection Requirements', the following changes have been made:

- Under the bold heading Harvest Ban, the wording '*in paddocks*' has been inserted between '*...complete stop*' and '*when a ban is in place.*'
- Under the bold heading Vehicle Movement Ban and Operation of Combustion Engines, the wording '*unless on a constructed, gazetted road and / or front entrance of property residences*' has been inserted between '*No vehicles to be driven*' and '*when the ban is in place....*'

Reason for Change

When a Vehicle Movement Ban was imposed during 2004 / 2005, some owners and / or occupiers of land thought that the ban prohibited the driving of motor vehicles on the Shire's road network. To correct any confusion, the definition has been amended to clearly state that the ban only applies to any movements not on a constructed, gazetted road or front entrances of properties.

Further, during Harvest Bans, some owners and / or occupiers of land continued to work their land even though such operations constituted a significant fire risk. Therefore, the wording in AFN has been strengthened to

---

**Annual Fire Break Notice 2005 / 2006 (Cont.)**

---

signify that all harvesting work must come to a complete stop when operating in paddocks during harvest bans.

- (6) At the bottom of the page entitled, Rural Land Protection Requirements the wording '*Any exemptions for vehicle movement bans must be received in writing by the Shire of Plantagenet by no later than 30 September annually*' has been added.

Reason for Change

During 2004 / 2005, numerous requests for vehicle movement bans were received well after the nominated deadline in the AFN. Hence, additional wording has been placed in the AFN relating to vehicle movement bans to ensure that all requests are received prior to the 30 September deadline.

- (7) On the page entitled Land Area Less Than 40 Hectares, the following changes have been made:
- A bold heading has been inserted in the section relating to Building / Asset Protection (after the first paragraph) to clarify the requirements for works to be undertaken on the remaining portions of land less than 40 hectares. The heading is entitled 'Remainder of Property.'
  - Under the new heading 'Remainder of Property', the single sentence has been amended to read 'All of the remainder of the lot, if not under a seed producing crop, to be maintained to a low fuel state (200 millimetres).'

Reason for Change

During 2004 / 2005, some members of the community were confused about the requirements for bushfire protection on the remaining portions of land, particularly in relation to the requirement to hazard reduce to a low fuel state for land under crop.

- (8) On the page entitled 'Land Area Greater Than 40 Hectares', the following changes have been made:
- Separate headings inserted for 'Boundary Firebreaks' and 'Fire Fighting Equipment Option.'
  - A paragraph has been inserted in relation to the submission of statutory declarations by 30 September annually. The paragraph reads 'Failure to submit a statutory declaration by 30 September will result in the property being subject to the requirements of the Annual Firebreak Notice and penalties may apply.'
  - Under the heading 'Barriers to Installing Firebreaks' the words 'and received no later than 30 September annually' have been added after '... addressed to the Chief Executive Officer.'

Reason for Change

During 2004 / 2005, many owners and / or occupiers of land greater than 40 hectares submitted statutory declarations well after the timeframe nominated in the Annual Firebreak Notice. In some instances, bush fire infringement notices had been issued (ie: no boundary firebreaks etc) only to find out after issue of the infringement that the landowner and / or occupier would have

---



---

**Annual Fire Break Notice 2005 / 2006 (Cont.)**

qualified for the exemption had they submitted a statutory declaration. Therefore, the section relating to 'Land Area Greater Than 40 Hectares' has been amended to clarify the requirements for the construction and / or waiving of boundary firebreaks and submission of a statutory declaration by the 30 September annually.

- (9) On the Statutory Declaration, the following changes have been made:
- After 'No later than 30 September 2005' the words '...or you will be subject to the requirements of the Annual Firebreak Notice' has been added.
  - The note requiring landowners to make separate applications to the Chief Executive Officer for variations to firebreak requirements such as physical barriers has been removed.

Reason for Change

As stated in point 8, many landowners and / or occupiers of land failed to submit statutory declarations by the nominated timeframe. The change to the Statutory Declaration is to advise that if the form is not received by 30 September annually the property will be subject to the requirements of the Annual Firebreak Notice and where non-compliance occurs, penalties may apply.

