



## **ORDINARY COUNCIL MEETING**

# **MINUTES**

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

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

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
4	PUBLIC QUESTION TIME.....	2
5	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE.....	2
7	CONFIRMATION OF MINUTES.....	2
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	3
9	REPORTS OF COMMITTEES AND OFFICERS.....	4
9.1	CORPORATE SERVICES REPORTS.....	4
9.1.1	STRATA TITLED TREE FARMS – RATE RECOVERY.....	4
9.1.2	WARDS AND REPRESENTATION - REVIEW.....	6
9.2	TECHNICAL SERVICES REPORTS.....	9
9.2.1	2005-2006 TIMBER INDUSTRY ROAD EVALUATION STRATEGY (TIRES) FUNDING.....	9
9.2.2	CHILLINUP ROAD, CHILLINUP - ROAD REALIGNMENT AT LAKE CHILLINUP.....	14
9.3	DEVELOPMENT SERVICES REPORTS.....	17
9.3.1	LOTS 1 AND 2 QUANGELLUP ROAD, MOUNT BARKER - PROPOSED PLANTATION.....	17
9.3.2	LOTS 20 AND 537 BOYUP ROAD, FOREST HILL - PROPOSED PLANTATION.....	22
9.3.3	LOT 2144 SIMPSON ROAD, DENBARKER - PROPOSED PLANTATION.....	26

---

9.3.4	LOT 6581 ST WERBURGHS ROAD, MOUNT BARKER - PROPOSED PLANTATION.....	30
9.3.5	LOCATION 6593 CHORKERUP ROAD, NARRIKUP - PROPOSED PLANTATION.....	34
9.3.6	LOTS 2105 MALLAWILLUP ROAD AND 2106 KIDMAN ROAD, DENBARKER - PROPOSED PLANTATION .....	37
9.3.7	LOCATION 6116 MUIRS HIGHWAY - DENMARK-MOUNT BARKER ROAD INTERSECTION, FOREST HILL- LAND RESUMPTION.....	40
9.3.8	LOT 138 LOWOOD ROAD, MOUNT BARKER - HOME OCCUPATION (BAKING AND JAM MAKING) .....	42
9.3.9	LOTS 742 - 744 HALSEY ROAD, KENDENUP – INDUSTRY RURAL .....	45
9.3.10	LOT 302 MONDURUP STREET, MOUNT BARKER - STORAGE SHEDS.....	48
9.3.11	LOT 699, 45 SIXTH AVENUE, KENDENUP - OVERSIZE OUTBUILDING .....	55
<b>10</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>57</b>
<b>11</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....</b>	<b>57</b>
<b>12</b>	<b>CONFIDENTIAL.....</b>	<b>57</b>
<b>13</b>	<b>CLOSURE OF MEETING.....</b>	<b>57</b>

## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:00pm The Presiding Member declared the meeting open.

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

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

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

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

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

### Present

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

Previously Approved Leave Of Absence

Cr K Hart                      14 March 2006

No 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**

Nil

**6      APPLICATIONS FOR LEAVE OF ABSENCE**

Councillor Cameron requested leave of absence for the period 21 March to 8 April 2006 inclusive.

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

**That Councillor Cameron be granted leave of absence for the period 21 March to 8 April 2006 inclusive.**

**CARRIED (8/0)**

**No. 56/06**

**7      CONFIRMATION OF MINUTES**

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

**That the Minutes of the Ordinary Meeting of the Council held 28 February 2006 be confirmed.**

**CARRIED (8/0)**

**No. 57/06**

## **8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

- 1-3 March 2006 – The Shire President attended Zone meetings in Moora and Geraldton with Western Australian Local Government Association (WALGA) where Local Government sustainability was discussed. Some very interesting thoughts regarding funding were raised. Local Government will need to operate in different ways to continue to be successful.
- 9 March 2006 – The Shire President and his wife attended a reception in Albany held for the State Governor – Dr Ken Michaels. Approximately sixty people attended. It was interesting to meet with Dr Michaels who is an ex-commissioner of Albany during amalgamation and is now the State Governor.
- 15 March 2006 – A preliminary State Administrative Tribunal (SAT) hearing will be attended by the Shire President, Chief Executive Officer, Manager Development Services and Environmental Health Officer regarding Mount Barker Chicken's recently rejected development application.
- 17 March 2006 – The Shire President and Manager Works will be meeting with a consultant to discuss the One Community, One College project. This Project will affect both local and main roads.
- 20 March 2006 – The Shire President, Deputy Shire President and Manager Works will attend a Regional Roads Group meeting in Ravensthorpe.
- 27 March 2006 – The Shire President and Chief Executive Officer will participate in a WALGA Zone teleconference.
- Could all Councillors please check their updated calendars as the next few weeks are extremely busy.
- The Shire President noted to the Councillors that the Chief Executive Officer also wished to speak with them all after the meeting.

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 CORPORATE SERVICES REPORTS

#### 9.1.1 STRATA TITLED TREE FARMS – RATE RECOVERY

<b>Location / Address:</b>	<b>Valley View Tree Farm - Albany Highway, Mount Barker and Hambley Tree Farm - Porongurup Road, Mount Barker</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>RV/134/1</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>8 March 2006</b>

---

#### **Purpose**

The purpose of this report is to authorise staff to obtain specialised strata title and land administration legal advice in relation to the recovery of rates from the owners of Location 1422, Lot 101 Albany Highway, Mount Barker known as Valley View Tree Farm and on Location 4634, Lot 51 Porongurup Road, Mount Barker known as Hambley Tree Farm.

#### **Background**

The Council will recall that substantial rates are outstanding on the above locations and that standard debt collection attempts have thus far proved unsuccessful.

The tree crop managers, Integrated Tree Cropping (ITC), proposed to reimburse outstanding rates moneys from the proceeds of sale upon harvest in 2006 / 2007; however, legal advice received recommended against forming an agreement with ITC as agreement would have to be sought from all owners involved and ITC did not have the authority to act on the owners' behalf.

More recently, officers have met with Graham Stanley – Chief Executive Officer for the Shire of Cranbrook as they are involved in a similar case in the Frankland area. The Shire of Cranbrook has employed the services of Chalmers and Partners who are recognised as experts in the field of strata title and land administration law.

In addition, staff have been contacted by an independent real estate developer on behalf of mortgagee RSM Bird Cameron with a view to creating a consortium of investors aimed at the purchase of these properties. Information regarding owner details was purchased from the Shire and has resulted in the sale of two (2) properties in the Hambley Tree Farm and the recovery of \$10,081.00 in outstanding rates.

This report was considered by the Audit Committee at its meeting held 13 December 2005 at which it resolved:

*'That specialised strata title and land administration legal advice be sought in relation to the recovery of rates from the owners of Location 1422, Lot 101 Albany Highway,*

---

**Strata Titled Tree Farms – Rate Recovery (Cont.)**

*Mount Barker known as Valley View Tree Farm and on Location 4634, Lot 51 Porongurup Road, Mount Barker known as Hambley Tree Farm.'*

**Statutory Environment**

Sections 6.50 to Section 6.82 of the Local Government Act 1995 govern the course of actions available in the collection of outstanding rates.

**Consultation**

Consultation has occurred with John Byrne – Executive Director of Corporate and Community Services and the Audit Committee.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

As at 5 December 2005, the rates outstanding for the Hambley Tree Farm total \$13,871.00 and the rates outstanding for the Valley View Farm total \$115,262.00.

\$9,724.00 of the total amount outstanding is included within the Council's provision for doubtful debts as at 30 June 2005.

At this point in time, legal costs are largely unknown.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

The Shire of Cranbrook has received sound advice in relation to the Frankland River Farm Plantation which has enabled them to plan a detailed course of action to recover unpaid rates.

It is considered that the Council now needs specific legal advice relating to the circumstances of the case.

Lynton Chalmers from Chalmers and Partners has been contacted to ensure his services are available.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That specialised legal advice on strata title and land administration be sought in relation to the recovery of rates from the owners of Location 1422, Lot 101 Albany Highway, Mount Barker known as Valley View Tree Farm and on Location 4634, Lot 51 Porongurup Road, Mount Barker known as Hambley Tree Farm.**

**CARRIED (8/0)**

**No. 58/06**

**9.1.2 WARDS AND REPRESENTATION - REVIEW**

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments:</b>	<b>Assessment Of Ward and Representation Options</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>GO/25/2</b>
<b>Author:</b>	<b>Donna Stevens - Senior Administration / Human Resources Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>31 January 2006</b>

---

**Purpose**

The purpose of this report is to review the submissions received by the Council for its Ward and Representation Review and to resolve on the issue.

**Background**

At its ordinary meeting held on 13 September 2005 the Council resolved:

*'That:*

- (1) Pursuant to Schedule 2.2 of the Local Government Act 1995, a review of wards and representation be undertaken.*
- (2) The Chief Executive Officer be authorised to undertake all necessary requirements pursuant to the legislation to initiate the review referred to in (1) above.*
- (3) The Chief Executive Officer report back to the Council on the conclusion of the statutory public submission period and no later than the meeting of the Council to be held on 13 December 2005.'*

**Statutory Environment**

Schedule 2.2 of the Local Government Act 1995 refers to the changing of ward boundaries or representation.

**Consultation**

The Shire President and the Chief Executive Officer met with Cr Gregorini - Chairman of the Local Government Advisory Board and Mr Duncan Watson from the Department of Local Government and Regional Development on 30 August 2005 to discuss the review.

The review process was advertised in the Albany Advertiser on 3 November 2005.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

Minimal except for advertising.

---

**Wards And Representation - Review (Cont.)****Strategic Implications**

Key Result Area 1, aims to 'provide governance and administrative support to the Council, using appropriate technology, to facilitate decision-making.'

**Officer Comment**

It is recommended that of the three (3) options considered by the Council in the attached Review of Wards and Representation Report, that Option Two (2) be chosen as the preferred Option.

As detailed in the recommendations of the attached Report, Option Two (2) best meets all the essential key factors that are required to be considered under Schedule 2.2 of the Local Government Act. (See discussion paper attached for factors to be considered.)

A brief summary of how each factor is met is detailed below:

- (1) Community of Interest – Designed around the main communities of interest being Mount Barker, Kendenup, Narrikup (South) and Rocky Gully (Rocky Gully / West). The Porongurup is also included in one (1) ward;
- (2) Physical and Topographical Features – The use of Albany Highway and other roads addresses physical features and, with the Porongurup Range being included in one (1) ward, there is no separation of topographical features;
- (3) Demographic Trends – Option Two (2) does not address demographic trends. It is considered however, that due to the minimal increase in elector numbers within the Plantagenet Shire over the last five (5) years that this is the least significant key factor;
- (4) Economic Trends – Developed around the fact that the farming regions of the East, West and South of the Shire are clearly separated with each having a different farming emphasis; and
- (5) Ratio of Councillors to Electors – There is a more balanced percentage ratio deviation between Councillor to elector.

**Voting Requirements**

Absolute Majority

**OFFICER'S RECOMMENDATION**

That in accordance with Schedule 2.2(9) of the Local Government Act 1995, it be recommended to the Local Government Advisory Board that an order be made under Section 2.2(1) to alter the ward boundaries as detailed in Option Two (2) of the attached Review of Wards and Representation Report dated 22 February 2006.

**COUNCIL DECISION**

Moved Cr D Williss, seconded Cr B Hollingworth:

**THAT:**

- (1) In accordance with Schedule 2.2(9) of the Local Government Act 1995, it be recommended to the Local Government Advisory Board that an order be made under Section 2.2(1) to alter the ward boundaries as detailed in Option Two (2) of the attached Review of Wards and Representation Report dated 22 February 2006.
- (2) It be noted that only one (1) public submission on the matter was received during the public submission period such submission being from Mr Harry Reeves.

