



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council held at
Frost Park Pavilion, McDonald Avenue, Mount Barker
2:45pm Tuesday 16 August 2005

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:47pm 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 Willis	Deputy Shire President - East Ward
Cr M Skinner	East Ward
Cr K Hart	Kendenup Ward
Cr J Moir	South Ward
	(Withdrew 3:00pm, returned 3:07pm, withdrew 3:20pm)
Cr K Clements	Town Ward
Cr B Hollingworth	Town Ward
Cr J Mark	Town Ward
	(Withdrew 3:30pm, returned 3:31pm)
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
Mr E Howard	Environmental Health Officer
Mrs K Skinner	Executive Secretary
Ms C Delmage	Administration Officer – Minutes and Agenda

Previously Approved Leave Of Absence

Cr J Cameron Rocky Gully / West Ward

Three (3) members of the public were present.

Two (2) members of the media were present.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Councillor Hart requested leave of absence for the period 12 September to 16 September 2005 inclusive.

Moved Cr K Clements, seconded Cr M Skinner:

That Councillor Hart be granted leave of absence for the period 12 September to 16 September 2005 inclusive.

CARRIED (8/0)

No. 237/05

7 CONFIRMATION OF MINUTES

Moved Cr B Hollingworth, seconded Cr J Mark:

That the Minutes of the Ordinary Meeting of the Council held 26 July 2005 be confirmed.

CARRIED (8/0)

No. 238/05

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 18 – 31 July 2005 – Thank you to Cr D Williss for taking on the position of Acting Shire President during my absence while my wife and I enjoyed two (2) weeks in Darwin.
- 4 August 2005 – The Council's Enterprise Bargaining Agreement (EBA) Committee (Cr K Forbes, Cr B Hollingworth – Deputy, Chief Executive Officer) met with a deputation of inside and outside staff and their union representatives. Some progress has been made towards reaching a new agreement.
- 3 August 2005 – Along with Timber 2020 Chairman Mr John Walker, members of the Plantation Timber Industry and Maynard Rye of the Great Southern Development Commission, the Shire President met with Federal Senator, Hon David Johnston. The meeting focussed on the Timber Industry Roads Evaluation Strategy (TIRES) submission to the Federal Government Auslink Project based grants. It was a positive meeting with the chance of a positive outcome.
- 5 – 11 August 2005 – Local Government Week. Crs Hollingworth and Mark attended their first Local Government Week and will provide a short assessment following these announcements.

The Shire President attended the Mayors and Presidents Forum on Saturday and most of the balance of the conference.

The Shire President also attended the Western Australian Local Government Association (WALGA) Annual General Meeting (AGM) on Sunday afternoon.

The Shire President chaired the Great Southern Zone Executive Meeting on Monday afternoon and attended the WALGA Roundtable for Zone Presidents, Secretary and State delegates on Tuesday afternoon.

On Wednesday, the Shire President represented WALGA on the Fire and Emergency Services Association (FESA) review of the Western Wildfire Plan. On Wednesday evening, the Shire President acted as Chair of the State Governance Commission and attended the State Council meeting.

It was an extremely busy five (5) days.

- Conference Outcome – The Minister announced a change to the date of Council elections to the third Saturday in October. The next election will be held on 17 October 2007 which gives current elected members an extra 5 ½ months to their terms.
- The Shire President has been renominated by WALGA to the FESA Emergency Services Levy (ESL), Bush Fire Brigade Capital Grants Committee. This is a Ministerial decision of which we will be advised shortly.
- 11 August 2005 – Participated in a workshop to progress our Bush Fire Management Plan. Some small changes and additions need to be made. The next meeting will be held on 8 September 2005.

- 12 August 2005 – The Shire President attended a Main Roads WA Albany Customer Service Workshop. Several people gave ten (10) minute presentations on issues relating to the image of Main Roads WA Albany including:
 - City of Albany's Manager Technical Services;
 - Manager of Police Traffic; and
 - Shire of Plantagenet's Shire President as an elected member.

All our current issues were raised including Mitchell Street, McDonald Avenue, Northern Bypass, Heavy Haulage Permits and Roadcare; a lack of managerial continuity in Albany and the Great Southern Portfolio in Perth.

We impressed that the deficiencies in our region did not reflect our dissatisfaction with the staff in Albany but the lack of pressure being applied in Perth on our behalf. It was a very constructive workshop.

- 13 August 2005 – The Shire President and his wife attended the Mount Barker Apex changeover dinner at Gilberts Winery.
- 15 August 2005 – The Shire President and Deputy Shire President both attended separate meetings in Perth. The Shire President attended a Plantation Industry Ministerial Advisory Committee (PIMAC) meeting and the Deputy Shire President attended a meeting on traffic safety around schools.

The Shire President acted as Chair in the Chairman's absence. Minister Chance attended the meeting for a short time. He has committed to reviewing the structure of PIMAC and has undertaken to announce a new structure which he will Chair. He also raised the issue of TIRES in a positive way with the Committee.

- The Shire President and Deputy Shire President also investigated the issue of the Agriculture Protection Act rate as circulated in the Bulletin. We met with Pastoralist and Graziers representative Edgar Richardson and WALGA State President Bill Mitchell and both confirmed that the rate is only applicable to State Leasehold land – not freehold land.
- The role of the Local Government Advisory Board was also discussed with President Bill Mitchell. Informal airport meeting with Terry Redman, Matt Benson and Peter Watson regarding TIRES.
- 18 August 2005 – Saleyards Ownership Changeover Function
- 17 August 2005 – One Community, One College implementation committee meeting
- 19 August 2005 – Financial Interest Workshop in Albany.
- 30 August 2005 - Local Government Advisory Board Meeting
- 5 – 6 September 2005 – State Cabinet in Albany – meetings
- A letter has been received from Lieutenant Governor John Sanderson, thanking the Council for their efforts during his brief visit of Mount Barker on 13 June 2005.

3:00pm Cr J Moir withdrew from the meeting.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 COMMUNITY SERVICES REPORTS

9.1.1 PLANTAGENET CHILD CARE CENTRE - LONG DAY CARE SUSTAINABILITY ASSISTANCE - VARIATION TO AGREEMENT

Location / Address: Lot 7 Marmion Street, Mount Barker
Name of Applicant: Department of Family and Community Services
File Reference: CS/9/1
Author: John Byrne - Executive Director Corporate and Community Services
Authorised By: John Byrne - Executive Director Corporate and Community Services
Date of Report: 9 August 2005

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 Variation to Agreement for the Plantagenet Child Care Centre Long Day Care Sustainability Assistance Agreement, held between the Commonwealth of Australia, represented by the Department of Family and Community Services and the Shire of Plantagenet.

Background

The Shire of Plantagenet entered into a funding agreement with the Commonwealth of Australia, represented by the Department of Family and Community Services, in November 2002 for funding of the Plantagenet Child Care Centre. The Shire further entered into a Variation to Agreement in May 2004.

The Department is again offering an extension to the Agreement for the period 1 July to 30 September 2005. In addition, the Department wishes to vary the payment of funding from monthly instalments to quarterly payments in advance by electronic transfer to the Shire's nominated bank account.

This funding was formerly referred to as 'Disadvantaged Area Subsidy (DAS)' and is now known as 'Sustainability Assistance'.

Statutory Environment

There are no statutory implications for this report. However, the recommendation does seek to vary an existing Funding Agreement for the Plantagenet Child Care Centre.

Consultation

Consultation has occurred with the Child Care Centre Director, Gillian Thirlwall.

Policy Implications

There are no policy implications for this report.

 Plantagenet Child Care Centre – Long Day Care Sustainability Assistance – Variation To Agreement
 (Cont.)
Financial Implications

This funding is reviewed annually and the Department has amended its funding arrangements for the 2005 / 2006 financial year. Funding offered for the 2005 / 2006 financial year is as follows:

3 month extension of current agreement	\$10,158.42
9 months funding at new level	\$22,995.00
9 months of transitional funding 2005/2006	\$3,660.00
GST component	\$3,681.34
Total Funding	\$40,494.77

The budgeted income for the Sustainability Assistance for the 2005/2006 financial year is \$39,759.00. The revised income represents an increase of \$735.77.

The Child Care Centre is also eligible for transitional funding of \$2,440.00 in the 2006 / 2007 financial year.

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 varied funding amount will not be made by the Department of Family and Community Services until such time as the Variation to Agreement is signed and affixed with the Common Seal of the Council. It is therefore recommended that the Council approve the signing and affixing of the Common Seal to the Variation to Agreement

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr D Williss:

That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Variation to Agreement for the Plantagenet Child Care Centre Long Day Care Sustainability Assistance Agreement for the period 1 July to 30 September 2005.

CARRIED (7/0)

No. 239/05

9.2 EXECUTIVE SERVICES REPORTS

9.2.1 MINUTES - COMMITTEE

CHILLINUP LANDFILL SITE MANAGEMENT COMMITTEE – 2 MARCH 2005

WASTE MANAGEMENT COMMITTEE – 2 AUGUST 2005

LOCAL EMERGENCY MANAGEMENT COMMITTEE – 2 AUGUST 2005

BUSH FIRE ADVISORY COMMITTEE – 3 AUGUST 2005

Location / Address:	N / A
Attachments: (4)	Minutes
Name of Applicant:	N / A
File Reference:	WM/103/3; WM/103/2; ES/103/6; ES/103/7
Author:	Cherie Delmage - Administration Officer Minutes and Agenda
Authorised By:	John Byrne - Executive Director Corporate and Community Services
Date of Report:	3 August 2005

Purpose

The purpose of this report is to receive the following Committee Minutes:

- Chillinup Landfill Site Management Committee – 4 March 2005
- Waste Management Committee – 2 August 2005
- Local Emergency Management Committee - 2 August 2005
- Bush Fire Advisory Committee - 3 August 2005

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

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

Voting Requirements

Simple Majority

Minutes – Committee - Chillinup Landfill Site Management Committee – 4 March 2005; Waste Management Committee – 2 August 2005; Local Emergency Management Committee - 2 August 2005; Bush Fire Advisory Committee - 3 August 2005 (Cont.)

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr J Mark:

That the following Committee Minutes be received:

- **Chillinup Landfill Site Management Committee – 4 March 2005**
- **Waste Management Committee – 2 August 2005**
- **Local Emergency Management Committee - 2 August 2005**
- **Bush Fire Advisory Committee - 3 August 2005**

CARRIED (7/0)

No. 240/05

3:07pm Cr J Moir returned to the meeting.

9.3 CORPORATE SERVICES REPORTS

9.3.1 FINANCIAL STATEMENTS - JULY 2005

Location / Address: N / A
Name of Applicant: N / A
File Reference: FM/65/1
Author: David Blurton - Accountant
Authorised By: John Byrne – Executive Director Corporate and Community Services
Date of Report: 8 August 2005

Purpose

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 July 2005 and to adopt a material variance percentage to be used in the Statement of Financial Activity as required under AAS5.

Statutory Environment

Recent amendments to the regulations, gazetted on 31 March 2005 and effective from 1 July 2005 have repealed the existing regulations (34 and 35) relating to monthly and quarterly / triannual financial reports.