The requirement to submit a separate application for firebreak variations does not relate to the Statutory Declaration and is covered in the section relating to Land Area Greater Than 40 Hectares under the heading Barriers to Installing Firebreaks.

Subject to the Council's endorsement of the Annual Firebreak Notice 2005 / 2006, the notice will be gazetted and advertised in a newspaper circulating within the district of the Shire of Plantagenet. In addition, the notice will be printed and distributed to the community with the annual rates notice.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr D Williss, seconded Cr K Clements:**

**That the Annual Firebreak Notice 2005 / 2006 as attached and incorporating minor typographical changes, be endorsed and be:**

- (1) **Published in the Government Gazette and advertised in a newspaper circulating within the district of the Shire of Plantagenet; and**
- (2) **Printed and distributed to the Plantagenet community.**

**CARRIED (9/0)**

**No. 184/05**

## 9.2.2 FUTURE TREE PLANTING - SHORT STREET, LORD STREET AND MOUNT BARKER ROAD, MOUNT BARKER

<b>Location / Address:</b>	<b>Short Street, Lord Street and Mount Barker Road, Mount Barker</b>
<b>File Reference:</b>	<b>LP/103/3</b>
<b>Author:</b>	<b>Cobie MacLean - Administration Officer</b>
<b>Authorised By:</b>	<b>Stephen Bell - Executive Director Technical and Development Services</b>
<b>Date of Report:</b>	<b>14 June 2005</b>

---

### **Purpose**

The purpose of this report is for the Council to consider a recommendation from the Townscape Review Steering Committee of 19 April 2005 in regard to the installation of trees within Short Street, Lord Street, and Mount Barker Road Mount Barker during the 2005 / 2006 financial year.

### **Background**

At its meeting of 19 April 2005, the Townscape Review Steering Committee considered the matter of installing trees within the road reservations at Short Street, Lord Street and Mount Barker Road, Mount Barker. At that meeting it was resolved:

*'Moved Ms McKenzie, seconded Mr J Mark*

*'That it be a recommendation to the Council that an allocation of \$20,000.00 be included in the 2005/2006 Annual Budget for street trees in Short Street, Lord Street and Mount Barker Road.'*

### **Statutory Environment**

The Council is responsible for the care and control of road reserves within the Shire of Plantagenet. Accordingly, any proposal to install street trees or other permanent non-frangible items within road reserves requires approval by the Council.

The Shire of Plantagenet *'Activities in Thoroughfares and Public Places and Trading Local Law'* applies.

### **Consultation**

The Townscape Review Steering Committee considered the planting of street trees within Short Street, Lord Street, and Mount Barker Road at its meeting of 19 April 2005.

There has been previous consultation with the Chief Executive Officer in regard to the matter of planting street trees, future tree maintenance and associated costs.

### **Policy Implications**

There are no policy implications for this report.

### **Financial Implications**

The Townscape Review Steering Committee identified that a total of \$20,000.00 will need to be allocated from the 2005 / 2006 budget to enable the project to be implemented. The above cost was derived from an estimate from the Chairman of the

---

---

**Future Tree Planting – Short Street, Lord Street And Mount Barker Road, Mount Barker (Cont.)**

Townscape Review Steering Committee who indicated that the purchase of seventy seven (77) trees (oriental or liquid amber) would cost in the vicinity of \$10,000.00. The remaining \$10,000.00 would be expended on root barriers and installation of the trees.

The above cost is considered extremely low, as it does not include any allowance for the protection of the trees within the road pavement or verge (ie: kerbed blisters or tree guards) and / or the ongoing maintenance (ie: pruning and watering etc) that will be required. If the Council resolves to accept the Townscape Review Steering Committee recommendation, funding from the annual maintenance vote will need to be allocated towards the ongoing maintenance of the trees. Further, additional funding from future budgets may be required to complete the tree-planting regime in Short Street, Lord Street, and Mount Barker Road.