**CARRIED (7/1)**

**No. 59/06**

**(Absolute Majority)**

Reason For Change

The Council wanted to acknowledge the submission that was received.

## 9.2 TECHNICAL SERVICES REPORTS

### 9.2.1 2005-2006 TIMBER INDUSTRY ROAD EVALUATION STRATEGY (TIRES) FUNDING

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>RO/125/8</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>8 March 2006</b>

#### Purpose

The purpose of this report is to consider a recent decision by the Minister for Planning and Infrastructure, the Hon Alannah MacTiernan MLA, to reinstate Timber Industry Roads Evaluation Strategy (TIRES) funding for utilisation on the Shire's timber roads, more particularly:

- (a) Spencer Road;
- (b) Blue Lake Road; and
- (c) Perillup South Road.

In addition, the Council will be required to consider the deferral of projects from the adopted budget to accommodate the special TIRES funding allocation of \$396,678.00 and to ensure that the Capital Works Program is completed by 30 June 2006.

#### Background

The Great Southern TIRES committee met on 19 October 2005 to consider the implications of the Minister's decision to abolish the TIRES program and to recommend projects for construction in the event that TIRES funding was reinstated after political lobbying. At the meeting of 19 October 2005, the Shire advised Main Roads Great Southern that it would be able to expend TIRES funding on the following projects.

Road name	Proposed Works	Funds
The Springs Road	Road realignment, widening, gravel sheeting, drainage improvements and tree pruning.	\$120,000.00
Blue Lakes Road	Road realignment, widening, gravel sheeting, drainage improvements and tree pruning.	\$120,000.00
Perillup South Road	Widen existing gravel road formation, drainage improvements, tree pruning and gravel sheeting.	\$60,000.00
St Werburgh's Road (Reserve Project)	Road realignment, widening, gravel sheeting, drainage improvements and tree pruning from the flood crossing west.	\$80,000.00
<b>TOTAL</b>		<b>\$380,000.00</b>

**2005 – 2006 Timber Industry Road Evaluation Strategy (TIRES) Funding (Cont.)**

By media statement dated 16 December 2005, the Minister announced a special funding allocation for TIRES projects in the Great Southern and South West regions. In this regard, a total of \$1.5 million was allocated from the mid-year State Government budget review to address the needs of TIRES infrastructure in the Great Southern and South West regions. The breakdown of funding between the Great Southern and South West regions is as follows:

Region	TIRES Funding Distribution (%)	TIRES Funding Allocation (\$)	Local Govt Contribution (\$)	Total Funds (\$)
South West	40.0	600,000.00	0.00	600,000.00
Great Southern	60.0	900,000.00	0.00	900,000.00
<b>Total</b>	<b>100.0</b>	<b>1,500,000.00</b>	<b>0.00</b>	<b>1,500,000.00</b>

Following discussions between the Regional Manager Main Roads Western Australia (MRWA) Great Southern and the Chairman of the TIRES Committee it was determined that the Shire of Plantagenet be allocated the following funding amounts:

Road name	Proposed Works	Funds
Spencer Road	Road realignment, pavement overlay, widening, and bitumen sealing east of the Hay River flood crossing.	\$186,678.00
Blue Lakes Road	Road realignment, widening, gravel sheeting, and drainage improvements commencing at the Springs Road intersection heading west for 6.0 kilometres.	\$150,000.00
Perillup South Road	Widen existing road formation, drainage improvements, tree pruning, and gravel sheeting at existing flood crossing.	\$60,000.00
<b>TOTAL</b>		<b>\$396,678.00</b>

As this is a special funding allocation, full recoup (ie: 100%) is available immediately to the Shire to assist in achieving the delivery of the above projects by 30 June 2006.

### Consultation

There has been consultation with the Shire President - Councillor Kevin Forbes, Regional Manager Main Roads Great Southern - Andrew Duffield and the Great Southern TIRES committee.

### Policy Implications

There are no policy implications for this report.

### Financial Implications

The Shire is not required to match the TIRES funding. The funding needs to be fully expended by 30 June 2006: however, the funding can be fully recouped to assist in achieving the delivery of the TIRES funded projects by the above deadline.

**2005 – 2006 Timber Industry Road Evaluation Strategy (TIRES) Funding (Cont.)**

In the event that the Council resolves to accept the TIRES funding, projects from the adopted road construction program will need to be deferred until the 2006 / 2007 financial year.

The deferral of capital works projects from the adopted Road Construction Program will also assist the Council to find the necessary funds to match the flood damage money recently acquired (and in the process of being acquired) from Main Roads Great Southern. The total damage bill from the flood events of March to June 2005 was \$1.81 million of which the Shire needs to find approximately \$452,500.00 (25 percent).

**Strategic Implications**

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

**Officer Comment**

The projects identified for deferral from the 2005 / 2006 adopted Road Construction Program are:

Project	Locality	Adopted Budget	Comments
Coote Street	Kendenup	\$25,000.00	Project to be reconsidered by the Council for inclusion in the 2006 / 2007 budget.
Jones Road	Mount Barker	\$30,000.00	Project to be reconsidered by the Council for inclusion in the 2006 / 2007 budget.
Jutland Road	Kendenup	\$40,000.00	Project to be reconsidered by the Council for inclusion in the 2006 / 2007 budget.
Old Coach Road	Narrikup	\$40,000.00	Project to be reconsidered by the Council for inclusion in the 2006 / 2007 budget.
Palmdale Road	Takalarup	\$50,000.00	Project to be reconsidered by the Council for inclusion in the 2006 / 2007 budget.
Poorarecup Road	Perillup	\$45,000.00	Project to be reconsidered by the Council for inclusion in the 2006 / 2007 budget.
Syred Road	Takalarup	\$50,000.00	Project to be reconsidered by the Council for inclusion in the 2006 / 2007 budget.
Mount Barker Porongurup Road	Porongurup	\$20,000.00	Project to be reconsidered by the Council for inclusion in the 2006 / 2007 budget.
<b>TOTAL</b>		<b>\$300,000.00</b>	

All of the projects identified for deferral will be listed for consideration during preparation of the 2006 / 2007 Annual Budget.

**Voting Requirements**

Absolute Majority

**OFFICER'S RECOMMENDATION**

Moved Cr J Mark, seconded Cr D Williss:

**THAT:**

- (1) The special Timber Industry Roads Evaluation Strategy (TIRES) funding of \$396,678.00 from Main Roads Western Australia for the upgrade of Spencer Road, Blue Lake Road and Perillup South Road be accepted and the Council's 2005 / 2006 adopted budget be amended accordingly.
- (2) The construction of:
  - (a) Coote Street (Job No. 5242 - \$25,000.00);
  - (b) Jones Road (Job No. 5144 - \$30,000.00);
  - (c) Jutland Road (Job No. 5077 - \$40,000.00);
  - (d) Old Coach Road (Job No. 5098 - \$40,000.00);
  - (e) Palmdale Road (Job No. 5035 - \$50,000.00.00);
  - (f) Poorarecup Road (Job No. 5142 - \$45,000.00);
  - (g) Syred Road (Job No. 5033 - \$50,000.00); and
  - (h) Mount Barker Porongurup Road (Job No. 5262 - \$20,000.00).

be deferred until the 2006 / 2007 financial year and that the funds be reallocated to match the Council's contribution for the April to June 2005 flood damage claim.

**CARRIED (8/0)**

**No. 60/06**

**AMENDMENT**

Moved Cr M Skinner, seconded Cr K Clements:

That the word 'until' be replaced with the words 'for consideration in'

**CARRIED (5/3)**

**No. 61/06**

**FURTHER AMENDMENT**

Moved Cr J Cameron, seconded Cr B Hollingworth:

That the words 'as a priority' be added to after the word 'consideration'

**CARRIED (6/2)**

**No. 62/06**

**COUNCIL DECISION****THAT:**

- (1) The special Timber Industry Roads Evaluation Strategy (TIRES) funding of \$396,678.00 from Main Roads Western Australia for the upgrade of Spencer Road, Blue Lake Road and Perillup South Road be accepted and the Council's 2005 / 2006 adopted budget be amended accordingly.**
- (2) The construction of:**
  - (a) Coote Street (Job No. 5242 - \$25,000.00);**
  - (b) Jones Road (Job No. 5144 - \$30,000.00);**
  - (c) Jutland Road (Job No. 5077 - \$40,000.00);**
  - (d) Old Coach Road (Job No. 5098 - \$40,000.00);**
  - (e) Palmdale Road (Job No. 5035 - \$50,000.00.00);**
  - (f) Poorarecup Road (Job No. 5142 - \$45,000.00);**
  - (g) Syred Road (Job No. 5033 - \$50,000.00); and**
  - (h) Mount Barker Porongurup Road (Job No. 5262 - \$20,000.00).**

be deferred for consideration as a priority in the 2006 / 2007 financial year and that the funds be reallocated to match the Council's contribution for the April to June 2005 flood damage claim.

**CARRIED (8/0)**

**No. 63/06**

**(Absolute Majority)**

**9.2.2 CHILLINUP ROAD, CHILLINUP - ROAD REALIGNMENT AT LAKE CHILLINUP**

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>RO/125/1</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>8 March 2006</b>

---

**Purpose**

The purpose of this report is to consider recent verbal advice from Main Roads Western Australia (MRWA) in relation to the funding from the Shire of Plantagenet's flood damage claim of the realignment of Chillinup Road in the vicinity of Lake Chillinup.

**Background**

At its meeting held 13 September 2005 the Council resolved that:

- '(1) The Council requests the Executive Director Technical and Development Services to develop preliminary design and costs on an alternative route of the two (2) flooded sections (swamp and lake) of Chillinup Road as a matter of urgency.*
- (2) These costings include land acquisition and construction of a gravel road capable of carrying road train traffic on Chillinup Road.*
- (3) The Shire President and Vice President be authorised to negotiate with Main Roads WA and if necessary, the Minister for Planning and Infrastructure to attain opening up funding (100%) or at worst a 75% / 25% split funding for these roadworks.*
- (4) Further funding based on the normal 67% / 33% split be negotiated for sealing of this new road within two (2) years.*
- (5) Chillinup Road between Chester Pass Road and Palmdale Road being temporarily closed to all vehicular traffic until such time as the water level recedes approximately 900 metres east of the Chester Pass Road intersection and in the vicinity of Lake Chillinup.*
- (6) The temporary road closure and timetable for the reinstatement of Chillinup Road between Chester Pass Road and Palmdale Road being publicly advertised in the local print media.'*

Further, at its meeting held 25 October 2005, the Executive Director Technical and Development Services presented a detailed report, inclusive of costings and design options, for the opening up and realignment of Chillinup Road at various locations. At that meeting it was resolved that:

---

**Chillinup Road, Chillinup – Road Realignment At Lake Chillinup (Cont.)**

- (1) *Negotiations be initiated with the owner of Plantagenet Location 5202, Mr Warburton, to acquire land for the purposes of realigning a section of Chillinup Road to the south of Lake Chillinup;*
- (2) *Subject to the owner of Plantagenet Location 5202 agreeing to make available land to the Shire of Plantagenet for road widening purposes that Technical and Development Services commence work on the detailed design and construction of the Chillinup Road realignment to the south of Lake Chillinup;*
- (3) *The flooded section of Chillinup Road, located approximately 900 metres east of the Chester Pass Road, be drained by pumping the water to a tributary of the Kalgan River that is situated within Plantagenet Location 5207 and the road pavement and bitumen seal reinstated following the receding of the water level; and*
- (4) *The costs associated with the realignment of Chillinup Road to the south of Lake Chillinup and the draining and reinstatement of Chillinup Road 900 metres east of the Chester Pass Road be included in the Shire's June flood damage claim to Main Roads Western Australia.'*

Since the Council's resolution of 25 October 2005, Points 2 to 4 inclusive have been acted upon with informal discussions occurring with the owner of Plantagenet Location 5202 in relation to the acquisition of land.

