



## **ORDINARY COUNCIL MEETING**

# **MINUTES**

Ordinary Meeting of the Council held in the  
Frost Park Pavilion, McDonald Road, Mount Barker  
2:45pm Tuesday 14 February 2006

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

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

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

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

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

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

### Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Willis	Deputy Shire President - East Ward
Cr K Hart	Kendenup Ward
Cr J Cameron	Rocky Gully / West Ward
Cr J Moir	South Ward
Cr K Clements	Town Ward
Cr J Mark	Town Ward
Cr B Hollingworth	Town Ward
Cr M Skinner	East Ward
Mr R Stewart	Chief Executive Officer
Mr J Byrne	Executive Director Corporate and Community Services
Mr S Bell	Executive Director Technical and Development Services
Ms D Baesjou	Manager Development Services
Ms M Osipowicz	Planning Officer
Mr E Howard	Environmental Health Officer
Mrs K Skinner	Executive Secretary

Ms C Delmage Administration Officer

Four (4) members of the public were present.

One (1) member of the media was present.

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

Nil

### **4 PUBLIC QUESTION TIME**

Nil

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

#### Mark Rintoul – Mount Barker Chickens

Good afternoon. For those of you that don't know me, my name is Mark Rintoul and I represent Mt Barker Chicken.

Mt Barker Chicken is a small chicken producer and processor and consists of three (3) contract farms, a processing facility in Kendenup, a contract boning operation in Canning Vale and a sales, marketing and administration office in Welshpool. The business employs approximately 40 persons at the Kendenup facility, fifteen (15) persons on the farms or in other contracted businesses and a further 40 persons in Perth.

In mid November 2005 Mt Barker Chicken submitted an application for planning consent to obtain Council approval to irrigate treated effluent on Lots 312 and 313 Lake Matilda Road, Kendenup. This application went to the Council on 13 December 2005 and the Council resolved to advertise the change for 21 days inviting public comment.

For Mt Barker Chicken, this application is very important, as it will ensure the Kendenup operation has a zero ecological footprint on the land. The application is NOT about expansion, odour, noise or processing – it's about being able to use the company's land to irrigate treated effluent under the strict supervision of the Department of Health and the Department of the Environment. Please also be aware that this practice is widely used throughout the world.

Mt Barker Chicken has installed 12 groundwater monitoring bores, conducted detailed soil analysis and have modelled some low-impact irrigation methods. By complying with the Department of Environment legislation and regulations, local residents and environmental groups can be sure the environment is safe.

The application is simple. Let Mt Barker Chicken work with the expert government agencies and environment consultants to get the job done.

I will now hand over to Ms Kate McCormack from ATA Environmental who will update you on the technical aspects of the issues.

Thanks.

Kate McCormack – ATA Environmental

Ms McCormack noted that ATA Environmental had been contracted by Mt Barker Chicken to implement environmental improvements. The Department of Environment issued an Environmental Protection Notice to Mt Barker Chicken in December 2005 which requires certain conditions that must be met.

Ms McCormack noted that there are issues of irrigation at the Kendenup facility that could be treated through ponds and that Mt Barker Chicken see their treated wastewater as a resource to be utilised.

Ms McCormack further noted that Mt Barker Chicken is still in a design phase and that all the relevant guidelines would be met.

In response to a question, Ms McCormack noted that the odour issues, as raised by concerned residents, were not associated with the irrigation issue and that the application of chlorine to storage dams would effectively prevent odour.

## 6 APPLICATIONS FOR LEAVE OF ABSENCE

Councillor Hart requested leave of absence for 14 March 2006 and Councillor Mark requested leave of absence for 15 February 2006 to 8 March 2006 inclusive.

**Moved Cr J Cameron, seconded Cr M Skinner:**

**That Councillor Hart be granted leave of absence for 14 March 2006 and Councillor Mark be granted leave of absence for the period 15 February 2006 to 8 March 2006 inclusive.**

**CARRIED (9/0)**

**No. 1/06**

## 7 CONFIRMATION OF MINUTES

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

**That the Minutes of the Ordinary Meeting of the Council held 13 December 2005 be confirmed subject to:**

**The year '2005' being changed to '2006' where it appears on Page 2 in Item 6 – Applications For Leave Of Absence.**

**CARRIED (9/0)**

**No. 2/06**

## 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 26 January 2006 – The local Australia Day event was well attended. The Shire President, Chief Executive Officer and Councillors attended. Mrs Eleanor Scott was awarded the Citizen of the Year and the Plantagenet Historical Society received the Community Group Award.
-

- 30 January 2006 – The Deputy Shire President attended the South West Road User Group meeting in Manjimup and discussed the condition of state roads particularly Muirs Highway and Timber Industry Road Evaluation Strategy (TIRES).
- 2 February 2006 – The Mount Barker Turf Club held a race day which was attended by Members of Racing and Wagering Western Australia (RWAA) and Councillors.
- 4 February 2006 – An evening was held by the Kendenup Bush Fire Brigade for retiring Captain Mr Geoff DePledge. The Shire President and Deputy Shire President attended along with their wives. Mr Russell Gould (FESA - Albany) and Mr John Tonkin (FESA – Narrogin) also attended with their wives.  
  
Mr Geoff DePledge was presented with a framed photo of the Kendenup Fire Brigade Shed opening and a FESA Certificate of Appreciation. Mr Geoff DePledge has been a member of the Kendenup Fire Brigade for fifty years.
- 6 February 2006 – The Annual General Electors Meeting was held with six (6) members of the public in attendance.
- 8 February 2006 – The Shire President attended lunch with Kati Kraszlan and Bob Stacey from the Department of Corrections. The future of Pardelup Work Camp appears to be very positive with inmate and officer numbers set to increase.
- 16 February 2006 – The Shire President and Crs Skinner and Cameron will attend a workshop regarding the Biosecurity Agricultural Bill in Albany.
- 16 February 2006 – The Shire President will attend the opening of ITC and Timbercorp chip loading facility at Albany Port.
- 17 February 2006 – The Shire President will Chair a WALGA teleconference.
- 20 February 2006 – The Shire President will attend a Plantation Industry Ministerial Advisory Committee (PIMAC) meeting in Perth.
- 20 February 2006 – The Deputy Shire President will attend a Safety Around School Meeting.
- 20 February 2006 – Cr Cameron will attend a Housing Authority Committee meeting.
- 21 February 2006 – The Shire President will attend a Parliamentary Committee hearing on Emergency Management Bill in Albany regarding the Bush Fires Act 1954.
- 21 February 2006 – Shire of Bridgetown Greenbushes will be visiting the Shire of Plantagenet and the Deputy President will be hosting the meeting.
- 22 February 2006 – The Shire President will be convening a workshop on Economic Development with Gary Brennan for all Councillors.



- 22 February 2006 – The Shire President will be attending a One Community, One College meeting at the Mount Barker Senior High School.
- 22 March 2006 – The Mount Barker Machinery Field Day is being held.

## **9 REPORTS OF COMMITTEES AND OFFICERS**

### **9.1 EXECUTIVE SERVICES REPORTS**

#### **9.1.1 COMPLIANCE AUDIT RETURN**

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (1)</b>	<b>Compliance Audit Return 2005</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>CM/19/1</b>
<b>Author:</b>	<b>Donna Stevens - Senior Administration / Human Resources Officer</b>
<b>Authorised By:</b>	<b>John Byrne - Executive Director Corporate and Community Services</b>
<b>Date of Report:</b>	<b>12 January 2006</b>

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#### **Purpose**

The purpose of this report is to enable the Council to fulfil its Statutory Obligations with regard to the Compliance Audit.

#### **Background**

A Compliance Audit is required to be completed once in each calendar year. The 2005 Compliance Audit revealed some areas of non-compliance. Those areas have been reviewed and process changes implemented to ensure full compliance in future. These areas are identified within the Compliance Audit return.

#### **Statutory Environment**

The Compliance Audit is required pursuant to Section 7.13 of the Local Government Act 1995.

Further, the Local Government (Audit) Regulations 1996 provide that the Compliance Audit is to be:

- (a) Presented to the Council at a meeting of the Council.
- (b) Adopted by the Council; and
- (c) Recorded in the minutes of the meeting at which it is adopted.

Also, after the compliance audit return has been presented to the Council a certified copy of the return together with:

- (a) A copy of the relevant section of the minutes referred to in the regulations and;
- (b) Any additional information explaining or qualifying the Compliance Audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.

#### **Consultation**

Consultation has occurred with the appropriate Council officers.

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**Compliance Audit Return (Cont.)****Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

The Compliance Audit report helps to ensure that appropriate organisation practices are provided in financial management, administration, information technology and trading undertakings (Key Result Area 1).

**Officer Comment**

The completed Compliance Audit return is attached to this report.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That the Compliance Audit Return for the calendar year 1 January 2005 to 31 December 2005 be adopted and submitted to the Executive Director of the Department of Local Government and Regional Development.**

**CARRIED (9/0)**

**No. 3/06**

**9.1.2 COUNCIL MEETING DATES - CHANGE OF VENUE**

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>GO/43/1</b>
<b>Author:</b>	<b>Kaye Skinner - Executive Secretary</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>9 January 2006</b>

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**Purpose**

The purpose of this report is to authorise the change of venue from Frost Park Pavilion, McDonald Avenue, Mount Barker to the new Council Chambers located on Lowood Road, Mount Barker for the Ordinary Meeting of the Council to be held on 11 April 2006.

**Background**

At the Ordinary Meeting of the Council held on 8 November 2005 (Resolution No. 315/05), meeting dates were set for February 2006 to January 2007 inclusive. The Council also resolved that all meetings be held in the Frost Park Pavilion, McDonald Avenue, Mount Barker until completion of the New Administration Building.

**Statutory Environment**

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

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

The new Administration Building has an expected completion date of 31 March 2006, with staff moving in over the weekend of 1 and 2 April 2006. It will be necessary for the office to be closed from noon on 31 March 2006 and all day Monday 3 April 2006 to allow staff to unpack and be ready for business on Tuesday 4 April 2006. Due to Telstra phone line works, no land line communication will be possible on the afternoon of 31 March 2006 or from the Council's Administration Office.

It should be noted that the site will still be a construction site. The old Shire Office and Infant Health Centre will need to be demolished before the new building can be completely finished. The staff relocation on 31 March 2006 will facilitate such demolition. The Council Chamber may not be completely operational.

**Voting Requirements**

Simple Majority

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**OFFICER'S RECOMMENDATION**

That notwithstanding Council Resolution No. 315/05, Ordinary Meetings of the Council from April to December 2006 inclusive be held as follows commencing at 2:45pm in the Council Chambers situated in Lowood Road Mount Barker.

11 and 26 April 2006  
9 and 23 May 2006  
13 and 27 June 2006  
11 and 25 July 2006  
22 August 2006  
12 and 26 September 2006  
10 and 24 October 2006  
14 and 28 November 2006  
12 December 2006

**MOTION**

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

**That notwithstanding Council Resolution No. 315/05, Ordinary Meetings of the Council from April to December 2006 inclusive be held as follows commencing at 2:45pm in the Council Chambers situated in Lowood Road Mount Barker.**

**26 April 2006  
9 and 23 May 2006  
13 and 27 June 2006  
11 and 25 July 2006  
22 August 2006  
12 and 26 September 2006  
10 and 24 October 2006  
14 and 28 November 2006  
12 December 2006**

Reason For Change

Councillors believed that scheduling the first meeting of the Council in the new Administration Building for 26 April 2006 would allow for any unforeseen delays in the building timetable.

**AMENDMENT**

**Moved Cr J Moir, seconded Cr B Hollingworth:**

**That the words: 'apart from the Ordinary Meeting of the Council to be held on 26 April 2006 which shall commence at 7.30pm' be added after the words "Mount Barker".**

**CARRIED (5/4)**

**No. 4/06**

**COUNCIL DECISION**

**That notwithstanding Council Resolution No. 315/05, Ordinary Meetings of the Council from April to December 2006 inclusive be held as follows commencing at 2:45pm in the Council Chambers situated in Lowood Road Mount Barker apart from the Ordinary Meeting of the Council to be held on 26 April 2006 which shall commence at 7:30pm.**

**26 April 2006**

**9 and 23 May 2006**

**13 and 27 June 2006**

**11 and 25 July 2006**

**22 August 2006**

**12 and 26 September 2006**

**10 and 24 October 2006**

**14 and 28 November 2006**

**12 December 2006**

**CARRIED (9/0)**

**No. 5/06**

**9.1.3 RELOCATION - CLOSURE OF SHIRE ADMINISTRATION BUILDING -  
MONDAY 3 APRIL 2006**

**Location / Address:** N / A  
**Name of Applicant:** N / A  
**File Reference:** GO/43/1  
**Author:** Kaye Skinner - Executive Secretary  
**Authorised By:** Rob Stewart - Chief Executive Officer  
**Date of Report:** 9 January 2006

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**Purpose**

The purpose of this report is to authorise the closure of the Shire Administration Building from noon on Friday 31 March 2006 and all day Monday 3 April 2006 to allow staff to effect the transfer of business into the new Administration Building.

**Background**

As Councillors are aware, the relocation will now take effect from 31 March 2006 to 2 April 2006 over the weekend. It will be necessary for staff to have the office closed from noon on Friday 31 March 2006 and all day 3 April 2006 to unpack, settle in and make sure everything is working correctly for opening on Tuesday 4 April 2006.

Due to the transfer of telephone lines, no telephonic communication by landlines will be possible to or from the Administration Building on the afternoon of 31 March 2006.

**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**

THAT:

- (1) The Council Administration Office be closed for business on Monday 3 April 2006 due to relocation to the new Administration Building.
- (2) The closure be advertised locally.

**MOTION**

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

**THAT:**

- (1) The Council Administration Office be closed for business from noon Friday 31 March 2006 and all day on Monday 3 April 2006 due to relocation to the new Administration Building.**
- (2) The closure be advertised locally.**

**CARRIED (9/0)**

**No. 6/06**

Reason for Change

Councillors noted that authority for the 31 March 2006 closure was also necessary.



**9.1.4 LOWOOD ROAD - CLOSED CIRCUIT TELEVISION CAMERAS (CCTV)**

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>I30321 / I29868 / CP/147/2</b>
<b>Author:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>30 January 2006</b>

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**Purpose**

The purpose of this report is to present an offer from the Mount Barker Cooperative Limited to assist the Council to purchase closed circuit television cameras (CCTV) for Lowood Road.

**Background**

On 9 December 2005 the Shire President and the Chief Executive Officer attended the offices of the Mount Barker Cooperative to observe that organisation's CCTV installation in practice. Members of the Mount Barker Police were also in attendance at that meeting.

Both the Shire President and the Chief Executive Officer were impressed with the clarity of the real time and recorded images and it is understood that shop theft in the Cooperative has decreased markedly since installation of the system. (In other parts of Australia eg: Lismore, increases in retail turnover have been reported after CCTV installation).

The Mount Barker Cooperative has resolved to enter into an agreement for the Cooperative to offer funds of up to \$10,000.00 from its Special Community Donation Policy (SCDP) for the purchase of two security cameras and other related equipment. The idea is for the Shire to purchase equipment (with help from the Cooperative) and for the images to be relayed directly to the Police Station who would then do required monitoring.

NB: Councillors are advised that a CCTV camera has been attached to the southern wall of the Cooperative building and is directed towards the new public toilets. The Cooperative has kindly agreed to monitor this camera until other arrangements are in place.

The cameras for the Cooperative and related equipment have been installed by Powell Security Services. This organisation (based in Albany) has provided a quotation to the Shire to install two cameras and associated hardware and software for a total of \$17,700.00. Importantly, this quotation does not include the ADS Broadband connection to service the police station and at this stage of proceedings this is an unknown quantity.

**Consultation**

The Shire President, Cooperative and Mount Barker Police are aware of this proposal.

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**Lowood Road – Closed Circuit Television Cameras (CCTV) (Cont.)**

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**Policy Implications**

The writer of this report has had some experience regarding installation of CCTV cameras in public places. Members would be aware during the serial murders episode in Claremont, CCTV cameras were installed both by the Town of Claremont and private businesses within the townsite of Claremont. Some objections were raised to their installation by civil libertarians. The writer of this report does not believe that this is an issue for the Shire of Plantagenet and many local authorities install CCTV cameras. (See legal implications).

**Legal Implications**

No legislation (either Federal or (any) state) covers CCTV surveillance in public areas. Western Australia's Surveillance Devices Act (1998) refers only to covert systems.

The New South Wales Law Reform Commission has proposed a model Surveillance Act and enforceable Code of Practice. As yet, this remains a proposal.

In 2002, 33 Local Authorities had public CCTV systems, employing at least 660 cameras. The City of Perth has the largest public CCTV system in Australia with 105 cameras (next largest is City of Sydney with 48 cameras). The City of Perth also manages the system installed at Claremont.

**Financial Implications**

There are no budgeted funds for the shortfall of \$7,700 (\$17,700 less the Cooperative contribution) and given increases in expenditure that will be required for underground power this matter may need to be held over until the next financial year so that full costing implications can be given to the Council. Further, the ADSL Broadband connection to the police station will require negotiation with the WA Police.

**Strategic Implications**

The Council's Strategic Plan at Key Result Area 2 – Infrastructure provides that the Council will manage public open space and natural resources to equitably meet the community's social and economic needs in an environmentally responsible manner.

Further, given the expenditure of the Council in Lowood Road and the encouragement of members of the public to use open space, one would expect cameras to be welcomed. It is generally agreed that public open space will be utilised by members of the public if they feel safe.

**Officer Comment**

The installation of closed CCTV in Lowood Road is supported.

Action has already been taken to ensure that the appropriate conduits are placed in Lowood Road to assist cabling should CCTV be installed.

Further, there is no doubt that with the upgrade of Lowood Road the timing of additional infrastructure is perfect.

Nevertheless, some caution is recommended. No funding has yet been identified for the shortfall with regard to the quote received and the total costs are as yet not known with regard to ensuring that images are captured at the police station. (Broadband connection and infrastructure).

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**Lowood Road – Closed Circuit Television Cameras (CCTV) (Cont.)**

Regrettably, it will be recommended that the installation be delayed until such time as budget funds can be allocated in the 2006 / 2007 financial year and when full costs are known.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

That the Mount Barker Cooperative Limited be thanked for their generous offer regarding financial assistance for the purchase of closed circuit TV cameras to be installed in Lowood Road and that the Cooperative be advised that the Council is unfortunately not in a position to accept the offer during the 2005 / 2006 financial year but will address the funding issue in the new financial year and hopes that the contribution will be still available.

**COUNCIL DECISION**

**Moved Cr D Williss, seconded Cr B Hollingworth:**

**That the Mount Barker Cooperative Limited be thanked for their generous offer regarding financial assistance for the purchase of closed circuit TV cameras to be installed in Lowood Road and that the Cooperative be advised that the Council is pleased to accept the offer and re-allocate the necessary funds during the next budget review.**

**CARRIED (9/0)**

**No. 7/06**

Reason For Change

Councillors decided that the installation of closed circuit TV cameras in Lowood Road was important and required immediate consideration.

**9.1.5 SOUTH MOUNT BARKER FOOTBALL CLUB**

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>FM/48/2</b>
<b>Author:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>30 January 2006</b>

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**Purpose**

The purpose of this report is to seek ratification of a 'without prejudice' meeting held between representatives of the South Mount Barker Football Club and representatives of the Shire of Plantagenet.

**Background**

Councillors are referred to the confidential item placed before the Council at its meeting held on 13 December 2005.

Councillors are also referred to the memorandum from the Chief Executive Officer dated 20 January 2006 and which was faxed to all Councillors.

**Statutory Environment**

Regulation 5 of the Local Government (Financial Management) Regulations 1996 provides that (among other things) efficient systems and procedures are to be established by the Chief Executive Officer of a local government for the proper collection of all money owing to the local government.

**Consultation**

This matter has largely been handled by the legal advisers taking instruction from the Chief Executive Officer.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

As the recommendation attached to this report effectively covers a relatively large outstanding debt, this constitutes a financial implication.

**Strategic Implications**

One of the Council's aims within its Infrastructure Key Result Area is to:

*'Manage public open space and natural resources to equitably meet the community's social and economic needs in an environmentally responsible manner.'*

By finalising issues with the South Mount Barker Football Club, especially with regard to ownership of assets, there will be opportunities for the Council to adequately plan for the future of not only Sounness Park but also Frost Park.

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**South Mount Barker Football Club (Cont.)****Officer Comment**

All Councillors will be aware that the South Mount Barker Football Club owes to the Council outstanding ground rental. This matter had been proceeding for a number of years and the South Mount Barker Football Club through its legal adviser has acknowledged that the debt is outstanding.