**Strategic Implications**

The proposal is consistent with the Shire of Plantagenet's Strategic Plan, in particular Key Result Area 2: Infrastructure of which one aim is to 'maximise the benefit to the community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and building infrastructure within the financial resources of the Shire.'

**Officer Comment**

Over the past six months or so the Technical and Development Services division has been progressively undertaking the survey, design, and preparation of landscape drawings for the upgrade of Lowood Road, Mount Barker from Marion Street to Muir Street. This work has been undertaken in response to the Council's desire to improve the overall aesthetics of the area, revitalise the central business district, and encourage greater visitation to Mount Barker.

The work includes, but is not limited to:

- The construction of a roundabout at the intersection of Lowood Road and Langton Road and at the intersection of Lowood Road and Muir Street;
- The construction of underground pipe drainage in Lowood Road between Muir Street and Langton Road and lower carpark situated between the current Shire Office and railway line;
- The provision of underground power and decorative street lighting in Lowood Road from Marion Street to Muir Street;
- The provision of 45 degree angled parking, pedestrian facilities, central medians, brick paved footpaths, street furniture, and tree planting;
- The construction of a new public toilet between the current Shire Office and the Mount Barker Cooperative; and
- The construction of a new Administration Office.

The Townscape Review Steering Committee's desire to beautify Short Street, Lord Street, and Mount Barker Road is consistent with the Council's objectives to improve the aesthetics of Mount Barker and should therefore be supported. It is recommended that the Council list the matter for consideration during formulation of the 2005 / 2006 annual budget.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

Moved Cr B Hollingworth, seconded Cr J Mark:

That the Townscape Review Steering Committee Resolution of 19 April 2005, to install trees in Short Street, Lord Street and Mount Barker Road be listed for consideration by the Council during formulation of the 2005 / 2006 Annual Budget.

**AMENDMENT**

Moved Cr J Cameron, seconded Cr K Hart:

That the numerals '2005 / 2006' be replaced with the numerals '2006 / 2007'.

CARRIED (7/2)

No. 185/05

**FURTHER AMENDMENT**

Moved Cr K Clements, seconded Cr D Williss:

That a Part (2) be added to the motion as follows:

'An amount of \$5,000.00 be allocated in the 2005 / 2006 Annual Budget for a feasibility study regarding the appropriateness of planting trees in Short Street, Lord Street and Mount Barker Road, Mount Barker'

and the motion be recast accordingly.

CARRIED (9/0)

No. 186/05

**COUNCIL DECISION**

THAT:

- (1) The Townscape Review Steering Committee Resolution Of 19 April 2005, to install trees in Short Street, Lord Street and Mount Barker Road be listed for consideration by the Council during formulation of the 2006 / 2007 Annual Budget.
- (2) An amount of \$5,000.00 be allocated in the 2005 / 2006 Annual Budget for a feasibility study regarding the appropriateness of planting trees in Short Street, Lord Street and Mount Barker Road, Mount Barker.

CARRIED (9/0)

No. 187/05

### 9.2.3 UPGRADE OF LOWOOD ROAD, MOUNT BARKER - ADOPTION OF LANDSCAPE DRAWINGS

<b>Location / Address:</b>	<b>Lowood Road, Mount Barker</b>
<b>Attachments:</b>	<b>Landscape Drawings – To Be Tabled At Meeting</b>
<b>File Reference:</b>	<b>LP/103/3</b>
<b>Author:</b>	<b>Cobie MacLean - Administration Officer</b>
<b>Authorised By:</b>	<b>Stephen Bell - Executive Director Technical and Development Services</b>
<b>Date of Report:</b>	<b>14 June 2005</b>

---

#### **Purpose**

The purpose of this report is for the Council to consider a recommendation from the Townscape Review Steering Committee of 19 April 2005 to endorse the concepts and sketches presented by Landscape Architect Mr Bruce Thomas, for proposed streetscape beautification improvements in Lowood Road, Mount Barker.