Recent verbal advice of 28 February 2006 from MRWA has revealed that the Shire will only receive flood damage funding to facilitate the repair and raising of the existing road pavement in the vicinity of Lake Chillinup. Based on the advice from MRWA, the Technical and Development Services division now seeks revocation of the Council's resolution of 13 September 2005 to allow the repair and raising of the road pavement at Chillinup Road to commence.

It should be noted that whilst the verbal advice from MRWA does not support the road realignment option at Lake Chillinup, this advice has yet to be received from the State Advisory Committee (SAC) who are the final arbiters of flood damage claims. However, as the SAC rely heavily on advice from MRWA, it is therefore unlikely that the SAC will fund the realignment option.

**Consultation**

There has been ongoing consultation with the Shire President – Councillor Kevin Forbes, Regional Manager Main Roads Great Southern – Andrew Duffield, Asset Manager Main Roads Great Southern – Murray Flett, Chief Executive Officer – Rob Stewart and Manager Works – Ian Bartlett.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

The Shire's flood damage claim of October 2005 totals \$1.81 million of which the Shire is required to fund \$452,500.00 or 25% of the total amount.

MRWA has recently finalised the review and inspection of roads comprising the Shire's flood damage claim. Based on the recent advice from MRWA, the flood damage claim has been amended to reflect the repair and raising of the existing road pavement in the vicinity of Lake Chillinup.

---

**Chillinup Road, Chillinup – Road Realignment At Lake Chillinup (Cont.)**

The estimated total cost to repair and raise Chillinup Road at Lake Chillinup is \$235,000.00.

**Strategic Implications**

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

**Officer Comment**

Chillinup Road at Lake Chillinup is currently open to traffic however, only the southern lane is available for use by the travelling public. The existing road pavement is deteriorating rapidly due to the increased numbers of heavy vehicles using the road and without intervention, the road pavement will become unusable and dangerous to the travelling public. Therefore, unless the road is repaired in the near future, Chillinup Road may again require closure.

Subject to the Council's approval, the existing road pavement at Chillinup Road will be repaired and raised by approximately 500mm.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

That notwithstanding the Council's resolutions of 13 September 2005 (No. 276/05) and 25 October 2005 (No. 305/05) relating to a proposed realignment of Chillinup Road and as a result of advice received from Main Roads (WA) indicating that funding for such realignment is unlikely to be forthcoming, that Technical and Development Services, as a matter of priority, repair and raise by no less than 500mm the existing road pavement at Chillinup Road in the vicinity of Lake Chillinup.

**COUNCIL DECISION**

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

**That notwithstanding the Council's resolutions of 13 September 2005 (No. 276/05) and 25 October 2005 (No. 305/05) relating to a proposed realignment of Chillinup Road and as a result of advice received from Main Roads (WA) indicating that funding for such realignment is unlikely to be forthcoming, that Technical and Development Services, as a matter of priority, repair and raise by no less than 500mm the existing road pavement at Chillinup Road in the vicinity of Lake Chillinup upon receipt of written confirmation from Main Roads (WA).**

**CARRIED (8/0)**

**No. 64/06**

Reason For Change

It was considered prudent to ensure written confirmation was received from Main Roads (WA).

### 9.3 DEVELOPMENT SERVICES REPORTS

#### 9.3.1 LOTS 1 AND 2 QUANGELLUP ROAD, MOUNT BARKER - PROPOSED PLANTATION

A Financial Interest was declared by Cr K Forbes for Item 9.3.1

Extent of Interest: Financial

A Financial Interest was declared by Cr B Hollingworth for Item 9.3.1

Extent of Interest: Financial

3:30pm Councillors Forbes and Hollingworth withdrew from the meeting and Cr D Willis assumed the Chair.

<b>Location / Address:</b>	<b>Lots 1 and 2 Quangellup Road, Mount Barker</b>
<b>Attachments: (1)</b>	<b>Site plan</b>
<b>Name of Applicant:</b>	<b>Great Southern Managers Australia Ltd on behalf of Great Southern Property Managers Ltd</b>
<b>File Reference:</b>	<b>RV/182/166; RV/182/164</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>21 February 2006</b>

---

#### **Purpose**

The purpose of this report is to consider an application for a Rural Use (Plantation) on Lots 1 and 2 Quangellup Road, Mount Barker.

#### **Background**

The subject properties are zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3. The properties are approximately 382ha and 289ha respectively, totalling 671ha. The application is for five (5) compartments totalling 67.9ha of plantation to be established over the next two (2) years. It is intended to plant Eucalyptus Globulus.

The majority of the property has already been planted by Australian Plantation Timber Limited. The proponent, Great Southern Property Managers Ltd now wishes to plant other areas on the property.



### **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**

It is the proponent's intentions to plant trees in five (5) compartments, as shown on the site plan. The estimated size of the net plantable area is 67.9ha.

The proposed plantation is in close proximity to the Mount Barker Townsite but further than 1km, therefore it is acceptable.

As advised by the Shire's Works Manager, Quangellup road is sealed. The subject lots are land locked and do not have direct frontage to a constructed road. Harvesting operations may necessitate the upgrading of sections of the unformed road reserves to enable access to Albany Highway and / or Quangellup Road.

The clean up of the subject lot involves the *'removal and clean up of paddock trees'*.

The proponent advises that the plantations shall be established over the next two (2) years. The Shire has been advised by the proponent that the plantation will be established and maintained in accordance with the Code of Practice for Timber Plantations in Western Australia, that firebreaks will be in accordance with the Annual Fire Break Notice issued by the Shire and compartment sizes will not exceed the maximum size permitted by the Shire.

The proposed plantation is considered to be compatible with the surrounding rural land uses.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION**

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

**That planning consent be granted in respect of Application No. 14/06 for Lots 1 and 2 Quangellup Road, Mount Barker to be developed for the purpose of Rural Use (65.6ha of Eucalyptus Globulus Plantation) in accordance with the plans dated 16 February 2006 subject to the following conditions:**

- (1) A detailed planting plan showing final compartment sizes, fire access and water points being submitted prior to planting.**
  - (2) The applicant being responsible for the construction and upgrade of unformed local roads connecting to Quangellup Road and / or Albany Highway to accommodate transportation associated with the harvesting operation to the satisfaction of the Executive Director of Technical and Development Services.**
  - (3) The applicant being responsible for the cost of repairing any undue damage to local roads caused by the harvesting operation.**
  - (4) A Heavy Haulage Permit being obtained prior to transport vehicles associated with the harvesting using Local Government Roads.**
-

---

Lots 1 And 2 Quangellup Road, Mount Barker – Proposed Plantation (Cont.)

- (5) All necessary crossovers, including pipes and culverts being in accordance with the Shire of Plantagenet specifications for construction of a vehicle crossover.
- (6) A separate harvesting plan is to be submitted to the Council two (2) years prior to harvesting of the subject land.

#### ADVICE NOTES:

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.

A permit is required prior to any work being carried out within the road reserve.

There is an obligation to comply with relevant statutes including:

- The Shire of Plantagenet Annual Fire Break Notice
- The Environmental Protection Act (1986)
- The Environmental Protection Amendment Bill (2002)
- Health Act (1911) – Health (Pesticides) Regulations (1956)
- Aerial Spraying Control Act (1966)
- The Code of Practice for Plantations, in particular:

*'To provide neighbours with adequate notice of impending, significant silvicultural activities, which will allow both parties to take any necessary action to avoid detrimental impacts as a result of these activities; and*

It is in the applicant's interest to investigate and possibly set aside areas of land to access road building materials in the event that gravel is required to repair the local road system should it be damaged during harvesting operations.

#### AMENDMENT

Moved Cr M Skinner, seconded Cr J Cameron:

That the words 'In the event that access to adjoining private property cannot be achieved,' be added to the beginning of Part (2) of the motion.

CARRIED (6/0)

No. 65/06

#### COUNCIL DECISION

That planning consent be granted in respect of Application No. 14/06 for Lots 1 and 2 Quangellup Road, Mount Barker to be developed for the purpose of Rural Use (65.6ha of Eucalyptus Globulus Plantation) in accordance with the plans dated 16 February 2006 subject to the following conditions:

- (1) A detailed planting plan showing final compartment sizes, fire access and water points being submitted prior to planting.
  - (2) In the event that access to adjoining private property cannot be achieved, the applicant being responsible for the construction and
-

---

Lots 1 And 2 Quangellup Road, Mount Barker – Proposed Plantation (Cont.)

upgrade of unformed local roads connecting to Quangellup Road and / or Albany Highway to accommodate transportation associated with the harvesting operation to the satisfaction of the Executive Director of Technical and Development Services.

- (3) The applicant being responsible for the cost of repairing any undue damage to local roads caused by the harvesting operation.
- (4) A Heavy Haulage Permit being obtained prior to transport vehicles associated with the harvesting using Local Government Roads.
- (5) All necessary crossovers, including pipes and culverts being in accordance with the Shire of Plantagenet specifications for construction of a vehicle crossover.
- (6) A separate harvesting plan is to be submitted to the Council two (2) years prior to harvesting of the subject land.

**ADVICE NOTES:**

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.

A permit is required prior to any work being carried out within the road reserve.

There is an obligation to comply with relevant statutes including:

- The Shire of Plantagenet Annual Fire Break Notice
- The Environmental Protection Act (1986)
- The Environmental Protection Amendment Bill (2002)
- Health Act (1911) – Health (Pesticides) Regulations (1956)
- Aerial Spraying Control Act (1966)
- The Code of Practice for Plantations, in particular:

*‘To provide neighbours with adequate notice of impending, significant silvicultural activities, which will allow both parties to take any necessary action to avoid detrimental impacts as a result of these activities; and*

It is in the applicant’s interest to investigate and possibly set aside areas of land to access road building materials in the event that gravel is required to repair the local road system should it be damaged during harvesting operations.

**CARRIED (6/0)**

**No. 66/06**

3:30pm Cr K Forbes returned to the meeting and resumed the Chair.

**9.3.2 LOTS 20 AND 537 BOYUP ROAD, FOREST HILL - PROPOSED PLANTATION**

A Financial Interest was disclosed by Cr B Hollingworth for Item 9.3.2  
 Extent of Interest: Financial

**Location / Address:** Lots 20 and 537 Boyup Road, Forest Hill  
**Attachments: (1)** Site Plan  
**Name of Applicant:** Great Southern Managers Australia Ltd on behalf of Great Southern Property Managers Ltd  
**File Reference:** RV/182/4503  
**Author:** Marta Osipowicz – Planning Officer  
**Authorised By:** Delma Baesjou - Manger Development Services  
**Date of Report:** 21 February 2006

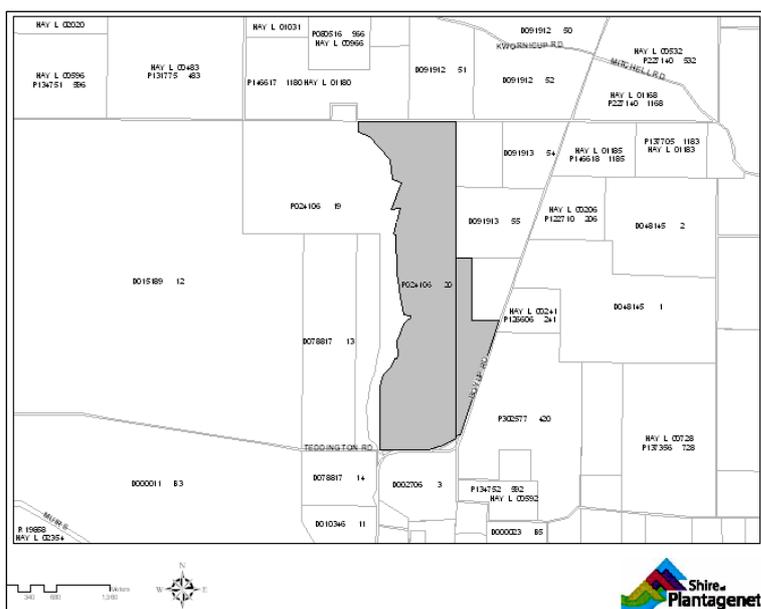
**Purpose**

The purpose of this report is to consider an application for a Rural Use (Plantation) on Lots 20 and 537 Boyup Road, Forest Hill.