They have been substituted with a new regulation 34, which only requires local governments to report on a monthly basis, although it is much more prescriptive as to what is required and its intention is to establish a minimum standard across the industry.

New Regulation 34 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.

It is also a requirement under AAS5 that each financial year, a local government is to adopt a percentage or value, to be used in the statements of financial activity for reporting material variances.

Financial Statements – July 2005 (Cont.)**Consultation**

Consultation has occurred with David Tomasi – Haines Norton Auditors.

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's Strategic Plan 2003 states:

'1.3 Ensure statutory compliance relating to all financial matters within the control of the Council and provide accessible and understandable financial information.

To achieve this we will:

- *Review accounting information formats and presentations;*

Officer Comment

It is considered that a variance of 10% of the appropriate base amount should be considered material and disclosed as such. 10% is considered by the industry as a reasonable guide for highlighting variances.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr K Clements:

THAT:

- (1) The financial statements for the Month ending 31 July 2005 be received.**
- (2) In accordance with Australian Accounting Standard 5, 10% be used in the statement of financial activity for reporting material variances for 2005-2006.**

CARRIED (8/0)

No. 241/05

9.3.2 LIST OF PAYMENTS

Location / Address: N / A
Attachment (1): List of Payments – July 2005
Name of Applicant: N / A
File Reference: FM/64/1
Author: Rayona Evans - Accounts Officer
Authorised By: John Byrne - Executive Director Corporate and Community Services
Date of Report: 4 August 2005

Purpose

The purpose of this report is to present the list of payments that were made during the month of July 2005.

Statutory Environment

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

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr B Hollingworth:

That the payment of accounts, covering electronic payments, cheques 34321 to 34387, totalling \$393,840.68, be noted.

CARRIED (8/0)

No. 242/05

9.3.3 POLICY REVIEW - WATER CONSUMPTION

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	WS/120/2
Author:	Rayona Evans - Accounts Officer
Authorised By:	John Byrne - Executive Director Corporate and Community Services
Date of Report:	2 August 2005

Purpose

The purpose of this report is to review Council Policy PW1 'Water Authority - Consumption'.

Background

Council Policy PW1 reads as follows:

'That Council adopt as policy that only annual fixed water charges for outer area sporting grounds be met by Council with users being responsible for actual water consumption costs.'

At present users of the outer area sporting grounds are not being charged for the actual water consumption costs. Users are currently charged a rental fee for the usage of the grounds covering all facilities and utilities. As these sporting ovals are multi-user facilities it is very difficult to determine water usage by individual clubs and groups, so charging a hire fee is the most effective method of recovering costs.

Consultation

Consultation has taken place with the Executive Director Corporate and Community Services.

Policy Implications

The policy review is presented to the Council as part of an 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:

- 1.1 Ensure the administrative systems and framework of the organisations efficiently and effectively permit the functions of the organisations to be undertaken.

To achieve this we will:

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

Policy Review – Water Consumption (Cont.)

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

Officer Comment

It is considered that this policy is no longer relevant to the Council and there is lack of infrastructure to effect its implementation. It is therefore recommended that the policy be repealed.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr D Williss:

That Council Policy PW1 'Water Consumption':

'That Council adopt as policy that only annual fixed water charges for outer area sporting grounds be met by Council with users being responsible for actual water consumption costs.'

be repealed.

CARRIED (8/0)

No. 243/05

9.3.4 ASSESSMENT 712 - WRITE OFF LEGAL FEES AND ACCUMULATED INTEREST

Location / Address:	Lots 108, 5661, 4730 and 1432 Takalarup Road
Name of Applicant:	Mr Brent Counsel
File Reference:	RV/182/712
Author:	David Blurton - Accountant
Authorised By:	John Byrne – Executive Director Corporate and Community Services
Date of Report:	4 August 2005

Purpose

The purpose of this report is to write off outstanding legal fees and interest totalling \$247.74 off Assessment 712, being lots 108,5661,4730 and 1432 Takalarup Road, Woogenellup.

Background

Through no fault of his own, Mr Counsel failed to receive his interim rates notice relating to the purchase of lot 1432 Takalarup Road in June 2004. As the rates remained unpaid for an extended period, legal action was undertaken by staff to recover these moneys and interest was accrued in accordance with Council policy.

Statutory Environment

Section 6.12 (1) (c) of the Local Government Act (1995) states:

- (1) Subject to subsection (2) and any other written law, a local government may –
- (c) Write off any money, which is owed to the local government.

(Absolute Majority Required)

Consultation

Consultation has been undertaken with Rob Stewart – Chief Executive Officer, Mr Counsel – Landowner, and Ann Kirton – former Rates Officer.

Policy Implications

There are no policy implications for this report.

Financial Implications

A total of \$247.74 will be written off against Account No. 310.2.735 – Non payment penalty.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

It is considered that it is appropriate to write off Mr Counsel's outstanding charges as it was an error that occurred within the Council's rating system at the settlement of Lot 1432 Takalarup Road, Mount Barker.

Assessment 712 – Write Off Legal Fees And Accumulated Interest (Cont.)

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr K Hart:

That outstanding legal fees and interest totalling \$247.74 be written off Assessment 712, being lots 108, 5661, 4730 and 1432 Takalarup Road, Woogenellup.

CARRIED (8/0)
(Absolute Majority)
No. 244/05

9.4 TECHNICAL SERVICES REPORTS

9.4.1 WASTE MANAGEMENT STRATEGIC OUTLOOK

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	EM/94/2
Author:	Kate McCormack – Project Engineer
Authorised By:	Stephen Bell – Executive Director Technical and Development Services
Date of Report:	2 August 2005

Purpose

The purpose of this report is to advise the Council that the Waste Management Committee met on 2 August 2005 with the intention to agree on a Strategic Outlook / Objective for the future direction of Waste Management in Plantagenet.

Background

The Department of Environment (DoE) undertook an audit of the O'Neill Road landfill site in March 2005. Following this audit, the DoE informed the Shire that they did not consider the O'Neill Road landfill site an appropriate option for the long term disposal of waste. This has highlighted the immediacy with which the Shire of Plantagenet needs to address the issue of long term waste management.

Over the past 18 months, significant work has been undertaken to establish the position of the Shire of Plantagenet in the varied and ever changing waste management landscape. During this time, valuable information has been collated which defines our current position, explores options available in moving forward and provides general cost estimates for a range of waste management options. Much of this information is incorporated into the report, 'Strategic Direction: Waste Management, July 2004' (copies provided on request).

Based on the information collected to date, and the urgency with which the Shire needs to secure its long term waste management, a concise and attainable strategic outlook/objective is required. This report presents a waste objective, and a number of steps that may be implemented to move towards achieving this objective.

Consultation

Consultation has been undertaken with a range of agencies, including the Department of Environment, Department for Agriculture and a number of local government authorities. It is expected that the Shire of Plantagenet will continuously liaise with the DoE on all waste management matters.

Policy Implications

There are no policy implications for this report.

Waste Management Strategic Outlook (Cont.)**Financial Implications**

There will be financial implications with respect to locating and establishing a new landfill within the Shire of Plantagenet. The extent of these implications cannot be established at this stage.

Strategic Implications

The proposal is consistent with the Shire of Plantagenet's Strategic Plan, in particular Key Result Area 2: Infrastructure, of which one of the aims is to 'Protect the community's health by managing waste in a timely, effective, economic and environmentally safe manner.'

Officer Comment

Based on the information received from the DoE, the Shire of Plantagenet needs to move forward with implementing changes to their waste management system to ensure the continuation of a high quality service to the community.

Through all stages of the process the Council should ensure that their actions are going to best meet with the needs of the community, and as a result it may be beneficial to undertake community consultation to gain feedback from the public on issues associated with waste management.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Moved Cr K Clements, seconded Cr K Hart:

That with regard to waste management and the implementation of an effective waste management program:

The Council will:

- (1) Provide a cost effective, environmentally sustainable waste management service that will meet the needs of the Plantagenet community, now and into the future.**
 - (2) Achieve the objective stated in (1), through the implementation of the following actions:**
 - (a) New Landfill Site
By August 2006, new landfill sites will be identified within the Shire of Plantagenet to ensure the continuation of a sustainable waste service.**
 - (b) Recycling
Provision of an economically sustainable waste minimisation service for the community.**
 - (c) Transfer Station
Investigate the construction of a transfer station facility which will provide a location for the long term disposal for drop off waste for the townsite of Mount Barker and surrounding rural areas, with putrescible waste being transported to the new landfill site on closure of the O'Neill Road Landfill.**
-

Waste Management Strategic Outlook (Cont.)

- (d) **Kendenup**
Conversion of the Kendenup Landfill to a transfer station by August 2006 with waste transported to O'Neill Road in the short term and to the new landfill site in the future and the present landfill site being remediated.
- (e) **Kamballup**
Closure of the Kamballup Landfill and the site remediated by the end of 2005.

AMENDMENT

Moved Cr M Skinner, seconded Cr D Williss:

That the year '2005' be replaced with the year '2006' in Part (e) of the Officer's Recommendation.

CARRIED (8/0)

No. 245/05

COUNCIL DECISION

That with regard to waste management and the implementation of an effective waste management program:

The Council will:

- (1) Provide a cost effective, environmentally sustainable waste management service that will meet the needs of the Plantagenet community, now and into the future.
- (2) Achieve the objective stated in (1), through the implementation of the following actions:
 - (a) **New Landfill Site**
By August 2006, new landfill sites will be identified within the Shire of Plantagenet to ensure the continuation of a sustainable waste service.
 - (b) **Recycling**
Provision of an economically sustainable waste minimisation service for the community.
 - (c) **Transfer Station**
Investigate the construction of a transfer station facility which will provide a location for the long term disposal for drop off waste for the townsite of Mount Barker and surrounding rural areas, with putrescible waste being transported to the new landfill site on closure of the O'Neill Road Landfill.
 - (d) **Kendenup**
Conversion of the Kendenup Landfill to a transfer station by August 2006 with waste transported to O'Neill Road in the short term and to the new landfill site in the future and the present landfill site being remediated.

Waste Management Strategic Outlook (Cont.)

- (e) Kamballup
Closure of the Kamballup Landfill and the site remediated by the end of 2006.

CARRIED (8/0)

No. 246/05

3:20pm Cr J Moir offered his apologies and withdrew from the meeting due to feeling unwell.

9.4.2 2005 / 2006 REGIONAL ROAD FUNDING

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	1234
Author:	Stephen Bell - Executive Director Technical and Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	9 August 2005

Purpose

The purpose of this report is to endorse funding allocated by the Great Southern Regional Road Group (GSRRG) and Main Roads Western Australia (MRWA) towards the upgrade of roads of regional significance within the Shire of Plantagenet.