#### **Background**

At its meeting of 19 April 2005, the Townscape Review Steering Committee considered a concept plan which was tabled by Landscape Architect Mr Bruce Thomas, in relation to proposed streetscape improvements in Lowood Road, Mount Barker. At that meeting the Townscape Review Steering Committee resolved:

*'That it be a recommendation to the Council that the concepts and sketches presented by the Landscape Architect be endorsed as the basis for further detailed design for the streetscape improvements associated with the upgrade of Lowood Road.'*

#### **Statutory Environment**

The Council is responsible for the care and control of road reserves within the Shire of Plantagenet. Accordingly, any proposal to improve or modify a road reserve requires approval by the Council.

The Shire of Plantagenet *'Activities in Thoroughfares and Public Places and Trading Local Law'* applies.

#### **Consultation**

The Townscape Review Steering Committee considered the concept plans at its meeting of 19 April 2005 and the key elements of the upgrade were outlined by the Landscape Architect, Mr Bruce Thomas.

There has been extensive consultation with the Community, Townscape Review Steering Committee, Chief Executive Officer, Council staff, and elected members regarding the future upgrade of Lowood Road.

#### **Policy Implications**

There are no policy implications for this report.

---

**Upgrade Of Lowood Road, Mount Barker – Adoption Of Landscape Drawings (Cont.)**

---

**Financial Implications**

The upgrade of Lowood Road will be staged over several financial years to lessen the financial impact on the Council's Annual Budget.

Subject to endorsement of the concepts and drawings, detailed estimates of cost will be prepared to identify the annual funding required to successfully implement the Lowood Road upgrade project and planting and associated site works in the vicinity of the new Administration Office. The detailed cost estimates will be the basis of a separate report to the Council.

**Strategic Implications**

The proposal is consistent with the Shire of Plantagenet's Strategic Plan, in particular Key Result Area 2: Infrastructure of which one aim is to 'maximise the benefit to the community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and building infrastructure within the financial resources of the Shire.'

**Officer Comment**

Over the past six months or so the Technical and Development Services division has been progressively undertaking the survey, design, and preparation of landscape drawings for the upgrade of Lowood Road, Mount Barker from Marion Street to Muir Street. This work has been undertaken in response to the Council's desire to improve the overall aesthetics of the area, revitalise the central business district, and encourage greater visitation to Mount Barker.

The work includes, but is not limited to:

- The construction of a roundabout at the intersection of Lowood Road and Langton Road and at the intersection of Lowood Road and Muir Street;
- The construction of underground pipe drainage in Lowood Road between Muir Street and Langton Road and lower carpark situated between the current Shire Office and railway line;
- The provision of underground power and decorative street lighting in Lowood Road from Marion Street to Muir Street;
- The provision of 45 degree angled parking, pedestrian facilities, central medians, brick paved footpaths, street furniture and tree planting;
- The construction of a new public toilet between the current Shire Office and the Mount Barker Cooperative; and
- The construction of a new Administration Office.

Some of the key elements of the landscape plan as presented by the landscape architect to the Townscape Review Steering Committee are:

**Central Precinct**

The Landscape Architect indicated that there is an opportunity for the Council to plant a Christmas tree in the main street to highlight the festive season. The Committee endorsed this concept.

Some examples of art styles / pieces were presented to the Committee, however this needed to be worked through in more detail prior to adoption by the Committee and the Council.

---

**Upgrade Of Lowood Road, Mount Barker – Adoption Of Landscape Drawings (Cont.)**

---

**Street Furniture**

The landscape architect presented sample seats, bollards, tree guards and rubbish bin enclosures. The Committee supported the proposed theme for the streetscape furniture.

**Vegetation / Planting**

Based on the planting list from the Tooby Report and suggested use of autumn colours, twelve (12) species of trees were recommended for planting in Lowood Road. However, the Committee indicated that the list should be reduced to two (2) or three (3) species only.

**Street Lights and Banners**

Members noted the proposal to install streetlights and banner poles in the central median planned for Lowood Road. Visibility, lighting and illumination should reflect crime prevention objectives.

The concept design for the Information Noticeboard was presented. The Committee noted that the noticeboard should be located in a central community / art space and that the noticeboard will require regular updating to keep information displayed current.