Nevertheless, the South Mount Barker Football Club resolved to withhold payment of the outstanding ground rental to endeavour to force the Council into rectifying alleged maintenance defects at Sounness Park. As a result, legal action was commenced to effect collection of the outstanding moneys.

The matter most recently came to a head when the club was given notice to quit the premises resulting in the club removing the flood lights at Sounness Park on Saturday 14 January 2006. A conversation with club representatives and the Chief Executive Officer on this day resulted in a subsequent meeting with club representatives, the Chief Executive Officer and Councillors Hollingworth and Mark. At that meeting it was agreed, subject to the Council's endorsement that:

*South Mount Barker Football Club to demolish the changerooms and retain salvage rights. Shire staff to assist in disposing of rubble to the O'Neill Road Tip Site. (Subject to Council approval of course, this presents an opportunity to demolish the old toilets at the same time.)*

*The clubrooms to be 'transferred' to the Council which will then lease them back to the football club at a peppercorn rental. The club will pay its own outgoings (utilities) but being the owners, the Council would arrange insurance of the building and pay outgoings such as sewerage rates. The Council is not acknowledging that the clubrooms are in fact the Club's property.*

*The Council to write off outstanding ground rental owed by the Club, effectively valuing the clubrooms at \$7,000.00. (plus, potentially, legal fees to be capitalised)*

*The floodlights removed not to be purchased by the Council. Although no valuation was put on them, it was indicated to the Club that any valuation higher than a nominal sum would not be recommended to the Council and therefore should they decide to sell them to a third party then that would be acceptable. The absence of lights will affect the ability of clubs to train at night time but their absence will also allow the Council to proceed with the future planning of Sounness Park.*

A quotation dated 31 January 2006 from Mount Barker Electrics notes two (2) replacement poles and lights would cost \$20,667.00 (ex GST). New poles would be advantageous for night training.

**Voting Requirements**

Simple Majority

**MOTION TO SUSPEND STANDING ORDERS**

Moved Cr J Cameron, seconded Cr K Clements:

3:38pm That those sections of Standing Orders that would prevent any Councillor from speaking twice to a motion or which would prevent a Councillor speaking when no motion was before the Chair be suspended.

CARRIED (9/0)

No. 8/06

**MOTION TO RESUME STANDING ORDERS**

Moved Cr K Clements, seconded Cr J Mark:

3:55pm That Standing Orders be resumed.

CARRIED (9/0)

No. 9/06

**OFFICER'S RECOMMENDATION**

Moved Cr J Mark, seconded Cr B Hollingworth:

THAT:

- (1) Subject to the South Mount Barker Football Club (Inc) formally acknowledging that the premises known as the South Mount Barker Football Club Clubrooms are the property of the Shire of Plantagenet with power to lease and subject also to the South Mount Barker Football Club arranging for the demolition of the structure known as the South Mount Barker Football Club changerooms, both situated on Sounness Park, outstanding ground rental of Sounness Park due to the Shire of Plantagenet by the South Mount Barker Football Club in the amount of \$7,000 be written off and no further collection action be taken for the collection of this debt.
- (2) During the demolition referred to in Part (1) above the Chief Executive Officer be authorised to arrange for the demolition of the adjacent toilet block owned by the Shire of Plantagenet and arrange for the transport of building rubble of the toilet block and changerooms to the O'Neill Road Tip site on behalf of the Shire and the South Mount Barker Football Club, subject to the Club retaining salvage rights for the changerooms.
- (3) A lease arrangement be entered into between the South Mount Barker Football Club and the Shire for the leasing of the clubrooms to the South Mount Barker Football Club for an initial term of five (5) years and one (1) extension of five (5) years at an annual rental of \$10.00.
- (4) The sum referred to in Part (1) above shall remain on the Council's books as a debt owing until such time as satisfactory lease arrangements

referred to in part (3) above are entered into and in any case such lease being entered into before 30 April 2006.

#### AMENDMENT

Moved Cr J Cameron, seconded Cr K Hart:

That in Part (4) the words 'and one (1) extension of five (5) years at an annual rental of \$10.00' be removed.

CARRIED (8/1)

No. 10/06

#### FURTHER AMENDMENT

Moved Cr J Cameron, seconded Cr D Williss:

That a new part (5) be added:

'Further, the demolition of the changerooms referred to in part (1) above shall be an integral component of this agreement.'

CARRIED (9/0)

No. 11/06

#### COUNCIL DECISION

THAT:

- (1) Subject to the South Mount Barker Football Club (Inc) formally acknowledging that the premises known as the South Mount Barker Football Club Clubrooms are the property of the Shire of Plantagenet with power to lease and subject also to the South Mount Barker Football Club arranging for the demolition of the structure known as the South Mount Barker Football Club changerooms, both situated on Sounness Park, outstanding ground rental of Sounness Park due to the Shire of Plantagenet by the South Mount Barker Football Club in the amount of \$7,000 be written off and no further collection action be taken for the collection of this debt.
- (2) During the demolition referred to in Part (1) above the Chief Executive Officer be authorised to arrange for the demolition of the adjacent toilet block owned by the Shire of Plantagenet and arrange for the transport of building rubble of the toilet block and changerooms to the O'Neill Road Tip site on behalf of the Shire and the South Mount Barker Football Club, subject to the Club retaining salvage rights for the changerooms.
- (3) A lease arrangement be entered into between the South Mount Barker Football Club and the Shire for the leasing of the clubrooms to the South Mount Barker Football Club for an initial term of five (5) years.
- (4) The sum referred to in Part (1) above shall remain on the Council's books as a debt owing until such time as satisfactory lease arrangements referred to in Part (3) above are entered into and in any case such lease being entered into before 30 April 2006.

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South Mount Barker Football Club (Cont.)

- (5) Further, the demolition of the changerooms referred to in part (1) above shall be an integral component of this agreement.'

CARRIED (9/0)

No. 12/06



## 9.2 CORPORATE SERVICES REPORTS

### 9.2.1 FINANCIAL STATEMENTS - DECEMBER 2005

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments:</b>	<b>Financial Statements - December 2005</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>FM/65/1</b>
<b>Author:</b>	<b>David Blurton - Accountant</b>
<b>Authorised By:</b>	<b>John Byrne – Executive Director Corporate and Community Services</b>
<b>Date of Report:</b>	<b>31 January 2006</b>

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#### **Purpose**

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 December 2005.

#### **Statutory Environment**

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

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

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

#### **Policy Implications**

There are no policy implications for this report.

#### **Financial Implications**

There are no financial implications for this report.

#### **Strategic Implications**

There are no strategic implications for this report.

#### **Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr J Cameron, seconded Cr D Williss:**

**That the financial statements for the month ending 31 December 2005 be received.**

**CARRIED (9/0)**

**No. 13/06**

**9.2.2 LIST OF PAYMENTS - DECEMBER 2005**

**Location / Address:** N / A  
**Attachments:** List of Payments – December 2005  
**Name of Applicant:** N / A  
**File Reference:** FM/65/3  
**Author:** Rayona Evans - Accounts Officer  
**Authorised By:** John Byrne - Executive Director Corporate and Community Services  
**Date of Report:** 24 January 2006

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**Purpose**

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

**Statutory Environment**

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

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**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 34581, 34791 to 34896, totalling \$1,085,935.53, the payment of trust cheques 107-108, 110-111, totalling \$1,317.00 and the credit card transactions for the months of November 2005, totalling \$1,062.35, be noted.**

**CARRIED (9/0)**

**No. 14/06**

### 9.2.3 PROPOSED ROAD NAME

<b>Location / Address:</b>	<b>Unnamed road off Yungup Road, Narrikup. South East Boundary of Shire</b>
<b>Attachments: (1)</b>	<b>Plan 19 – City of Albany</b>
<b>Name of Applicant:</b>	<b>City of Albany</b>
<b>File Reference:</b>	<b>RO/107/1</b>
<b>Author:</b>	<b>David Blurton - Accountant</b>
<b>Authorised By:</b>	<b>John Byrne – Executive Director Corporate and Community Services</b>
<b>Date of Report:</b>	<b>31 January 2006</b>

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#### **Purpose**

The purpose of this report is to consider a request from the City of Albany to formally name the road heading south from Yungup Road into Millbrook Nature Reserve, 'Harris Road'.

#### **Background**

The Department of Land Information has recently allocated rural street numbers for all rural households in the City of Albany and is unable to provide an official address to the resident living part way down Harris Road as the road providing access to their house has no official name.

In consultation with the staff from the Shire of Plantagenet, it was suggested that 'Harris Road' would be a suitable name to be applied to the road, in recognition of the Harris Family, who are long time farmers in the locality. This name was adopted by the City of Albany at its meeting 19 July 2005.

As this road forms part of the boundary between the two shires, approval is sought by the City of Albany to formally apply Harris Road as the road name for this unnamed road reserve.

Once approved, the road name will be submitted to the Geographic Names Committee for its endorsement.

At its meeting held on 14 December 2004, Council adopted a policy listing preferred future street and reserve names. Harris Road appears on this list and as such there is no need to advertise the proposed naming of this unnamed road reserve however, it would be prudent to contact affected landowners.

#### **Statutory Environment**

The Geographic Names Committee (GNC) applies official road names throughout Western Australia under delegated authority from the Minister of Lands. That committee seeks instruction from Local Authorities on road names and their origin before applying a name.

#### **Consultation**

Consultation has occurred with Delma Baesjou – Manager Development Services.

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**Proposed Road Name (Cont.)****Policy Implications**

The Council has adopted Policy No I/R/7 Roads – Unconstructed Roads, which states: 'That Council not name any road until it is constructed'. Despite Council maps showing the road as an un-constructed road reserve, a site inspection revealed a gravel road to be in place.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

The City of Albany has contacted all landowners fronting this unnamed road reserve and has received advice from those landowners that they are comfortable with the choice of name that has been selected.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**Moved Cr J Moir, seconded Cr B Hollingworth:**

**THAT:**

- (1) Harris Road be adopted as the name for the currently unnamed road reserve located off Yungup Road, Narrikup and forming part of the South Eastern Boundary with the City of Albany.**
- (2) Affected landowners be advised of the Shire's decision referred to in Part (1) above.**

**CARRIED (9/0)**

**No. 15/06**

**9.2.4 BUSH FIRE BRIGADES - LOCAL LAW**

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (1)</b>	<b>Amendment 2006</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>LE/98/1</b>
<b>Author:</b>	<b>Donna Stevens - Senior Administration / Human Resources Officer</b>
<b>Authorised By:</b>	<b>John Byrne - Executive Director Corporate and Community Services</b>
<b>Date of Report:</b>	<b>20 December 2005</b>

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**Purpose**

The purpose of this report is to adopt the Shire of Plantagenet Bush Fire Brigades Local Law Amendment 2006.

**Background**

The proposed amendments to the Shire of Plantagenet's Bush Fire Brigade Local Law 2004 as adopted by the Council on the 13 September 2005 have been advertised according to section 3.12(3) of the Local Government Act 1995.

During this advertising period no public submissions were received.

Several minor alterations to the format of the proposed local law amendment have been made at the recommendation of the Department of Local Government and Regional Development. These alterations do not alter the intent of the amendment.

The Bush Fire Brigades Local Law Amendment 2006 to be gazetted is attached as Attachment One (1).

**Statutory Environment**

Section 62 of the Bush Fires Act 1954 empowers a Local Government to make local laws in accordance with Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995.

Local laws are covered under Section 3.5 to 3.17 of the Local Government Act 1995.

**Consultation**

Consultation has occurred with Fire Emergency Services Authority's (FESA) Legal and Legislation Officer, Adam Boyle, FESA's Fire Services Manager Great Southern Region, John Tonkin and the Department of Local Government and Regional Development's Tony Becker.

**Policy Implications**

The Bush Fire Brigade Rules were adopted as Policy FP2 – Adoption of Rules for Bush Fire Brigades. This policy will be repealed.

**Financial Implications**

There are no financial implications for this report.

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**Bush Fire Brigades – Local Law (Cont.)****Strategic Implications**

There are no strategic implications for this report.

**Voting Requirements**

Absolute Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr D Williss, seconded Cr K Hart:

**THAT:**

- (1) The Shire of Plantagenet Bush Fire Brigades Local Law 2004 be amended in accordance with Attachment One (1) the Shire of Plantagenet Bush Fire Brigades Local Law Amendment 2006.
- (2) The Shire of Plantagenet Bush fire Brigades Local Law Amendment 2006 be adopted.
- (3) Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Shire of Plantagenet Bush Fire Brigades Local Law Amendment 2006.

**CARRIED (9/0)**

**No. 16/06**

**(Absolute Majority)**

**9.2.5 LEASE PORTION OF LOT 53 MUIRS HIGHWAY, MOUNT BARKER –  
MIDDLE WARD BUSH FIRE BRIGADE SHED**

An Impartiality Interest was declared by Cr K Forbes for Item 9.2.5.

Extent of Interest: Cr K Forbes is a member of the Middle Ward Bush Fire Brigade.

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (1)</b>	<b>Lease</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>RV/182/902</b>
<b>Author:</b>	<b>Donna Stevens - Senior Administration / Human Resources Officer</b>
<b>Authorised By:</b>	<b>John Byrne - Executive Director Corporate and Community Services</b>
<b>Date of Report:</b>	<b>10 January 2006</b>

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**Purpose**

The purpose of this report is to propose that the Council enter into an agreement to lease a portion of Lot 53 Muirs Highway, Mount Barker from Mr William Sounness and Mrs Raeleen Joy Sounness.

**Background**

The 972m<sup>2</sup> of leased land will be utilised by the Middle Ward Bush Fire Brigade to erect a plant and equipment shed.

Mr and Mrs Sounness have agreed to lease the land to the Shire of Plantagenet for an annual rental of fifty dollars (\$50.00). The lease will remain in place until such time as it is terminated by either party, with a two year notification period.

The proposed lease is affixed as attachment one (1).

**Consultation**

Consultation has occurred with Mr William Sounness.

**Policy Implications**

There are no policy implications.

**Financial Implications**

There will be an annual rental of fifty dollars (\$50.00) payable by the Council.

**Strategic Implications**

There are no strategic implications.

**Voting Requirements**

Simple Majority



**OFFICER'S RECOMMENDATION**

Moved Cr B Hollingworth, seconded Cr M Skinner:

That authority be granted for the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the lease of Portion of Lot 53 Muirs Hwy, Mount Barker from Mr William Burns Sounness and Mrs Raeleen Joy Sounness, as per attachment one (1).

**AMENDMENT**

Moved Cr J Cameron, seconded Cr J Moir:

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

'A twenty one (21) year term be included in Item 5 of the Schedule followed by provision for two (2) year extensions thereafter.'

**CARRIED (9/0)**

**No. 17/06**

**COUNCIL DECISION**

**THAT:**

- (1) Authority be granted for the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the lease of Portion of Lot 53 Muirs Hwy, Mount Barker from Mr William Burns Sounness and Mrs Raeleen Joy Sounness, as per attachment one (1).
- (2) A twenty one (21) year term be included in Item 5 of the Schedule followed by provision for two (2) year extensions thereafter.

**CARRIED (9/0)**

**No. 18/06**

**9.2.6 CODE OF CONDUCT - REVIEW**

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (1)</b>	<b>Code of Conduct</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>GR/154/1</b>
<b>Author:</b>	<b>Donna Stevens - Senior Administration / Human Resources Officer</b>
<b>Authorised By:</b>	<b>John Byrne - Executive Director Corporate and Community Services</b>
<b>Date of Report:</b>	<b>11 January 2006</b>

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**Purpose**

The purpose of this report is to review and adopt the Council's Code of Conduct to ensure its relevance for the organisation and maintain compliance with the Local Government Act 1995.

**Background**

The Council's Code of Conduct was last reviewed at the meeting of the Council held on 25 May 2004.

The Council's current Code of Conduct is submitted as a separate attachment. The Code has been reviewed and it is considered that there are no changes required.

**Statutory Environment**

Section 5.103 (2) of the Local Government Act 1995 states, '*A local government is to review its code of conduct within 12 months after each ordinary elections day and make such changes to the code as it considers appropriate.*'

The Local Government (Administration) Regulations 1996 also provide for matters that must be included within a Council's code of conduct.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

The Code of Conduct provides for good governance by requiring transparent, accountable and honest conduct of both members and officers of the Shire of Plantagenet.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That the Shire of Plantagenet Code of Conduct be endorsed.**

**CARRIED (9/0)**

**No. 19/06**

**9.2.7 VESTING OF NARRIKUP RAILWAY RESERVE**

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>PR/9/4</b>
<b>Author:</b>	<b>Donna Stevens - Senior Administration/Human Resources Officer</b>
<b>Authorised By:</b>	<b>John Byrne - Executive Director Corporate and Community Services</b>
<b>Date of Report:</b>	<b>2 February 2006</b>

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**Purpose**

The purpose of this report is to review the Council's decision to proceed with the vesting of the Narrikup Railway Reserve.

**Background**

At its ordinary meeting held on 26 October 2004 the Council resolved;

*'THAT:*

- (1) The Public Transport Authority of Western Australia's proposal to create a reserve for the land area covered by Lease 5536 (Narrikup) for community purposes and to vest the management of the reserve with the Shire of Plantagenet with all associated costs being met by the Shire, be supported.*
- (2) Four thousand dollars (\$4000.00) be referred for budget consideration in the 2005/06 annual budget to cover the associated costs of this proposal.*

As a result of this four thousand dollars (\$4,000.00) was allocated in the 2005 / 06 Annual Budget for this project and the Public Transport Authority was advised to proceed.

On 3 November 2005 the Shire was advised by the Public Transport Authority that WestNet Rail had requested that the following conditions be agreed to prior to proceeding with the proposal:

- A 15 metre boundary clearance from the centre line of the track not the existing 10 metres be (to maintain access);
- All drainage/run off to be directed away from railway land;
- Continued use of drains on the land transferring to the Council that currently carry run off from drains from rail corridor land; and
- Fencing of the full length of the newly created reserve (that bounds the railway) to a standard acceptable to WestNet Rail.

It has also been advised that all fencing would be required to be completed at the time of transfer.

Quotes obtained for fencing supplies total approximately five thousand five hundred dollars (\$5,500.00) not including labour costs for erecting the fence.

**Statutory Environment**

Rail Freight System Act (2000)

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**Vesting Of Narrikup Railway Reserve (Cont.)**

Rail Freight Sales Act.

**Consultation**

Consultation has occurred with Shelley Brindal of the Public Transport Authority and Laura Adair of WestNet Rail.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

The 2005/2006 Annual Budget has \$4,000.00 allocated for this project.

**Strategic Implications**

There are no strategic implications.

**Officer Comment**

Taking into consideration that the cost for proceeding with this project has increased from the initial four thousand dollars (\$4,000.00) budgeted by Council to approximately \$11,000.00 and the fact that the Public Transport Authority of Western Australia (PTAWA) although unable to provide a formal lease agreement, has indicated that they have no intention at this time of terminating the Shire's use of the Narrikup Railway Reserve, Council may wish to consider its decision of 26 October 2004.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr J Mark, seconded Cr B Hollingworth:

**THAT:**

- (1) Action to undertake the Council's decision of 26 October 2004 to support the Public Transport Authority of Western Australia's proposal to create a reserve for the land area covered by Lease 5536 (Narrikup) for community purposes and to vest the management of the reserve with the Shire of Plantagenet with all associated costs being met by the Shire, be discontinued.**
- (2) The four thousand dollars (\$4,000.00) allocated in the 2005/06 annual budget be reallocated during the next budget reallocation process.**

**CARRIED (9/0)**

**No. 20/06**

### 9.3 DEVELOPMENT SERVICES REPORTS

#### 9.3.1 LOCATION 1963 ALBANY HIGHWAY, MOUNT BARKER - CEMETERY BUSINESS PLAN

<b>Location / Address:</b>	<b>Location 1963 Albany Highway, Mount Barker</b>
<b>Attachments: (1)</b>	<b>Locality Plan</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>CP/50/2</b>
<b>Author:</b>	<b>Delma Baesjou - Manager Development Services</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>20 January 2006</b>

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#### **Purpose**

The purpose of this report is to consider the submissions and determine the Shire of Plantagenet Cemetery Development Plan.

#### **Background**

The Shire of Plantagenet is seeking to extend the Mount Barker Cemetery and has agreed to purchase a 5.4ha portion of land west of the existing site, conditional upon rezoning of the land.