**Background**

The subject properties are zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3. The properties are approximately 362.5ha and 59.3ha respectively, totalling 421.8ha. The application is for seven (7) compartments totalling 106.6ha of plantation to be established over the next two (2) years. It is intended to plant Tasmanian Blue Gum.

The majority of the property has already been planted by Australian Plantation Timber Limited. The proponent, Great Southern Property Managers Ltd now wishes to plant other areas on the property.



The above diagram denotes the location of the subject lots.

---

**Lots 20 And 537 Boyup Road, Forest Hill – Proposed Plantation (Cont.)**

A previous application for planning consent was approved by the Council in March 2005. The location and extent of planting shown in the newly submitted drawings does not vary from the previously approved plans.

Shire records show the current owner to be Great Southern Property Managers Pty Ltd.

**Statutory Environment**

Town Planning and Development Act (1928) as amended  
Shire of Plantagenet Town Planning Scheme No. 3  
Bushfires Act (1954)

**Consultation**

The proponent was contacted with regards to an oversized compartment. There are now seven (7) compartments, not six (6) as originally submitted, forming the basis of this application. The total area of proposed plantation has been decreased from 107.1ha to 106.6ha: the proponent sent through amended drawings on the 28 February 2006 indicating these changes.

**Policy Implications**

The Policy Statements in Section 2.3.3 of Town Planning Scheme No. 3 Report contain relevant background. It is recognised that tree planting can be beneficial in terms of soil conservation and water resources management provided it does not result in the loss of the better class of agricultural land or lead to a long term loss of rural population. Ongoing management issues include fire protection and loss of visual amenity.

A Town Planning Scheme Policy is being prepared to coincide with finalisation of the Shire of Plantagenet Town Planning Scheme Amendment 28.

Planning Commission Bulletin 56 Farm Forestry Policy, once adopted, will affect the way the Council deals with applications for Agroforestry and Plantations.

**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**

It is the proponent’s intentions to plant trees in seven (7) compartments, as shown on the site plan. The estimated size of the net plantable area is 106.6ha.

As advised by the Shire’s Works Manager, Boyup Road is a sound road with the majority sealed.

The clean up of the subject lot involves the *‘removal and clean up of paddock trees’*.

The proponent advises that the plantations shall be established over the next two (2) years. The Shire has been advised by the proponent that the plantation will be established and maintained in accordance with the Code of Practice for Timber

---

**Lots 20 And 537 Boyup Road, Forest Hill – Proposed Plantation (Cont.)**

Plantations in Western Australia, that firebreaks will be in accordance with the Annual Fire Break Notice issued by the Shire and compartment sizes will not exceed the maximum size permitted by the Shire.

The proposed plantation is considered to be compatible with the surrounding rural land uses.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

Moved Cr J Cameron, seconded Cr J Moir:

That planning consent be granted in respect of Application No. 13/06 for Lots 20 and 537 Boyup Road, Forest Hill to be developed for the purpose of Rural Use (107.1ha of Tasmanian Blue Gum Plantation) in accordance with the plans dated 16 February 2006 subject to the following conditions:

- (1) A detailed planting plan showing final compartment sizes, fire access and water points being submitted prior to planting.
- (2) The applicant being responsible for the cost of repairing any undue damage to local roads caused by the harvesting operation.
- (3) A Heavy Haulage Permit being obtained prior to transport vehicles associated with the harvesting using Local Government Roads.
- (4) All necessary crossovers, including pipes and culverts being in accordance with the Shire of Plantagenet specifications for construction of a vehicle crossover.
- (5) A separate harvesting plan is to be submitted to the Council two (2) years prior to harvesting of the subject land.

**ADVICE NOTES**

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.

There is an obligation to comply with relevant statutes including:

- The Shire of Plantagenet Annual Fire Break Notice
- The Environmental Protection Act (1986)
- The Environmental Protection Amendment Bill (2002)
- Health Act (1911) – Health (Pesticides) Regulations (1956)
- Aerial Spraying Control Act (1966)
- The Code of Practice for Plantations, in particular:

*'To provide neighbours with adequate notice of impending, significant silvicultural activities, which will allow both parties to take any necessary action to avoid detrimental impacts as a result of these activities; and*

*The application of chemicals, including fertiliser, herbicides and pesticide in the adjacent Water Catchment Area.'*

---

Lots 20 And 537 Boyup Road, Forest Hill – Proposed Plantation (Cont.)

It is in the applicant's interest to investigate and possibly set aside areas of land to access road building materials in the event that gravel is required to repair the local road system should it be damaged during harvesting operations.

CARRIED (7/0)

No. 67/06

### 9.3.3 LOT 2144 SIMPSON ROAD, DENBARKER - PROPOSED PLANTATION

A Financial Interest was disclosed by Cr B Hollingworth for Item 9.3.3  
Extent of Interest: Financial

**Location / Address:** Lot 2144 Simpson Road, Denbarker  
**Attachments: (1)** Site Plan  
**Name of Applicant:** Great Southern Managers Australia Ltd on behalf of  
Great Southern Property Managers Ltd  
**File Reference:** RV/182/831  
**Author:** Marta Osipowicz – Planning Officer  
**Authorised By:** Delma Baesjou - Manager Development Services  
**Date of Report:** 21 February 2006

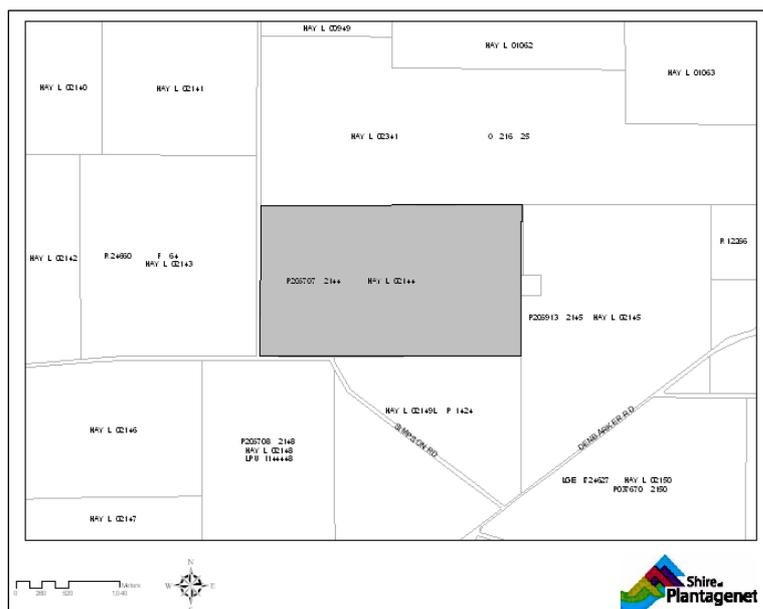
#### Purpose

The purpose of this report is to consider an application for a Rural Use (Plantation) on Lot 2144 Simpson Road, Denbarker.

#### Background

The subject land is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3. The property is approximately 397ha. The application is for seven (7) compartments totalling 44.1ha of plantation to be established over the next two (2) years. It is intended to plant Eucalyptus Globulus.

The majority of the property has already been planted by Australian Plantation Timber Limited. The proponent, Great Southern Property Managers Ltd now wishes to plant other areas on the property.



The above diagram denotes the location of the subject lot.

---

**Lot 2144 Simpson Road, Denbarker – Proposed Plantation (Cont.)**

A previous application for planning consent was approved by the Council in March 2005. The location and extent of planting shown in the newly submitted drawings does not vary significantly from the previously approved plans.

Shire records show the current owner to be Great Southern Property Managers Pty Ltd.

**Statutory Environment**

Town Planning and Development Act (1928) as amended  
Shire of Plantagenet Town Planning Scheme No. 3  
Bushfires Act (1954)

**Consultation**

There has been no consultation for this report.

**Policy Implications**

The Policy Statements in Section 2.3.3 of Town Planning Scheme No. 3 Report contain relevant background. It is recognised that tree planting can be beneficial in terms of soil conservation and water resources management provided it does not result in the loss of the better class of agricultural land or lead to a long term loss of rural population. Ongoing management issues include fire protection and loss of visual amenity.

A Town Planning Scheme Policy is being prepared to coincide with finalisation of the Shire of Plantagenet Town Planning Scheme Amendment 28.

Planning Commission Bulletin 56 Farm Forestry Policy, once adopted, will affect the way the Council deals with applications for Agroforestry and Plantations.

**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**

It is the proponent's intention to plant trees in seven (7) compartments, as shown on the site plan. The estimated size of the net plantable area is 44.1ha.

As advised by the Shire's Works Manager, Simpson road is an unsealed gravel road. Simpson Road connects onto Denbarker Road which is sealed. There have been previous problems with Simpson Road in that haulage resulted in road deterioration and the operation had to be stopped. The road has been improved with drainage incorporated into the road suitable for haulage.

The clean up of the subject lot involves the *'removal and clean up of paddock trees'*.

The proponent advises that the plantations shall be established over the next two (2) years. The Shire has been advised by the proponent that the plantation will be established and maintained in accordance with the Code of Practice for Timber Plantations in Western Australia, that firebreaks will be in accordance with the Annual

---

Lot 2144 Simpson Road, Denbarker – Proposed Plantation (Cont.)

Fire Break Notice issued by the Shire and compartment sizes will not exceed the maximum size permitted by the Shire.

The proposed plantation is considered to be compatible with the surrounding rural land uses.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION**

Moved Cr D Williss, seconded Cr J Moir:

That planning consent be granted in respect of Application No. 15/06 for Lot 2144 Simpson Road, Denbarker to be developed for the purpose of Rural Use (44.1ha of Eucalyptus Globulus Plantation) in accordance with the plans dated 16 February 2006 subject to the following conditions:

- (1) A detailed planting plan showing final compartment sizes, fire access and water points being submitted prior to planting.
- (2) The applicant being responsible for the cost of repairing any undue damage to local roads caused by the harvesting operation.
- (3) A Heavy Haulage permit being obtained prior to transport vehicles associated with the harvesting using Local Government Roads.
- (4) All necessary crossovers, including pipes and culverts being in accordance with the Shire of Plantagenet specifications for construction of a vehicle crossover.
- (5) A separate harvesting plan is to be submitted to the Council two (2) years prior to harvesting of the subject land.

### **ADVICE NOTES:**

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.

There is an obligation to comply with relevant statutes including:

- The Shire of Plantagenet Annual Fire Break Notice
- The Environmental Protection Act (1986)
- The Environmental Protection Amendment Bill (2002)
- Health Act (1911) – Health (Pesticides) Regulations (1956)
- Aerial Spraying Control Act (1966)
- The Code of Practice for Plantations, in particular:

*'To provide neighbours with adequate notice of impending, significant silvicultural activities, which will allow both parties to take any necessary action to avoid detrimental impacts as a result of these activities; and*

*The application of chemicals, including fertiliser, herbicides and pesticide in the adjacent Water Catchment Area.'*

---

Lot 2144 Simpson Road, Denbarker – Proposed Plantation (Cont.)