Subject to adoption by the Council, the landscape drawings will be progressed to detailed design and completed by the end of June 2005. When the upgrade of the Lowood Road and construction of the Administration Office occurs, all improvements will be undertaken in accordance with the adopted landscape beautification plan.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr J Mark:**

**That the concepts and sketches presented by the Landscape Architect, Mr Bruce Thomas, to the Townscape Review Steering Committee at its meeting held on 19 April 2005 for proposed streetscape improvements in Lowood Road Mount Barker be endorsed as the basis for progressing the detailed design.**

**CARRIED (9/0)**

**No. 188/05**

### 9.3 EXECUTIVE SERVICES REPORTS

#### 9.3.1 ELECTED MEMBERS EXPENSES AND ALLOWANCES

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>GO/44/6</b>
<b>Author:</b>	<b>Kaye Skinner - Executive Secretary</b>
<b>Authorised By:</b>	<b>John Byrne - Executive Director Corporate and Community Services</b>
<b>Date of Report:</b>	<b>14 June 2005</b>

#### Purpose

The purpose of this report is to review the elected attendance fees and allowances for the 2005 / 2006 financial year.

#### Background

The Shire of Plantagenet currently pays elected members the following attendance fees and allowances:

	\$
Annual Attendance Fees (Councillor)	6,000.00
Annual Attendance Fees (Shire President)	12,000.00
President's Annual Entertainment Allowance	3,840.00
Deputy President's Annual Local Government Allowance	960.00

#### Statutory Environment

The Local Government Act (1995) Section 5.98 to 5.102 and Local Government (Administration) Regulations 30 to 34 legislate the payment of expenses and allowances to elected members. This legislation was recently amended by increasing fees and allowances. The minimum and maximum allowances are now as follows:

	\$
Annual Attendance Fees (Councillors)	7,000.00 (Max)
Annual Attendance Fee (Shire President)	14,000.00 (Max)
President's Annual Local Government Allowance	600.00 (Min)
	16,000.00 (Max)
Deputy President's Annual Local Government Allowance	150.00 (Min)
(25% Of President's Allowance)	4,000.00 (Max)

#### Policy Implications

There are no policy implications for this report.

#### Financial Implications

An allocation will be made in the 2005 / 2006 Annual Budget.

#### Strategic Implications

There are no strategic implications for this report.



---

**Elected Members Expenses And Allowances (Cont.)****Voting Requirements**

Absolute Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION****Moved Cr J Cameron, seconded Cr B Hollingworth:****That elected member attendance fees and allowances for the 2005 / 2006 financial year be set as follows:**

	\$
<b>Annual Attendance Fees (Councillor)</b>	<b>7,000.00</b>
<b>Annual Attendance Fee (Shire President)</b>	<b>14,000.00</b>
<b>President's Annual Local Government Allowance</b>	<b>4,480.00</b>
<b>Deputy President's Annual Local Government Allowance</b>	<b>1,120.00</b>

**CARRIED (7/2)****No. 189/05****(Absolute Majority)**

### 9.3.2 GREAT SOUTHERN REGIONAL CATTLE SALEYARDS - ADVISORY COMMITTEE

A Financial Interest was disclosed by Cr K Forbes for Item 9.3.2

Extent Of Interest: Cattle Producer – Operate a mixed farming property of sheep and cattle with 270 head of cattle.

A Financial Interest was disclosed by Cr M Skinner for Item 9.3.2

Extent Of Interest: Cattle Producer – 180 beef breeders – 390 total number of beef cattle.

A Financial Interest was disclosed by Cr J Cameron for Item 9.3.2

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

A Proximity Interest was disclosed by Cr B Hollingworth.

An Impartiality Interest was disclosed by Cr J Moir.

#### **Authority To Participate Pursuant Section 5.62 (E) Local Government Act 1995**

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

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

4:17pm Cr B Hollingworth withdrew from the meeting.

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>CA/103/1</b>
<b>Author:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart – Chief Executive Officer</b>
<b>Date of Report:</b>	<b>29 March 2005</b>

#### **Purpose**

The purpose of this report is to recommend to the Council the creation of an Advisory Committee to assist with the strategic direction setting of the Great Southern Regional Cattle Saleyards.