Previous reports on cemetery development and site investigation have been presented to the Council: refer items 9.4.1 23 April 2002, 9.4.2 13 August 2002, 12.1 26 November 2002, 9.3.3 27 May 2003, 12.1 8 July 2003, 9.1.1 13 April 2004, 9.1.2 26 October 2004, 9.1.3 14 December 2004 and 9.1.1 8 March 2005.

A report on the Draft Mount Barker Cemetery Development Plan was considered by the Council at its meeting held 8 March 2005. The following resolution was adopted:

*'THAT:*

- (1) The Draft Business Plan for the Mount Barker Cemetery, including the Master Plan and Management / Operational guidelines be endorsed for advertising for a period of six (6) weeks from the date of notification subject to an appropriate parking area being established in the south east corner with access from / to Mitchell Street and subject also to the addition of the words 'which apply to Lot 1963' being inserted after the word 'Plan' in Part 2 Page 2 of the Cemetery Business Plan.*
- (2) Comment on the Draft Business Plan for the Mount Barker Cemetery be invited from all adjoining land owners.*
- (3) State wide advertising of the Draft Business Plan for the Mount Barker Cemetery be undertaken in accordance with Section 3.59 of the Local Government Act 1995 and Local Government (Functions and General) Regulations.*
- (4) Copies of the Draft Business Plan for the Mount Barker Cemetery be made available for inspection at the Shire of Plantagenet Administration Offices, the*

**Location 1963 Albany Highway, Mount Barker – Cemetery Business Plan (Cont.)**

*Rocky Gully Public Library, the Mount Barker Public Library and the Shire of Plantagenet website for the duration of the advertising period.*

- (5) *A further report on this matter be prepared for the meeting of the Council to be held on 14 June 2005 at the conclusion of the submission period.'*

The business plan was revised and subsequently advertised for public comment. The forty two (42) day advertising period closed 13 January 2006. Two (2) submissions were received and are summarised in the table contained in the Consultation section of this report.

**Statutory Environment**

Shire of Plantagenet Town Planning Scheme No. 3  
Local Government Act 1995 (In particular Section 3.59)  
Local Government (Functions and General) Regulations 1996  
Cemeteries Act 1986  
Shire of Plantagenet Local Laws relating to Mount Barker, Kendenup and Rocky Gully Cemeteries.

**Consultation**

Public advertising of the Shire of Plantagenet Cemetery Plan was undertaken in accordance with the Council resolution. Notices were published in the Plantagenet News, the Albany Advertiser (29 November 2005) and the West Australian (30 November 2005)

Copies of the draft plan were sent to 18 adjoining landowners inviting comment on the proposal.

The two (2) submissions received are summarised in the following table:

<b>Cemetery Business Plan</b> Submissions (January 2006)		
Mr Graehame Maskell	Lot 4 Marmion Street, Mount Barker	<p><b>Object</b></p> <ul style="list-style-type: none"> <li>• Cemetery should not be placed right next to residential area.</li> <li>• Consideration of compensation to Mr Wallinger.</li> <li>• See no point in Shire spending \$105,000 on a property that needs to have graves pre-dug then refilled, to make it easier in the future to dig graves. This is an exercise in complete ignorance.</li> <li>• Current problem with water logging is due to lack of fortitude by Shire in early days, and is something that can be rectified without spending vast amounts of money for approximately 15 burials per year.</li> <li>• Cemetery should be extended south into Reserve 24943. This is unproductive land under Shire control.</li> <li>• Current trend is of cremation, so the expenditure of \$250,000 is unwarranted.</li> <li>• Council's estimate of \$150,000 for landscaping</li> </ul>

## Location 1963 Albany Highway, Mount Barker – Cemetery Business Plan (Cont.)

		<p>and preparation is a very reserved amount, considering possible legal action against the Shire.</p> <ul style="list-style-type: none"> <li>• With proposed construction of the proposed site, has Council considered the possibility of major water run-off from car-parks, road areas and other undisturbed areas, into the current cemetery.</li> </ul>
Mr Peter Wallinger	PO Box 352, Mount Barker	<p><b>Object</b></p> <ul style="list-style-type: none"> <li>• Extra cost to rate payers to purchase land for new Cemetery.</li> <li>• Location of new cemetery development with the Shire already having land owned or vested with the Shire there are two or three suitable sites</li> <li>• Land is currently zoned Rural Residential by the Shire for further town expansion and should not be rezoned back to public use.</li> </ul>

Officers have been in contact with Mr Wallinger to discuss the matters raised in the submission and his subsequent correspondence regarding the prospect of road construction. Reference was made to an undertaking that the Shire would be building a road. The draft plan indicates a battle-axe leg along the western boundary of the proposed cemetery adjacent to Mr Wallinger's property. Ultimately this will allow access to the balance of Location 1963, however there is no intention to construct a road within this alignment in the short term.

Mr Maskell has subsequently passed away.

### Policy Implications

There are no policy implications for this report.

### Financial Implications

The cost of Amendment 35 will be borne by the Shire of Plantagenet. The consultant's fee was \$4,150.00 and advertising is estimated to be \$900.00.

Preparation of the Cemetery Plan was undertaken in-house. At the time of preparing this report, the cost associated with formal advertising of the document was \$467.47.

These costs have/will be charged to Cemetery Development (GL: 1050.3.133).

The Council has provision in its 2005/06 Adopted Budget and Plan for the Future for Cemetery Land Acquisition of \$105,000.00. This amount provides for the capital cost of acquisition only and further funds have been noted for expenditure in the Council's five (5) year financial projections for the 2006/07 financial year in the amount of \$150,000.00.

### Strategic Implications

This project is consistent with the Shire of Plantagenet Strategic Plan. In particular new initiative 4.1 'Encourage a sense of community and improve the quality of life for all residents of the Shire' and will 'Ensure that projects such as the Cemetery Development are focussed on achieving Council objectives, are completed within budget and on time'.



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**Location 1963 Albany Highway, Mount Barker – Cemetery Business Plan (Cont.)**

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It will also allow for 'development of environmentally responsible public open space and natural resource management plans which appropriately reflect social and economic considerations'.

Plantagenet Location 1963 is within Precinct 4 of the Mount Barker Local Rural Strategy. The document provides a framework for future development of private land on the periphery of the townsite. The Strategy indicates that within this Precinct, the Council may support applications to rezone the land for rural residential development. The document does not specifically address Crown land, and does not preclude use of land for public purposes.

**Officer Comment**

The Cemetery Development Plan includes a Conceptual layout for the proposed new cemetery on portion of Plantagenet Location 1963 together with new operational guidelines. It is proposed that the Cemetery will provide for headstones and small plinths and not the traditional full length of grave plinth that has historically been popular. The proposed Concrete Beamed Lawn Areas and Below Grass Bronze Plaques will be significantly different to the existing Cemetery and will change the way that burials and memorials are managed. There has been no adverse comment on the introduction of these contemporary Cemetery management practices.

Other than an objection to the recommendation for grave sites to be pre-dug, which is a standard and efficient operational practice, the comments raised in the submissions do not really relate to the content of the Draft Cemetery Plan. In this regard, no modifications to the document are considered necessary.

The main concerns raised in the submissions are in relation to land use compatibility and the costs associated with acquisition and development. Notwithstanding the sensitivities regarding the siting of such an expansion, the previous investigations and decisions of the Council have identified Location 1963 as the preferred site for cemetery development. The subject land is strategically located, adjacent to the existing Cemetery. Other than the optic fibre cable, the site has no significant impediments. The proposal to acquire a substantial area of land will allow for the establishment of buffers within the Cemetery site. The perimeter of the site will be landscaped to screen and separate the Cemetery from adjoining Residential uses. This is considered to be superior to the current situation.

One of the key reasons Portion of Location 1963 has been identified as the preferred site is the soil conditions are more conducive to cemetery development. Land within and to the south of the existing Cemetery is subject to poor drainage and waterlogging. This adds to the distress, inconvenience and operating cost and the existing Cemetery. Such problems will not occur on the proposed site.

The cost of obtaining the land through the open market is considered to be fair and reasonable. Previous options of compulsory acquisition would have involved legal fees and compensation and may have resulted in a higher overall cost. The process used by the Council is open and accountable, and as evident by the content of the Cemetery Plan, is in the interests of the Ratepayers of the Shire of Plantagenet.

There is no reason to modify the document and it is recommended that the Shire of Plantagenet Cemetery Plan 2005 – 2007 be endorsed

**Voting Requirements**

Simple Majority

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**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr J Cameron, seconded Cr B Hollingworth:

**THAT:**

- (1) The Shire of Plantagenet Cemetery Development Plan 2005 - 2007 be endorsed.
- (2) The submissions be noted.

**CARRIED (9/0)**

**No. 21/06**

### 9.3.2 AMENDMENT 35 - CONSIDERATION OF SUBMISSIONS - PORTION LOT 1963 MITCHELL STREET, MOUNT BARKER

<b>Location / Address:</b>	<b>Portion Lot 1963 Mitchell Street, Mount Barker</b>
<b>Attachments: (1)</b>	<b>Amendment Document</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>CP/50/2</b>
<b>Author:</b>	<b>Delma Baesjou - Manager Development Services</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>1 February 2006</b>

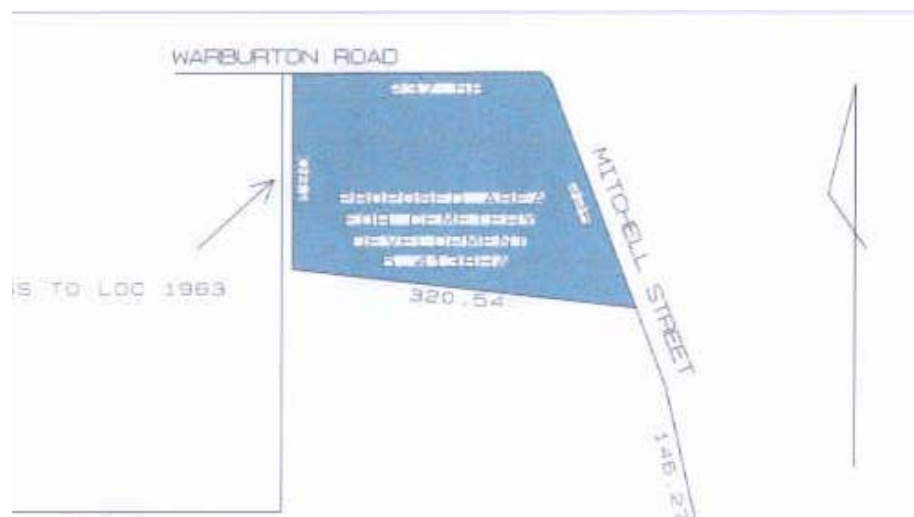
#### Purpose

The purpose of this report is to consider the public submissions and make a recommendation on proposed Amendment 35 to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3).

#### Background

Amendment 35 proposes to rezone a portion of Location 1963 Mitchell Street, Mount Barker from Rural Residential to Public Use Reserve to accommodate future expansion of the Mount Barker cemetery.

The portion of Location 1963 the subject of this Amendment is depicted in the following figure:



Location 1963 is zoned Rural Residential (Area 3) under the Shire of Plantagenet Town Planning Scheme No 3. It was the subject of Amendment 18 to Town Planning Scheme No 3, which was approved by the Hon Minister for Planning on 18 March 1997.

Shire records show the registered landowner to be V Deadman.

Previous reports on cemetery development and site investigation were presented to the Council: refer items 9.4.1 23 April 2002, 9.4.2 13 August 2002, 12.1 26 November 2002, 9.3.3 27 May 2003, 12.1 8 July 2003, 9.1.2 25 November 2003, 9.1.1 13 April 2004 and 9.1.1 8 March 2005.

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**Amendment 35 – Consideration Of Submissions – Portion Lot 1963 Mitchell, Mount Barker (Cont.)**

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At its meeting held 8 July 2003, the Council resolved:

*'That the offer to the Shire of Plantagenet for the purchase of approx 5.4ha of land at the northern end of location 1963 Mitchell Street, Mount Barker for future Cemetery development be accepted, subject to a Town Planning Scheme Amendment which would enable the subject land to be developed as a public cemetery being satisfactorily concluded.'*

Town Planning consultants Thompson McRobert Edgeloe (TME) were appointed to prepare the Amendment documentation on behalf of the Shire of Plantagenet.

At its meeting on 25 November 2003, the Council resolved:

*'THAT:*

- (1) In accordance with Section 7 of the Town Planning and Development Act 1928 (as amended), Amendment No. 35 to the Shire of Plantagenet Town Planning Scheme No. 3 be initiated for the purpose of:
  - (a) Rezoning portion Location 1963 Mitchell Street, Mount Barker from the 'Rural Residential' zone to the 'Public Use' reserve;*
  - (b) Amending the Scheme Maps accordingly.**
- (2) The proposed Amendment 35 be referred to the Environmental Protection Authority to consider the need for environmental assessment.*
- (3) Upon receiving approval from the Department for Planning and Infrastructure, commence advertisement of Amendment No 35 for a period of 42 days and refer it to the relevant authorities for comment.'*

Following closure of the advertising period, the Consultants evaluated the twelve (12) submissions. The consultant's analysis and recommendations are incorporated in the comments section of this report.

A report on Amendment 37 was considered by the Council at its meeting held 13 April 2004.

The following procedural motion was adopted:

*'That the question be adjourned until such time as Council can consider the cemetery draft development / business plan.'*

The Shire of Plantagenet Cemetery Plan 2005 – 2007 has been prepared and was advertised for public comment. The 42 day submission period closed on 13 January 2006. The Cemetery Plan is the subject of a separate report in this agenda.

Given the status of the Cemetery development Plan and the statutory obligation to consider the submissions and progress Amendment 35, this matter is presented for determination.

### **Statutory Environment**

Shire of Plantagenet Town Planning Scheme No. 3  
Town Planning and Development Act 1928  
Town Planning Regulations 1967  
Planning Legislation Amendment Act 1996  
Town Planning Amendment Regulations 1999  
Environmental Protection Act (1986)

**Amendment 35 – Consideration Of Submissions – Portion Lot 1963 Mitchell, Mount Barker (Cont.)****Consultation**

The process for consultation and formal advertising of Amendments to Town Planning Schemes is laid down in the Town Planning and Development Act 1928 (as amended), the Town Planning Regulations 1967, Planning Legislation Amendment Act 1996 and the Environmental Protection Act (1986).

On 2 December 2003 the Amendment was referred to the Department of Environment for assessment. The Environmental Protection Authority (EPA) responded on 22 December 2003 advising that Amendment 35 did not warrant assessment under Part IV of the Environmental Protection Act.

In accordance with statutory requirements, formal advertising was undertaken. This included publishing notices in the local newspapers and writing to affected land owners and relevant agencies. The statutory forty two (42) day advertising period closed on 26 February 2004.

Twelve (12) submissions were received and are summarised in the attached/following schedule.

No.	Name of Person And / Or Organisation	Submission Summary Points	Officer Response	Council Recommendations	Council Decision
1	Dr J Limerick - Department of Industry and Resources 100 Plain Street, East Perth	No objection	Noted	Upheld	CARRIED 9/0
2	Peter Wallinger - Lot 1330 Warburton Road, Mount Barker	Strongly objects due to conflict with Rural Strategy. Prepared 80 signature petition.	Noted: however, extensive investigations have concluded that Loc 1963 is the most suitable site.	Noted	CARRIED 8/1
3	Naomi Arrowsmith - Department of Environment PO Box 525, Albany	No objection	Noted	Upheld	CARRIED 9/0
4	Anonymous	Strongly objects due to proposal being at ratepayers expense to expand to this subject site.	Concerns noted however dismissed. Allocations made in budget and five year budget. Also cost to develop Location 1963 seen to be less than site currently owned by the Council.	Dismissed as other options less viable.	CARRIED (9/0)
5	Richard Bennetts - Lot 143 Lowood Road, Mount Barker	Strongly objects to site location being near other existing residences	Subject site adjoins existing cemetery. In that respect amenity for residences in that area has not been changed.	Noted but dismissed	CARRIED (8/1)
6	Donald Pomery - 1067 Warburton Road, Mount Barker	Strongly objects due to site location being near residences	Noted, comments as above	Noted but dismissed	CARRIED (8/1)

**Amendment 35 – Consideration Of Submissions – Portion Lot 1963 Mitchell, Mount Barker (Cont.)**

No.	Name of Person And / Or Organisation	Submission Summary Points	Officer Response	Council Recommendations	Council Decision
7	Neil McGuiness - Department of Health - PO Box 8172 Perth Business Centre	No objection	Noted	Upheld	CARRIED (9/0)
8	M and G Hancock - Mount Barker	Strongly object due to the conflict with the Rural Strategy. Feel other sites more suitable. Cost to ratepayers.	Purchase and development costs noted but dismissed. Site suitability rejected as Location 1963 identified as most suitable after extensive investigations. Precedent already set by existing cemetery therefore residents already used to outlook	Noted but dismissed	CARRIED (8/1)
9	Lynette Welsh - Lot 500 Marmion Street, Mount Barker	Strongly objects due to the costs involved with the purchase and development of the site and the location next to existing residences.	Noted but dismissed for above reasons	Noted but dismissed	CARRIED (8/1)
10	Alan Hordacre - Rural Project Services - PO Box 411, Mount Barker	No objection	Noted	Upheld	CARRIED (9/0)
11	Len Wignall - Water Corporation - PO Box 915, Albany	No objection	Noted	Upheld	CARRIED (9/0)
12	John Watson - Department of Conservation and Land Management - 120 Albany Highway, Albany	No objection	Noted	Upheld	CARRIED (9/0)

All submissions must be taken into consideration by the Council and reported to the Western Australian Planning Commission and the Minister for Planning and Infrastructure for determination.

### **Policy Implications**

The subject land is within Precinct 4 of the Mount Barker Rural Strategy. On 23 September 1997 the Strategy was adopted as a Town Planning Policy, in accordance with the provisions of TPS3.

### **Financial Implications**

The cost of this Amendment will be borne by the Shire of Plantagenet. The Consultant's fee was \$4,150.00, advertising to date is estimated to be \$300.00 and the cost of gazettal will be approximately \$600.00. These costs are being charged to Cemetery Development (GL: 1050.3.133).

### Strategic Implications

The Mount Barker Local Rural Strategy provides a framework and overall objectives to guide the future development and subdivision of private land on the periphery of the Mount Barker townsite. It is a Strategic Planning Document.

Plantagenet Location 1963 is within Precinct 4 of the Mount Barker Local Rural Strategy. Within this Precinct the Strategy indicates that subject to a number of management issues being addressed, the Council may support applications to rezone the land for rural residential development. The strategy does not address the status, use or development of Reserves and Crown land and provides no specific direction on the acquisition or provision of land for public purposes.

### Officer Comment

Amendment No. 35 was initiated by the Council on 25 November 2003. The closing date for submissions to the Amendment was 26 February 2004. At that time twelve (12) submissions had been received, including a petition containing 80 signatures. Six (6) of the submissions raised no objection to the proposed Amendment.

The key issues and concerns raised in the six (6) submissions opposing the rezoning relate to cost, proximity to residential areas and inconsistency with the Mount Barker Local Rural Strategy. The consultant's summary and evaluation of the submissions within these three (3) categories are set out below.

#### 1. **Concerns regarding the cost of purchasing and development of the site**

- *'Why do you need to cross over the Highway and buy the land at rate payers expense to expand when you have land elsewhere...'* Anon.
- *'The cost to rate payers to purchase the land, cost of rezoning and developing the site, we consider is not a preferred option when there are other sites available.'* M and G Hancock.
- *'The costs of purchasing the land and development.....'* L. Welsh.

#### **Response:**

*Cemetery Planning Costs have been included within the 2003 / 04 Budget, as well as substantial allocations in 2004 / 05. Yearly allocations to Cemetery Planning Costs have also been made in the five year budget forecasts for the Shire.*

*Development costs of Loc 1963 are also seen to be more reasonable as compared to the site already owned by Council. As stated in Section 3.2 of the Amendment Report Loc 1963 has no anticipated drainage problems and is relatively easy for development. The site also allows for minimal impact on remnant vegetation.*

*The site owned by the Shire (Reserve 5172 and Loc 6173) have the following negative aspects where development and subsequent costs are concerned:*

- *The requirement for sub soil drainage*
- *The possibility of landfill being required.*
- *The eastern side of site is inaccessible due to groundwater.*
- *The cost of cleaning the site prior to development.*
- *Service authority easements require consideration.*
- *Considerable clearing of remnant native vegetation will be required if development of this site proceeds.*

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**Amendment 35 – Consideration Of Submissions – Portion Lot 1963 Mitchell, Mount Barker (Cont.)**

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A *Business or Management Plan* for the cemetery could address the 'style' of cemetery in more detail ie: crematorium, memorial wall or burial. Development costs of the 'styles' of the cemetery would be addressed further in these plans.