Background

In August 2004, the Technical and Development Services division submitted a list of projects for funding consideration by the GSRRG and MRWA in the 2005 / 2006 financial year. The projects submitted were:

- Woogenellup Road Mount Barker – Minor realignment, widening, reconstruction, and bitumen sealing from the Mount Barker High School access road (0.2km east of the Albany Highway) up to the railway crossing (1.5km east of the Albany Highway);
- Woogenellup Road Carbarup – Realignment, construction, and bitumen sealing of the Carbarup Road intersection;
- Martagallup Road Kendenup – Pavement overlay and bitumen sealing from Happy Valley Road to the Shire of Plantagenet/Cranbrook local government boundary;
- Mount Barker Porongurup Road – Minor realignment, widening, reconstruction, and bitumen sealing in the vicinity of Watermans Road; and
- Chillinup Road Chillinup - Shoulder reconditioning and bitumen sealing between Palmdale Road and the Shire of Plantagenet / City of Albany local government boundary.

A meeting of the GSRRG was held in Nyabing (Shire of Kent) on Monday 18 July 2005 to consider funding allocations for the 2005 / 2006 financial year. At that meeting, it was resolved to allocate the following Regional Road Group funding to the Shire of Plantagenet, being:

Project	RRG Funds
PL1 – Woogenellup Road	\$187,196.00
PL2 – Mount Barker Porongurup Road	\$127,043.00
PL5 – Martagallup Road	\$147,000.00
TOTAL FUNDS	\$461,239.00

2005 / 2006 Regional Road Funding (Cont.)

Consultation

Consultation has occurred with the Regional Manager Main Roads Great Southern, the Great Southern Regional Road Group at its meeting held 18 July 2005 and Councillors Forbes and Williss.

Policy Implications

There are no policy implications for this report.

Financial Implications

Regional Road Group funding must be matched on a two-thirds one-third basis. Accordingly, the Council's contribution towards the three (3) projects is tabled below:

Project	RRG Funding	Shire Contribution	Total Funds
PL1 – Woogenellup Road	\$187,196.00	\$93,598.00	\$280,794.00
PL2 – Mount Barker Porongurup Road	\$127,043.00	\$63,522.00	\$190,565.00
PL5 – Martagallup Road	\$147,000.00	\$73,500.00	\$220,500.00
TOTAL FUNDS	\$461,239.00	\$230,620.00	\$691,859.00

In the 2005/2006 annual budget, the Shire has only allocated matching funds for the upgrade of Woogenellup Road and Martagallup Road. Therefore, additional funds will need to be allocated for the upgrade of Mount Barker Porongurup Road if this project is endorsed by the Council.

Martagallup Road is a TIRES project which also qualifies for Regional Road Group funding on a 2 (TIRES): 2 (RRG): 1 (Shire) split. Initially, the Shire was advised by the GSRRG that unless Martagallup Road received funding from the TIRES program then RRG funds would not be allocated towards the project. Further, in the event that Martagallup Road did not receive matching TIRES funding then the Shire's next project, Mount Barker Porongurup Road, would be funded. Therefore, the road construction program presented to the Council in the 2005/2006 annual budget reflects the initial advice provided by the GSRRG.

Following the GSRRG meeting of 18 July 2005, Martagallup Road has now been funded by the GSRRG without matching TIRES funding. Therefore, as the amount of RRG funds has been allocated on a two thirds funding split, the Shire will need to increase the amount allocated in the 2005 / 2006 annual budget to compensate for its one third contribution.

The below table shows the revised Shire contribution if the additional funding for Regional Roads is accepted by the Council:

Project	Funds Allocated in the Adopted 2005/2006 Budget	Additional Contribution Required	Total Shire Contribution
PL1 – Woogenellup Road	\$93,598.00	\$0.00	\$93,598.00
PL2 – Mount Barker Porongurup Road	\$0.00	\$63,522.00	\$63,522.00
PL5 – Martagallup Road	\$59,000.00	\$14,500.00	\$73,500.00

2005 / 2006 Regional Road Funding (Cont.)

TOTAL FUNDS	\$152,598.00	\$78,022.00	\$230,620.00
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Strategic Implications

The provision of engineering services is highlighted in the Shire of Plantagenet's Strategic Plan under Key Result Area 2 – Infrastructure.

Officer Comment

Following a review of the adopted road construction program for 2005 / 2006, it is possible to scale back the extent of works on Council funded projects to free up the necessary funds for use on the Mount Barker Porongurup Road and Martagallup Road. The projects identified for a funding reduction are:

PROJECT	JOB NUMBER	ADOPTED BUDGET	FUNDS TO BE TRANSFERRED	REVISED BUDGET
Bevan Road	5005	\$50,000.00	\$5,000.00	\$45,000.00
Millinup Road	5117	\$140,000.00	\$38,022.00	\$101,978.00
Jutland Road	5077	\$50,000.00	\$10,000.00	\$40,000.00
Palmdale Road	5035	\$60,000.00	\$10,000.00	\$50,000.00
Old Coach Road	5098	\$50,000.00	\$10,000.00	\$40,000.00
Pooraracup Road	5142	\$50,000.00	\$5,000.00	\$45,000.00
TOTAL			\$78,022.00	

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr B Hollingworth:

THAT:

- (1) The revised Regional Road funding allocation of \$461,239.00 from Main Roads Western Australia for the upgrade of Woogenellup Road, Mount Barker Porongurup Road, and Martagallup Road be accepted.
- (2) Part funds from Bevan Road (Job No. 5005 - \$5,000.00), Millinup Road (Job No. 5117 - \$38,022.00), Jutland Road (Job No. 5077 - \$10,000.00), Palmdale Road (Job No. 5035 - \$10,000.00), Old Coach Road (Job No. 5098 - \$10,000.00) and Pooraracup Road (Job No. 5142 - \$5,000.00) be reallocated to match the Regional Road funding allocation for the upgrade of the Mount Barker Porongurup Road and Martagallup Road.

CARRIED (7/0)

(Absolute Majority)

No. 247/05

9.4.3 FIRE PREVENTION – APPOINTMENT OF BUSH FIRE CONTROL OFFICERS 2005 / 2006

Location / Address:	Shire of Plantagenet
Name of Applicant:	N / A
File Reference:	ES/15/1
Author:	Nicole Selesnew – Administration Officer
Authorised By:	Stephen Bell – Executive Director Technical and Development Services
Date of Report:	8 August 2005

Purpose

The purpose of this report is to:

- (1) Appoint the Shire of Plantagenet Bush Fire Control Officers for 2005 / 2006 pursuant to Section 38 of the Bush Fires Act 1954;
- (2) Appoint the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer pursuant to Section 38 of the Bush Fires Act 1954;
- (3) Appoint officers from adjoining local government localities as Bush Fire Control Officers for the Shire of Plantagenet, pursuant to Section 40 of the Bush Fires Act 1954;
- (4) Appoint the Fire Weather Officer and Deputy Fire Weather Officer pursuant to Section 38 of the Bush Fires Act 1954; and
- (5) Appoint the Base Radio Operator and Deputy Base Radio Operator.

Background

The Shire of Plantagenet appoints delegates to the abovementioned positions annually.

Statutory Environment

Bush Fires Act 1954

Section 38 – Local Government may appoint Bush Fire Control Officers:

‘A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to Section 38A (2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it’.

Section 40 – Local governments may join in appointing and employing Bush Fire Control Officers:

‘Two or more local governments may by agreement join in appointing, employing and remunerating Bush Fire Control Officers for the purposes of this Act.’

Section 38 – Local Government may appoint Bush Fire Control Officers:

Paragraph (6)

Fire Prevention – Appointment Of Bush Fire Control Officers 2005 / 2006 (Cont.)

- (c) 'An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary';
- (cb) 'An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government'.

Consultation

Minutes of the Plantagenet Bush Fire Advisory Committee meeting of 4 May 2005 confirmed nominations for the appointment of the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Fire Weather Officer, Deputy Fire Weather Officer, Base Radio Operator, Deputy Base Radio Operator No. 1 and Deputy Base Radio Operator No. 2.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Strategic Plan, Regulatory Services, provides the following measures of success:

- Decreasing number of infringement notices being issued;
- Increasing compliance with statutory requirements by members of the public; and
- Increasing levels of customer satisfaction with enforcement and education.

Officer Comment

Nominations for the appointment of Bush Fire Control Officers for the Shire of Plantagenet for 2005 / 2006 are as follows:

Shire of Plantagenet Bush Fire Brigade	Brigade Nominee
Denbarker	Simon Grylls
	Gavin Smith
	Norm Handasyde
	Michael Jenkins
Forest Hill	Vern Drage
	Brian Bailey
	Mike Lanigan

Fire Prevention – Appointment Of Bush Fire Control Officers 2005 / 2006 (Cont.)

	Peter Pavlovich
	Penny Elverd
	Len Handasyde
Kendenup	Geoff DePledge
	Rob Lally
	David Burcham
	Brian Harwood
	Keith Hart
	Wayne Davis
	Stan Hall
	Stephen Beech
	Ken Frost
	Phillip Webb
Middle Ward	Colin Taylor
	Bill Sounness
	Robert Sounness
Narpyn	Brett Bell
	Peter Slade
	Owen Sounness
	Norm Hill
	Mark Wallace
Narrikup	Warren Forbes
	Tom Rouse
	Bill Hollingworth

Fire Prevention – Appointment Of Bush Fire Control Officers 2005 / 2006 (Cont.)

	Bill Bentley
	Marshall Stallebrass
	Ross Backhouse
Perillup	Robin Ditchburn
	Syd Anning
Porongurup	John Russell
	Ray Williams
	Ron Thomas
	Brad Cluett
Porongurup South	Phillip Rule
	Kelvin Ridgway
	Richard Stan-Bishop
Rocky Gully	Ian Higgins
	Lachlan Cameron
Woogenellup	Grant Cooper
	Trevor Pieper
	Chester Powell
	Barry Pearce
Town Brigade	Raymond Drage
	Cliff Rosman
Shire of Plantagenet	Kevin Forbes
	Ray Parry

From those listed above the Plantagenet Bush Fire Advisory Committee has nominated Mr David Burcham as the Chief Bush Fire Control Officer and Mr Len Handasyde as the Deputy Chief Bush Fire Control Officer at the meeting held 4 May 2005.

Fire Prevention – Appointment Of Bush Fire Control Officers 2005 / 2006 (Cont.)

The Shires of Cranbrook, Gnowangerup, Denmark and City of Albany have nominated the following for appointment as Bush Fire Control Officers, to operate jointly within the Shire of Plantagenet:

Adjoining Local Authority	Brigade	Name
Shire of Cranbrook	Bokerup/Unicup Brigade	Greg Banks
	Frankland Brigade	Wayne Lange
	Kybellup Brigade	John Peacock
	Nunijup Brigade	A B Parsons
	Tenterden Brigade	D Packard
Shire of Gnowangerup	Borden Brigade	Tim Wellstead
	Borden Brigade Deputy CBFCO	Graham Moir
	Borden Brigade	Rob Hitsert
City of Albany	Redmond Brigade	Lance Flett
	Highway Brigade	Chris Norton
	South Stirlings Brigade	Graeme Pyle
	Kojaneerup Brigade	Terry Bradshaw
	Napier Brigade	Tom Collins
Shire of Denmark	Denmark East	Chris Hoare

The following Shire of Plantagenet representatives are nominated to operate as joint Bush Fire Control Officers in adjoining Shires:

Adjoining Local Authority	Brigade	Name
Shire of Denmark	Denbarker Brigade	Simon Grylls
	Forest Hill Brigade	Len Handasyde
Shire of Cranbrook	Kendenupp/Martigallup Brigade	Geoff DePledge
	Rocky Gully Brigade	Ian Higgins

Fire Prevention – Appointment Of Bush Fire Control Officers 2005 / 2006 (Cont.)