#### **Background**

The Shire of Plantagenet purchased the City of Albany's fifty per cent (50%) share of the Saleyards effective from 1 April 2005.

#### **Statutory Environment**

Pursuant to Section 5.8 of the Local Government Act 1995 a Local Government may establish committees of three (3) or more persons to assist the Council and to

---

**Great Southern Regional Cattle Saleyards – Advisory Committee (Cont.)**

exercise the powers and discharge the duties of the local government that can be delegated to committees.

The creation of a committee and the appointment of members to that committee must be by *absolute majority*.

Further, pursuant to Section 5.9 of the Act, the Council can decide the membership of a committee and it will be recommended in this report that the membership of the Great Southern Regional Cattle Saleyards Advisory Committee be comprised of Council members only.

Members should note that a letter dated 24 May 2005 from the Department of Local Government and Regional Development, gave permission for Councillors Forbes, Cameron and Skinner to participate in the decision making process on matters relating to the Great Southern Regional Cattle Saleyards.

At the time of preparation of this report, the other declaring Member, Cr Hollingworth, had not received a similar dispensation.

Cr Moir has also declared an Impartiality Interest.

**Policy Implications**

There are no policy implications for this report as it will be recommended that part of the duties of the Advisory Committee will be to make policy recommendation to the Council.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

Councillors will recall that on 22 March 2005, a Strategic 'SWOT' session was held with elected members and senior members of the staff to assist with the strategic direction setting of the saleyards. It will be recommended that the committee now proposed to be created will make recommendation to the Council regarding the strategic direction of the saleyards. With the purchase of the saleyards as a business unit, it is crucially important that the strategic direction of that business unit be set down. This is a function of the Council. Making recommendations to the Council regarding this strategic direction should be a core responsibility of the Committee. In this way the Committee will also be able to work closely with the staff in setting that strategic direction and in this way ensure that operational issues align with the strategic direction and that sufficient resources are available to achieve desired outcomes.

It is also crucial that the expertise that exists with some Councillors regarding the cattle industry should be made available to staff. In fact this was a crucial component of the Chief Executive Officer's request of the Department of Local Government to allow Councillors to vote on the issue of the saleyards.

**Voting Requirements**

Absolute Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr K Clements, seconded Cr J Moir:

**THAT:**

- (1) A Committee of the Council, to be known as the Great Southern Regional Cattle Saleyards Advisory Committee be created pursuant to Section 5.9(2)(a) of the Local Government Act 1995.
- (2) The membership of the Committee shall comprise of three (3) Councillors.
- (3) The duties of the Great Southern Regional Cattle Saleyards Advisory Committee shall be to:
  - (a) Make recommendation to the Council regarding the strategic direction of the saleyards;
  - (b) Make recommendation to the Council regarding the environmental action plan for the saleyards;
  - (c) Bring to the attention of the Chief Executive Officer industry matters regarding the cattle industry that may not be readily available to persons external to that industry; and
  - (d) Make recommendation to the Council regarding development works on the site.

**CARRIED (8/0)**

**No. 190/05**

**(Absolute Majority)**

**FURTHER MOTION / COUNCIL DECISION**

Moved Cr J Cameron, seconded Cr J Moir:

**That Councillors Forbes, Williss and Skinner be appointed as Members of the Great Southern Regional Cattle Saleyards Advisory Committee.**

**CARRIED (8/0)**

**No. 191/05**

**(Absolute Majority)**

4:20pm Councillor B Hollingworth returned to the meeting.

**9.3.3 REPRESENTATION - MOUNT BARKER LIQUOR ACCORD**

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>GO/44/1</b>
<b>Author:</b>	<b>Kaye Skinner - Executive Secretary</b>
<b>Authorised By:</b>	<b>John Byrne - Executive Director Corporate and Community Services</b>
<b>Date of Report:</b>	<b>14 June 2005</b>

---

**Purpose**

The purpose of this report is to seek from the Council an appointment to the Mount Barker Liquor Accord.

**Background**

Prior to his resignation, Councillor Donaldson was the Council's representative on this committee.