**2. Concerns regarding the location of the proposed cemetery being located next to residential properties:**

- *'...Having my home residence within 30 metres of the boundary, this will, without doubt, have a serious effect on my young family. Even with the proposed buffer zones the visual effect of this site will still be quite clear from my double storey home.'* P. Wallinger.
- *'In my opinion the Cemetery should go either north or south of its existing location, it especially should not go on a block 50 metres from somebody's back door.'* R. Bennetts
- *'Detrimental to adjoining land owners, devaluation of their property.'* L. Welsh

**Response:**

The existing Mount Barker cemetery is located on Reserve 5172, Mitchell Street (corner Warburton Road) and is approximately 2.3ha in size.

The proposed location is portion of Plantagenet Location 1963, on the corner of Mitchell St and Warburton Rd, which adjoins the existing site.

Extensive site investigations have been carried out by the Shire, with this subject site being determined as the most suitable for the expansion of the cemetery. The precedent for the expansion of the cemetery has already been set by the current location. Residences already have some visual aspect of the existing cemetery. Although the proposed location is slightly closer to residential properties the visual outlook will remain similar.

As part of the proposal, buffers to the cemetery are also proposed. This is intended to visually protect the existing residents. The development of the site also allows for minimal impact and clearing of remnant vegetation; again this will aid in the 'buffering' of residents from the cemetery.

The recommended business or management plan will also identify what type of facilities are more likely to be required at the cemetery, ie: burial area, memorial walls or crematorium facilities. The outcome of this plan will assist in the 'style' and 'form' the cemetery will take.

**3. Concerns regarding the conflict with the Mount Barker Local Rural Strategy:**

- *'I feel this is a conflict of the rural strategy made by the Council to rezone this land for cemetery use.'* P. Wallinger
- *'This land has only recently been rezoned from rural to rural residential to further enhance the Plantagenet Shire's Rural Strategy to encourage residential development south of the town, as a preferred option.'* M and G Hancock.

**Response:**



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**Amendment 35 – Consideration Of Submissions – Portion Lot 1963 Mitchell, Mount Barker (Cont.)**

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*The Mount Barker Local Rural Strategy provides a framework and overall objectives to guide the future development and subdivision of private land on the periphery of the Mount Barker townsite. It is a Strategic Planning Document.*

*Plantagenet Location 1963 is within Precinct 4 of the Mount Barker Local Rural Strategy. Within this Precinct the Strategy indicates that subject to a number of management issues being addressed, the Council may support applications to rezone the land for rural residential development.*

*The proposal is not strictly in accordance with the adopted strategy; however investigations have identified the site as the most suitable for the extension of the existing cemetery, which is approaching capacity.*

**Conclusion**

The Shire of Plantagenet is planning for the long term needs of the community. As the existing site has approached capacity and as it is affected by waterlogging, the Council's ability to continue to provide a cemetery service is severely curtailed without expansion. In its endeavours to address this matter, the Shire has been investigating options for Cemetery development.

In June 1999 the Council resolved to extend the Cemetery by approximately 1.5 ha by incorporating portion of the adjacent reserve (24943, Lot 7917) and closed road reserves. This area is well vegetated and contains mature trees and remnant bush. This provides a natural landscape backdrop and buffer to the existing cemetery on Reserve 5172. The area is appropriate for memorial gardens, landscape and some access but is not suitable for conventional gravesites given the vegetation, soil type and known water table. In addition to the cost and permits associated with clearing the vegetation, the tree roots interfere with grave digging and cemetery site operations. Further clearing is likely to exacerbate drainage problems in the vicinity. Expansion of the existing Cemetery onto a small portion of the adjacent Reserve to the south will provide a temporary solution, but is unlikely to meet the long term needs of the community.

The development or extension of the Mount Barker Cemetery will enable the Shire of Plantagenet to continue to provide cemetery services to the ratepayers and residents of the Shire. In fact, without an increasing trend toward cremation, it is suggested that the capacity of the existing cemetery would have already been reached.

Given its proximity to the town, the preferred site offers convenient and direct access to town/churches. Mitchell Street carries a relative low volume of traffic and safe convenient, adequate parking can be provided. There are strong sentimental and historic issues associated with the existing cemetery, and therefore distinct benefits in expansion rather than development of an entirely separate site.

Based on previous investigations and Council decisions portion of Plantagenet Location 1963 is considered the most suitable site for the extension of the existing Mount Barker cemetery, in terms of development costs, location and environmental concerns.

It is recommended that the submissions on Amendment 35 be received and noted, upheld or dismissed as set out in the schedule and that the Amendment be adopted for final approval.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr D Williss, seconded Cr B Hollingworth:

**THAT:**

- (1) In pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended), Town Planning Scheme No 3 – Amendment 35 be adopted for final approval for the purpose of:
  - Rezoning portion of Location 1963 Mitchell Street, Mount Barker from Rural Residential to Public Use as depicted on the amending map adopted by the Council of the Shire of Plantagenet.
- (2) The Shire President and the Chief Executive Officer be authorised to execute the documentation for Amendment 35 and affix the Common Seal thereto and forward the documentation to the Department for Planning and Infrastructure / Western Australian Planning Commission for the Minister for Planning and Infrastructure's endorsement and finalisation.
- (3) In respect to Amendment 35 the submissions be received and noted, upheld or dismissed as set out in the schedule.
- (4) In respect to the submissions on Amendment 35, all interested parties be advised in writing of the Council's decision.

CARRIED (7/2)

No. 22/06

### 9.3.3 DRAFT PLANTAGENET TRAILS MASTER PLAN

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>GS/125/6</b>
<b>Author:</b>	<b>Delma Baesjou - Manager Development Services</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>2 February 2006</b>

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#### **Purpose**

The purpose of this report is to consider the Draft Plantagenet Trails Master Plan.

#### **Background**

With the assistance of grant funding from Lotterywest, the Shire of Plantagenet engaged consultants Sally Malone and Chris Antill Planning and Urban Design to prepare the draft Trails Master Plan.

During the first stages of the project the consultant undertook background research, met with community representatives and prepared preliminary concept plans. The Shire of Plantagenet provided comments and feedback which was incorporated into the maps and draft report.

Subsequent stages of work included development of recommendations for:

- Interpretation and marketing;
- Typical trail cross-sections and;
- Implementation strategies.

A copy of the draft document was forwarded to elected members for consideration and comment.

#### **Statutory Environment**

Local Government Act 1995

#### **Consultation**

During preparation of the Plan, the consultant undertook site visits and consultation with community members and stakeholders. Responses have been incorporated into the draft document.

Consideration had been given to undertaking further public consultation prior to the Masterplan being finalised. This is considered to be unnecessary as key stakeholders and community members have already provided input and advice.

#### **Policy Implications**

There are no policy implications for this report.

#### **Financial Implications**

There are no financial implications for this report, however, ultimately, the construction and maintenance of Trails will have financial implications for the Shire.

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**Draft Plantagenet Trails Master Plan (Cont.)****Strategic Implications**

This project is consistent with the Shire of Plantagenet Strategic Plan. In particular new initiative 4.1 'Encourage a sense of community and improve the quality of life for all residents of the Shire'. It will also allow for 'development of environmentally responsible public open space and natural resource management plans which appropriately reflect social and economic considerations'.

**Officer Comment**

The plan provides the rationale, framework and priorities for a network of multi-use trails and paths in Plantagenet. Adoption of a Trails Masterplan will assist in forward planning, budget deliberations and will enable the Shire to apply for further funding for trail construction.

The trails proposed are a variety of lengths and difficulty classes, and aim to provide recreational trails for a variety of users, including walkers, cyclists, horse riders and people with disabilities.

The draft Masterplan focuses on a few quality trails that can be sustainably managed. At this stage the plan recommends:

- Eight (8) trails that fall within reserves vested in the Shire of Plantagenet;
- Eight (8) trails that the Shire may choose to jointly develop with other agencies and;
- a number of opportunities for interpretation, visitor facilities and links to drive trails.

It is recommended that the draft document be endorsed.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

That the draft Plantagenet Trails Master Plan be endorsed.

**COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr M Skinner:**

**That the draft Plantagenet Trails Master Plan be endorsed for future budgetary consideration.**

**CARRIED (9/0)**

**No. 23/06**

Reason For Change

The Council decided that budgetary consideration would ensure future funding and development of trails in accordance with the endorsed Plantagenet Trails Master Plan.

**9.3.4 LOT 15, 31 MONDURUP STREET, MOUNT BARKER - GROUPED DWELLING**

<b>Location / Address:</b>	<b>Lot 15, 31 Mondurup Street, Mount Barker</b>
<b>Attachments: (6)</b>	<b>Locality Plan Site Plan Elevations x 2 Floor Plans x 2</b>
<b>Name of Applicant:</b>	<b>Howard and Associates on behalf of Department of Housing and Works</b>
<b>File Reference:</b>	<b>RV/182/1627</b>
<b>Author:</b>	<b>Marta Osipowicz- Planning Officer -</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>20 January 2006</b>

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**Purpose**

The purpose of this report is to consider an application for planning consent for a two (2) by three (3) bedroom Grouped Dwelling on Lot 15, 31 Mondurup Street, Mount Barker.

**Background**

The application seeks approval to demolish an existing duplex development and replace the old housing stock with two (2) new dwellings in a battleaxe configuration.

Zoning:	Residential
Density:	R10/20
Lot Size:	1968 m <sup>2</sup>
Use class:	Grouped Dwelling
Permissibility:	'SA' use

Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.2 of the Shire of Plantagenet Town Planning Scheme No 3 (TPS3).

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

**Statutory Environment**

Shire of Plantagenet Town Planning Scheme No. 3

Residential Development: Residential Planning Codes, Country Towns. Clause 5.3.5 sets out:

*'Within the areas codes R10/20, R12.5/20 and R2.5/20 on the Scheme Map no development other than a single house to the Standards of R10, R12.5 and R2.5 Code shall be permitted unless reticulated sewerage is provided or the Health Department certifies that there are exceptional circumstance to warrant a variation to the requirement for reticulated sewerage.'*

The Residential Design Codes of Western Australia (2002)  
Health Act 1911

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Lot 15, 31 Mondurup Street, Mount Barker – Grouped Dwelling (Cont.)

Building Code of Australia 2005

### **Consultation**

There has been no consultation for this report.

### **Policy Implications**

There are no policy implications for this report.

### **Financial Implications**

There are no financial implications for this report.

### **Strategic Implications**

This application is consistent with the Shire of Plantagenet Strategic Plan. In particular it will *'ensure a mix of housing types'* and *'improve the quality of life for residents of the Shire.'*

### **Officer Comment**

Clause 5.3.5 of TPS3 outlines that development of land at the higher density coding is subject to connection to deep sewerage. The Environmental Health Officer has indicated that should connection to deep sewerage not be possible then the installation of Aerobic Treatment Units (ATU) is acceptable; this form of sewerage treatment is sought in this instance as part of the upgrade. This is a satisfactory outcome due to the fact that the proposal does not increase housing stock, placing greater pressure on the sewerage system, but rather, the dwellings present a renewal and quality upgrade.

The proposed grouped dwelling development satisfies relevant standards contained in the Residential Design Codes including density, setbacks, parking and open space.

The replacement and upgrade of housing stock through the redevelopment program being undertaken by the Department of Housing and Works is supported.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**THAT:**

- (1) The application for Grouped Dwellings (Plans dated 18 January 2006) at Lot 15, 31 Mondurup Road be advertised in accordance with Clause 6.2 of the Shire of Plantagenet Town Planning Scheme No. 3 stating that submissions may be made within 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 11 April 2006.**

**CARRIED (9/0)**

**No. 24/06**

**9.3.5 LOT 2, 63 LOWOOD ROAD, MOUNT BARKER - EXTENSION OF USE (SHED)**

<b>Location / Address:</b>	<b>Lot 2, 63 Lowood Road, Mount Barker</b>
<b>Attachments: (3)</b>	<b>Locality Plan Site Plan Elevations</b>
<b>Name of Applicant:</b>	<b>DJ and AR Wright</b>
<b>File Reference:</b>	<b>RV/182/1720</b>
<b>Author:</b>	<b>Delma Baesjou - Manager Development Services</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>2 February 2006</b>

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**Purpose**

The purpose of this report is to consider an application for an extension to Automotive Repairs (216m<sup>2</sup> storage shed) at Lot 2, 63 Lowood Road, Mount Barker.

**Background**

The proponent intends to construct the 12 x 18m shed for '*Storage – Caravan, boat, speedway car, etc*'.

The site contains a mechanical workshop, which is defined as Automotive Workshop in Shire of Plantagenet Town Planning Scheme No. 3 (TPS3).

The subject land is zone Commercial under TPS3. Automotive Workshop is a use class not permitted within that zone and is therefore a Non-Conforming use.

Notwithstanding the proponent's intent to use the shed for private purposes, the development requires the approval of the Council as an extension to a non-conforming use.

Shire records show the owners of the property to be DJ and AR Wright.

**Statutory Environment**

Shire of Plantagenet Town Planning Scheme No. 3, in particular Part IV.

**Consultation**

There has been no consultation for this report

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

Schedule IV – Zone Development Table of TPS3 specifies a nil setbacks for all boundaries. The shed is proposed to be setback 1m from both the side and rear boundaries. Within the Commercial zone, the minimum landscaping requirement is 10% of the site. The property is 2,975m<sup>2</sup> therefore a minimum landscaped area of 297.5m<sup>2</sup> is required.

Provided the building is used for storage, and not commercial or habitable purposes, there is no objection to the proposed use. It is recommended that development be approved.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

That planning consent be granted in respect of Application No. 08/06 for Lot 2, 63 Lowood Road, Mount Barker to be developed for the purpose of Addition to Non-Conforming Use (storage shed) in accordance with plans dated 20 January 2006, subject to the following conditions:

- (1) Landscaping areas of not less than 297.5m<sup>2</sup> (10% of the site), being planted and maintained to the satisfaction of the Council.
- (2) A detailed landscaping plan being submitted and assessed prior to the issue of a Building Licence.
- (3) All stormwater runoff being contained on-site and disposed of to the satisfaction of the Executive Director of Technical and Development Services
- (4) The building not being used for commercial or habitable 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 2005

**COUNCIL DECISION**

**Moved Cr J Cameron, seconded Cr D Williss:**

**That planning consent be granted in respect of Application No. 08/06 for Lot 2, 63 Lowood Road, Mount Barker to be developed for the purpose of Addition to Non-Conforming Use (storage shed) in accordance with plans dated 20 January 2006, subject to the following conditions:**



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Lot 2, 63 Lowood Road, Mount Barker – Extension Of Use (Shed) (Cont.)

- (1) All stormwater runoff being contained on-site and disposed of to the satisfaction of the Executive Director of Technical and Development Services
- (2) The building not being used for commercial or habitable 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 2005

**CARRIED (9/0)**

**No. 25/06**

#### Reason For Change

The Council considered that the Landscaping Conditions were onerous.

**9.3.6 LOT 3 LANGTON ROAD, MOUNT BARKER - PROPOSED SHOP  
(NURSERY AND GARDEN CENTRE)**

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<b>Location / Address:</b>	<b>Lot 3 Langton Road, Mount Barker</b>
<b>Attachments: (5)</b>	<b>Locality Plan Site Plan Floor Plan Elevations (south and west)</b>
<b>Name of Applicant:</b>	<b>Robert Graham Healy</b>
<b>File Reference:</b>	<b>RV/182/1701 and RV/182/3791</b>
<b>Author:</b>	<b>Marta Osipowicz – Planning Officer - Development Services</b>
<b>Authorised By:</b>	<b>Delma Baesjou – Manager Development Services</b>
<b>Date of Report:</b>	<b>2 February 2006</b>

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**Purpose**

The purpose of this report is to consider an application for planning approval to establish a Nursery and Garden Centre at Lot 3 Langton Road, Mount Barker.

**Background**

The proposed Nursery and Garden Centre is currently operational at the rear of 33 Lowood Road (between Mount Barker Hotel and Wesfarmers on Langton Road).

The applicant does not seek to undertake major works but certain changes are proposed. The intentions are to demolish the existing garage at the southern end and enclose a portion of the lot, towards the street, for plants and associated stock. The applicant has noted that he would be willing to landscape the verge between the footpath and the front property boundary line.

The proposal includes 42m<sup>2</sup> of office space; 190m<sup>2</sup> of indoor showroom; 113m<sup>2</sup> of outdoor display; 45m<sup>2</sup> of shaded display and 136m<sup>2</sup> dedicated for parking totalling 526m<sup>2</sup>. Access to the site is gained from Mount Barker Road.

According to Shire records Lot 3 Langton Road is owned by Fiona J Glen and Robert Graham Healy.

**Statutory Environment**

Town Planning Scheme No. 3  
Town Planning and Development Act 1928

Zoning: Commercial

Use Class: Shop

*'any building or portion of a building wherein goods are kept, exposed or offered for sale, but does not include a bank, fuel depot, a market, service station, milk depot, marine store, timber yard or land and buildings used for the sale of motor and other vehicles or for any purpose falling within the definition of industry'*

Permissibility: 'P' use

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**Lot 3 Langton Road, Mount Barker – Proposed Shop Nursery and Garden Centre (Cont.)**

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Setbacks Required: Front – nil; Side – nil; Rear – nil

Parking: 1 per 40m<sup>2</sup> of floor space

Landscaping 10% of site

**Consultation**

There has been some consultation between Shire officers and the applicant to establish the correct plans required for this application.

**Policy Implications**

Shire of Plantagenet Town Planning Scheme No. 3.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

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

**Officer Comment**

The proposed land use is in keeping with and permitted under Town Planning Scheme No. 3 (TPS3). The proposed land use is supported.

The proposal does not however, meet the car parking and landscaping requirements of TPS3. The proposed development requires 10 on-site parking bays and 52.6m<sup>2</sup> of landscaping. There are two (2) existing parking bays parallel to the road. It is the opinion of the planning department that egress shall be difficult but possibly acceptable as employee bays. Movement is therefore restricted, eliminating vehicular and pedestrian conflicts.

In this instance, eight (8) parking bays still need to be provided and it is evident these will need to be provided off-site. There are numerous bays delineated on both sides of Mount Barker Road. As there is minimal commercial activity within this area and the lot is restricted the proposal is considered acceptable provided that the applicant contribute towards any future streetscape upgrades in accordance with Policy No. P.D.1 which states that,

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

As commercial development expands within the townsite, pressure shall be placed on parking facilities and become a greater issue for the Council. The expectation will be that the Council finances future infrastructure provision. A cash contribution, in accordance with Council's Policy, is recommended for future infrastructure upgrades.

With regards to the landscaping requirements, it is noted that the proposed land use centres on vegetation. This nominated outdoor display area is 113 m<sup>2</sup>, double the landscaping requirement. The applicant is willing to landscape the verge and it is recommended that the Council seek this form of streetscape upgrade. Currently the

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Lot 3 Langton Road, Mount Barker – Proposed Shop Nursery and Garden Centre (Cont.)

area is bitumised but soft landscaping, which could be clearly seen from the primary road, would increase the appeal and beautify the commercial area.

**Voting Requirements**

Simple Majority

Site Photos - Lot 3 Langton Road, Mount Barker - Proposed shop (Nursery and Garden Centre)



View looking North – the garage structure shall be demolished



View looking East



View North-East

**OFFICER'S RECOMMENDATION**

That planning consent be granted in respect of Application 41/05 for Lot 3 Langton Road, Mount Barker to be used for the purpose of Nursery and Garden Centre in accordance with plans dated 11 January 2006, subject to the following conditions:

- (1) The crossover, access and vehicle parking area being funded and maintained by the proponent to the satisfaction of the Executive Director of Technical and Development Services.
- (2) All stormwater runoff being contained onsite and disposed of to the satisfaction of the Executive Director of Technical and Development Services.
- (3) A cash contribution totalling \$12,000.00 (\$1,500.00 by 8 parking bays) to be paid for future road and parking upgrades.
- (4) Landscaping of the verge to be undertaken by the proponent, and maintained well thereafter, to the satisfaction of the Executive Director of Technical and Development Services.
- (5) Water reticulation being installed to maintain all plantings during summer months.
- (6) Any onsite signage being in accordance with Clause 5.6 of the Shire of Plantagenet Town Planning Scheme.
- (7) A building licence to be obtained for the construction of the shade house and any major internal renovations.
- (8) All conditions not of an ongoing nature to be complied with within six (6) months of the date of this approval.