Adjoining Local Authority	Brigade	Name
Shire of Cranbrook & Gnowangerup	Kendenup/Martigallup Brigade	David Burcham
Shire of Gnowangerup	South Stirling Brigade	Graeme Pyle
City of Albany	Porongurup Brigade	John Russell
	Narrikup Brigade	Warren Forbes
	Narrikup Brigade	Ross Backhouse
Shire of Manjimup	Rocky Gully Brigade	Ian Higgins

The Plantagenet Bush Fire Advisory Committee has nominated the following to positions of Fire Weather Officer, Deputy Fire Weather Officer, Base Radio Operator and Deputy Base Radio Operator for the whole of the Shire of Plantagenet, at the meeting held 4 May 2005:

Officer	Designated Position
Ron Sounness	Fire Weather Officer
Grant Cooper	Deputy Fire Weather Officer
Vern Drage	Base Radio Operator
Len Handasyde	Deputy Base Radio Operator No. 1
Ron Sounness	Deputy Base Radio Operator No. 2

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr D Williss:

THAT:

- (1) All previous appointments for the position of Bush Fire Control Officer for the Shire of Plantagenet be cancelled.**
- (2) The following be appointed as Bush Fire Control Officers, within the designated bush fire brigade area, for the Shire of Plantagenet during 2005 / 2006:**

Fire Prevention – Appointment Of Bush Fire Control Officers 2005 / 2006 (Cont.)

Shire of Plantagenet Bush Fire Brigade	Brigade Nominee
Denbarker	Simon Grylls
	Gavin Smith
	Norm Handasyde
	Michael Jenkins
Forest Hill	Vern Drage
	Brian Bailey
	Mike Lanigan
	Peter Pavlovich
	Penny Elverd
	Len Handasyde
Kendenup	Geoff DePledge
	Rob Lally
	David Burcham
	Brian Harwood
	Keith Hart
	Wayne Davis
	Stan Hall
	Stephen Beech
	Ken Frost
	Phillip Webb
Middle Ward	Colin Taylor
	Bill Sounness
	Robert Sounness

Fire Prevention – Appointment Of Bush Fire Control Officers 2005 / 2006 (Cont.)

Narpyn	Brett Bell
	Peter Slade
	Owen Sounness
	Norm Hill
	Mark Wallace
Narrikup	Warren Forbes
	Tom Rouse
	Bill Hollingworth
	Bill Bentley
	Marshall Stallebrass
	Ross Backhouse
Perillup	Robin Ditchburn
	Syd Anning
Porongurup	John Russell
	Ray Williams
	Ron Thomas
	Brad Cluett
Porongurup South	Phillip Rule
	Kelvin Ridgway
	Richard Stan-Bishop
Rocky Gully	Ian Higgins
	Lachlan Cameron

Fire Prevention – Appointment Of Bush Fire Control Officers 2005 / 2006 (Cont.)

Woogenellup	Grant Cooper
	Trevor Pieper
	Chester Powell
	Barry Pearce
Town Brigade	Raymond Drage
	Cliff Rosman
Shire of Plantagenet	Kevin Forbes
	Ray Parry

- (3) Mr David Burcham be appointed as Chief Bush Fire Control Officer.
- (4) Mr Len Handasyde be appointed as Deputy Chief Bush Fire Control Officer.
- (5) The Shire President, Councillor Kevin Forbes, be appointed as a Bush Fire Control Officer for the Shire of Plantagenet.
- (6) Council's Ranger, Mr Ray Parry, be appointed as a Bush Fire Control Officer for the Shire of Plantagenet.
- (7) The following officers from adjoining local authorities be appointed as joint Bush Fire Control Officers for the Shire of Plantagenet Bush Fire Brigade areas, adjoining their originating local authority brigade areas:

Adjoining Local Authority	Brigade	Name
Shire of Cranbrook	Bokerup / Unicup Brigade	Greg Banks
	Frankland Brigade	Wayne Lange
	Kybellup Brigade	John Peacock
	Nunijup Brigade	A B Parsons
	Tenterden Brigade	D Packard
Shire of Gnowangerup	Borden Brigade	Tim Wellstead
	Borden Brigade Deputy CBFCO	Graham Moir
	Borden Brigade	Rob Hitsert

Fire Prevention – Appointment Of Bush Fire Control Officers 2005 / 2006 (Cont.)

City of Albany	Redmond Brigade	Lance Flett
	Highway Brigade	Chris Norton
	South Stirling Brigade	Graeme Pyle
	Kojaneerup Brigade	Terry Bradshaw
	Napier Brigade	Tom Collins
Shire of Denmark	Denmark East	Chris Hoare

- (8) The following Shire of Plantagenet representatives be nominated as joint Bush Fire Control Officers for the brigade areas of adjoining local authorities which adjoin the respective Shire of Plantagenet Bush Fire Brigades:

Adjoining Local Authority	Brigade	Name
Shire of Denmark	Denbarker Brigade	Simon Grylls
	Forest Hill Brigade	Len Handasyde
Shire of Cranbrook	Kendenup / Martigallup Brigade	Geoff DePledge
	Rocky Gully Brigade	Ian Higgins
Shire of Cranbrook & Gnowangerup	Kendenup / Martigallup Brigade	David Burcham
Shire of Gnowangerup	South Stirling Brigade	Graeme Pyle
City of Albany	Porongurup Brigade	John Russell
	Narrikup Brigade	Warren Forbes
	Narrikup Brigade	Ross Backhouse
Shire of Manjimup	Rocky Gully Brigade	Ian Higgins

- (9) The Shire of Plantagenet Fire Weather Officer, Deputy Fire Weather Officer, Deputy Base Radio Operator and Deputy Base Radio Operators for the whole of Shire of Plantagenet be:

Fire Prevention – Appointment Of Bush Fire Control Officers 2005 / 2006 (Cont.)

Officer	Designated Position
Ron Sounness	Fire Weather Officer
Grant Cooper	Deputy Fire Weather Officer
Vern Drage	Base Radio Operator
Len Handasyde	Deputy Base Radio Operator No. 1
Ron Sounness	Deputy Base Radio Operator No. 2

CARRIED (7/0)**No. 248/05**

9.4.4 RESERVE 10751 WOOGENELLUP ROAD, MOUNT BARKER - FORMER SALEYARDS

Location / Address:	Woogenellup Road
Name of Applicant:	N / A
File Reference:	1234
Author:	Kate McCormack - Project Engineer
Authorised By:	Stephen Bell - Executive Director Technical and Development Services
Date of Report:	9 August 2005

Purpose

The purpose of this report is to consider the future of the former livestock saleyards site located on Reserve 10751 Woogenellup Road, Mount Barker.

Background**History**

The Shire of Plantagenet operated livestock saleyards from Reserve 10751 located on Woogenellup Road north of the townsite of Mount Barker. Operations at the Woogenellup Road site ceased in 1999 following the construction of the Great Southern Regional Cattle Saleyards south of Mount Barker, and the 3.3134 hectares of land has not been utilised for any purpose since this time.

The land is currently owned by the Crown with the reserve vested under Section 33 of the *Land Act 1933* (WA) for the purpose of 'Stock Yards' with the care, control, and management with the Shire of Plantagenet. Adjacent to R10751 on the opposite side of the railway line is a small reserve 36442 (R36442) of 0.72ha land area, which under Crown Grant 1103 is vested for the purpose of 'Water Supply'. In February 2000, the unimproved values for these two (2) properties were \$40,000.00 for R10751 and \$5,000.00 for R36442.

The Council considered a report concerning the two (2) reserves at its meeting held on 27 July 1999. The report states '*In the submission for headwork's assistance for the Great Southern Cattle Saleyards, there is a requirement to sell both Reserves.*' A valuation had been obtained in 1997 and the possibility of purchasing the reserves was considered, with the expectation that the money received for salvage material would significantly offset the purchase price for the site. It was considered that it would be difficult for the Council to purchase the land in the 1999/2000 financial year and the following resolution was adopted at the Council's ordinary meeting held 27 July 1999:

'That Council requests the State Government through the Department of Commerce and Trade to defer any sale of Reserve 10751 until 2000/2001 financial year.'

During 2000, the Shire of Plantagenet was approached by Great Southern Concrete and Sand Supplies who signified interest in purchasing the land forming R10751. In September 2000, the Council resolved the following:

Reserve 10751 Woogenellup Road, Mount Barker – Former Saleyards (Cont.)

'That Council confirm the draft Contract of Sale between Great Southern Concrete and Sand Supplies Pty Ltd and requests that the Chief Executive Officer continue with the transaction subject to resolving Native Title issues on Reserve 10751.'

Due to the Native Title legislation applicable at the time, the sale of the land did not proceed, and the reserve remained in the ownership of the Crown with management responsibility resting with the Shire of Plantagenet.

In August 2002, a High Court decision determined that the vesting of a reserve under section 33 of the *Land Act 1933* (WA) totally extinguishes native title. As a result, native title issues for both the 'Stock Yards' and the 'Water Supply' reserves are no longer a constraint on the purchase of the land from the Crown.

Since 2000, Great Southern Concrete and Sand Supplies have split into two companies and are no longer interested in purchasing the property, and at this stage no other party has registered interest in the acquisition.

Current State of R10751

The infrastructure currently remaining at R10751 and the condition of these facilities is summarised below:

Office and Amenity Building

Walls of building remain, roof has been removed. Walls in various state of ruin, covered with graffiti and significant amounts of strewn rubbish.

Concrete Pad

Pad is cracked with significant amounts of vegetation growing through. Obvious signs (tyre marks and shredded rubber) that area is used for car racing/burn outs. Three concrete ramp bases remain in place.

Weighbridge Building

Building remains structurally sound, an uncovered open manhole (approximately 1.5m deep) is located adjacent to the building. All windows are smashed and glass and rubbish exists in and around the building.

Tank and Pump House

Concrete tank and pump house remain on site and are very overgrown by weeds.

General Condition

Two car wrecks are present and significant amounts of rubbish is littered about the site. The site is very overgrown by weed species, particularly at the southern end where the old effluent pits and runoff channels were located.

Statutory Environment

The land is zoned Rural under Town Planning Scheme No. 3

Town Planning and Development Act 1928

Native Title Act 1993

Land Administration Act 1997

Land Act 1933

Local Government Act 1995

Consultation

The issue of the retention or disposal of the former livestock saleyards site has been discussed at past ordinary meetings of the Council.

Reserve 10751 Woogenellup Road, Mount Barker – Former Saleyards (Cont.)

Officers have consulted with representative from the then Department for Planning and Infrastructure in relation to disposal procedures and native title issues.

Consultation has also been undertaken with the former Great Southern Concrete and Sand Supplies regarding possible interest in acquiring the Reserve 10751. The Managers of Great Southern Concrete and Sand Supplies have advised that they are no longer interested in acquiring the R10751.