It is in the applicant's interest to investigate and possibly set aside areas of land to access road building materials in the event that gravel is required to repair the local road system should it be damaged during harvesting operations.

CARRIED (7/0)

No. 68/06

**9.3.4 LOT 6581 HAY RIVER ROAD, MOUNT BARKER - PROPOSED PLANTATION**

A Financial Interest was disclosed by Cr B Hollingworth for Item 9.3.4  
 Extent of Interest: Financial

**Location / Address:** Lot 6581 Hay River Road, Mount Barker  
**Attachments: (1)** Site Plan  
**Name of Applicant:** Great Southern Managers Australia Ltd on behalf of Great Southern Property Managers Ltd  
**File Reference:** RV/182/494  
**Author:** Marta Osipowicz – Planning Officer  
**Authorised By:** Delma Baesjou - Manager Development Services  
**Date of Report:** 21 February 2006

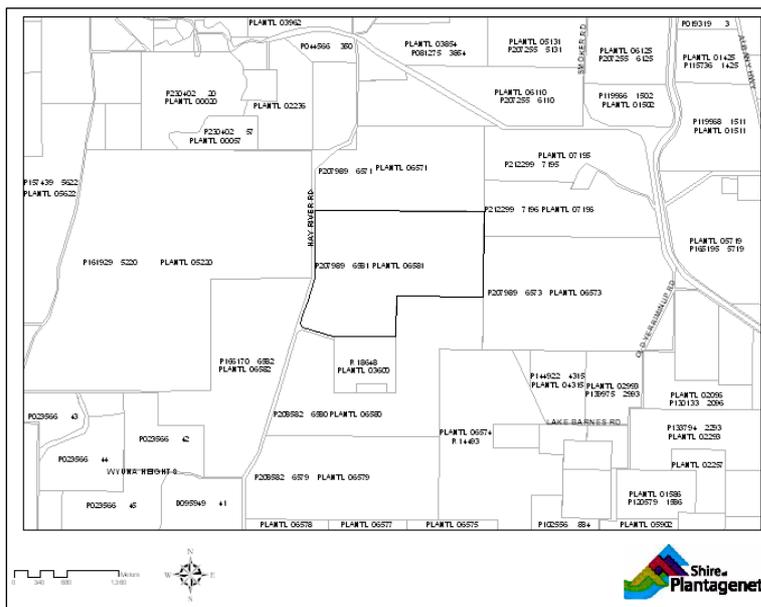
**Purpose**

The purpose of this report is to consider an application for a Rural Use (Plantation) on Lot 6581 Hay River Road, Mount Barker.

**Background**

The subject property is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3. The property is approximately 302.7ha. The application is for seven (7) compartments totalling 74.1ha of plantation to be established over the next two (2) years. It is intended to plant Eucalyptus Globulus.

The majority of the property has already been planted by Australian Plantation Timber Limited. The applicant, Great Southern Property Managers Ltd now wishes to plant other areas on the property.



The above diagram denotes the location of the subject lot.

---

**Lot 6581 Hay River Road, Mount Barker – Proposed Plantation (Cont.)**

A previous application for planning consent was approved by the Council in March 2005. The location and extent of planting shown in the current application is approximately 20ha less than the area shown in the previously approved plans.

Shire records show the current owner to be Great Southern Property Managers Pty Ltd.

**Statutory Environment**

Town Planning and Development Act (1928) as amended  
Shire of Plantagenet Town Planning Scheme No. 3  
Bushfires Act (1954)

**Consultation**

The proponent was contacted with regards to an oversized compartment. There are now seven (7) compartments, not five (5) as originally submitted, forming the basis of this application. The total area of proposed plantation has been decreased from 82.7ha to 74.1ha: the proponent sent through amended drawings on 28 February 2006 indicating these changes.

**Policy Implications**

The Policy Statements in Section 2.3.3 of Town Planning Scheme No. 3 Report contain relevant background. It is recognised that tree planting can be beneficial in terms of soil conservation and water resources management provided it does not result in the loss of the better class of agricultural land or lead to a long term loss of rural population. Ongoing management issues include fire protection and loss of visual amenity.

A Town Planning Scheme Policy is being prepared to coincide with finalisation of the Shire of Plantagenet Town Planning Scheme Amendment 28.

Planning Commission Bulletin 56 Farm Forestry Policy, once adopted, will affect the way the Council deals with applications for Agroforestry and Plantations.

**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**

It is the proponent’s intention to plant trees in seven (7) compartments, as shown on the site plan. The estimated size of the net plantable area is 74.1ha.

As advised, by the Shire’s Works Manager, Hay River Road has not been designed and constructed to accommodate intensive heavy vehicle usage. Whilst the road is in reasonable condition for light vehicle usage the road pavement would most likely deteriorate under heavy vehicle loadings. Hay River road is narrow, constructed of gravel and subject to deterioration during wet weather conditions.

The clean up of the subject lot involves the *‘removal and clean up of paddock trees’*.

---

Lot 6581 Hay River Road, Mount Barker – Proposed Plantation (Cont.)

The proponent advises that the plantations shall be established over the next two (2) years. The Shire has been advised by the proponent that the plantation will be established and maintained in accordance with the Code of Practice for Timber Plantations in Western Australia, that firebreaks will be in accordance with the Annual Fire Break Notice issued by the Shire and compartment sizes will not exceed the maximum size permitted by the Shire.

The proposed plantation is considered to be compatible with the surrounding rural land uses.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION**

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

**That planning consent be granted in respect of Application No. 17/06 for Lot 6581 Hay River Road, Mount Barker to be developed for the purpose of Rural Use (74.1ha of Eucalyptus Globulus Plantation) in accordance with the plans dated 16 February 2006 subject to the following conditions:**

- (1) A detailed planting plan showing final compartment sizes, fire access and water points being submitted prior to planting.**
- (2) The applicant being responsible for the cost of repairing any undue damage to local roads caused by the harvesting operation.**
- (3) A Heavy Haulage Permit being obtained prior to transport vehicles associated with the harvesting using Local Government Roads.**
- (4) All necessary crossovers, including pipes and culverts being in accordance with the Shire of Plantagenet specifications for construction of a vehicle crossover.**
- (5) A separate harvesting plan is to be submitted to the Council two (2) years prior to harvesting of the subject land.**

### **ADVICE NOTES:**

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.

There is an obligation to comply with relevant statutes including:

- The Shire of Plantagenet Annual Fire Break Notice
- The Environmental Protection Act (1986)
- The Environmental Protection Amendment Bill (2002)
- Health Act (1911) – Health (Pesticides) Regulations (1956)
- Aerial Spraying Control Act (1966)
- The Code of Practice for Plantations, in particular:

*'To provide neighbours with adequate notice of impending, significant silvicultural activities, which will allow both parties to take any necessary action to avoid detrimental impacts as a result of these activities; and*

---

Lot 6581 Hay River Road, Mount Barker – Proposed Plantation (Cont.)

It is in the applicant's interest to investigate and possibly set aside areas of land to access road building materials in the event that gravel is required to repair the local road system should it be damaged during harvesting operations.

CARRIED (7/0)

No. 69/06

### 9.3.5 LOCATION 6593 CHORKERUP ROAD, NARRIKUP - PROPOSED PLANTATION

A Financial Interest was disclosed by Cr B Hollingworth for Item 9.3.5  
Extent of Interest: Financial

A Financial Interest was disclosed by Cr J Moir for Item 9.3.5  
Extent of Interest: Financial

3:40pm Cr J Moir withdrew from the meeting.

**Location / Address:** Location 6593 Chorkerup Road, Narrikup

**Attachments: (2)** Locality plan  
Site plan

**Name of Applicant:** Great Southern Managers Australia Limited on behalf of AW Nurick

**File Reference:** RV/182/2237

**Author:** Marta Osipowicz – Planning Officer

**Authorised By:** Delma Baesjou - Manager Development Services

**Date of Report:** 13 February 2006

---

#### Purpose

The purpose of this report is to consider an application for a Rural Use (Plantation) on Location 6593 Chorkerup Road, Narrikup.

#### Background

The subject land is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3. The property is 229.9ha. The application is for three (3) compartments totalling 49.3ha of plantation to be established over the next two (2) years. It is intended to plant Eucalyptus Globulus.

The property contains a number of structures. No plantings are proposed within 100m of the dwelling.

Shire records show the current owner to be Arthur William Nurick. Shire records also show that the property is leased to Great Southern Property Managers Pty Ltd.

#### Statutory Environment

Town Planning and Development Act (1928) as amended  
Shire of Plantagenet Town Planning Scheme No. 3  
Bushfires Act (1954)

#### Consultation

There has been no consultation for this report.

#### Policy Implications

The Policy Statements in Section 2.3.3 of Town Planning Scheme No. 3 Report contain relevant background. It is recognised that tree planting can be beneficial in terms of soil conservation and water resources management provided it does not result in the loss of the better class of agricultural land or lead to a long term loss of

---

**Location 6593 Chorkerup Road, Narrikup – Proposed Plantation (Cont.)**

rural population. Ongoing management issues include fire protection and loss of visual amenity.

A Town Planning Scheme Policy is being prepared to coincide with finalisation of the Shire of Plantagenet Town Planning Scheme Amendment 28.

Planning Commission Bulletin 56 Farm Forestry Policy, once adopted, will affect the way the Council deals with applications for Agroforestry and Plantations.

**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**

It is the proponent’s intention to plant trees in three (3) compartments, as shown on the site plan. The estimated size of the net plantable area is 49.3ha. The plantation is limited to the rear portion of the subject lot. The plantation is sited approximately 770m from the closest structures on the property.

As advised by the Shire’s Works Manager, Chorkerup Road is a gravel road: its condition is satisfactory.

The clean up of the subject lot involves the *‘removal and clean up of paddock trees’*.

The proponent advises that the plantations shall be established over the next two (2) years. The Shire has been advised by the proponent that the plantation will be established and maintained in accordance with the Code of Practice for Timber Plantations in Western Australia, that firebreaks will be in accordance with the Annual Fire Break Notice issued by the Shire and compartment sizes will not exceed the maximum size permitted by the Shire.

The proposed plantation is considered to be compatible with the surrounding rural land uses.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

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

**That planning consent be granted in respect of Application No. 09/06 for Location 6593 Chorkerup Road, Narrikup to be developed for the purpose of Rural Use (49.3ha of Eucalyptus Globulus Plantation) in accordance with the plans dated 10 February 2006 subject to the following conditions:**

- (1) A detailed planting plan showing final compartment sizes, fire access and water points being submitted prior to planting.**
- (2) The applicant being responsible for the cost of repairing any undue damage to local roads caused by the harvesting operation.**

---

Location 6593 Chorkerup Road, Narrikup – Proposed Plantation (Cont.)

- (3) A Heavy Haulage Permit being obtained prior to transport vehicles associated with the harvesting using Local Government Roads.
- (4) All necessary crossovers, including pipes and culverts being in accordance with the Shire of Plantagenet specifications for construction of a vehicle crossover.
- (5) A separate harvesting plan is to be submitted to the Council two (2) years prior to harvesting of the subject land.

**ADVICE NOTES:**

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.

There is an obligation to comply with relevant statutes including:

- The Shire of Plantagenet Annual Fire Break Notice
- The Environmental Protection Act (1986)
- The Environmental Protection Amendment Bill (2002)
- Health Act (1911) – Health (Pesticides) Regulations (1956)
- Aerial Spraying Control Act (1966)
- The Code of Practice for Plantations, in particular:

*‘To provide neighbours with adequate notice of impending, significant silvicultural activities, which will allow both parties to take any necessary action to avoid detrimental impacts as a result of these activities; and*

It is in the applicant’s interest to investigate and possibly set aside areas of land to access road building materials in the event that gravel is required to repair the local road system should it be damaged during harvesting operations.