**ADVICE NOTES:**

- (i) If the development, the subject of this approval, is not substantially commence 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, in particular the Building Code of Australia.

**MOTION**

**Moved Cr B Hollingworth, seconded Cr J Mark:**

**That planning consent be granted in respect of Application 41/05 for Lot 3 Langton Road, Mount Barker to be used for the purpose of Nursery and Garden Centre in accordance with plans dated 11 January 2006, subject to the following conditions:**

- (1) The crossover, access and vehicle parking area being funded and maintained by the proponent to the satisfaction of the Executive Director of Technical and Development Services.**

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Lot 3 Langton Road, Mount Barker – Proposed Shop Nursery and Garden Centre (Cont.)

- (2) All stormwater runoff being contained onsite and disposed of to the satisfaction of the Executive Director of Technical and Development Services.
- (3) Landscaping of the verge to be undertaken by the proponent, and maintained well thereafter, to the satisfaction of the Executive Director of Technical and Development Services.
- (4) Water reticulation being installed to maintain all plantings during summer months.
- (5) Any onsite signage being in accordance with Clause 5.6 of the Shire of Plantagenet Town Planning Scheme.
- (6) A building licence to be obtained for the construction of the shade house and any major internal renovations.
- (7) All conditions not of an ongoing nature to be complied with within six (6) months of the date of this approval.

#### ADVICE NOTES:

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

#### Reason for Change

Councillors believed that Condition 3 in the Officer's Recommendation was excessive and would affect business viability.

#### AMENDMENT

Moved Cr J Cameron, seconded Cr D Williss:

That Point (2) of the Recommendation relating to stormwater runoff be deleted and the motion renumbered accordingly.

CARRIED (5/4)

No. 26/06

#### COUNCIL DECISION

That planning consent be granted in respect of Application 41/05 for Lot 3 Langton Road, Mount Barker to be used for the purpose of Nursery and Garden Centre in accordance with plans dated 11 January 2006, subject to the following conditions:

- (1) The crossover, access and vehicle parking area being funded and maintained by the proponent to the satisfaction of the Executive Director of Technical and Development Services.
- (2) Landscaping of the verge to be undertaken by the proponent, and maintained well thereafter, to the satisfaction of the Executive Director of Technical and Development Services.
- (3) Water reticulation being installed to maintain all plantings during summer months.
- (4) Any onsite signage being in accordance with Clause 5.6 of the Shire of Plantagenet Town Planning Scheme.
- (5) A building licence to be obtained for the construction of the shade house and any major internal renovations.
- (6) All conditions not of an ongoing nature to be complied with within six (6) months of the date of this approval.

**ADVICE NOTES:**

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

**CARRIED (9/0)**

**No. 27/06**

### 9.3.7 LOT 369 HAWKER ROAD AND LOT 371 FORSTER ROAD, KENDENUP - WINE CELLAR AND CELLAR SALES

An Impartiality Interest was declared by Cr J Moir for Item 9.3.7

Extent of Interest: Applicant and Councillor are both members of a local soccer club.

<b>Location / Address:</b>	<b>Lot 369 Hawker Road and Lot 371 Forster Road, Kendenup</b>
<b>Attachments: (2)</b>	<b>Locality Plan Site Plan</b>
<b>Name of Applicant:</b>	<b>Andrus and Zigmantus Budrikis</b>
<b>File Reference:</b>	<b>RV/182/3938</b>
<b>Author:</b>	<b>Delma Baesjou - Manager Development Services</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>23 January 2006</b>

#### **Purpose**

The purpose of this report is to consider an application for Rural Use (Cellar Sales) at Lot 369 Hawker Road and Lot 371 Forster Road, Kendenup

#### **Background**

Lots 369 and 371 are 13.7644 and 13.7593ha respectively and contain 9.1ha of vines, approximately 1.5ha of horticulture (vegetables), rural sheds, dams and a dwelling house.

It is proposed to use an existing shed for the storage and wholesale distribution of wine together with limited public sales. The proponents acknowledge that the 'location of these lots and access roads are not ideal for establishing a tourism/cellar sales venture.'

The subject is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3).

Shire records show the registered land owner to be Andrus and Zigmantus Budrikis.

An associated development application for Restaurant and Winery at Lot 306 Lake Matilda Road is the subject of a separate report in this Agenda.

#### **Statutory Environment**

Shire of Plantagenet Town Planning Scheme No. 3.

**Rural Use** - means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- (a) the growing of vegetables, fruit, cereals or food crops;
- (b) the rearing or agistment of poultry, sheep, cattle;
- (c) the stabling, agistment or training of horses;
- (d) the growing of trees, plants, shrubs, or flowers for replanting in domestic commercial or industrial gardens and includes the growing of trees for wood products;



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Lot 369 Hawker Road And Lot 371 Forster Road, Kendenup – Wine Cellar And Cellar Sales (Cont.)

- (e) the sale of produce grown solely on the lot; but does not include the following except as approved by the Council:
- (i) the keeping of pigs;
  - (ii) the processing, treatment or packing of produce;
  - (iii) the breeding, rearing or boarding of domestic pets;
  - (iv) the establishment of feed lots;

Health Act (1911)

Building Code of Australia (2005)

### **Consultation**

There has been no consultation for this report.

A site visit was conducted on 2 February

### **Policy Implications**

There are no policy implications for this report.

### **Financial Implications**

There are no financial implications for this report.

### **Strategic Implications**

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

### **Officer Comment**

The proposal is consistent with the objective 1.6.4 of TPS3 '*To promote the growth of the grape and wine industry*'.

The proposal is considered to be complementary to the existing use of the site and the surrounding rural land uses. Conditional approval is recommended.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION**

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

**That planning consent be granted in respect to Application No 01/06 for Lot 369 Hawker Road and Lot 371 Forster Road, Kendenup to be used for the purpose of Rural Use (Cellar Sales - wholesale) in accordance with the plans dated 10 January 2006, subject to the following conditions:**

- (1) The crossover access way and vehicle parking areas being funded and maintained by the proponent to the satisfaction of the Council.**
- (2) Visitors to the facility not exceeding five (5) people at any one time**
- (3) Any on site advertising signage complying with Town Planning Scheme No. 3.**

**ADVICE NOTES:**

- (i) If the development, the subject of this approval, is not substantially commenced within a period of twelve (12) 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, in particular the Building Code of Australia.

**AMENDMENT**

Moved Cr B Hollingworth, seconded Cr D Williss:

That Part (2) of the Recommendation be deleted and the motion renumbered accordingly.

CARRIED (9/0)

No. 28/06

**COUNCIL DECISION**

That planning consent be granted in respect to Application No 01/06 for Lot 369 Hawker Road and Lot 371 Forster Road, Kendenup to be used for the purpose of Rural Use (Cellar Sales - wholesale) in accordance with the plans dated 10 January 2006, subject to the following conditions:

- (1) The crossover access way and vehicle parking areas being funded and maintained by the proponent to the satisfaction of the Council.
- (2) Any on site advertising signage complying with Town Planning Scheme No. 3.

**ADVICE NOTES:**

- (i) If the development, the subject of this approval, is not substantially commenced within a period of twelve (12) 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, in particular the Building Code of Australia.

CARRIED (9/0)

No. 29/06

**9.3.8 LOT 306 LAKE MATILDA ROAD, KENDENUP - PROPOSED CAFE,  
CELLAR SALES AND WINERY**

An Impartiality Interest was declared by Cr J Moir for Item 9.3.8

Extent of Interest: Applicant and Councillor are both members of a local soccer club.

<b>Location / Address:</b>	<b>Lot 306 Lake Matilda Road, Kendenup</b>
<b>Attachments: (4)</b>	<b>Locality Plan Site Plan Floor Plan Supporting Letter</b>
<b>Name of Applicant:</b>	<b>A and Z Budrikis - Trading as Hawker Ridge Wines</b>
<b>File Reference:</b>	<b>RV/182/158</b>
<b>Author:</b>	<b>Delma Baesjou - Manager Development Services</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>23 January 2006</b>

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**Purpose**

The purpose of this report is to consider an application for Restaurant (Café) and Winery (including cellar sales) at Lot 306 Lake Matilda Road, Kendenup.

**Background**

The subject land comprises 6.1ha and is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3). Shire records indicate three (3) Building Licences have been issued for this property. Two for sheds in 1992 (Building Application number 54/92) and 2000 (Building Application number 9/00) and one for a dwelling in 1994 (Building Application number 43/94).

It is proposed to alter and extend an existing shed for the proposed cellar sales and café. The proponents operate Hawker Ridge Wines and have established a vineyard on contiguous lots at Lot 369 Hawker Road and Lot 371 Forster Road, Kendenup. An associated development application for an interim Cellar Sales outlet on that site has been submitted and its the subject of a separate report in this agenda.

Shire records show the registered land owner to be Andrus and Zigmantus Budrikis.

**Statutory Environment**

Shire of Plantagenet Town Planning Scheme No. 3 in particular Clauses 3.2 and 6.2.

**Restaurant** - means a building or portion of a building wherein food is prepared solely for sale and consumption within the building or portion thereof and the expression shall include a licensed restaurant, cafe or nightclub, and also includes a restaurant at which food for consumption outside the building or portion thereof, is sold where the Council is of the opinion that forms a minor part of the business only.

**Rural Use** - means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- (a) the growing of vegetables, fruit, cereals or food crops;
  - (b) the rearing or agistment of poultry, sheep, cattle;
  - (c) the stabling, agistment or training of horses;
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**Lot 306 Lake Matilda Road, Kendenup – Proposed Café, Cellar Sales And Winery (Cont.)**

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- (d) the growing of trees, plants, shrubs, or flowers for replanting in domestic commercial or industrial gardens and includes the growing of trees for wood products;
- (e) the sale of produce grown solely on the lot; but does not include the following except as approved by the Council:
  - (i) the keeping of pigs;
  - (ii) the processing, treatment or packing of produce;
  - (iii) the breeding, rearing or boarding of domestic pets;
  - (iv) the establishment of feed lots;

**Winery** - means premises used for the handling, storage and /or processing of grapes and /or other fruit into wine products and may include the sale of the produce;

Restaurant is an 'SA' use within the Rural zone which means that Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.2.

Typically a cellar sales outlet is considered to fall within the definition of Rural Use which is a 'P' use in the Rural Zone. In this case, because the grapes are not grown or processed on the subject lot, it is not appropriate to classify this development as Rural Use. Further, given the medium term plans to develop a cellar sales outlet, cafe and a winery on the property, the predominant land use will be tourist related activities, rather than rural. Winery is the appropriate land use category.

Although Winery is defined in the TPS3, it is not listed in the Zoning Table. Clause 3.2.5 of TPS3 sets out;

If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- (a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or
- (b) determine by absolute majority that the proposed use is consistent with the objectives and purpose of the zone and thereafter follow the 'SA' procedure of Clause 6.2 in considering an Application for planning consent.

Clause 6.2.3 of Town Planning Scheme No. 3 sets out:

Where the Council is required or decides to give notice of any application for planning consent the Council shall cause one or more of the following to be carried out:

- (a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning consent stating that submissions may be made to the Council within twenty-one days of the service of such notice;
- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- (c) a sign displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days stating that submissions may be made to the Council within the display period.

Health Act (1911)

Building Code of Australia (2005)

**Consultation**

The proposed development requires formal advertising in accordance with Clause 6.2 of TPS3. It is considered that the nature and scale of the development would warrant notification of potentially affected nearby landowners and publication of a notice in the newspaper.

**Policy Implications**

There are no local authority policy implications for this development.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

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

**Officer Comment**

The proposal has merit, however the proposed tourist venture is a more intensive land use than those generally anticipated in the Rural Zone . It likely to have some visual and amenity impact and will result in increased traffic volumes. Given the scale of the development and the potential impact on adjoining properties it is recommended that the proposal be advertised for public comment.

During the advertising period, the proposal will be further assessed regarding development standards and relevant Health and Building Regulations. A preliminary evaluation has identified the following issues / requirements:

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

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

A Fire Emergency Service Authority (FESA) report will be required.

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

Traffic impact and parking requirements are to be assessed.

Following the advertising period a further report will be presented to the Council addressing any submissions received and recommending appropriate conditions should planning consent be granted.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr K Clements, seconded Cr K Hart:

**THAT:**

- (1) The proposed development of Lot 306 Lake Matilda Road, Kendenup for the purpose of Winery be determined as consistent with the objectives and purpose of the Rural Zone pursuant to Clause 3.2.5 (b) of the Shire of Plantagenet Town Planning Scheme No. 3.**
- (2) The application for a Restaurant and Winery at Lot 306 Lake Matilda Road, Kendenup 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.**
- (3) At the conclusion of the advertising period a further report on the proposal be prepared for the consideration of the Council at its meeting to be held on 11 April 2006.**

**CARRIED (9/0)**

**No. 30/06**

**9.3.9 LOT 312 AND 313 LAKE MATILDA ROAD, KENDENUP - ABATTOIR - EXTENSION OF USE (IRRIGATED PASTURES AND PLANTATION)**

<b>Location / Address:</b>	<b>Lots 312 and 313 Lake Matilda Road, Kendenup</b>
<b>Attachments: (2)</b>	<b>Locality Plan Site Plan</b>
<b>Name of Applicant:</b>	<b>Dowford Holdings T / A Mount Barker Chickens</b>
<b>File Reference:</b>	<b>RV/182/2214 and 1948</b>
<b>Authors:</b>	<b>Delma Baesjou - Manager Development Services Eric Howard – Environmental Health Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>20 January 2006</b>

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**Purpose**

The purpose of this report is to consider the submissions and determine the application for extensions to the Abattoir (Irrigated Pastures and Plantation) on Lots 312 and 313 Lake Matilda Road, Kendenup.

**Background**

The subject land is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3). The subject lots are 7.27ha and 7.35ha respectively.

Shire records show the current owners of Lot 312 and 313 Lake Matilda Road, Kendenup to be Dowford Investments Pty Ltd.

The proponent is currently undertaking improvements to the wastewater treatment systems associated with the Chicken Abattoir located on Lot 311 Lake Matilda Road. This proposal for an irrigation area on the adjoining parcels of land is one of the actions being taken by Mount Barker Chickens to address wastewater and odour management issues and to comply with the requirements of the Department of Environment.

The application is for 4-5ha of plantation with a combination of agroforestry and pasture/cropping on the balance of the site. It is proposed to sprinkle irrigate the Eucalyptus Globulus plantation and trickle or drip irrigate pasture, silage or stockfeed crops using excess treated wastewater from the Abattoir on Lot 311. All piping will be underground and it is proposed to use electric pumps. There will be a rain-fed buffer of native vegetation, at least 3m in width, surrounding the development to serve as a wind break and to screen the site. Standard perimeter fire breaks will be installed.

A report on the proposed Extension of Use – Irrigated Pastures and Plantation was considered by the Council at its meeting held 13 December 2005. The following Council resolution was adopted:

*‘THAT:*

- (1) The development application for Lots 312 and 313 Lake Matilda Road, Kendenup to be used for the purpose of Abattoir extension (irrigation of pasture and plantation using treated waste water) be advertised in accordance with Clause 6.2.3 parts (a) and (b) of the Shire of Plantagenet Town Planning*

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**Lot 312 And 313 Lake Matilda Road, Kendenup – Abattoir – Extension Of Use (Irrigated Pastures And Plantation) (Cont.)**

*Scheme No. 3 stating that submissions may be made to the Council within twenty one (21) days of the notice.*

- (2) *A further report be prepared at the conclusion of the advertising period for consideration of the Council at its meeting to be held 14 February 2006.'*

The advertising period closed on 13 January 2006 and thirteen (13) submissions were received.

### **Statutory Environment**

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

#### Schedule I Interpretations

*Abattoir* – means land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

#### Health Act (1911)

##### Shire of Plantagenet Health Local Laws

The Abattoir and associated wastewater treatment and irrigation area constitutes an Offensive Trade under the Health Act (1911). The requirements of the Shire of Plantagenet Health Local Law are applicable and the activity is subject to annual registration.

#### Environmental Protection Act (1986)

The Department of Environment (DoE) has issued a Licence for Prescribed Premises to Dowford Investment for a period of twelve (12) months. The DoE has also issued an Environmental Protection Notice (EPN) requiring environmental investigations and monitoring together with specific operational procedures.

### **Consultation**

Ongoing consultation has occurred between representatives from the Department of Environment, the Health Department, Mount Barker Chickens/Dowford Investments and Shire of Plantagenet officers. Officers will continue to liaise with the respective government agencies in regard to licensing, registration and compliance.

The proponent has undertaken community consultation. An information sheet was distributed in Kendenup and more recently an odour evaluation/survey form was distributed.

In accordance with Council resolution 363/05, the proposal was advertised for public comment. A notice was published in the Albany Advertiser on 22 and 29 December 2005 and letters were sent to adjoining landowners. The advertising period closed on 13 January 2006 and thirteen (13) submissions were received, as summarised in the following table:

<b>Submitter's Name</b>	<b>Submitter's Address</b>	<b>Submission</b>
Tony Smith (SS I30194)	Lot 319 Munro Road, Kendenup	<u>Object</u> Health: odour (EPA buffer states 150m MBC states 8m), winter water table (paddocks saturate with normal rainwater – can not sustain 55,000 litres per day), subterranean water (nutrient leaching into basins and



Lot 312 And 313 Lake Matilda Road, Kendenup – Abattoir – Extension Of Use (Irrigated Pastures And Plantation) (Cont.)

		<p>underground streams contamination of environmental properties will eventuate), contamination of rain water (spray drift during windy weather will end up on roofs and contaminate drinking water).</p> <p><b>Perception:</b> Kendenup is special place for residents. MBC is registered with Shire as 'Offensive Trade'. As activities of MBC expand, perception of Kendenup as rural haven will vanish. Property values will slump, especially in immediate vicinity of MBC.</p> <p><b>Controls:</b> the Environmental Protection Authority (has issued licence capping output to 3,800 tonnes for 12 moths – what happens then?), monthly reports (require by EPA until all criteria is met – what happens then?), monitoring the future (EPA lists 6 possible systems for monitoring maintenance – licence to expire 12/06 – what happens then?)</p> <p><b>Expansion of MBC:</b> in the event that MBC is granted permission, the stage will be set for further expansion on these properties or perhaps others. Another application, another submission.</p> <p><b>Conclusion:</b> Kendenup is not a suitable site for MBC. As MBC expanded their slaughtering and evisceration activities without reference to the EPA, nor apparently to the Shire, so have they now apparently pre-empted approval of their application by the very purchase of lots 312 and 313.</p> <p>As residents immediately in line for any adverse consequences of the proposed development, we now turn to the Councillors and staff of the Shire with a sincere request that they protect our interests by refusing this development application and any other which might prejudice the health, the well-being and the perception of Kendenup and its people.</p>
<p>Sylvie Smith (SS I30195)</p>	<p>Lot 319 Munro Road, Kendenup</p>	<p><b>Object</b></p> <ul style="list-style-type: none"> <li>• MBC had a licence to operate 1000 tonnes per year and increase their production to 4200 tonnes (3600 birds) of dressed chicken without licensing</li> <li>• Greater use of wastewater has caused pollution of soil and air causing distress to neighbours.</li> <li>• Acting CEO, DoE, stated that 'he suspects on reasonable grounds that there has been an emission of odour and wastewater by MBC likely to cause pollution, namely a direct alteration of the environment of Kendenup'.</li> <li>• MBC has recently bought lots 312 and 313 to use as irrigation areas. These lots are zoned rural.</li> </ul> <p>Do not want these lots used for irrigation for the following reasons:</p> <ul style="list-style-type: none"> <li>• MBC is currently registered as 'offensive trade' by</li> </ul>

Lot 312 And 313 Lake Matilda Road, Kendenup – Abattoir – Extension Of Use (Irrigated Pastures And Plantation) (Cont.)