Policy Implications

There are no policy implications for this report.

Financial Implications

When the former livestock saleyards site located on Reserve 10751 Woogenellup Road, Mount Barker was decommissioned, steelwork and other items were sold by Tender. Shire records do not indicate the precise amount received from the sale of redundant items by the Tender process. However, all proceeds from the sale were placed into a Land Rehabilitation Reserve to enable rehabilitation of the site to be undertaken in accordance with the Department of Environment (DoE) requirements. As at 1 July 2005, the Land Rehabilitation Reserve totalled \$82,336.00.

Strategic Implications

There are no strategic implications for this report.

Officer Comment**Disposal Options**

Two (2) options exist with regard to the future of the two (2) reserves:

(1) Purchase of the land from the Crown.

To enable the land purchase to commence, a valuation of the land followed by purchase of the freehold title by the Shire of Plantagenet under section 86 of the *Land Administration Act 1997* will need to occur. The purchase price (current unimproved market value) would be determined by the Department for Planning and Infrastructure (DPI) in consultation with the Valuer General.

The Council would then be at liberty to dispose of the land under Section 3.58 of the *Local Government Act 1995*. Under current legislation, the land may be transferred to a new party in the current condition (without undertaking remediation) given that the land use history of the site is disclosed to the purchaser. The purchaser may choose to undertake an environmental investigation of the site prior to sale. Conversely, the Shire could remediate the site prior to sale or use the land for another community purpose (i.e. park, transfer station etc).

(2) Relinquish management responsibility and surrender the management order for the Reserve to the Crown.

To pursue this option, the DPI will require an environmental clearance from the Department of Environment for the Reserve along with the complete removal of all structures. In addition, the site would need to be left in a clean and tidy condition free from any contamination.

The extent of work required to gain clearance from the contaminated sites branch of the Department of Environment would only be apparent after preliminary investigations had been completed. Once this clearance is gained, the ownership

Reserve 10751 Woogenellup Road, Mount Barker – Former Saleyards (Cont.)

and control of the property can then be reverted to the Crown and the vesting order changed.

The Council is currently the custodian of high numbers of public land within the Shire of Plantagenet. Accordingly, unless the Council has a specific use for the former livestock saleyards site at Woogenellup Road then the land should be remediated and the tenure transferred to the Crown as the land is surplus to the Shire's requirements.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Mark:

That in respect of the former saleyards site, located on Reserve 10751 at Woogenellup Road Mount Barker, the following actions be initiated:

- (1) The Department for Planning and Infrastructure (Land Asset Management Services) be advised in writing that the Shire of Plantagenet wishes to relinquish the management responsibility and surrender the management order for Reserve R10751 to the Crown as the land is surplus to the Shire's current and future requirements;**
- (2) The costs associated with the remediation and clean-up of Reserve 10751 be listed for consideration by the Council during formulation of the 2006 / 2007 Annual Budget; and**
- (3) Pending Part (2) above being allocated funding from the 2006 / 2007 Annual Budget, that works be undertaken to remediate the site to the satisfaction of the Department of Environment and clean up Reserve 10751, including the removal of the concrete pad and demolition of dilapidated building structures.**

CARRIED (7/0)

No. 249/05

9.4.5 WASTE AND RECYCLE 2005 CONFERENCE - COUNCILLOR ATTENDANCE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	EM/94/2
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	16 August 2005

Purpose

The purpose of this report is to recommend the attendance by Councillor Ken Clements for the pre-conference workshop to be held prior to the Waste and Recycle 2005 Conference.

Background

The Waste and Recycle 2005 Conference is scheduled for 23-26 August 2005 at the Esplanade Hotel Fremantle. Prior to the Conference, a workshop is being held on the topic of 'Landfill Issues'. The Council's Project Engineer Ms Kate McCormack is attending this workshop and it is considered beneficial that a Councillor also attend this workshop, such Councillor being a member of the Waste Management Committee.

Consultation

Consultation has occurred with members of the Waste Management Committee who concur with the recommendation below.

Policy Implications

There are no policy implications for this report.

Financial Implications

The cost of the workshop registration is \$80.00 and there will need to be one night overnight accommodation.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The provision of a landfill site in Plantagenet is topical due to recent findings of the Department of Environment that the O'Neill Road Landfill Site has a limited life expectancy.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Mark:

That the attendance of Councillor K Clements to the Waste and Recycle 2005 Conference pre-conference workshop on landfill issues be endorsed and that the associated registration and accommodation costs be charged to Account No. 410.1.207 – Councillor Training / Conferences.

CARRIED (7/0)

No. 250/05

9.5 DEVELOPMENT SERVICES REPORTS

9.5.1 LOCATION 5783 MORANDE ROAD, NARRIKUP - PROPOSED CATTLE FEEDLOT

Location / Address:	Location 5783 Morande Road, Narrikup
Name of Applicant:	PS and SL Surridge
File Reference:	RV/182/284
Author:	Joe O'Keefe - Town Planner
Authorised By:	Delma Baesjou - Manager Development Services
Date of Report:	4 August 2005

Purpose

The purpose of this report is to consider an application for a 300 head Cattle Feedlot at Location 5783 Morande Road, Narrikup.

Background

The lot is 300ha in size, with Yellanup Road as its northern boundary and Morande Road as its eastern boundary. The applicant has submitted a Site Plan, representing a 'whole farm plan', which indicates other sections of the lot have been used for feedlots. The applicant's letter (June 23, 2005) and submitted two (2) site plans, attached, have high levels of information.

An aerial photograph is also attached portraying some nearby land uses.

Shire records show the registered land owner to be PS and SL Surridge.

Statutory Environment

Health Act 1911

- Shire of Plantagenet Health Local Law 1997

Town Planning and Development Act 1928

- Town Planning Scheme No. 3
- Town Planning Scheme Policy Statement No. 8; Cattle Feedlots

Environmental Protection Act (1986)

- Guidelines for environment and Planning (1997)
- Intergovernmental Agreement on Environment (1992)

Consultation

Consultation has occurred with the applicant, Mr Surridge, the Agriculture Department of Western Australia and Mr Eric Howard, Environmental Health Officer.

Policy Implications

Town Planning Scheme Policy (Policy Statement No. 8) is applicable and sets out the relevant approvals process, assessment criteria and performance requirements for cattle Feedlots within the Shire of Plantagenet.

Financial Implications

There are no financial implications for this report.

Location 5783 Morande Road, Narrikup – Proposed Cattle Feedlot (Cont.)

Strategic Implications

Land uses which have buffer requirements to residences and townsites have strategic implications for the Rural Strategy, and future Town Planning Schemes.

Officer Comment

Council Policy Statement No. 8 (Cattle Feedlot) prescribes land capability criteria, and sets out:

‘3: Site Selection:

Sandy loam soils with sufficient infiltration to avoid surface ponding and reduce run-off. Course Sand is not suitable’.

Redmond soil Landscape System crosses the entire lot.

242 Albany Sandplain Zone

Re: Undulating plateau with scattered depressions, in the east of Albany Sandplain Zone. Soils include sandy gravels, pale deep sands, non-saline wet soils and grey sandy duplexes. Native vegetation comprises marri-jarrah forest, swamp yate-paperbark-sheoak woodland and heath. Boulongup, Caldyanup, Dempster, Mitchell, Morande, Pillenorup, Redmond, Minor Valleys, Takalarup, Trent.

From (draft) RURAL STRATEGY, Wells, 2003.

The majority of soils on Location 5783 are RD Redmond Subsystems, with pockets of ‘PN’, Pillenorup Subsystem.

Table A1. Susceptibility To Land Degradation (Continued)

SOIL LANDSCAPE SYSTEM / SUBSYSTEM	RELATIVE SUSCEPTIBILITY TO VARIOUS FORMS OF LAND DEGRADATION									
	Phosphorous Export	Salinity Risk	Structure Decline	Subsurface Acidification	Subsurface Compaction	Water Erosion	Waterlogging	Water Repellence	Wind Erosion	
Re – REDMOND SYSTEM										
PN – Pillenorup Subsystem	L	L	L	MH	L	L	L	MH	M	
RD – Redmond Subsystem	L	L	L	MH	L	L	L	M	M	

L = Low: Less than 30% of system susceptible to this form of land degradation.

M = Moderate 30% to 50% of system susceptible to this form of land degradation.

MH = Moderately High 50% to 70% of system susceptible to this form of land degradation.

The soil capability assessment reveals that surface ponding should not be a problem. Run-off to a dam in the north-central portion of Location 5783 will be proposed in the Master Plan.

The Yellanup / Morande Road district is not included in the large area of Kalgan catchment with High to Extreme risk of Phosphorous Export Risk.

Location 5783 Morande Road, Narrikup – Proposed Cattle Feedlot (Cont.)

Other relevant aspects of Policy Statement No. 8 include:

- (2) Slope greater than 1:20, less than 1:100,
- (4) Minimum Groundwater clearance of 3m,
- (7) Drainage design to divert all uncontaminated stormwater from general waste stream,
- (9) Evaporation ponds, irrigation uses for wastewater.'

A management plan indicating cattle numbers and disposal of effluent is a mandatory requirement of the Policy.

Minimum separation or Buffer distances for cattle feedlots, based on the relevant Policy and Local Law are as follows:

- Minimum distance to Townsites – 5km: Policy Statement No. 8;
- Minimum distance to any residence – 1km: Policy Statement No. 8;
- Minimum distance to residence – 1km: Health Local Law; and
- Minimum distance to residence – 2-3km: Department of Environmental Protection Guidelines.

No townsite is within 5km.

Working with the 1km requirement of the Council's Local Law, and Policy No. 8, an indicative 1km circle has been drawn on attached plan.

Lots in this 1km buffer are:

- Location 5783 Applicants own house.
- Location 5246 This lot has a piggery and a tree plantation. Buffer covers part of the lot.
- Location 6769 Buffer covers approximately 40% of the lot.
- Location 4492 Buffer includes most of the lot.
- Location 5437 Buffer includes the whole of the lot.
- Location 5696 Buffer covers approximately 60% of the lot.
- Location 5782 Buffer includes some of the lot.
- Location 5784 Buffer covers a small part of the lot.
- Location 5122 Buffer covers a small part of the lot.
- Location 4962 Buffer covers a small part of the lot.

Advertising of the proposal is recommended as approval will have land use implications for these land holders. This can occur whilst the applicant prepares the management plan, required by Council Policy.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr D Williss:

THAT:

- (1) The application for a Cattle Feed Lot at Location 5783 Morande Road, Narrikup be referred to landholders with a 1km radius of proposed cattle feedlot with a copy of this report and attachments.
- (2) The applicant be advised to prepare a management plan as required by Council Policy No. 8.
- (3) The applicant be advised that the existing house on Location 5783 Morande Road, Narrikup is within the 1km minimum buffer for feedlots (and well within the Department of Environmental Protections 2km to 3km buffer guideline) and asked to provide written comment on this aspect.
- (4) A further report be prepared for consideration by the Council at its meeting to be held on 11 October 2005.