**CARRIED (6/0)**

**No. 70/06**

3:42pm Cr J Moir returned to the meeting.

**9.3.6 LOTS 2105 MALLAWILLUP ROAD AND 2106 KIDMAN ROAD, PERILLUP - PROPOSED PLANTATION**

A Financial Interest was disclosed by Cr B Hollingworth for Item 9.3.6  
 Extent of Interest: Financial

**Location / Address:** Lots 2105 Mallowillup Road and 2106 Kidman Road, Perillup

**Attachments: (1)** Site Plan

**Name of Applicant:** Great Southern Managers Australia Ltd on behalf of Great Southern Property Managers Ltd

**File Reference:** RV/182/895 and 896

**Author:** Marta Osipowicz – Planning Officer

**Authorised By:** Delma Baesjou - Manager Development Services

**Date of Report:** 21 February 2006

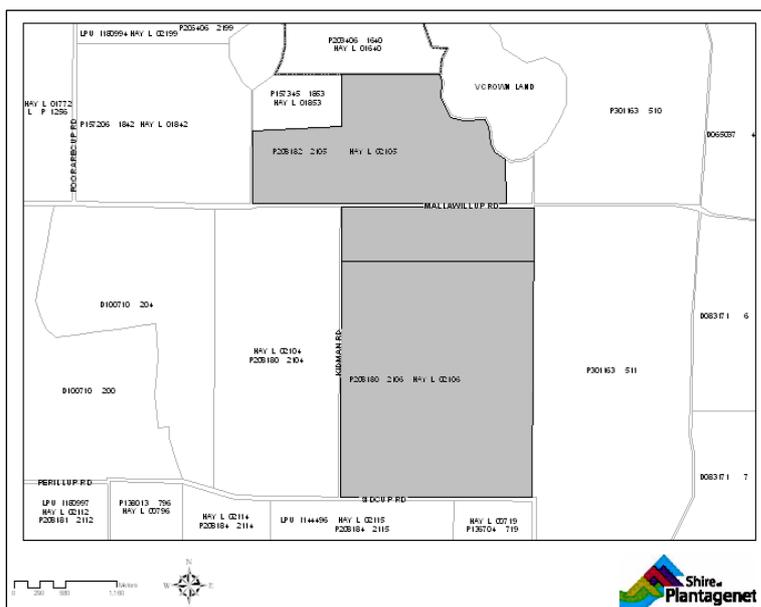
**Purpose**

The purpose of this report is to consider an application for a Rural Use (Plantation) on Lots 2105 Mallowillup Road and 2106 Kidman Road, Perillup.

**Background**

The subject properties are zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3. The properties are approximately 440.3ha and 567.5ha respectively, totalling 1,007.8ha. The application is for four (4) compartments totalling 46.2ha of plantation to be established over the next two (2) years. It is intended to plant Eucalyptus Globulus.

The majority of the property has already been planted by Australian Plantation Timber Limited. The proponent, Great Southern Property Managers Ltd now wishes to plant other areas on the property.



The above diagram denotes the location of the subject lots.

Shire records show the current owner to be Great Southern Property Managers Pty Ltd.

### **Statutory Environment**

Town Planning and Development Act (1928) as amended  
Shire of Plantagenet Town Planning Scheme No. 3  
Bushfires Act (1954)

### **Consultation**

There has been no consultation for this report.

### **Policy Implications**

The Policy Statements in Section 2.3.3 of Town Planning Scheme No. 3 Report contain relevant background. It is recognised that tree planting can be beneficial in terms of soil conservation and water resources management provided it does not result in the loss of the better class of agricultural land or lead to a long term loss of rural population. Ongoing management issues include fire protection and loss of visual amenity.

A Town Planning Scheme Policy is being prepared to coincide with finalisation of the Shire of Plantagenet Town Planning Scheme Amendment 28.

Planning Commission Bulletin 56 Farm Forestry Policy, once adopted, will affect the way the Council deals with applications for Agroforestry and Plantations.

### **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**

It is the proponent's intentions to plant trees in three (3) compartments, as shown on the site plan. The estimated size of the net plantable area is 49.3ha. The subject lots are located within the Kent River Catchment area.

As advised by the Shire's Works Manager, Mallowillup Road is a good sealed road whereas Kidman Road is a roughly formed (gravel only) road.

The clean up of the subject lot involves the *'removal and clean up of paddock trees'*.

The proponent advises that the plantations shall be established over the next two (2) years. The Shire has been advised by the proponent that the plantation will be established and maintained in accordance with the Code of Practice for Timber Plantations in Western Australia, that firebreaks will be in accordance with the Annual Fire Break Notice issued by the Shire and compartment sizes will not exceed the maximum size permitted by the Shire.

The proposed plantation is considered to be compatible with the surrounding rural land uses.

---

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr J Cameron, seconded Cr K Clements:

That planning consent be granted in respect of Application No. 16/06 Lots 2105 Mallawillup Road and 2106 Kidman Road, Perillup to be developed for the purpose of Rural Use (46.2ha of Eucalyptus Globulus Plantation) in accordance with the plans dated 16 February 2006 subject to the following conditions:

- (1) A detailed planting plan showing final compartment sizes, fire access and water points being submitted prior to planting.
- (2) The applicant being responsible for the cost of repairing any undue damage to local roads caused by the harvesting operation.
- (3) A Heavy Haulage Permit being obtained prior to transport vehicles associated with the harvesting using Local Government Roads.
- (4) All necessary crossovers, including pipes and culverts being in accordance with the Shire of Plantagenet specifications for construction of a vehicle crossover.
- (5) A separate harvesting plan is to be submitted to the Council two (2) years prior to harvesting of the subject land.

**ADVICE NOTES**

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.

There is an obligation to comply with relevant statutes including:

- The Shire of Plantagenet Annual Fire Break Notice
- The Environmental Protection Act (1986)
- The Environmental Protection Amendment Bill (2002)
- Health Act (1911) – Health (Pesticides) Regulations (1956)
- Aerial Spraying Control Act (1966)
- The Code of Practice for Plantations, in particular:  
*'To provide neighbours with adequate notice of impending, significant silvicultural activities, which will allow both parties to take any necessary action to avoid detrimental impacts as a result of these activities; and  
The application of chemicals, including fertiliser, herbicides and pesticide in the adjacent Water Catchment Area.'*

It is in the applicant's interest to investigate and possibly set aside areas of land to access road building materials in the event that gravel is required to repair the local road system should it be damaged during harvesting operations.

CARRIED (7/0)

No. 71/06

3:44pm

Cr B Hollingworth returned to the meeting.

**9.3.7 LOCATION 6116 MUIRS HIGHWAY - DENMARK-MOUNT BARKER ROAD INTERSECTION, FOREST HILL - LAND RESUMPTION**

**Location / Address:** Location 6116 Muirs Highway, Forest Hill  
**Attachment: (1)** Site map  
**Name of Applicant:** Main Roads  
**File Reference:** RV/182/2012  
**Author:** Delma Baesjou – Manager Development Services  
**Authorised By:** Rob Stewart – Chief Executive Officer  
**Date of Report:** 3 March 2006

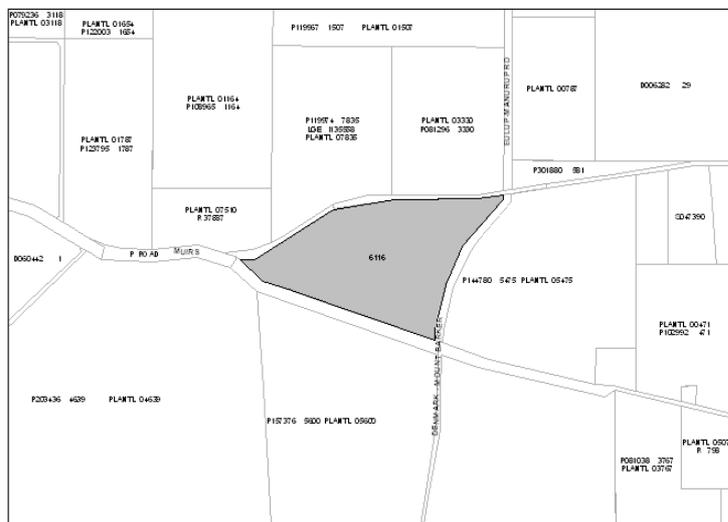
**Purpose**

The purpose of this report is to consider notification from Main Roads Western Australia (MRWA) to take a portion of Location 6116 to enable widening of the road reserve to facilitate improvement works at the Muirs Highway – Denmark-Mount Barker Road intersection.

**Background**

Main Roads Western Australia advises ‘*The junction upgrade will involve widening the intersection to enable safe semi trailer movements through it. This treatment will improve traffic flow and render the intersection safer.*’

MRWA further advises ‘*The owner of Plantagenet Location 6116 has no objection to the proposed resumption.*’



Shire records show the registered owners to be Magpie Ridge Limited.

**Statutory Environment**

Land Administration Act (1997)

**Consultation**

There has been no consultation for this report.

---

Location 6116 Muirs Highway – Denmark-Mount Barker Road Intersection, Forest Hill – Land Resumption (Cont.)

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report. Both Muirs Highway and Denmark-Mount Barker Road fall within the jurisdiction of Main Roads Western Australian.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

There is no objection to the proposed widening of the road reserve to enable improvement works at the Muirs Highway – Denmark-Mount Barker Road. This project is being managed by Main Roads (WA) – Great Southern and there are no implications for the Shire of Plantagenet. A formal resolution of the Council is required to progress the matter.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That Main Roads (WA) – Great Southern be advised that the taking of land at Location 6116 Muirs Highway – Denmark-Mount Barker Road, Forest Hill in accordance with the Main Roads Drawing 0501-135-1 received 13 February 2006 and its dedication under Section 56 of the Land Administration Act is supported.**

**CARRIED (8/0)**

**No. 72/06**

**9.3.8 LOT 138 LOWOOD ROAD, MOUNT BARKER - HOME OCCUPATION (BAKING AND JAM MAKING)**

**Location / Address:** Lot 138 Lowood Road, Mount Barker  
**Attachments: (2)** Site Plan  
 Floor Plan  
**Name of Applicant:** Andrea Preece  
**File Reference:** RV/182/3794  
**Author:** Marta Osipowicz - Planning Officer  
**Authorised By:** Delma Baesjou - Manager Development Services  
**Date of Report:** 1 March 2006

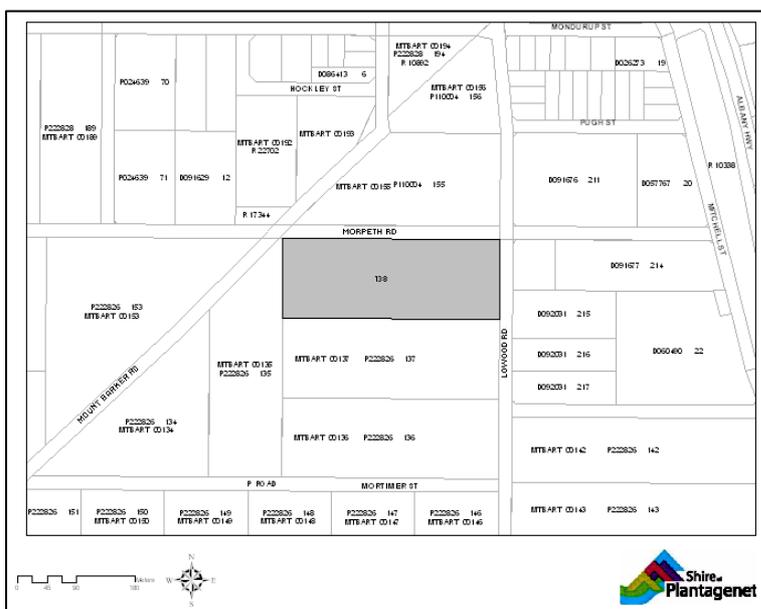
**Purpose**

The purpose of this report is to consider an application for a Home Occupation (Baking and Jam Making for Commercial Sale) at Lot 138 Lowood Road, Mount Barker.