		<p>Shire. MBC must have been aware that increasing production by 4-fold without permission they were gravely endangering the environment.</p> <ul style="list-style-type: none"> <li>• MBC only started to remedy the cause of odour when investigated by DoE following a neighbour complaint.</li> <li>• Kendenup is a rural hamlet. Residents tolerated MBC as small 'offensive trade' as long as it did not hurt their town. They trusted MBC while MBC were ignoring them in covertly increasing their chicken slaughtering and endangering environment.</li> <li>• Small abattoir close to town and private dwellings is already an antagonism. Small abattoir becoming large abattoir no longer fits in Kendenup.</li> <li>• Lots 312 and 313 should not be used by an abattoir. Classified rural not semi industrial or commercial. Water irrigated there (even treated) would not be equal to water falling from sky or from dam as is case on rural land.</li> <li>• Owners of surrounding lots have bought their properties in the knowledge that Lots 312 and 313 were rural lots only. Very few people, if any, would buy property next to an abattoir.</li> <li>• If lots 312 and 313 were to change zone classifications or be used by abattoir, value of surrounding properties would fall. We can not accept to be the innocent victims of a business which has lost its credibility and represents an imminent health hazard.</li> </ul>
<p>Lyndon and Lyn Florance (SS I30345)</p>	<p>Lots 200 and 6192 First Avenue, Kendenup</p>	<p><b><u>Object</u></b>                  Extension which may affect the growth in value terms to residential property or health to towns people and environment.                  Kendenup has waited long time to be recognised and long after these corporations have been and gone, people will still have negative mindset associated with Kendenup which will live on for many years.                  Council has one chance to promote Kendenup as pristine with incredible views of the Stirling Ranges. Please do not shoot yourselves in the foot and the areas long term gain just to appease the short term profits of the corporations.                  Totally object to this proposal and since its announcement have already witnessed the slowdown in interest in Kendenup property.</p>
<p>Allen Hicks (SS I30366)</p>	<p>Lot 318 Munro Road, Kendenup</p>	<p><b><u>Object</u></b></p> <ul style="list-style-type: none"> <li>• Drift water settling on roof structures and ending up in rain water tanks and water supplies.</li> <li>• Trench system will leach into waterways and into</li> </ul>

Lot 312 And 313 Lake Matilda Road, Kendenup – Abattoir – Extension Of Use (Irrigated Pastures And Plantation) (Cont.)

		<p>stock water supply.</p> <ul style="list-style-type: none"> <li>• Will there be any odour from waste water irrigated in paddocks.</li> <li>• What happens when 12 month permit expires.</li> <li>• Can shire guarantee (in writing) that above issues will not happen in future.</li> <li>• What happens to 55,000 L of waste water in winter when ground is saturated from winter rain? Where is the waste water going to end up?</li> </ul>
<p>Val Saggars (SS I30477)</p>	<p>Lot 28, 55 Hassell Avenue, Kendenup</p>	<p><b>Object</b></p> <ul style="list-style-type: none"> <li>• No satisfactory environmental impact study done on the site.</li> <li>• Huge volume of liquid waste discharge has to impact negatively on surrounding farmlands, remnant bush land, regeneration projects and other landcare activities in this vicinity. Basic mathematical calculation of the number of chickens slaughtered, the amount of water used to process these, plus analysis of soil profile along with calculations of normal winter rainfall show it is inappropriate to place abattoir in Kendenup. Extra land is still inadequate to cope with liquid storage and subsequent runoff.</li> <li>• Offensive odour. This has already forced some people to sell up and leave the district. With the summer wind patterns this stench is still apparent in the main street of Kendenup. We were told by a MBC spokesperson that 'we just have to get used to it'.</li> <li>• Information given to us by MBC is an insult to our intelligence. The so called scientific data presented in handouts is unsound, lacks depth and shows that MBC does not understand the basic principles involved or what the community's concerns are.</li> <li>• Information from inside the operations lead us to believe more chickens then specified are being slaughtered per week with at least 13 litres of water used per chicken and not the 11 litres as told us by the EPA. What site checks is the Shire Health Inspector doing?</li> <li>• Some very unsatisfied neighbouring ratepayers are in the process of involving the outside media due to their frustration and dissatisfaction at not being heard or taken seriously. This exposure may impact negatively on the Shire as the abattoir is after all called Mount Barker Chicken.</li> <li>• Provision of jobs does not justify sacrificing the town, its environment other business and lifestyle.</li> <li>• Look at the long term picture, please.</li> </ul>

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**Lot 312 And 313 Lake Matilda Road, Kendenup – Abattoir – Extension Of Use (Irrigated Pastures And Plantation) (Cont.)**


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Sandra Pampling (SS I30511)	Lot 67 and 68 Hassell Avenue, Kendenup	<p><b>Object</b> Insufficient information to approve of the application. Nutrient and irrigation management plan not available until 28 April 2006, perhaps appropriate to review the details at this time.</p>
Robin Mackintosh (SS I30572)	Lot 314 Red Gum Pass Road, Kendenup	<p><b>Object</b></p> <ul style="list-style-type: none"> <li>• This proposed extension will only spread the problems further, involve more residents and increase, not decrease, the odour further.</li> <li>• Looking to permit the irrigation of noxious water onto the ground when the rules for using our grey water from washing machines and showers are very stringent and must be through 'approved piping with drippers – NOT SPRINKLERS'.</li> <li>• Drift may be minimised but with wind in Kendenup will still spread to neighbouring properties.</li> <li>• The amount of water irrigated daily is huge and must surely affect the ground water.</li> <li>• Treatment ponds are being covered with hay at present – what do they plan to do when the hay becomes water logged?</li> <li>• The Shire needs to recognise the needs and wishes or the rate payers and community in Kendenup.</li> <li>• This is not a suitable site for such an industry and the Shire would be better served finding another long term solution than the band aid of irrigating over a larger area.</li> <li>• There is a huge buffer zone on properties surrounding the sale yards and they only deal in live animals, not slaughter and resultant effluent.</li> </ul>
Linda and Peter Angus (I30593)	Lot 315 Red Gum Pass Road, Kendenup	<p><b>Object</b></p> <ul style="list-style-type: none"> <li>• Shire has responsibility to look after rate payers and land owners.</li> <li>• Extension will only cause more problems by extending contamination and increase odour.</li> <li>• Have been approached by GWN. If extension is approved will have no other choice but to tell them exactly what the company has done and how little the Shire of Plantagenet has done.</li> <li>• What is the impact on the environment?</li> <li>• Has the Shire done any studies?</li> <li>• Very disappointed with the Shire in the fact that I thought you were meant to think of communities and their families.</li> <li>• Kendenup is great town and should not be polluted by a company that only thinks about dollars and cents.</li> <li>• Please do not approve this extension.</li> </ul>

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**Lot 312 And 313 Lake Matilda Road, Kendenup – Abattoir – Extension Of Use (Irrigated Pastures And Plantation) (Cont.)**


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<p>Oyster Harbour Catchment Group Inc (SS I30596)</p>		<p><b><u>Concerns</u></b></p> <ul style="list-style-type: none"> <li>• Abattoir development has the potential to be a source of contaminants of various types which could affect the quality of water flowing into the Kalgan River system.</li> <li>• Unless properly managed there is high potential for soil, groundwater and land adjacent to the plantation to be polluted with organic and inorganic chemicals in the waste water.</li> <li>• If irrigation is not operated correctly for the type of soil in the plantation, infiltration rates can be reduced leading to excess runoff which may pass into waterways.</li> <li>• We would anticipate odour problems if the waste water is not correctly pre-treated before irrigation and if other waste is not managed correctly.</li> <li>• Lot 312 and 313 are waterlogged during winter under current land use. This would significantly affect their effective use for disposal of waste water from the abattoir for at least the period until any plantation on the lots has reached its optimum evaporation capacity – approx. 5 – 7 years depending on species.</li> <li>• The installation of appropriate ground water monitoring within the 3 lots is essential. Of equal importance would be a number of ground water observation bores located in land some distance from the lots used for waste water disposal to measure the lateral impact on existing or developing local aquifers.</li> </ul> <p><b><u>Our Advice:</u></b></p> <ul style="list-style-type: none"> <li>• Very limited information from the proponents which would indicate the absence of a properly prepared plan of the development.</li> <li>• We would anticipate that the development would not be approved without a detailed plan of the proposed works including a thorough environmental impact assessment requiring demonstrated community consultation and an expert review of management issues.</li> </ul>
<p>Susanne Davis (SS I30606)</p>	<p>Lot 55 Penifold Street, Kendenup</p>	<p><b><u>No Objection</u></b></p> <p>Owner and tenants have considered the proposal and provided it meets the Dept of Environment and Dept of Health guidelines, and there is no smell from the extension, then we have no objection.</p>
<p>Lief Vinkingur and Susan Frankling (SS I30608)</p>	<p>Lot 2006 Cnr Munroe and Lake Matilda Roads, Kendenup</p>	<p><b><u>Object</u></b></p> <ul style="list-style-type: none"> <li>• Soil is average of 500mm on top of Clay and irrigating with untreated water we need not explain results after heavy rain.</li> </ul>

**Lot 312 And 313 Lake Matilda Road, Kendenup – Abattoir – Extension Of Use (Irrigated Pastures And Plantation) (Cont.)**

		<ul style="list-style-type: none"> <li>• A copy of the chemical composition of waste water demanded.</li> <li>• Serious question mark on the smell generated.</li> <li>• Potential increased traffic</li> <li>• Concern re: any flooding will flow directly through town site.</li> <li>• Would like to remind shire of a particular cattle slaughter yard in the shire that was approved in a similar style and subsequently closed.</li> <li>• Should this go ahead we intend to have soil and dam water samples taken prior and monitored. Should we be adversely affected you and other responsible parties will be held accountable.</li> <li>• We have written to the Departments of Environment and Health.</li> <li>• Have also sought legal advice on our standing.</li> </ul>
<p>Lori F Horner (SS i30618)</p>	<p>Lot 54 Hassell Avenue, Kendenup</p>	<p><b><u>Object To Sprinklers</u></b></p> <ul style="list-style-type: none"> <li>• Do not understand sketch. Sketch shows many dots which are unclear.</li> <li>• Concerned about the type of 'sprinkler system'. Would much prefer a drip (below surface) system using the eco-friendly purple piping (Ross Mars Greywater Systems)</li> </ul>
<p>Kevin and Susan Smithson (SS I30653)</p>	<p>Lot 310 Red Gum Pass Road and Lot 6327 and 6328 Hassell Avenue, Kendenup (plus more)</p>	<p><b><u>Object</u></b></p> <ul style="list-style-type: none"> <li>• Concerned abattoir it too close to townsite of Kendenup and further extension should not be allowed.</li> <li>• 'If the recommended strategy for managing odour emission (DoE Assess. Report) is implicated, ie ..with an aim to having no unreasonable emission of odour beyond 150m from the premises boundary, then this would basically include most of our property.'</li> <li>• Odour issue are still a concern in town. On 13/01/06 outside 77 Hassell St, odour was noticeable. This will get worse during the summer months as north easterly winds increase and odour is carried into the townsite.</li> <li>• 'Conditions of Licence: The licensee shall ensure that production does not exceed a yearly average of 35,000 birds per week'. The DoE Assess. Report indicates that the production is now at 36,000 per week. Indications are that MBC intend to double or triple production in the future.</li> <li>• Will this be allowable?</li> </ul>

**Policy Implications**

There are no policy implications for this report.

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Lot 312 And 313 Lake Matilda Road, Kendenup – Abattoir – Extension Of Use (Irrigated Pastures And Plantation) (Cont.)

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

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Lot 312 And 313 Lake Matilda Road, Kendenup – Abattoir – Extension Of Use (Irrigated Pastures And Plantation) (Cont.)

### Officer Comment

The proposal to irrigate Lots 312 and 313 with treated wastewater from the Chicken Abattoir located on Lot 311 is one of the actions being taken to address wastewater and odour management issues and to comply with the requirements of the Department of Environment. Specific environmental investigations and management programs are set out in the Licence for Prescribed Premises and the Environmental Protection Notice. In addition to the State level approvals, the operation is required to be Registered as an Offensive Trade and the proposed land use requires Planning Consent. Concurrent approvals are being sought and the respective agencies have been liaising to ensure a coordinated process and comprehensive assessment of the proposal.

The formal advertising undertaken by the Shire of Plantagenet is one component of the assessment process. The main community concerns raised in response to the proposed expansion of the irrigation area can be divided into four (4) categories:

- (1) Environmental Pollution
  - Offensiveness of the operation (nuisance / offensive emissions)
  - Pollution of the environment (land, air, ground water and waterways)
- (2) Public Health
  - Public health impacts from:
    - Export of wastewater upon adjacent land or vegetation (human or animal contact).
    - Contamination of domestic rain water collection systems from wastewater spray-drift.
    - Contamination of ground water, storm water or agricultural dams.
    - Offensive odours.
- (3) Amenity-Land use conflict
  - Abattoir is inappropriate and too close to residential uses.
  - Development will result in a decline in property values.
  - The land use will detract from the image of Kendenup and Plantagenet.
- (4) Expansion
  - Approval for the irrigation area will allow for increased production within the Abattoir.

### (1) Environmental

The Department of Environment (DoE) has issued a Licence for Prescribed Premises to Dowford Investment trading as Mount Barker Chickens (MBC) for a period of twelve (12) months, capped at a yearly average production rate of 36,000 birds per week.

This licence enables MBC to continue to operate. The DoE has further issued MBC an Environmental Protection Notice (EPN) requiring MBC to undertake extensive and numerous environmental investigations, environmental monitoring and management programs as well as implement specific operational procedures, as a condition of that licence for a prescribed premises.

The immediate focus for MBC will be to commission the production of a Nutrient Irrigation Management Plan (NIMP) for the irrigation of wastewater onto the existing 1.8ha tree plantation on Lot 311 and the adjoining Lots 312 and 313.



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**Lot 312 And 313 Lake Matilda Road, Kendenup – Abattoir – Extension Of Use (Irrigated Pastures And Plantation) (Cont.)**

This plan will provide scientific analysis of the capacities and capabilities of the irrigation lots to support wastewater disposal and will also provide detailed recommendations for the dispersal system's size, configuration and disposal methods.

To ensure compliance with the Environmental Protection Act, MBC will need to demonstrate through regular and continual monitoring, that emissions of odour, the treatment of solid and liquid wastes produced at the facility are disposed of in an environmentally appropriate manner, in accordance with departmental guidelines.

At the expiry of the twelve (12) month licence period the department will assess the relevant environmental surveys, monitoring results, nutrient irrigation management plans prior to considering licence renewal.

Ongoing environmental monitoring will be mandatory conditions of operation and will be subject to regular reporting to the department.

**Environmental Management**

A summary of the environmental management programs required by the EPN include:

- (1) Odour Minimisation
  - Design and implement an Odour Assessment and Minimisation Plan.
  - Reduce Biological Oxygen Demand (BOD) levels within wastewater.
  - Aeration of wastewater ponds to reduce BOD.
- (2) Wastewater Disposal
  - The wastewater disposal system comprises of 3 basic elements.
    - (i) Wastewater volume.
    - (ii) Nutrient composition of wastewater.
    - (iii) Site suitability to assimilate wastewater volumes (soil infiltration) and; nutrient levels (phosphorus retention index- PRI of soils) without detriment to the environment.

Preliminary results from soil sampling investigation of the irrigation area on Lot 311 Lake Matilda Road indicate that the soils have a good infiltration rate and medium PRI.

The NIMP will also include extensive assessment of the wastewater disposal system, and the Department of Environment has stated that an expansion of the existing irrigation area (located on Lot 311) will be required to ensure the disposal of wastewater meets the guideline values for disposal to land.

Irrigation will not be permitted during heavy rain events or when soil saturation levels are achieved.

Specific NIMP design details will be prepared and available for assessment by the Department of Environment and the Shire of Plantagenet by the end of March 2006.

- (3) Wastewater Export
  - 3.1 Groundwater Contamination
    - Extensive groundwater monitoring bores are required to be strategically installed throughout Lots 311, 312 and 313 Lake Matilda Road, Kendenup as a condition of the EPN. Analysis of water results will

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**Lot 312 And 313 Lake Matilda Road, Kendenup – Abattoir – Extension Of Use (Irrigated Pastures And Plantation) (Cont.)**

ensure contamination of groundwater and export of wastewater off-site can be prevented.

Environmental monitoring will be an ongoing condition of abattoir operation.

### 3.2 Surface Water

The potential for surface wastewater run-off onto adjoining land will be mitigated by the following methods:

- Wastewater levels within the treatment ponds will be adjusted to provide a minimum 'freeboard' level of 500mm to prevent any potential overflow from extreme rainfall events.
- Extensive cut-off interceptor drains have been constructed around the perimeter of Lot 311 and will be extended around Lots 312 and 313.
- Expansion of the irrigation area, staggered irrigation and restricted irrigation during winter, will eliminate the potential for water-logging.

It remains the primary responsibility of the Department of Environment to assess the results and details of each particular environmental investigation undertaken as part of the NIMP produced by MBC. The department will further provide a complete assessment of those remedial strategies implemented by MBC to prevent, control and abate odour and wastewater emissions in accordance with departmental guidelines.

## **(2) Public Health**

Health impacts include:

- The potential for bacterial contamination of irrigated receiving soils.
- Potential contamination of adjoining property soils through groundwater movement.
- Contamination of vegetation (animal fodder and / or human food crops) from surface or ground water movement.
- Pollution of domestic rainwater catchment systems from wastewater over-spray from irrigation sprinklers.
- Offensive odours – from wastewater treatment ponds.

### Health Comments

The disposal of 'primary' treated wastewater derived from abattoir production (as with all wastewaters), does present as a potential human health risk (direct human contact) if not treated and disposed of in an approved and appropriately sustainable manner.

Abattoir wastewaters may contain a variety of bacteria, viruses, protozoa, parasites and assorted chemical compounds and therefore require specific methods of disposal to prevent the likelihood of any direct human contact or exposure to these elements.

While broad-acre surface irrigation techniques for the irrigation of pasture and fodder crops for grazing, agricultural production or food crops are an approved method for the disposal of treated wastewater and an excellent technique for nutrient export off the disposal site, specific cropping details have not been provided by the applicant.

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**Lot 312 And 313 Lake Matilda Road, Kendenup – Abattoir – Extension Of Use (Irrigated Pastures And Plantation) (Cont.)**

Therefore, the irrigation of wastewater onto specific agricultural or food crops could not be adequately assessed or approved at this time.

The disposal of treated abattoir wastewater onto agricultural land subject to annual cropping is an acceptable disposal method in the short term until full land capabilities are provided within the NIMP.

The disposal of abattoir wastewater onto timber plantations can achieve both health and environmental objectives, however all methods of wastewater disposal will be subject to the implementation of appropriate strategies and conditions of approval.

**(3) Amenity And Landuse Conflict**

The installation of irrigation pipes within a rural zone would not typically require the planning consent of the Council. In this case, the development involves the use of treated wastewater and is associated with an existing Abattoir on an adjoining parcel of land. The Abattoir is on a special site zone and has the planning consent of the Council.

The proposed development is part of the improvements and remedial works being undertaken to address odour issues. It is designed to minimise odours and environmental impact.

**(4) Expansion of operation**

The application is for irrigation pipes and reticulated pasture and plantation.

A decision by the Council to grant its planning consent to the use of Lots 312 and 313 for irrigation will not constitute an approval for intensification of the Abattoir on Lot 311.

Any expansion of the Abattoir on Lot 311 will be the subject of a planning separate application.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

**Moved Cr K Clements, seconded Cr M Skinner:**

**That planning consent be granted in respect of Application 36/05 for Lots 312 and 313 Lake Matilda Road, Kendenup to be developed for the purpose of Abattoir – Extension (Irrigated Pastures and Plantation) in accordance with the plans dated 23 December 2005, subject to the following conditions:**

- (1) Irrigation of wastewater onto timber plantations of suitable species and of sufficient area to ensure soil and plant nutrient loading rates are not exceeded and saturation of the irrigation area is prevented.**
- (2) Irrigation area being of sufficient size to enable rotation / alternation of irrigation events to achieve sufficient soil drying between applications.**
- (3) Irrigation of timbered plantations being via suitable above-ground dripper or restricted spray systems.**
- (4) Representative irrigation wastewater samples being submitted at least once per month for laboratory analysis to determine the level of**

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Lot 312 And 313 Lake Matilda Road, Kendenup – Abattoir – Extension Of Use (Irrigated Pastures And Plantation) (Cont.)