CARRIED (7/0)

No. 251/05

9.5.2 LOT 153 MOUNT BARKER ROAD, MOUNT BARKER – SETBACK RELAXATION - PROPOSED DOMESTIC SHED

A Financial Interest was disclosed by Cr J Mark for Item 9.5.2
Extent Of Interest: Proponent

3:30pm Cr J Mark withdrew from the meeting.

Location / Address:	Lot 153 Mount Barker Road, Mount Barker
Name of Applicant:	John Mark
File Reference:	RV/182/1344
Author:	Joe O'Keefe - Town Planner
Authorised By:	Delma Baesjou - Manager Development Services
Date of Report:	5 August 2005

Purpose

The purpose of this report is to consider an application for a domestic shed at Lot 153 Mount Barker Road, Mount Barker, with a lesser front setback than required by the Residential Planning Codes, and of a size greater than the performance standard contained in the Residential Design Codes. The proposed setback is less than that required by Council's Policy No. 7: Mount Barker Townsite.

Background

The lot is approximately 5.4ha, of triangular shape.

Whilst the lot frontage to Mount Barker Road (450m) is greater than the frontage to Morpeth Street (330m), Morpeth Street performs as the lot's frontage, with all access from Lot 153 to this local road.

Current development on the lot includes a house and some small sheds. The proposed shed is 12m by 9.96m.

Statutory Environment

Town Planning and Development Act: Town Planning Scheme No. 3

Policy No. 7: Mount Barker Townsite Strategy

Residential Planning Codes: page 89 and Table 1, page 111.

The zone is Residential.

The density code is R2.

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

There are no amenity impacts from the proposal.

(1) The R2 front setback standard is 20m. ('R Codes' is a performance, not a prescriptive code) A 6m setback from Morpeth Street is not regarded as problematic. This is the minimum setback in Residential zones with higher codings (ie: R15, R20, R25); which would be anticipated to apply if the area was sewered, and hence recoded.

(2) Mount Barker Road is a district distributor and direct access to that road is not encouraged when alternatives are available. Crossover construction onto Mount Barker Road would involve significant cut and fill, due to the level of the roadway. The Town Planning Scheme Policy 'Mount Barker Townsite Strategy' states:

'Front building setbacks shall be 15 metres and a minimum of 5 metres shall be required from side and rear setbacks unless otherwise approved by Council. In approving any setback relaxation, Council shall take into account the topography, lot shape and vegetation on the site.'

Relaxation of the 15m setback is strongly recommended as the Strategy's prime requirement is to ensure development is setback as far as possible from the Pwakkenbak 'Creek Conservation Area' which runs across the western half of the lot. Development in the north-eastern sector of the lot is most desirable to achieve this.

(3) The 'R' Codes (page 89) stipulates 'prescribed' performance standards for shed sizes in Residential zones. These compare with the proposal as follows:

R CODES	PROPOSED
60m ² floorspace	118.8m ²
2.4m wall height	3m
4.2m ridge height	3.2m

Development which meets the performance standards is deemed to comply, and exempt from requiring Planning Consent. In this case the size of the shed is considered in scale with the lot.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr K Clements:

That planning consent be granted in respect of Application No. 24/05 for Lot 153 Mount Barker Road, Mount Barker, to be developed for the purpose of Dwelling House (outbuilding) in accordance with the plans dated 29 July 2005 subject to the following conditions:

(a) All stormwater runoff from the development being contained onsite and disposed of to the satisfaction of the Council.

Lot 153 Mount Barker Road, Mount Barker – Setback Relaxation – Proposed Domestic Shed (Cont.)

- (b) Access to the site being via Morpeth Street.
- (c) The crossover and internal access ways being funded and maintained by the developer
- (d) The building not being used for industrial or commercial purposes.

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

CARRIED (6/0)

No. 252/05

3:31pm Cr J Mark returned to the meeting.

9.5.3 LOT 2, LOCATION 166 LANGTON ROAD, MOUNT BARKER - PROPOSED COMMERCIAL USE IN RESIDENTIAL ZONE

Location / Address:	Lot 2, Location 166 Langton Road, Mount Barker
Name of Applicant:	Taya Pitt (Anna Campbell - Proponent)
File Reference:	RV/182/1555
Author:	Joe O'Keefe - Town Planner
Authorised By:	Delma Baesjou - Manager Development Services
Date of Report:	3 August 2005

Purpose

The purpose of this report is to consider an application to use an existing house at Lot 2 of Location 166 (19) Langton Road, Mount Barker for commercial purposes.

Background

The subject land is zoned Residential and the R12.5/R20 applies. The site contains a three-bedroom fibro house and a shed.

Lot Size: 1,606m²

Current Site Coverage: Approximately 6.2%

Open Space Minimum Requirement: 50% (803m²)

Sewerage Availability: at rear of lot

Sewerage Connection: connected since 1990.

The applicant, states that she has been operating as a Beauty Therapist from the Consulting Rooms (dental surgery) at 44 Langton Road, Mount Barker. That premises is, in the Residential Zone, further west and on the opposite side of Langton Road.

Shire records show the registered owner to be TR Pitt.

Statutory Environment

Town Planning and Development Act (1928) as amended effected by the Shire of Plantagenet Town Planning Scheme No. 3, in particular the amenity goals for whole Scheme area as set out in Scheme Objectives, 1.6.1 and Clause 5.9 Urban Design.

Use classes not permitted in the Residential zone include the following commercial use classes:

- Office;
- Open Air Display;
- Restaurant;
- Shop;
- Showrooms;
- Trade Display; and
- Veterinary Consulting Rooms.

There are some commercial use classes which are permissible at Council discretion (AA):

Lot 2, Location 166 Langton Road, Mount Barker – Proposed Commercial Use In Residential Zone (Cont.)

- Boarding House;
- Home Occupation;
- Educational Establishment;
- Motel; and
- Nursing Home.

There are three (3) commercial use classes which are permissible at Council's discretion (SA):

- Consulting Rooms;
- Caravan Park; and
- Hospital.

'Consulting Rooms - means a building or part of a building (other than a hospital) used in the practice of his profession by a legally qualified medical practitioner, dentist or chiropractor, or by a physiotherapist, a masseur or a person ordinarily associated with a medical practitioner in investigation or treatment of physical mental injuries or ailments'

Consulting Rooms is an AA use in the Commercial Zone and an SA use in the Residential Zone.

consultation

The Town Planner and Environmental Health Officer have conferred and discussed the proposal with the property owner T. Pitts and the proponent A. Campbell.

Local estate agents have discussed availability of existing Commercial zoned floor space and one has provided a letter stating that there is no available floor space 'with access to kitchen and bathroom facilities' and 'providing privacy for clients'.

The Water Corporation has confirmed that the house is connected to reticulated sewerage.

Policy Implications

A future Commercial floor space policy, or strategy, required as part of the Town Planning Scheme Review, would not be adversely affected by approval for an area of approximately 100m² of commercial floor space, if this application is successful.

Financial Implications

There are no financial implications for this report, as any infrastructure upgrades to serve the development would be at the proponent's expense.

Strategic Implications

A Commercial Strategy has not been required for Mount Barker. A 1999 study 'Mount Barker Commercial Review' (Ayton, Taylor and Burrell) did not predict the need for increased Commercial floor space as it was based on predictions of population decline. It did consider growth southwards was apt for Commercial floor space.

The Council's Strategic Plan includes 'Increasing number of new businesses' as a 'Measure of Success', although it is non-specific about location.

Officer Comment

The site is potentially suitable for a range of uses, the Council's deliberation is required to assess the options.

The subject land is 250m west of the junction of Lowood Road and Langton Road, in the town centre. Any future Commercial Strategy would consider the merits, including easy walking distance to the centre of town, and proximity to hospital, of such a site. The 1999 Commercial floor space study examined Commercial expansion to the south, in areas up to 1 kilometre from the town centre. Access for pedestrians was not a prime consideration in the 1999 study. Based on unrealistically low growth predictions, it did not predict the current commercial floor space shortage.

Classification as a 'Consulting Rooms' is supported as the 'best fit' amongst the available use-classes.

Consideration of 'Consulting Rooms' is preferable to rezoning to the Commercial zone. The Residential zone landscape minimum (50% : 803m²) is much greater than in Commercial zone (10% : 160m²).

The applicant considers that the proposal can meet the definition of Consulting Rooms; as she will not reside there, is associated with medical practice, and has provided a doctor's letter...'confirming that beauty therapists do work in association with medical practitioners' (Letter from Anna Campbell, 22 July 2005).

The size of the lot would allow for all off street parking at the rear of the lot (as applied for) with a turning area to enable all vehicles entered and exited the lot in forward gear.

The alternative, rezoning to Commercial, would potentially allow for a building with nil front setback, a 1.5 maximum plot ratio, 1 car parking space for every 40m² of floor space. Landscaping in these instances is generally dwarfed by concrete vertical and horizontal structures and vast impervious surfaces.

A 'Consulting Rooms' alternatively, can provide a landscaped buffer between the non-residential zones in the town centre, and the Residential zone to the west.

All abutting land is zoned Residential, apart from lots directly to the east which are reserved for Public Purposes (Worship) and currently accommodate both church and TAFE land uses.

Advertising of any 'SA' use is mandatory, and is expected to elicit a range of responses on amenity issues which can't be predicted at officer level.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr M Skinner:

THAT:

- (1) The proposal for 100m² of commercial floor space at Lot 2 of Location 166, (19) Langton Road, Mount Barker be advertised for 21 days in accordance with Clauses 6.2.3 (a) and (b) of Town Planning Scheme No. 3.
- (2) The applicant / proponent be advised that the prerogative to classify the land use is entirely the Councils, and the Council will await input from the public prior to exercising this power.
- (3) The applicant / proponent be advised that, following advertising and consideration of the use class classification, should the Council support the proposal any approval will include conditions requiring:
 - (a) Landscaping to the standard applicable in the Residential zone;
 - (b) Car parking to accommodate all workers and customers;
 - (c) Construction of the crossover and driveway to the satisfaction of the Council;
 - (d) Any building upgrades considered necessary by the Council to accommodate the proposal including exits, disabled access, fire equipment;
 - (e) Provision of a an accurate site plan based on the following indicative areas:
 - (i) Existing (approximately) 100m² floor space (including existing shed);
 - (ii) Minimum (approximately) 803m² landscaping;
 - (iii) Maximum (approximately) 700m² driveways, parking areas and turning circles.
 - (f) Signage to comply with Clause 5.6 of Town Planning Scheme No. 3.
- (4) A further report be prepared for consideration by the Council at its meeting to be held on 11 October 2005.

CARRIED (7/0)

No. 253/05

9.5.4 PORONGURUP VILLAGE STRUCTURE PLAN - SUPPORT FOR EXPRESSION OF INTEREST - GREAT SOUTHERN REGIONAL DEVELOPMENT SCHEME

Location / Address:	Porongurup
Name of Applicant:	Porongurup Promotions Association Incorporated
File Reference:	ED/118/4
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	4 August 2005

Purpose

The purpose of this report is to consider supporting the Porongurup Promotions Association Incorporated in its application to the Great Southern Regional Development Scheme for funding to prepare a structure plan for the Porongurup Village.