**Background**

The proponent seeks approval for a Home Occupation involving the production of cakes, biscuits, pastries, jams, marmalades and bread which are to be sold within commercial premises, formally known as 'The Grocery Store' at 41 Lowood Road.

**Zoning:** Rural  
**Use Class:** Home Occupation  
**Permissibility:** 'AA' use  
**Setbacks Required:** Front – 10.0m, Rear – 10.0m, Sides – 5.0m



The above diagram denotes the location of the subject lot.

---

Lot 138 Lowood Road, Mount Barker – Home Occupation (Baking And Jam Making) (Cont.)

According to Shire records Lot 138 Lowood Road is owned by Ian Francis and Andrea Preece.

### **Statutory Environment**

Town Planning and Development Act 1928

Town Planning Scheme No. 3

Health Act 1911

Building Code of Australia 2005

The definition of Home Occupation within Town Planning Scheme No 3 (TPS3) is as followings:

**'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 within limiting the generality of the foregoing) injury or prejudicial affection due to emission of noise, vibration, smell fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products;
- (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 more 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 requirements 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.'

### **Consultation**

The application and approval process was discussed with the proponent on 24 February 2006. The applicant submitted the application the morning of 27 February 2006 to ensure the Council considered the application at its March meeting.

### **Policy Implications**

Shire of Plantagenet Town Planning Scheme No. 3

### **Financial Implications**

There are no financial implications for this report.

### **Strategic Implications**

The proposal indirectly contributes towards achieving the Shire of Plantagenet's Strategic Plan objective to *'encourage establishment of new businesses, which provide employment and / or service the tourist industry and contribute to the prosperity of Plantagenet.'*

**Officer Comment**

The applicant has indicated that the all work associated with the proposed home occupation shall be limited to the kitchen. The proponent is likely to cook once a week for the purpose of resale within the commercial premises. The applicant states that the scale of production shall be small and no significant increase in rubbish, noise or traffic is envisaged. The subject lot is ten (10) acres and as such, no adjoining neighbours would be impacted by the proposal.

The Shire's planning department is confident that the proposal is satisfactory and should not result in negative amenity impacts. The scale of operation is comparative to domestic production or domestic consumption but where production becomes more frequent and the use resembles commercial production the Council would envisage production within adequate facilities. The kitchen is no greater than 10m<sup>2</sup> in area. The proponent does not explicitly mention signage but it is assumed that one is not required due to the fact that the proponent has a commercial premises in which these goods shall be sold. The proposed home occupation is considered to be acceptable and it is recommended that the Council approve the proposed use.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That planning consent be granted in respect of Application 19/06 for Lot 138 Lowood Road, Mount Barker to be used for the purpose of Home Occupation (Baking and Jam Making) in accordance with plans dated 27 February 2006, subject to the following conditions:**

- (1) This approval does not include the sale of goods from Lot 138 Lowood Road, Mount Barker.**
- (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) Where, in the opinion of the Council, the Home Occupation is causing a nuisance or annoyance to neighbours or causing an adverse impact on the amenity of adjoining properties, the Council may not renew the Planning Consent and thereafter the business activities must cease.**
- (iii) The definition of Home Occupation set out in Town Planning Scheme No. 3 and associated restrictions apply to this Home Occupation.**

**CARRIED (8/0)**

**No. 73/06**

**9.3.9 LOTS 742 - 744 HALSEY ROAD, KENDENUP – INDUSTRY RURAL**

**Location / Address:** Lots 742 - 744 Halsey Road, Kendenup  
**Attachments: (3)** Site Plan  
 Floor Plan  
 Elevations  
**Name of Applicant:** Joan Bath T/A Wattle Mist Pty Ltd  
**File Reference:** RV/182/2231  
**Author:** Marta Osipowicz - Planning Officer  
**Authorised By:** Delma Baesjou - Manager Development Services  
**Date of Report:** 27 February 2006

**Purpose**

The purpose of this report is to consider an application for Industry Rural (Commercial Kitchen) at Lots 742 - 744 Halsey Road, Kendenup.

**Background**

The applicant has been producing jams and preserves of various sorts within a domestic kitchen and selling them within commercial premises: this being Taste Mount Barker located on Langton Road. The domestic scale operation has grown significantly, with the owner/ applicant deciding to expand production within a purpose built commercial kitchen. The applicant also seeks to take on board employees.

**Zoning:** Rural  
**Use Class:** Industry - Rural  
**Permissibility:** 'AA' use  
**Setbacks Required:** Front – 10.0m, Rear – 10.0m, Sides – 5.0m

'Industry – Rural' is defined by Town Planning Scheme No 3 as: *'an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.'*



---

Lots 742-744 Halsey Road, Kendenup – Industry Rural (Cont.)

The above diagram denotes the location of the subject lot(s).

According to Shire records Lots 742 - 744 Halsey Road is owned by Ms Lillian Joan Bath.

### **Statutory Environment**

Town Planning and Development Act 1928

Town Planning Scheme No. 3

Health Act 1911

Building Code of Australia 2005

### **Consultation**

A meeting was held between the applicant Mrs Joan Bath and the Shire's Environmental Health Officer - Eric Howard and Planning Officer - Marta Osipowicz. Numerous issues were discussed, namely the classification of the subject use and health and safety standards. Subsequent to this meeting, where it was determined that the proposal was to be classified as 'Industry – Cottage', it has been re-evaluated with the applicant and determined that 'Industry – Rural' is a more appropriate classification of use.

### **Policy Implications**

Shire of Plantagenet Town Planning Scheme No. 3

### **Financial Implications**

There are no financial implications for this report.

### **Strategic Implications**

The proposal contributes towards achieving the Shire of Plantagenet's Strategic Plan objective to *'encourage establishment of new businesses, which provide employment and / or service to the tourist industry and contribute to the prosperity of Plantagenet.'*

The proposal is expanding current production, potentially creating employment and the betterment of the local economy.

### **Officer Comment**

The application for planning consent involves the expansion of existing domestic scale food production to commercial scale production on Rural zoned land. The proposal has been classified as 'Industry – Rural', an 'AA' (discretionary) use within the Rural Zone.

The proponent has exceeded domestic production and now seeks the construction of a commercial kitchen. The new building is to be located between an existing wine storage shed and the office, worker's amenities and storage building (formally the residential dwelling). These buildings are located quite centrally on the property, approximately 235m from the northern boundary and 405m from the eastern boundary: ample setback from the front property boundary line.

The purpose built structure is 6.0m in length and 3.0m in width totalling 18m<sup>2</sup> in area. The internal layout has been designed under the guidance of the Shire's Environmental Health Officer: the finishes and operations of this use are subject to the Health Department's satisfaction. The applicant is fully aware of all requirements and officers at the Shire of Plantagenet are confident all guidelines and regulations will be met.

---

Lots 742-744 Halsey Road, Kendenup – Industry Rural (Cont.)

It is the opinion of the Shire's Planning Department that the proposed use is acceptable. The expansion contributes to the development of rural land uses, the utilisation of locally grown produce and betterment of the local economy. The applicant does not anticipate visitors to the property, only those employed by the business: no produce is sold from the property but from commercial premises in Mount Barker. It is recommended that the Council approve the proposed commercial kitchen.

### **Voting Requirements**

Simple Majority

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

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

**That planning consent be granted in respect of Application 18/06 for Lots 742 – 744 Halsey Road, Kendenup to be used for the purpose of Industry Rural (Commercial Kitchen) in accordance with plans dated 27 February 2006, subject to the following conditions:**

- (1) The proposed use being limited to handling, treating, processing or packing primary products grown, reared or produced in the locality.**
- (2) Any onsite signage being in accordance with Clause 5.6 of the Shire of Plantagenet Town Planning Scheme No. 3.**
- (3) A building licence being obtained for the construction of the commercial kitchen.**

### **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 that 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 statues applicable to the development, in particular the Health Act (1911) and the Building Code of Australia (2005).**

**CARRIED (8/0)**

**No. 74/06**

**9.3.10 LOT 302 MONDURUP STREET, MOUNT BARKER - STORAGE SHEDS**

A Financial Interest was disclosed by Cr J Moir for Item 9.3.10

Extent of Interest: Financial

3:50pm Cr J Moir withdrew from the meeting.

<b>Location / Address:</b>	<b>Lot 302 Mondurup Street, Mount Barker</b>
<b>Attachments: (3)</b>	<b>Site Plan Floor Plan Elevations</b>
<b>Name of Applicant:</b>	<b>Sherrie Atkinson and Christine Spagnolo</b>
<b>File Reference:</b>	<b>RV/182/4191</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 February 2006</b>

**Purpose**

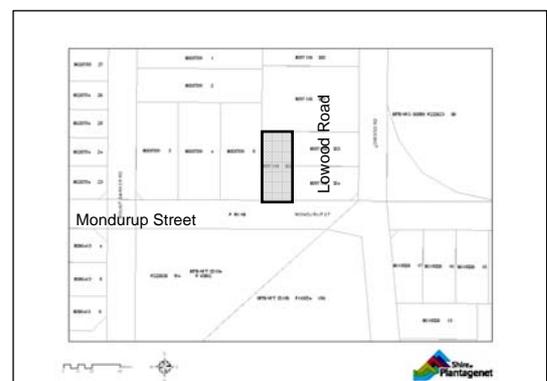
The purpose of this report is to consider an application for twenty eight (28) Storage Sheds at Lot 302 Mondurup Street, Mount Barker.

**Background**

An application for planning consent was originally submitted for thirty (30) storage units. Following an assessment of the proposal correspondence was sent to the owner informing the applicants of various non-compliant issues. Subsequently, amended drawings and justification was received from the applicants for twenty eight (28) storage units. The storage units have remained approximately 13.0m<sup>2</sup> in area each, the total floorspace decreasing from 428.75m<sup>2</sup> to 397.12m<sup>2</sup>. The reduction in floorspace has resulted in lesser parking requirements and provided scope for additional landscaping.

The design includes a loop access way (western road 4.0m in width: eastern side 3.7m in width), two (2) parking bays and landscaping. There is an easement on the property in the north eastern corner: a Right-Of-Carriageway connecting Lots 302 and 303. The adjacent western lot is zoned Residential and the eastern lots are zoned Service Industrial.

Zoning:	Service Industrial
Use Class:	Industry - Service
Permissibility:	'P' use
Plot Ratio:	0.5
Setbacks Required:	Front – 9.0m Side (1) – 5.0m Rear – 5.0m
Parking:	1 per 100m <sup>2</sup> of floor space
Landscaping:	20% of site



The diagram denotes the location of the subject lot.

---

**Lot 302 Mondurup Street, Mount Barker – Storage Sheds (Cont.)**

According to Shire records, Lot 302 Mondurup Road is currently owned by George and Susan Corke. However, Shire officers have been informed by Mr Corke that the property is being sold to the applicants of the development. The applicants are Sherrie Atkinson and Christine Spagnolo. The applicants have submitted the Sale of Land by Offer and Acceptance to the Shire confirming the purchase of the subject lot.