- Thermotolerant coliforms present, and the results being forwarded to the Council's Environmental Health Department.
- (5) Sprinkler systems being located to ensure spray drift does not impact off-site.
  - (6) Wastewater irrigation being prohibited during rain events likely to precipitate wastewater ponding or run-off.
  - (7) Subject to the recommendations of the Nutrient Irrigation Management Plan and subsequent approval by the Department of Environment, the irrigation of wastewater may be prohibited during the winter months and alternative methods may be required for the approved storage and or disposal of wastewater.
  - (8) Irrigation piping containing wastewater being readily identifiable and labelled using the uniform colour of deep purple to distinguish it from other irrigation systems utilising alternative water supplies.
  - (9) Warning signs not less than 20cm x 30cm with lettering of 2cm height stating 'Recycled Wastewater-Unfit For Drinking / Avoid Contact' being installed and maintained on all irrigation areas.
  - (10) Maintenance procedures to prevent accidental human contact with wastewater during system maintenance being designed and implemented.
  - (11) Safe grazing practices, including withholding periods for food animals grazing within the irrigation areas, being designed and implemented.
  - (12) Minimum withholding periods between irrigation and food animal grazing being fourteen (14) days.
  - (13) Sub-soil interceptor drains being constructed around the perimeter of the irrigation field to prevent water export off site.
  - (14) Wastewater within the perimeter cut-off drains being pumped into the irrigation system as soon as possible to prevent odour emissions and mosquito breeding.
  - (15) Routine environmental monitoring being undertaken in accordance with the conditions of the Environmental Protection Notice.

#### ADVICE NOTES

- (i) If the development, the subject of this approval, is not substantially commenced within a period of twelve (12) 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) This approval applies only to Lots 312 and 313 Lake Matilda Road, Kendenup. Any proposed alteration whatever to the premises or operations within the associated Abattoir on Lot 311 Lake Matilda Road shall require prior Council consideration and subsequent approval.

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Lot 312 And 313 Lake Matilda Road, Kendenup – Abattoir – Extension Of Use (Irrigated Pastures And Plantation) (Cont.)

(iii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:

- The Shire of Plantagenet Health Local Laws
- The Shire of Plantagenet Annual Fire Break Notice
- The Environmental Protection Act (1986)
- Health Act (1911)

LOST (4/5)

#### FURTHER MOTION

Moved Cr K Hart, seconded Cr B Hollingworth:

That planning consent be refused in respect of Application 36/05 for Lots 312 and 313 Lake Matilda Road, Kendenup to be developed for the purpose of Abattoir – Extension (Irrigated Pastures and Plantation) upon the following grounds:

- (1) The proponent has not provided sufficient justification that the development will address and/or decrease odour associated with the Abattoir on Lot 311;
- (2) Irrigation of wastewater onto the predominantly clay soil has the potential to result in ponding and saturation especially with winter rain; and
- (3) There is insufficient storage capacity for excess water.

CARRIED (6/3)

No. 31/06

**9.3.10 LOT 449 AND 450 FOURTH AVENUE, KENDENUP - OVERSIZE OUTBUILDING**

A Financial Interest was declared by Cr K Hart for Item 9.3.10.

Extent of Interest: Financial

5:31pm Cr K Hart withdrew from the meeting.

<b>Location / Address:</b>	<b>Lot 449 and 450 Fourth Avenue, Kendenup</b>
<b>Attachments: (4)</b>	<b>Locality Plan Site Plan Elevations Letter from Western Australian Planning Commission</b>
<b>Name of Applicant:</b>	<b>K Hart</b>
<b>File Reference:</b>	<b>RV/182/1992 and 3158</b>
<b>Author:</b>	<b>Marta Osipowicz – Planning Officer - Development Services</b>
<b>Authorised By:</b>	<b>Delma Baesjou – Manager, Development Services</b>
<b>Date of Report:</b>	<b>2 February 2006</b>

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**Purpose**

The purpose of this report is to consider an application for a 126m<sup>2</sup> Outbuilding on Lots 449 and 450 Fourth Avenue, Kendenup.

**Background**

The proposed shed is 18m by 7m and 2.7m high.

The subject land is zoned 'Rural' under the Shire of Plantagenet Town Planning Scheme No. 3 and is currently vacant. The R10 requirements are being applied to development within Kendenup.

A Conditional Approval has been granted by the Western Australian Planning Commission for the amalgamation of Lots 449 and 450. The combined lot amount is 2024m<sup>2</sup>.

Shire records show the registered owner to be KG Hart.

**Statutory Environment**

Shire of Plantagenet Town Planning Scheme No. 3  
Residential Design Codes of Western Australia 2002  
Building Code of Australia 2005

**Consultation**

There has been no consultation for this report.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

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### **Strategic Implications**

There are no strategic implications for this report.

### **Officer Comment**

The proposed outbuilding does not fully meet the Acceptable Development provisions under clause 3.10.1 of the Residential Design Codes. The outbuilding is not attached to a dwelling (the lot is currently vacant) and meets open space, side and rear setbacks and siting requirements. The outbuilding is however, in excess of 60 m<sup>2</sup> in area with a wall height exceeding 2.4 metres. The proposed outbuilding is required to be considered under the respective Performance Criteria,

*‘Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.’*

Determination by the Council is required as a result of the outbuilding exceeding Acceptable Development provisions of the Residential Design Codes.

The proposed outbuilding meets the respective Performance Criteria. The required side and rear setbacks are 1.0 metre and 1.5 metres respectively with the applicant indicating that the setbacks shall be 5.0 metres from the side boundary and 3.0 metres from the rear boundary; the Right-of-Way increases the setback to the rear properties. The additional setback distance reduces the impact of building bulk on the neighbouring properties. In addition, the overall height (ridge line) is less than 4.2 metres which also contributes to the reduction of building bulk on adjoining properties. The outbuilding is setback 40.29 metres from the primary street, posing no detrimental effect on the streetscape.

Provided the outbuilding is used purely for the storage of domestically related goods and is not used for commercial or habitable purposes there is no objection to the proposed use. It is recommended that the outbuilding be approved.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That planning consent be granted in respect of Application No. 07/06 for development of an oversize outbuilding on Lots 449 and 450 Fourth Avenue, Kendenup, in accordance with the plans dated 31 January 2006, subject to the following conditions:

- (1) The crossover and access way being maintained by the proponent.
- (2) All stormwater runoff being contained on-site.
- (3) The outbuilding not being used for industrial or commercial purposes.
- (4) The outbuilding not being used for habitable purposes in accordance with clause 3.10.1 of the Residential Design Codes.

### **ADVICE NOTES:**

- (1) If the development, the subject of this approval, is not substantially commenced within a period of 24 months, the approval shall lapse and be of

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

- (2) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development, in particular the Building Code of Australia.

## COUNCIL DECISION

**Moved Cr J Cameron, seconded Cr M Skinner:**

**That planning consent be granted in respect of Application No. 07/06 for development of an oversize outbuilding on Lots 449 and 450 Fourth Avenue, Kendenup, in accordance with the plans dated 31 January 2006, subject to the following conditions:**

- (1) The crossover and access way being maintained by the proponent.**
- (2) All stormwater runoff being contained on-site.**
- (3) The outbuilding not being used for industrial or commercial purposes other than for storage.**
- (4) The outbuilding not being used for habitable purposes in accordance with clause 3.10.1 of the Residential Design Codes.**

## ADVICE NOTES:

- (1) If the development, the subject of this approval, is not substantially commenced within a period of 24 months, the approval shall lapse and be of no further effect. Where approval has lapsed, no development shall be carried out without further approval of Council having first been sought and appointed.**
- (2) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development, in particular the Building Code of Australia.**

**CARRIED (8/0)**

**No. 32/06**

## Reason For Change

The Council considered that storage of the applicant's tools and materials that form part of his building business was an acceptable use.

5:34pm Cr K Hart returned to the meeting.



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**9.3.11 LOT 5220 ST WERBURGHES-HAY RIVER ROAD, MOUNT BARKER -  
PROPOSED SUBDIVISION**

<b>Location / Address:</b>	<b>Lot 5220 St Werburghs-Hay River Road, Mount Barker</b>
<b>Attachments: (2)</b>	<b>Locality Plan Subdivision Plan</b>
<b>Name of Applicant:</b>	<b>Western Australian Planning Commission on behalf of John Kinnear</b>
<b>File Reference:</b>	<b>LP/158/35 and RV/182/900</b>
<b>Author:</b>	<b>Marta Osipowicz – Planning Officer</b>
<b>Authorised By:</b>	<b>Delma Baesjou – Manager, Development Services</b>
<b>Date of Report:</b>	<b>1 February 2006</b>

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**Purpose**

The purpose of this report is to consider a request from the Department for Planning and Infrastructure to comment on a proposed subdivision at Lot 5220 St Werburghs-Hay River Road, Mount Barker. The proposal is for four (4) lots being Lot A – 270ha, Lot B – 329ha, Lot C – 141ha and Lot D – 102ha.

**Background**

The subject land is zoned Rural under the Shire of Plantagenet Town Planning Scheme No 3. The subject lot is located within the Hay River Catchment area.

The applicant has indicated the proposed lots are of the following nature:

- Lot A comprising of timber plantations and pasture; the land size is able to sustain farming with access gained from road No 3382.
- Lot B predominantly pasture with some timber plantation; a dwelling and associated sheds shall remain on this portion with direct access gained from St Werburghs-Hay River Road.
- Lot C intended to be the first Conservation Lot with an access leg driveway proposed; mainly comprises of remnant bush, some plantations and pasture for habitation.
- Lot D intended to be the second Conservation Lot with direct access onto road No. 3382; comprising mainly of pristine remnant vegetation and some timber plantations. There is also an area of pasture that is suitable for the development of a home and sheds.

St Werburghs-Hay River Road runs along the eastern boundary of Lot 5220. The road along the western boundary is un-constructed and known as No. 3382. The road along the southern boundary is a closed road. There is no constructed road along the northern boundary.

Council records show the owners of Lot 5220 St Werburghs-Hay River Road, Mount Barker to be Archpeak Pty Ltd.

**Statutory Environment**

Shire of Plantagenet Town Planning Scheme No. 3

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Town Planning and Development Act (1928)

## **Consultation**

### Department of Environment

The Department of Environment (DoE) has been contacted and the proposal discussed. The department has communicated to the Shire its intended response comments to the Western Australian Planning Commission. The comment is of the following nature,

*'The DoE is concerned that the boundary between proposed Lots C and D will result in segmentation of remnant vegetation and therefore reduce the conservation value of the covenanted area. The Department recommends fences be constructed to encompass native vegetation on Lots C and D, proposed in the application as being the subject of conservation covenants, in lieu of boundary fencing.*

*The DoE will also request that appropriate fencing be required on proposed Lot A as part of any subdivision approval to ensure an adequate foreshore buffer on the west side of the Hay River.'*

## **Policy Implications**

Relevant Western Australian Planning Commission Policies include:  
Policy No. DC 3.4 Subdivision of Rural Land

## **Financial Implications**

There are no financial implications for this report.

## **Strategic Implications**

The Western Australian Planning Commission in their Policy No. DC 3.4 – Subdivision of Rural Land states:

*'3.1 There is a general presumption against subdivision of rural land unless it is specifically provided for in a town planning scheme, an endorsed local planning strategy or an endorsed local rural strategy.'*

## **Officer Comment**

The Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) has no specific objective relating to rural land or rural subdivision. Additionally, there are no specific requirements outlined within TPS3 and the Shire does not have a Local Planning Strategy or a Local Rural Strategy governing over the subject lot. This results in this rural subdivision being assessed purely within the context of the WAPC Policy DC 3.4.

The subdivisional boundaries have been proposed in keeping with the existing waterway. In this instance, ownership and/or direct access is limited to two (2) properties, Lot A and Lot D. The applicant proposes Lot D as a conservation lot along with Lot C. Although the proposed lot boundaries are delineated along a physical feature of the landscape and conservation covenants are being offered, this subdivision is not recommended for approval. It is the opinion of the Shire's planning department that the proposal is too intensive for this area, increasing pressure on the environment.

The subject land is located within the Hay River Catchment Area. The proposed subdivision shall eventuate into the potential for three (3) new residences within the

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**Lot 5220 St Werburghs Hay River Road, Mount Barker – Proposed Subdivision (Cont.)**

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catchment area. Three (3) of the proposed lots are to gain access to an un-constructed road of which Lot C is denoted as a battleaxe lot. It should be noted that the proposed survey diagram does not reflect this intention with proposed Lot C appearing to have no access to any formal or informal road. This is not a desirable outcome.

The subdivision does not adequately contribute to the expansion of a rural settlement and the Shire should not seek that population growth occurs in environmentally sensitive settings without adequate guidance or controlling mechanisms i.e. a Local Planning Strategy. There are no nearby community facilities, with the surrounding area lacking in infrastructure, such as sealed roads. Increasing population, operating four (4) rather than (1) agricultural parcel of land shall place pressure on infrastructure, the land and potentially the waterway. There has been no specific mention by the applicant that the land could be used for intensive agricultural purposes.

The Department of Environment has not precluded the subdivision in their comments but is indicating it has concerns regarding the preservation of the conserved bushland. It is the opinion of the Shire's planning department that whilst the DoE are not opposing the subdivision, the four (4) lot subdivision increases pressure on the waterway, flora and fauna. It is recommended that the subdivision not be supported given the previous comment made.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

That the Western Australian Planning Commission be advised that the subdivision of Lot 5220 St Werburghs-Hay River Road, Mount Barker (WAPC Ref 130236) dated 6 January 2006 is not supported for the following reasons:

- (1) The subdivision is of a rural zoned lot;
- (2) The subdivision represents the fragmentation of agricultural land;
- (3) The subdivision has no distinctive positive contribution towards expanding rural settlements;
- (4) The subdivision resulting in no formal road access to Lots A and D, and no road reserve being created to access Lot C;
- (5) Increased pressure on the sensitive water body dissecting the property; and
- (6) The proposed subdivision does not adequately conserve the bushland area, with a four lot subdivision creating greater environmental pressure on the Hay River and associated flora and fauna.

## COUNCIL DECISION

Moved Cr J Cameron, seconded Cr D Williss:

That the Western Australian Planning Commission be advised that the subdivision of Lot 5220 St Werburghs-Hay River Road, Mount Barker (WAPC Ref 130236) dated 6 January 2006 is not supported for the following reason:

- (1) The subdivision resulting in no formal road access to Lots A and D, and no road reserve being created to access Lot C.

CARRIED (5/4)

No. 33/06

### Reason For Change

Councillors decided that lack of a formal road access was sufficient grounds for refusal.

**9.3.12 LOT 53 MUIRS HIGHWAY, MOUNT BARKER - PROPOSED FIRE BRIGADE SHED**

An Impartiality Interest was declared by Cr K Forbes for Item 9.3.12.

Extent of Interest: Cr K Forbes is a member of the Middle Ward Bush Fire Brigade.

<b>Location / Address:</b>	<b>Lot 53 Muirs Highway, Mount Barker</b>
<b>Attachments: (5)</b>	<b>Locality Plan Site Plan x 2 Front View Floor Plan</b>
<b>Name of Applicant:</b>	<b>Shire of Plantagenet</b>
<b>File Reference:</b>	<b>RV/182/902</b>
<b>Author:</b>	<b>Delma Baesjou - Manager Development Services</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>6 February 2006</b>

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**Purpose**

The purpose of this report is to consider an application to construct a Fire Brigade Shed on a 972m<sup>2</sup> portion of Lot 53 Muirs Highway, Mount Barker.

**Background**

The property is approximately 303 ha and contains pasture, dams, plantation and some areas of remnant vegetation.

The subject land is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3. Public Utility is an AA use in the Rural zone which means 'the Council, may at its discretion, permit the use'.

Shire records show the owner of Lot 53 Muirs Highway to be WB and RJ Sounness.

The Shire will be considering entering into a written agreement with the land owner and proposes to lease 972m<sup>2</sup> of the property for the development of Fire Shed.

Correspondence has been received requesting that the Development Application Fee be waived.

**Statutory Environment**

Shire of Plantagenet Town Planning Scheme No. 3

**Consultation**

Consultation has occurred between the owner of the property and the Shire.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

This project is consistent with the Shire of Plantagenet Strategic Plan. In particular new initiative 4.1 'Encourage a sense of community and improve the quality of life for all residents of the Shire'.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr J Cameron, seconded Cr B Hollingworth:

**THAT:**

- (1) Planning consent be granted in respect of Application 06/06 for Lot 53 Muirs Highway, Mount Barker to be developed for the purpose of Public Use (Fire Brigade Shed) in accordance with plans dated 16 January 2006, subject to the following conditions:
  - (a) The crossover, access and vehicle parking area being funded and maintained by the proponent to the satisfaction of the Executive Director of Technical and Development Services.
  - (b) All stormwater runoff being contained onsite and disposed of to the satisfaction of the Executive Director of Technical and Development Services.
  - (c) A building licence being obtained for the structure.
  - (d) All conditions not of an ongoing nature to be complied with within six (6) months of the date of this approval.

**ADVICE NOTES:**

- (i) If the development, the subject of this approval, is not substantially commence 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, in particular the Building Code of Australia.

**CARRIED (9/0)**

**No. 34/06**

**9.3.13 LOCATION 5632 PORONGURUP ROAD, PORONGURUP - HOME OCCUPATION (ANALYTICAL SERVICE)**

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<b>Location / Address:</b>	<b>Location 5632 Porongurup Road, Porongurup</b>
<b>Attachments: (3)</b>	<b>Locality Plan Site Plan Floor Plan</b>
<b>Name of Applicant:</b>	<b>Charles E Williams</b>
<b>File Reference:</b>	<b>RV/182/570</b>
<b>Author:</b>	<b>Marta Osipowicz – Planning Officer</b>
<b>Authorised By:</b>	<b>Delma Baesjou - Manager Development Services</b>
<b>Date of Report:</b>	<b>20 January 2006</b>

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**Purpose**

The purpose of this report is to consider an application for a Home Occupation (Analytical Service for Wine, Water and Environment).

**Background**

The subject land is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3. The property is 10.5ha and contains a dwelling house, sheds and vineyards.

Home occupation is an AA use in the Rural zone and 'the Council, may at its discretion, permit the use'.

**Home Occupation** - *means an activity carried on with the permission of the responsible authority within a house or the curtilage of a house that:*

- (a) *does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or wasteproducts;*
- (b) *does not entail the employment of any person not a member of the occupier's family, except in the case of a professional person;*
- (c) *does not occupy an area greater than 20 square metres;*
- (d) *does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;*
- (e) *is restricted in advertisement to a sign not exceeding 0.2 square metres in area; and*
- (f) *will not result in the requirement of a greater number of vehicle parking facilities than normally required in the zone in which it is located and will not result in a substantial increase in the amount of vehicular traffic in the vicinity.*

The applicant has provided the following details of the proposed home occupation:

- (1) The home occupation shall be primarily for testing of water and wine; no toxic/hazardous emissions shall occur as a result of this home occupation;
- (2) There is no intention to employ any person outside the premises;
- (3) The testing equipment takes up 7m<sup>2</sup> within a 22m<sup>2</sup> room;

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Lot 5632 Porongurup Road, Porongurup – Home Occupation – Analytical Service (Cont.)

- (4) No additional services are required other than those existing;
- (5) No signage shall be erected; and
- (6) No additional parking shall be required than what exists.

Shire records show the registered landowners to be CE and JM Williams.

### **Statutory Environment**

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

### **Consultation**

There has been preliminary consultation between the applicant and the Shire of Plantagenet's Environmental Health Officer, Mr Eric Howard.

### **Policy Implications**

There are no policy implications for this report.

### **Financial Implications**

There are no financial implications for this report.

### **Strategic Implications**

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

### **Officer Comment**

The proposed home occupation shall not be offensive or detrimental to the amenity of the locality. The proposal is in keeping with the area and provides those within the viticultural industry local expert analysis of their produce. This shall be beneficial to the viticultural industry and the region, servicing areas such as, Albany, Frankland, Denmark and Manjimup.

The area dedicated to the operations of the home occupation is acceptable. The analytical instruments themselves occupy 7m<sup>2</sup>, falling within the allowable floor area.

The home occupation shall be primarily operated by the owner of the land. The use shall not generate any greater vehicular traffic as there shall be no employees and most samples shall be picked up from a nominated drop off point in Mount Barker.

The proposal is considered to be complementary to the existing use of the site and the surrounding rural land uses. Conditional approval is recommended.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That planning consent be granted in respect to Application No 03/06 for Location 5632 Porongurup Road, Porongurup to be used for the purpose of**



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Lot 5632 Porongurup Road, Porongurup – Home Occupation – Analytical Service (Cont.)

Home Occupation (Analytical Service) in accordance with the plans dated 3 January 2006, subject to the following conditions:

- (1) This approval does not include the sale of goods.
- (2) The approval period is twelve (12) months from the date of the Council's decision and subject to application for annual renewal thereafter.
- (3) The 0.2m<sup>2</sup> sign allowed under the definition of Home Occupation being located on the subject land.

**ADVICE NOTES:**

- (i) If the development, the subject of this approval, is not substantially commenced within a period of twelve (12) 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 definition of Home Occupation set out in Town Planning Scheme No. 3 and associated restrictions apply to this Home Occupation.