Background

The area known as the Porongurup Village is within the Bolganup Precinct (C) of the Porongurup Rural Strategy. It covers the area in which the present tourist and community activity is centred. The Objectives for Precinct C are:

'To consolidate existing residential and tourist development and create an attractive centre and focal point for the Porongurup community.'

'To ensure further subdivision and development does not detrimentally impact on places of heritage value, their setting and surrounding landscape values.'

In summary, the key recommendation for the Precinct sets out that Council may support the rezoning of the land, based on an overall structure plan for the precinct which:

- Incorporates appropriate catchment management principles;
- Is prepared in consultation with the Kalgan Land Conservation District Committee (LCDC) and other relevant authorities;
- Provides a detailed analysis of landscape qualities, heritage buildings, settings and demonstrates how development can be integrated to provide an attractive focal point;
- Provides for revegetation and fencing of the creeklines;
- Incorporates buffers to surrounding agricultural uses;
- Coordinates servicing requirements such as water, roads, power, waste disposal, coach and car parking; and
- Provides for consultation with all land owners.

A Structure Plan or Master Plan will provide a framework for the future development of the Porongurup Village. It will address land use, infrastructure, road layout, fire safety, pedestrian linkages and amenity issues. In this case a 'sustainable village' theme is advocated. This more detailed planning project is in accordance with the Porongurup Rural Strategy and will complement the process for the preparation of the Local Planning Strategy.

Porongurup Village Structure Plan – Support For Expression Of Interest – Great Southern Regional Development Scheme (Cont.)

The Great Southern Development Commission has called for expressions of interest for round 5 of the Regional Development Scheme (RDS). The primary objective of the Scheme is to improve social and economic development of the Region through projects that will attract investment and encourage employment. The first stage of the process requires submission of an Expression of Interest by 22 August 2005. Successful applicants will be invited to lodge a full application by 21 October 2005. Total available funding is between \$400,000.00 and \$500,000.00 and indications are that a project of \$20,000.00 to \$30,000.00 is likely to succeed.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3, Clause 7.6 Power to Make Policies

'7.6.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the control of development.

7.6.2 A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:

- (a) the Council, having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council;*
- (b) the Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy;*
- (c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.'*

Consultation

The Chief Executive Officer and Manager Development Services met with a representative of the Association on 2 August 2005 to discuss the project.

The recommendation for Precinct C stipulates consultation with the LCDC, agencies and the community. Formal consultation is required in accordance with provisions of Town Planning Scheme No. 3 for a Policy to become operative.

Policy Implications

The Porongurup Rural Strategy was adopted by the Shire of Plantagenet as Town Planning Scheme No. 3 Policy No. 11 on 23 September 1997.

Other precinct structure plans within the Shire of Plantagenet have been adopted as Town Planning Scheme Policies. It is envisaged that the proposed Porongurup Village Structure Plan would also become a Town Planning Scheme Policy.

Financial Implications

There are minor financial implications for this report.

Porongurup Village Structure Plan – Support For Expression Of Interest – Great Southern Regional Development Scheme (Cont.)

In-kind support for the project will be officer time providing input and direction, production of mapping and advertising costs associated with formal exhibition of the draft Town Planning Scheme Policy. It is estimated costs will not exceed \$2,000.00 and anticipated advertising costs are likely to be between \$250.00 and \$400.00 and charged to Account No. 1040.1.173 – Advertising.

Strategic Implications

Preparation of a Structure Plan for the Porongurup Village is consistent with the relevant objectives and recommendations in the Porongurup Rural Strategy. The concept of sustainable rural settlements and use of alternate infrastructure is also consistent with the settlement and community development objectives of the draft LGS Regional Strategy.

Officer Comment.

Preparation of a Structure Plan for Porongurup Village is considered to be a great initiative. Watercorp has indicated that upgrading of the Bolganup water catchment and treatment infrastructure is scheduled in the next two years. Although Porongurup is below threshold for sewer provision by Watercorp it would serve as an ideal pilot for an alternative wastewater management system. Given the timing of the upgrade by Watercorp, pending review of the Town Planning Scheme and the current community focus on sustainability, this is the appropriate time to undertake detailed planning for Porongurup.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION/ COUNCIL DECISION

Moved Cr D Williss, seconded Cr M Skinner:

That the Great Southern Development Commission be advised that the Expression of Interest from the Porongurup Promotions Association Incorporated for financial assistance for the preparation of a Structure Plan for Porongurup Village is supported and the in-kind contribution from the Shire of Plantagenet will be professional advice and formal advertising of the draft Town Planning Scheme Policy.

CARRIED (7/0)

No. 254/05

9.5.5 LOT 3 MARMION STREET, MOUNT BARKER - REVOCATION OF COUNCIL APPROVAL TO KEEP A ROOSTER

Location / Address:	Lot 3 Marmion Street, Mount Barker
Name of Applicant:	Mr G Maskell, Lot 4 Marmion Street, Mount Barker
File Reference:	RV/182/4133
Author:	Eric Howard - Environmental Health Officer
Authorised By:	Stephen Bell - Executive Director Technical and Development Services
Date of Report:	28 July 2005

Purpose

The purpose of this report is to consider legal advice from Thompson Legal Pty. Ltd, Lawyers in relation to a complaint of unreasonable noise by Mr G Maskell, created by a rooster located at Lot 3 Marmion Street, Mount Barker.

Background

In December 2004, the Council's Environmental Health Officer investigated a noise complaint from Mr G Maskell of Lot 4 Marmion Street, Mount Barker. The complaint related to a noise nuisance that was being created by a rooster owned by Mrs J Giles located at Lot 3 Marmion Street, Mount Barker.

The Shire's Environmental Health Officer determined that the rooster could be heard by the complainant and pursuant to the Shire of Plantagenet Health (Local Laws) 1997, Section 5.4.4(1) requested that the rooster be removed within seven (7) days from Lot 3 Marmion Street, Mount Barker.

The owner of the rooster, Mrs J Giles, subsequently applied for the Council's approval to keep the rooster at Lot 3 Marmion Street Mount Barker. At its Ordinary Meeting of 8 February 2005, Item 9.2.2, the Council resolved (No. 12/05) that the request from Mrs Giles to keep the rooster at Lot 3 Marmion Street, Mount Barker be granted. The Council did not consider that the rooster constituted a significant noise nuisance.

On the 14 April 2005, the Council received a further complaint from Mr Maskell alleging a continuing noise nuisance was being created by the rooster at Lot 3 Marmion Street, Mount Barker. A further investigation of the noise complaint was assessed by the Council's Environmental Health Officer in accordance with the terms and definitions of the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997.

Mrs Giles was advised in writing on the 6 May 2005, that the rooster was creating unreasonable noise as defined by the Act and was required to take such measures and actions necessary to abate the unreasonable noise emissions.

Mrs Giles chose to keep the rooster at her Marmion Street property and implemented numerous methods for the control and abatement of the noise nuisance. Those measures included locking the rooster in the chook-house, located within the chicken run between the hours of 6:00pm till 8:00am daily. Insulation material was further added to the inside of the chook-house and a plastic crate was placed over the bird

Lot 3 Marmion Street, Mount Barker – Revocation Of Council Approval To Keep A Rooster (Cont.)

each evening to help prevent him crowing by restricting the rooster's neck movement.

Those combined methods have allegedly failed to significantly reduce the crowing noise by the rooster to a level acceptable to the complainant.

Statutory Environment

Shire of Plantagenet Health (Local Laws) 1997 –

Section 5.4.1 (1) An Occupier of premises within a townsite, shall not without the written approval of the Council, keep or permit to be kept on those premises, any one or more of the following:

- (a) Rooster
- (2) The Council may upon written application, grant approval with or without conditions to the owner or occupier of premises to keep any one or more birds as specified in subsection (1) of this section.
- (4) The Council may revoke an approval granted under this Section if it is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.

Environmental Protection Act 1986 Part 1 Section 3.

- Section 3 (3) Noise is to be taken to be unreasonable if –
- (b) having regard to the nature and duration of the noise emissions, frequency of similar noise emissions from the same source and the time of day at which the noise is emitted, the noise unreasonably interferes with the health, welfare, convenience, comfort or amenity of any person.

Consultation

- Extensive discussions with both the complainant, Mr G Maskell and the owner of the rooster, Mrs J Giles to amicably resolve the noise complaint.
- The ongoing noise complaint has been referred to the following authorities by the complainant.
 - Department of Local Government – regarding the Council decision to approve rooster – The Department subsequently endorsed Councils approval process and advised the complainant accordingly.
 - Department of Environment – Complainant sought professional advice from the Departments noise section regarding noise nuisances.
 - WA Department of Health – Complainant sought professional advice regarding Councils Health Local Laws – Department of Health referred the complainant back to Council for resolution.
 - State Ombudsman Office – complaint to the Ombudsman regarding Council approval of rooster at Lot 3 Marmion Street, Mount Barker.
 - Thompson Legal – Lawyer acting on behalf of complainant, requests that Council reconsiders the noise complaint and subsequently revokes the approval granted by Council to keep a rooster at Lot 3 Marmion Street, Mount Barker. Further, that failure to consider and revoke that

Lot 3 Marmion Street, Mount Barker – Revocation Of Council Approval To Keep A Rooster (Cont.)

- approval will result in legal proceedings by the complainant against Council for breach of its duty of care to protect the complainant from nuisances injurious to his health.

Policy Implications

A policy may need to be developed for the keeping of roosters and other raucous birds.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Having regard to the nature, duration, frequency and time of day the noise is emitted, the crowing noise created by the rooster located at Lot 3 Marmion Street, Mount Barker, continues to meet the definition of unreasonable noise as prescribed by the Act, thereby unreasonably interfering with the health, welfare, convenience, comfort or amenity of the complainant. The roosters pen is located approximately 40 metres from the complainants dwelling. Noise abatement methods implemented by Mrs Giles have allegedly failed to substantially reduce the crowing noise between the hours of 7:00pm and 7:00am and therefore the rooster continues to create unreasonable noise. Hence the letter received from the complainant's lawyer.

Council's Health Local Laws do allow for conditional approval of roosters within a town site however that approval may be revoked if the keeping of that rooster is causing a nuisance or is injurious, offensive or dangerous to health.

It is this officer's opinion that the rooster is creating a noise nuisance, (unreasonable noise under the definitions of the Environmental Protection Act 1986).

Council may approve any of the following actions;

- (1) Not revoke the approval to keep a rooster at Lot 3 Marmion Street Mount Barker.
- (2) Revoke the previous resolution of 8 February 2005 (No. 12/05), thereby requiring the rooster to be removed from the premises.
- (3) Enable further noise abatement methods to be implemented by the owner of the rooster within seven (7) days of notice.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) Approval of 8 February 2005 (Item 9.2.2, No. 12/05) to Mrs J Giles to keep a rooster at Lot 3 Marmion Street, Mount Barker be withdrawn;
- (2) Notice is served on Mrs J Giles at Lot 3 Marmion Street Mount Barker requiring the rooster to be removed within seven (7) days from service of notice.