**Statutory Environment**

Town Planning Scheme No. 3  
Health Act 1911  
Building Codes of Australia 2005

**Consultation**

A letter dated 21 February 2006 was sent to the owner, Mr Corke, outlining various issues with the proposal. The areas of non-compliance were limited to the front setback: the side setback: deficient car parking and deficient landscaping. Mr Corke came to the Administration Office to discuss the issues and solutions with the Planning Officer on 23 February 2006. Subsequently, a telephone conversation occurred on 27 February 2006 with the applicant, Ms Atkinson, where once again, the issues were discussed and a satisfactory compromise reached. The applicant was informed of the \$1,500.00 cash-in-lieu contribution requirement per deficient car parking bay and that it would be the subject of this approval, in line with Council Policy TP/SDC/3. Subsequent to these discussions the applicant's architectural firm contacted the Shire to confirm the outcome of both discussions. The amended drawings received adequately reflect the outcome of the discussion between the Planning Officer and the applicant.

The applicants submitted justification with the amended plans on 1 March 2006: these are presented within Officer Comment.

**Policy Implications**

Shire of Plantagenet Policy TP/SDC/3

Council Policy states that:

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

The subject policy was adopted by the Council at its meeting held on the 8 July 1997. Typically such policies are established as a mechanism for obtaining funds for future parking provision where the required amount cannot be provided on site. It is considered the current policy does not hinder economic development rather it provides the developer with an alternative option where appropriate. The reduction in floorspace, in order to provide the required car parking may, in fact, be a greater hindrance on development than a cash-in-lieu contribution. The contribution is fundamental for the provision of community parking facilities in the future. Ratepayers have previously suggested that the undeveloped land adjacent to the Post Office be acquired for community parking. Notwithstanding the previous Council decision on 14 February 2006, the contribution is considered appropriate in this instance.

To gain a greater perspective of the issue, reference is made to City of Fremantle Policy DBM7 'Cash-In-Lieu of Car Parking Policy'. The City of Fremantle requires a cash-in-lieu contribution of \$6,000.00 per bay. The Council is able to invest these

**Lot 302 Mondurup Street, Mount Barker – Storage Sheds (Cont.)**

funds into the purchase, construction and maintenance of parking areas and / or buildings. The City of Fremantle's Policy however, does not limit expenditure to parking but allows funds to extend to other urban infrastructure projects within the vicinity of the proposed development. It is in the interest of the Shire that the Council ensures there are adequate funds for future parking provision.

Policy TP/SDC/3 is due for review. It is recommended that the Council pursue a functional and enforceable cash-in-lieu policy or advocate the allocation of Council funds to a specific trust for future parking provision.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

The proposed development contributes towards achieving the Shire of Plantagenet's Strategic objectives:

*To ... 'retain local business and encourage new businesses that will create long-term sustainable local employment' and also to ... 'encourage establishment of new businesses, which provide employment and / or service the tourist industry and contribute to the prosperity of Plantagenet.'*

**Officer Comment**

The proposed storage units are a permitted use within the Service Industrial zone of Town Planning Scheme No. 3 (TPS3). The storage units comply with plot ratio, front setback and rear setback requirements of TPS3. The proposal does not comply with side setback, car parking and landscaping requirements prescribed by TPS3 as indicated in the table below:

	<b>Requirements</b>	<b>Proposed</b>
Eastern side setback	5.0 m	4.7 m
Car parking	4 bays	2 bays
Landscaping	212.019m <sup>2</sup>	169.143m <sup>2</sup>

The following table outlines the applicant's justification and the officer's comments with regards to each individual non-compliant issue:

<b>Applicant's Comments</b>	<b>Officer's Comments</b>
<p><u>Eastern side setback</u></p> <p>The applicant has indicated that the setback is 4.8m but the drawings scale and is dimensioned at 4.7m. The setback is deficient by 300mm. The applicant does not want to compromise drive through access: the driveway has been made wide enough to allow for a large removal vehicle.</p> <p>A 1.0m setback has been maintained from the western boundary.</p>	<p>TPS3 only prescribes a side setback requirement to one (1) side boundary, effectively allowing nil to the opposite side of the development site. In this instance it is not desirable to have a 34.335m long wall on the boundary as the adjoining site is residential. The separation is beneficial for minimising building bulk.</p> <p>The design also reduces direct traffic noise and impact on the residential property. The proposed 300mm reduction in setback is supported. To increase the appeal of the development the applicant has increased the landscaping along the boundary from 500mm to 1.0m. Should access difficulty be an issue there is scope for additional pavement. The adjoining service industrial building is a significant distance from the eastern boundary (their western boundary) therefore there shall be no impact on the functionality of that business.</p> <p>This comment is UPHELD.</p>

Applicant's Comments	Officer's Comments
<p><u>Car parking</u></p> <p>The exact comments of the applicant are:  <i>'Tenants rarely use parking bays to access their unit and often will attend for just short periods of time, on average monthly;</i></p> <p><i>Tenants usually access directly from the door of their unit; and</i></p> <p><i>The area of three car parks (not included on the plan) would be better utilized with landscaping. Native plants have a far more aesthetic appeal than bitumen'.</i></p>	<p>TPS3 states that within the Service Industrial zone, 1 car parking bay shall be provided for every 100m<sup>2</sup> of building. The Scheme does not differentiate between the permitted uses within the respective zone. A premises acknowledging clientele on a daily basis is in greater need of onsite parking bays.</p> <p>It is acknowledged that storage facilities such as these do not require a great deal of parking bays. The two (2) that have been provided are sufficient and adequate for this development. They have been provided close to the entrance point, increasing the eligibility of the proposal. It is recommended that the parking bay layout be slightly modified as shown in red on the approved drawings: the modification would also allow for landscaping.</p> <p>This comment is UPHELD – cash-in-lieu contribution condition to be imposed of \$1,500.00 per deficient parking bay in accordance with Council Policy PD1.</p>
<p><u>Landscaping</u></p> <p>The applicant has removed two (2) storage units to gain additional landscaping area. The applicant intends on employing a professional landscaper to plant native plants. They are both environmentally conscious.</p>	<p>The Shire encourages environmentally sensitive projects – even as simple as landscaping plans. The previous proposal was deficient by 86.149m<sup>2</sup> of landscaping. The proposal is deficient by 42.876m<sup>2</sup>.</p> <p>The applicant has increased the front setback from 6.0m to 9.0m, providing additional landscaping forward of the building line, reducing the amount of bitumen to the rear of the property. An additional 500mm has been proposed along the eastern boundary. These efforts adequately address the objective of landscaping within Service Industrial or Commercial zones – ensuring the site is not barren and generally attractive. Increased landscaping within the front setback area, despite the car parks, is beneficial to a predominantly residential streetscape.</p> <p>This comment is UPHELD.</p>

---

**Lot 302 Mondurup Street, Mount Barker – Storage Sheds (Cont.)**

In addition to the above comments, the applicant will be required to undertake a comprehensive drainage assessment to ensure that all stormwater runoff from the site is captured, controlled onsite and then conveyed to an appropriate discharge point. Such an assessment should embrace principles of Water Sensitive Urban Design where stormwater is reused (where achievable), pervious materials utilised and stormwater runoff from the development limited to the pre-developed conditions.

The subject site is currently undeveloped and it is the intention of the applicant to construct twenty eight (28) storage units in conjunction with a sealed access road and parking bays. Therefore, the site will be transformed from being pervious to impervious.

Given the amount of roof and sealed areas that comprise the subject development, the extent of runoff from the site is expected to be high. Therefore it is imperative that any stormwater from the site be suitably controlled so that flooding downstream of the site is not exacerbated. Failure to address the stormwater issues may cause inconvenience to the wider community and affect the Shire's existing road and drainage infrastructure.

Given the above comments, it is recommended to the Council that the application for twenty eight (28) storage units be approved.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

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

**That planning consent be granted in respect of Application 11/06 for Lot 302 Mondurup Street, Mount Barker to be developed for the purpose of Storage Shed in accordance with plans dated 13 February 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) A drainage assessment of the lot being submitted to ensure that runoff to the district drainage stormwater system is not increased as a result of the proposed impervious areas.**
- (3) Detailed plans and specifications of the proposed method of stormwater disposal, including invert levels, cover levels and pipe size and grade submitted prior to the issue of a building licence.**
- (4) All runoff from impervious surfaces being contained within the property and disposed of, via a trapped sump or equivalent stormwater measures located within the property, by connection to the existing drainage system.**
- (5) A cash contribution totalling \$3,000.00 to be paid for the provision of future parking in Mount Barker in accordance with Council's Policy TP/SDC/3.**

---

Lot 302 Mondurup Street, Mount Barker – Storage Sheds (Cont.)

- (6) Landscaping to be undertaken by the proponent in accordance with the plans and maintained thereafter to the satisfaction of the Executive Director of Technical and Development Services.
- (7) Any onsite signage being in accordance with Clause 5.6 of the Shire of Plantagenet Town Planning Scheme No. 3.
- (8) A building licence being obtained for the construction of the storage sheds.
- (9) 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 development, in particular the Building Code of Australia.

**CARRIED (7/0)**

**No. 75/06**

3:55pm Cr J Moir returned to the meeting.

**9.3.11 LOT 699, 45 SIXTH AVENUE, KENDENUP - OVERSIZE OUTBUILDING**

<b>Location / Address:</b>	<b>Lot 699, 45 Sixth Avenue, Kendenup</b>
<b>Attachments: (3)</b>	<b>Locality Plan Site Plan Elevations</b>
<b>Name of Applicant:</b>	<b>I Jackson</b>
<b>File Reference:</b>	<b>RV/182/2329</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 February 2006</b>

---

**Purpose**

The purpose of this report is to consider an application for an 84m<sup>2</sup> Outbuilding on Lot 699 Sixth Avenue, Kendenup.

**Background**

The proposed shed is 12m 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 of the Residential Design Codes are being applied to residential development within Kendenup.

Shire records show the registered owner to be I Jackson.

**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.

**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 60m<sup>2</sup> in area with a wall height exceeding 2.4m. The proposed outbuilding is required to be considered under the respective Performance Criteria: *'Outbuildings*

---

Lot 699, 45 Sixth Avenue, Kendenup – Oversize Outbuilding (Cont.)

*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 1.5m and 1.0m respectively with the applicant indicating that the setbacks shall be 5.0m from the side boundary and 5.0m 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 4.2m which also contributes to the reduction of building bulk on adjoining properties. The outbuilding is setback 33.0m 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 / COUNCIL DECISION**

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

**That planning consent be granted in respect of Application No. 12/06 for development of an oversize outbuilding on Lot 699 Sixth Avenue, Kendenup, in accordance with the plans dated 13 February 2006, subject to the following conditions:**

- (1) The crossover and access way being maintained by the proponent.**
- (2) All stormwater runoff being contained onsite.**
- (3) The outbuilding not being used for industrial or commercial purposes.**
- (4) In accordance with Clause 3.10.1 of the Residential Design Codes, the outbuilding not being used for 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 approval has lapsed, no development shall be carried out without further approval of Council having first been sought and appointed.**
- (ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development, in particular the Building Code of Australia.**

**CARRIED (8/0)**

**No. 76/06**

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

Nil

**MOTION TO SUSPEND STANDING ORDERS**

Moved Cr J Cameron, seconded Cr J Mark:

3:56pm 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 (8/0)

No. 77/06

**MOTION TO RESUME STANDING ORDERS**

Moved Cr J Cameron, seconded Cr D Williss:

4:54pm That Standing Orders be resumed.

CARRIED (8/0)

No. 78/06

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

Nil

**12 CONFIDENTIAL**

Nil

**13 CLOSURE OF MEETING**

5:03pm The Presiding Member declared the meeting closed.

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