**Statutory Environment**

Section 5.11 of the Local Government Act 1995 provides that a person's appointment as a member of a Committee continues until (among other things) the person's appointment expires. With his resignation from the Council, each position occupied by Councillor Donaldson was effectively declared vacant.

The Council, at its meeting held on 8 February 2005, did not make a recommendation for a replacement on this committee.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

The Mount Barker Liquor Accord is a key component of the Community's response to improving social and racial relations within the Shire. It is consistent with the aims of Key Result Area 3 – Community Services and Key Result Area 5 – Strategic Planning.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr J Cameron, seconded Cr J Mark:**

**That Councillor Williss be appointed as a member to the Mount Barker Liquor Accord Committee.**

**CARRIED (9/0)**

**No. 192/05**

## 9.4 CORPORATE SERVICES REPORTS

### 9.4.1 COUNCIL MEETING - AUGUST 2005

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>ED/62/2</b>
<b>Author:</b>	<b>Kaye Skinner - Executive Secretary</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>31 May 2005</b>

---

#### **Purpose**

The purpose of this report is to consider reducing the number of Council meetings for August 2005 to one (1) and that the meeting be held on 16 August 2005.

#### **Background**

Local Government Week is being held on Saturday 5 August to Tuesday 9 August 2005. This coincides with the first scheduled Ordinary Meeting of the Council in August 2005.

#### **Statutory Environment**

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

#### **Consultation**

Both the Shire President and Chief Executive Officer have been consulted with regard to this report.

#### **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 D Williss, seconded Cr J Mark:

**THAT:**

- (1) One (1) Ordinary Meeting of the Council be held in August 2005 on Tuesday, 16 August 2005, in the Frost Pavilion commencing at 2:45pm.**
- (2) Advertising pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996 be undertaken.**

**CARRIED (9/0)**

**No. 193/05**



**9.4.2 LOCAL GOVERNMENT WEEK - ATTENDEES**

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>ED/62/2</b>
<b>Author:</b>	<b>Kaye Skinner - Executive Secretary</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>31 May 2005</b>

---

**Purpose**

The purpose of this report is to endorse Councillors' and the Chief Executive Officer's attendance at Local Government Week to be held on 6 August to 9 August 2005.

**Background**

This years theme is 'Local Government CSI: Community – Sustainability – Initiators'.

**Policy Implications**

Policy PC5 and PC6 apply.

**Financial Implications**

Approximate cost for delegates for registration and accommodation will be \$1,700.00 per delegate.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

Tentative accommodation bookings have been made at Novotel Langley in Perth.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr B Hollingworth, seconded Cr K Hart:**

**That the Chief Executive Officer be granted authority to make appropriate arrangements for the registration of Councillors for attendance at Local Government Week, Friday 6 August to Tuesday 9 August 2005 and that the associated costs be charged to GL 410.1.207 Councillor Training and Conference Expenses and GL 420.1.44 – Staff Training.**

**CARRIED (9/0)**

**No. 194/05**

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Moved Cr J Cameron, seconded Cr K Hart:

That new business of an urgent nature, namely:

- Multi Purpose Service / Home and Community Care be introduced into the meeting.

**CARRIED (9/0)**

**No. 195/05**

**MOTION TO PROCEED BEHIND CLOSED DOORS**

Moved Cr K Clements, seconded Cr D Williss:

4:26pm That the meeting move into Confidential Session to discuss items under the terms of the Local Government Act 1995 as follows:

Section 5.23 (2) (a): A matter affecting an employee or employees.

**CARRIED (9/0)**

**No. 196/05**

**MOTION TO PROCEED IN PUBLIC**

Moved Cr J Cameron, seconded Cr K Hart:

4:59pm That the meeting proceed in public.

**CARRIED (9/0)**

**No. 197/05**

**12 CONFIDENTIAL**

Nil

**13 CLOSURE OF MEETING**

5:01pm The Presiding Member declared the meeting closed.

**CONFIRMED: CHAIRPERSON** \_\_\_\_\_ **DATE: .../.../...**