**CARRIED (9/0)**

**No. 35/06**

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**9.3.14 LOT 6589 GREEUW ROAD, NARRIKUP - PROPOSED SUBDIVISION**

<b>Location / Address:</b>	<b>Lot 6589 Greeuw Road, Narrikup</b>
<b>Attachments: (2)</b>	<b>Locality Plan Site Plan</b>
<b>Name of Applicant:</b>	<b>Ms KD Lymon</b>
<b>File Reference:</b>	<b>LP/158/36</b>
<b>Author:</b>	<b>Marta Osipowicz – Planning Officer</b>
<b>Authorised By:</b>	<b>Delma Baesjou – Manager Development Services</b>
<b>Date of Report:</b>	<b>23 January 2006</b>

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**Purpose**

The purpose of this report is to consider a request from the Department for Planning and Infrastructure to comment on a proposed subdivision at Lot 6589 Greeuw Road, Narrikup. The proposal encompasses a subdivision of one (1) lot into two (2) lots; Lot A consisting of approximately 153ha and Lot B consisting of approximately 62ha.

**Background**

The subject land is zoned Rural under the Shire of Plantagenet Town Planning Scheme No 3. The proposed lots, Lot A and Lot B, are being created to continue agricultural use and to allow for stewardship of native vegetation and conservation areas. Currently, there is a dwelling and associated structures on proposed Lot B with paddocks and established plantations on proposed Lot A.

Greeuw Road runs along the western boundary of the Lot 6589. It is proposed to gain access from Greeuw Road to the rear lot via a battle axe access leg along the northern boundary of Lot B.

Council records show the owners of Lot 6589 Greeuw Road to be Kathleen Dora Lymon.

**Statutory Environment**

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

**Consultation**Western Australian Planning Commission

The Western Australian Planning Commission (WAPC) was contacted to discuss and gain additional information on the proposed subdivision. Clarification was sought regarding whether the proposed subdivision was being sought under clause 3.3. of WAPC Policy DC 3.4.

The applicant does not seek subdivision under clause 3.3 of WAPC Policy DC 3.4; simply, the applicant seeks subdivision of Rural zoned land. The applicant would be required to have at least 85% of the conservation lot as quality vegetation in order to make a conservation claim. The WAPC is inclined not to support the proposed subdivision. The advice given to the Shire is that as the lot(s) are not being created along a physical feature and the homestead lot does not qualify under the policy and intensive agriculture does not currently exist on proposed Lot B there is limited scope

for support. The WAPC would require the land use to be operational prior to subdivision being granted. The existing plantations do not qualify as intensive agriculture.

#### Department of Environment

The Department of Environment (DoE) was contacted to confirm that it had not been referred to. The DoE confirmed that this was the case and subsequently indicated that it was not in support of rural subdivision.

#### **Policy Implications**

Relevant Western Australian Planning Commission Policies include:

Policy No. DC 3.4 Subdivision of Rural Land

#### **Financial Implications**

There are no financial implications for this report.

#### **Strategic Implications**

The Western Australian Planning Commission in their Policy No. DC 3.4 – Subdivision of Rural Land states:

*'3.1 There is a general presumption against subdivision of rural land unless it is specifically provided for in a town planning scheme, an endorsed local planning strategy or an endorsed local rural strategy.'*

#### **Officer Comment**

The Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) has no specific objective relating to rural land or rural subdivision. Additionally, there are no specific requirements outlined within TPS3 and the Shire does not have a Local Planning Strategy or a Local Rural Strategy governing over the subject lot. This results in this rural subdivision being assessed purely within the context of the WAPC Policy DC 3.4.

The following table consists of the applicants supporting arguments of the proposed subdivision and the officer's comments.

<b>Applicant's Comments</b>	<b>Officer's Comments</b>
Downsizing and freeing up resources will make maintenance of the smaller lot possible once the larger lot is disposed off. Two of the adjoining neighbours have expressed an interest in purchasing the larger parcel of land.	The WAPC Policy does not support the ad hoc fragmentation of agricultural land. Whilst interest has been expressed by adjoining property owners to purchase portion A of the land, there is no guarantee this shall be undertaken. The creation of an additional lot shall ultimately allow for a dwelling to be constructed on proposed Lot A, an outcome that is not favourable to the Shire within a rural setting. This comment is no upheld.
Local community has changed with housing being in short supply. Community facilities have also declined. This form of subdivision shall allow for	'Homestead' lot is not a land use listed within TPS3 nor does the Shire have a Local Planning Strategy. As there is no documentation that makes reference to

<b>Applicant's Comments</b>	<b>Officer's Comments</b>
lifestyle or homestead blocks that shall contribute to maintaining community facilities and support local enterprises.	'homestead' lots, there are no existing acceptable standards. In this instance the proposal does not meet clause 4.3.1(b) of WAPC DC 3.4. It is acknowledged that there is a housing shortage, with the personal circumstance of the applicant noted however, the fragmentation of agricultural land is not justifiable through the creation of a 'homestead' lot in order to sustain the diminishing community facilities; no statistical evidence has been provided to demonstrate that the population has decreased within the area. In line with WAPC DC 3.4 this comment is not upheld.
The Greeuw family has a strong attachment to the district and through this form of subdivision they are able to remain within the area.	It is acknowledged that the Shire is conscious about its population and ensuring the population does not decrease however, it is also concerned about maintaining adequate rural land for agricultural purposes and not fragmenting the landscape. No appropriate guidelines have been established within the statutory or strategic process that advocates this form of subdivision. This comment is not upheld.
The subdivision and sale of Lot A shall enable the possibilities of diversification and more intensive use of Lot B. Adequate water and suitable soils allows for intensive agriculture and horticulture.	No specific mention has been made as to the nature of the intensive agricultural and horticultural uses. Whilst it is acknowledged that the applicant requires Lot A to be sold in order to intensify Lot B it is recommended that the intensive agricultural and/or horticultural uses be established prior to any potential support being communicated to the WAPC. This comment is not upheld.
The proposed subdivision is in keeping with the future Local Planning Strategy.	The Local Planning Strategy is currently within the formulation process with no formal draft documentation adopted by Council. Therefore, the subdivision cannot be determined as being 'in keeping with' as there is no clear direction indicated for the Narrikup region. This comment is not upheld.

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<p>A precedent has been set with the surrounding properties being allowed to subdivide into smaller parcels.</p>	<p>Consultation with the WAPC has been undertaken and it has been communicated to the Shire that the adjoining properties have not been subdivided as the applicant eludes; they have had boundary realignments and certain lots have been amalgamated. As the WAPC's records do not indicate subdivisions of adjoining parcels of land it is recommended that the Council do not uphold the comment made.</p>
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**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr J Mark, seconded Cr J Moir:

That the Western Australian Planning Commission be advised that the subdivision of Lot 6589 Greeuw Road, Narrikup (WAPC Ref 130290) dated 19 January 2006 is not supported for the following reasons:

- (1) The subdivision is of a Rural zoned lot;
- (2) The subdivision represents a fragmentation of agricultural land;
- (3) No specific reference has been made to the intensive agricultural and/or horticultural uses intended on proposed Lot B. These are to be established prior to further consideration; and
- (4) Proposed 'Homestead' lot is a use not listed within the Town Planning Scheme. The Shire does not have a Local Planning Strategy that provides guidance as to the acceptability of 'Homestead' lots, if at all. There are no other guiding mechanisms to suggest that this form of subdivision could be supported in the Narrikup locality.

**CARRIED (6/3)**

**No. 36/06**

**9.3.15 MOUNT BARKER HILL LOOKOUT - DESIGN PROJECT**

An Impartiality Interest was declared by Cr B Hollingworth for Item 9.3.15.

Extent Of Interest: Member of Rotary Club Mount Barker

**Location / Address:** Reserve 15162  
**Name of Applicant:** N / A  
**File Reference:** CR/118/4  
**Author:** Delma Baesjou - Manager Development Services  
**Authorised By:** Rob Stewart - Chief Executive Officer  
**Date of Report:** 2 February 2006

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**Purpose**

The purpose of this report is to consider a recommendation from the Townscape Review Steering Committee regarding preparation of concept plans for the upgrading of the Mount Barker Hill Lookout area.

**Background**

At its meeting held on 31 January 2006 the Townscape Review Steering Committee resolved:

*'That it be a recommendation to the Council:*

*That the proposal from the Mount Barker Rotary Club to engage a Landscape Architect to prepare a design concept for the upgrading of the Mount Barker Hill lookout be supported.'*

The matter was raised in response to comments from community and club members that the lack of facilities and standard of the lookout present a poor image to tourists and detract from the appeal of the area.

**Statutory Environment**

Local Government Act 1995  
Land Administration Act (1997)

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

Strategically, the brief of the Townscape Review Steering Committee notes: *'The enhancement of the visual and practical amenity of the area.'*

**Officer Comment**

This matter has been discussed with the members of the Townscape Review Steering Committee and representatives of the Rotary Club. It is understood that the detailed plans will need to be submitted to the Council for endorsement/approval. The club is keen to undertake community project work and recognises that any improvements need to be staged and coordinated.

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Mount Barker Hill Lookout – Design Project (Cont.)

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That the Mount Barker Rotary Club be advised their proposal to engage a Landscape Architect to prepare a Mount Barker design concept for the upgrading of the Mount Barker Hill lookout is supported.**

**CARRIED (9/0)**

**No. 37/06**

**9.3.16 AUTHORISED PERSONS - CARAVAN PARKS AND CAMPING GROUNDS ACT 1995**

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>GR/90/5</b>
<b>Author:</b>	<b>Eric Howard - Environmental Health Officer</b>
<b>Authorised By:</b>	<b>Stephen Bell - Executive Director Technical and Development Services</b>
<b>Date of Report:</b>	<b>2 February 2006</b>

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**Purpose**

The purpose of this report is for the Council to consider the appointment of specific Council Officers as 'Authorised Persons' pursuant to the provisions of the Caravan Parks and Camping Grounds Act 1995.

**Background**

The Caravan Parks and Camping Grounds Act (the Act) enables each local government Council to appoint certain Authorised Persons to effect the provisions of the Act and Regulations within their district.

Authorisation is necessary to:

- (1) Enable the Shire's Environmental Health Officer (EHO) to inspect a licensed caravan park or camping facility, and if necessary, issue work specification notices.
- (2) Enable the Shire's Environmental Health Officer (in addition to the Shire's Ranger) to enter caravans or camps not located within licensed facilities, and if necessary, issue infringement notices for offences committed under the Act.
- (3) Allow specific Shire staff to be Authorised Persons in addition to those mentioned above to further enable and enforce the routine and mandatory provisions of the Act and Regulations. These Authorised Persons typically include:
  - Administrative Office staff – to receive modified penalty payments from infringement notices served by Council's Environmental Health Officer and / or Ranger.
  - Senior Council Officers – may issue written infringement notices for alleged breaches of the Act.
  - Chief Executive Officer – may extend the twenty eight (28) day payment period for the payment of modified penalties, and / or may withdraw infringement notices.

**Statutory Environment**

Caravan Parks and Camping Grounds Act 1995:

- Part 3: Section 17 (1)(a) Appointment of Authorised Persons
- Part 4:



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**Authorised Persons – Caravan Parks And Camping Grounds Act 1995 (Cont.)**

- Section 23 (11) Appointment of Authorised Persons for the purpose of Section 23 (2), (3), (5) and (7) of the Act.
- Section 23 (2) Authorised Person may issue infringement notice.
- Section 23 (3) Authorised Person to provide written notice and conditions for an infringement notice, including modified penalty payment, location and time period options.
- Section 23 (5) Authorised Person may extend the 28 day period for the payment of a modified penalty.
- Section 23 (7) Authorised Person may withdraw an infringement notice.

**Consultation**

There has been no consultation for this report.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

In the event that an infringement notice is issued for any breach of the Act, a modified penalty applies. The amount of the penalty varies as prescribed in the Regulations.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

The authorisation of Council officers and staff is necessary for the routine and effective enforcement of the provisions and requirements of the Caravan Parks and Camping Grounds Act and Regulations.

Section 23 of the Act requires separation of specific duties and responsibilities for Authorised Persons appointed under that section of the Act. Therefore, to maintain continuity for those specific functions it recommended that Council appoints 'classes of persons' as Authorised Persons in lieu of nominating specific officers. The Act specifically prohibits a person authorised to issue infringements notices from being authorised to cancel infringement notices.

The Council's Rangers have current Council appointment as Authorised Persons pursuant to Sections 17 (1) of the Act.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**THAT:**

- (1) All previous authorisations pursuant to the Caravan Parks and Camping Grounds Act 1995 be cancelled.**
- (2) Pursuant to Part 3, Section 17 (1) of the Caravan Parks and Camping Grounds Act 1995, the Council's Environmental Health Officer (from time to time) be appointed an Authorised Person for the purpose of enforcing**

the provisions of the Caravan Parks and Camping Grounds Act 1995 and Regulations 1997.

- (3) Pursuant to Part 4, Section 23 (11) of the Caravan Parks and Camping Grounds Act 1995, the following persons be classified as Authorised Persons:
- (a) The Council's Chief Executive Officer (from time to time) for the purpose of extending the 28 day period within which the modified penalty may be paid and withdrawing an infringement notice pursuant to Part 4, Section 23 (5) and Part 4 section 23 (7) of the Act;
  - (b) The Council's Executive Director Technical and Development Services (from time to time) and Executive Director Corporate and Community Services (from time to time) for the purpose of issuing an infringement notice for an alleged prescribed offence pursuant to Part 4, Section 23(2) of the Act;
  - (c) Shire Administrative and Customer Service Officers for the purpose of receiving money for the payment of a modified penalty for a prescribed offence committed against the Act pursuant to Part 4, Section 23 (3) of the Act; and
  - (d) The Council's appointed Ranger, Mr Ray Parry and the Council's Relief Ranger, Mr Steven Player for the purpose of issuing an infringement notice for an abused prescribed offence pursuant to Part 4, Section 23(2) of the Act.

CARRIED (9/0)

No. 38/06

**9.3.17 POLICY REVIEW - HALLS - DISTRICT HALL - BARBEQUES**

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>CS/120/1</b>
<b>Author:</b>	<b>Eric Howard - Environmental Health Officer</b>
<b>Authorised By:</b>	<b>Stephen Bell - Executive Director Technical and Development Services</b>
<b>Date of Report:</b>	<b>15 December 2005</b>

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**Purpose**

The purpose of this report is to review Council Policy PH1 – ‘Halls – District Hall – Barbecues’.

**Background**

Council Policy PH1 reads as follows:

*‘That the serving of barbequed meat at the District Hall, Mount Barker, be prohibited unless served directly onto plates as individual meals.’*

It is difficult to determine the actual objective of this policy however the literal meaning appears to have insignificant public health benefit or reflect current community needs.

**Statutory Environment**

There is no statutory environment for this report.

**Consultation**

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

**Policy Implications**

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

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

The Councils’ strategic Plan Key Result Area 1, new initiative 1.4 provides the following:

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

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence; and
  - Promote and provide access to policies, procedures, standards and legislation.
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Policy Review – Halls – District Hall – Barbeques (Cont.)

**Officer Comment**

This policy is no longer relevant to the Council. Current health legislation and recognised food handling principles cover such activities and potential health consequences.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

**Moved Cr B Hollingworth, seconded Cr D Williss:**

**That Council Policy PH1 – ‘Halls – District Hall – Barbeques’ be repealed.**

**CARRIED (9/0)**

**No. 39/06**

**9.3.18 STREET FURNITURE - SPONSORSHIP**

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>CR/118/4</b>
<b>Author:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>9 December 2005</b>

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**Purpose**

The purpose of this report is to present a recommendation of the Townscape Review Steering Committee to the Council suggesting that the Council may like to explore seeking sponsorship for street furniture.

**Background**

At its meeting held on 29 November 2005 the Townscape Review Steering Committee resolved:

*'That it be a recommendation to the Council:*

*That the Council consider calling for expressions of interest for sponsorship of street furniture.'*

The matter was raised in response to concerns by members of the Committee that the increased costs for underground power may restrict the Council's ability to complete the 'nice' parts of the Lowood Road upgrade.

**Consultation**

This matter has only been discussed with members of the Townscape Review Steering Committee and the Chief Executive Officer.

**Policy Implications**

This matter could result in the development of new policy.

**Financial Implications**

See below under officer comment.

**Strategic Implications**

Strategically, the brief of the Townscape Review Steering Committee notes: *'The enhancement of the visual and practical amenity of the area.'*

**Officer Comment**

The concept of sponsorship for street furniture is not new.

Many Councils utilise the concept whereby members of the community donate funds to the Council for the purchase of street furniture (such as park benches) and in return the Council attaches a small brass plaque, often in memory of a deceased member of the donor's family.

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**Street Furniture – Sponsorship (Cont.)**

Some Councils can have similar schemes for the donation of street trees and, in the case of metropolitan Councils, the construction of bus shelters is generally entirely contracted out in return for advertising space.

The writer of this report has personally been involved in a number of similar schemes relating to bus shelters, street trees, park benches and even mall brick pavers.

This concept can work and is able to generate revenue while providing, in some cases, fitting memorials.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

**Moved Cr J Mark, seconded Cr B Hollingworth:**

**That the Townscape Review Steering Committee be advised that the Council would welcome further input regarding the concept of sponsored street furniture.**

**CARRIED (9/0)**

**No. 40/06**

## 9.4 TECHNICAL SERVICES REPORTS

### 9.4.1 PROPOSED ROAD CLOSURE - PORONGURUP NATIONAL PARK AND PLANTAGENET LOCATION 138

<b>Location / Address:</b>	<b>Plantagenet Location 138</b>
<b>Attachments: (1)</b>	<b>Letter – Rowan Investments</b>
<b>Name of Applicant:</b>	<b>Department of Land and Water Conservation</b>
<b>File Reference:</b>	<b>RO/144/4</b>
<b>Author:</b>	<b>Stephen Bell - Executive Director Technical and Development Services</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>7 February 2006</b>

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#### **Purpose**

The purpose of this report is to consider:

- (1) A request by the Department of Conservation and Land Management (CALM) to close an unconstructed road through Plantagenet Location 138,
- (2) Submissions received in relation to the advertising of the proposal to close the unconstructed road during the months of November and December 2005.

#### **Background**

At its meeting of 11 October 2005, the Council resolved that:

- '(1) The proposal by the Department of Conservation and Land Management to permanently close an unformed road through Plantagenet Location 138 be publicly advertised for a period of thirty five (35) days in accordance with Section 288A (2) of the Local Government (Miscellaneous Provisions) Act 1960; and*
- (2) A further report be prepared for consideration by the Council at its meeting to be held 13 December 2005.'*

The proposal to close the unconstructed road was publicly advertised for the prescribed thirty five (35) day period following which one (1) submission was received from Mr ME Phipps being the owner of Plantagenet Location 138. The submission is attached to this report for reference by the elected members.

#### **Statutory Environment**

Section 288A (Permanent Closure of Streets) of the Local Government (Miscellaneous Provisions) Act 1960 requires the Council to:

- '(2) Advertise the proposed road closure in a newspaper circulating in the district and consider any objections received. A period of thirty five (35) days to elapse prior to the motion of proposed road closure being considered.*
- (3) Request the Minister of Lands to declare the road to be closed.'*

**Consultation**

During the preparation of this report, the Executive Director Technical and Development Services consulted Mr Alex Errington from CALM about the submission from Mr ME Phipps.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

All costs associated with the road closure will be met by the Department of Conservation and Land Management.

The costs associated with advertising the proposal during the months of November and December 2005 were met by the Shire of Plantagenet. No further costs are anticipated apart from staff time to progress the matter with CALM.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

The submission from the owner of Plantagenet Location 138, Mr ME Phipps, indicates that there are no objections to the proposal to close the unconstructed road. Mr Phipps indicates that CALM have agreed to provide an access at the North West corner of Location 138 through to Woodlands Road, consolidate the access into the title of Location 138, and meet all costs associated with the closure and amendments to titles.

Given that there are no objections to the proposal, it is therefore recommended that the Council resolve to close the unconstructed road as the road reservation is surplus to the Shire's requirements.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

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

**That the proposal by the Department of Conservation and Land Management to permanently close an unconstructed road through Plantagenet Location 138 be endorsed and the Minister for Land Information be advised in writing of the Council's resolution to effect the road closure.**

**CARRIED (9/0)**

**No. 41/06**



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

Nil

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

Nil

**12 CONFIDENTIAL**

Nil

**13 CLOSURE OF MEETING**

6:03pm      The Presiding Member declared the meeting closed.

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