MOTION LAPSED FOR WANT OF A MOVER

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 D Williss, seconded Cr J Mark:

That business of an urgent nature, namely:

- Lot 151 Muir Street, Mount Barker - Grouped Dwellings (Aged Persons Units) SAT Mediation Outcome

be introduced into the meeting.

CARRIED (7/0)

No. 255/05

11.1 LOT 151 MUIR STREET, MOUNT BARKER- GROUPED DWELLINGS (AGED PERSONS UNITS) SAT MEDIATION OUTCOME

Location / Address:	Lot 151 Muir Street, Mount Barker
Attachments (2)	Alternative Plan - 11 August 2005 Email - R Easton
Name of Applicant:	Department of Housing and Works
File Reference:	RV/182/4196
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	12 August 2005

Purpose

The purpose of this report is to consider the outcomes from the State Administrative Tribunal (SAT) Mediation Hearing in relation to the proposed grouped dwellings on Lot 151 Muir Street, Mount Barker. An appeal was lodged against the Council's decision to defer consideration of Development Application 09/05 for the site to be developed for the purpose of two (2) three (3) bedroom family units and five (5) two (2) bedroom aged persons units.

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 the Council may, at its discretion, permit the use after Notice of the Application has been given in accordance with Clause 6.2.

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

Lot 151 Muir Street, Mount Barker – Grouped Dwellings (Aged Persons Units) SAT Mediation Outcome (Cont.)

The application for planning consent was received on 15 March 2005. Notwithstanding the proponent's request to 'cease from processing the documents submitted and put on hold, the processing of the Development Approval' a revised concept plan was received on 24 March 2005. The detailed plans were received by the Shire of Plantagenet on 13 May 2005.

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.

A report to consider the submissions and determine the planning application was considered by the Council at its meeting held 14 June 2005. The following resolution was adopted:

'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.'*

The planning decision was issued by the Shire of Plantagenet on 24 June 2005.

An appeal against the 'deemed refusal' was received on 8 July 2005 from Ross Easton representing the Department of Housing and Construction.

The appeal is against the deferral and seeks approval of the application for a mix of housing types.

A Notice of Hearing was received from the SAT on 19 July 2005, advising that the matter was listed for Direction, Friday, 5 August 2005 at 10:30am.

The initial response from the Shire of Plantagenet, opposing the application, challenging the 'deemed refusal' and requesting mediation, was sent on 26 July 2005. Supplementary information set out in the 'response statement' was sent to SAT and the applicant on 29 July 2005.

At the Shire's request, the direction hearing was conducted via teleconference. The Shire of Plantagenet was represented by Delma Baesjou and Joe O'Keefe. Officers negotiated for a Mediation Hearing in Mount Barker to coincide with the visit by the SAT representative.

Lot 151 Muir Street, Mount Barker – Grouped Dwellings (Aged Persons Units) SAT Mediation Outcome (Cont.)

The mediation held Tuesday 10 August was attended by James Jordan –SAT, Delma Baesjou – Manager Development Services, Joe O’Keefe – Contract Planner and Ross Easton – representing the applicant.

The Department of Housing and Works indicated that it had reconsidered the proposal and was prepared to construct seven (7) Aged Persons Units on the site. There was conjecture over the conditions that could be applied to the development, in particular the orientation of the units and the need for provision of a defined pedestrian path within the development. No agreement was reached on the matter of a separate pedestrian path.

As an outcome from the mediation it was agreed that:

- The matter could be resolved through the preparation of consent orders;
- The appellant would submit an alternative site plan showing seven (7) aged persons units and a schedule of conditions by 15 August 2005; and
- The matter would be presented to the Council at its meeting to be held 16 August 2005.

The Mediation was adjourned to a Direction Hearing scheduled for 4:00pm Wednesday 17 August 2005, to be conducted via teleconference.

An alternative site plan was received via fax on 11 August 2005.

An email from Ross Easton setting out modifications to the proposed conditions was received by the Shire of Plantagenet on 15 August 2005.

The previous report contains conditions (a) – (j) recommended by Council officers. Key differences between these and the modifications requested by the proponent are discussed in the officer comment section of this report.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3
The Residential Design Codes of Western Australia (2002)
Health Act 1911
Building Code of Australia 2004
State Administrative Tribunal Act 2005

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 were received. Six (6) of the submissions were against the proposal and questioned the location of aged units and the mix of aged and family units. The comments were taken into consideration and aspects of the submissions were upheld.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

It should be noted that the SAT process is regarded as a ‘no cost jurisdiction’. In general, each party will bear its own costs.

Lot 151 Muir Street, Mount Barker – Grouped Dwellings (Aged Persons Units) SAT Mediation Outcome (Cont.)

Strategic Implications

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

Officer Comment

The previous report on this matter included the following recommendation:

‘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.*
 - (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.’

The grounds of appeal make no reference to and raise no objection to the draft conditions of consent contained in the officer recommendation.

Lot 151 Muir Street, Mount Barker – Grouped Dwellings (Aged Persons Units) SAT Mediation Outcome (Cont.)

The alternative plan is similar to the previous proposal, except that the two (2) three (3) bedroom family units at the front of the site have been replaced with two (2) Aged Persons Units. The alternative plan complies with R20 density coding, as per Section 3.1.3 of the Residential Design Codes and takes advantage of the density bonus applicable for Aged Persons Units. Specific performance criteria for Aged or Dependent Persons' Dwellings are set out in Section 4.1.2 of the Codes.

Setbacks, building height, open space, outdoor living areas, visual privacy and landscaping elements cannot be fully assessed without detailed plans. In general, the Homeswest Architects are familiar with the Codes, and most developments are compliant. In this case, depending of finished floor levels and the position of major openings to habitable rooms within the development and on the adjoining properties, visual privacy may be an issue.

Northerly orientation of the units, to maximise solar access is advocated by officers. The Residential Design Codes refer to it but do not include solar access as a performance criterion (except for adjoining properties). In this case the need for solar access has been challenged by an architect seeking to exploit this weakness in the Codes.

Provision of a dedicated pedestrian walkway, to access the Aged Persons Units, was discussed previously with the applicant's architect. It had been agreed that this would be located on the western side of the proposed central driveway, to minimise vehicle conflict. A reduction in the width of the internal driveway from 6 to 4.5m was suggested, as reflected in former condition (a) of the Officer Recommendation and condition (1) of the draft schedule. A 6m wide crossover to Muir Street, with a central pedestrian island is considered desirable to protect pedestrians from vehicular traffic at this point. The appellant has requested that this condition be deleted.

Re-orientation of Unit 1, to ensure vehicular traffic can access Unit 1 from the central driveway, is reflected on the alternative site plan. Former condition (c) is therefore no longer necessary.

Inclusion of an additional condition requiring the submission of a landscaping plan prior to the issue of a Building Licence is supported and reflected as condition (g) in the revised schedule.

The proponent's representative advised that Homeswest was not prepared to offer anything that was not in the R Codes. It was clearly indicated that any requirement for an internal walkway will be challenged and will result in this matter being progressed to a formal hearing. The decision for the Council is whether it is worth pursuing this matter by retaining condition (1) as set out in the schedule.

If the matter cannot be resolved through the signing of Minuted Consent Orders and proceeds to hearing, the Shire will be required to provide Witness Statements and to attend the Hearing.

Voting Requirements

Simple Majority

Lot 151 Muir Street, Mount Barker – Grouped Dwellings (Aged Persons Units) SAT Mediation Outcome
(Cont.)

OFFICER'S RECOMMENDATION

Moved Cr K Clements, seconded Cr D Williss:

That in respect to State Administrative Tribunal matter RD 502 of 2005, in relation to the proposed grouped dwellings on Lot 151 Muir Street, Mount Barker, the Shire of Plantagenet agrees to consent Orders be signed for the development of seven (7) aged persons units, generally in accordance with the alternative site plan dated 11 August 2005 and the following schedule of conditions:

- (1) A dedicated pedestrian access way being provided 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.
- (2) Submission of detailed floor plans for units 1 and 2 and compliance with the Residential Design Codes, in particular Performance Criteria 3.8.1, 3.9.2 and 4.1.2.
- (3) Vehicle and pedestrian access to Muir Street being provided in accordance with Performance Criteria 3.5.4 and 3.5.5 of the Residential Design Codes and the Shire of Plantagenet specifications for construction of a vehicle crossover.
- (4) The minimum setback for Unit 1 being 6 metres from the Muir Street Road Reserve.
- (5) A drainage assessment of the lot being 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.
- (6) All stormwater runoff being contained on-site and disposed of to the satisfaction of the Executive Director of Technical and Development Services.
- (7) Suitable arrangements being made for storage of weekly rubbish for collection to the satisfaction of the Executive Director of Technical and Development Services.
- (8) A detailed landscaping plan being submitted and assessed prior to the issue of a Building Licence.
- (9) Landscaping, sealed access ways and parking areas being installed in accordance with the approved plan.
- (10) The crossover, access way and vehicle parking areas being funded and maintained by the developer.
- (11) The development being connected to reticulated sewer.
- (12) All conditions not of an ongoing nature being complied with, within six (6) months of this approval.

CARRIED (7/0)

No. 256/05

Lot 151 Muir Street, Mount Barker – Grouped Dwellings (Aged Persons Units) SAT Mediation Outcome
(Cont.)

AMENDMENT

Moved Cr B Hollingworth, seconded Cr J Mark:

That Part (1) of the Officer's Recommendation be deleted and the motion be re-cast accordingly.

CARRIED (7/0)

No. 257/05

COUNCIL DECISION

That in respect to State Administrative Tribunal matter RD 502 of 2005, in relation to the proposed grouped dwellings on Lot 151 Muir Street, Mount Barker, the Shire of Plantagenet agrees to consent Orders be signed for the development of seven (7) aged persons units, generally in accordance with the alternative site plan dated 11 August 2005 and the following schedule of conditions:

- (1) Submission of detailed floor plans for units 1 and 2 and compliance with the Residential Design Codes, in particular Performance Criteria 3.8.1, 3.9.2 and 4.1.2.
- (2) Vehicle and pedestrian access to Muir Street being provided in accordance with Performance Criteria 3.5.4 and 3.5.5 of the Residential Design Codes and the Shire of Plantagenet specifications for construction of a vehicle crossover.
- (3) The minimum setback for Unit 1 being 6 metres from the Muir Street Road Reserve.
- (4) A drainage assessment of the lot being 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.
- (5) All stormwater runoff being contained on-site and disposed of to the satisfaction of the Executive Director of Technical and Development Services.
- (6) Suitable arrangements being made for storage of weekly rubbish for collection to the satisfaction of the Executive Director of Technical and Development Services.
- (7) A detailed landscaping plan being submitted and assessed prior to the issue of a Building Licence.
- (8) Landscaping, sealed access ways and parking areas being installed in accordance with the approved plan.
- (9) The crossover, access way and vehicle parking areas being funded and maintained by the developer.
- (10) The development being connected to reticulated sewer.
- (11) All conditions not of an ongoing nature being complied with, within six (6) months of this approval.

CARRIED (7/0)

No. 258/05

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

4:19pm The Presiding Member declared the meeting closed.

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