



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2.45pm Tuesday 9 May 2006

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.52pm The Presiding Member declared the meeting open.

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

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

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

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

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

Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Williss	Deputy Shire President - East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr J Moir	South Ward
Cr B Hollingworth	Town Ward
Cr J Mark	Town Ward
Cr K Clements	Town Ward
Cr M Skinner	East Ward
Mr R Stewart	Chief Executive Officer
Mr J Byrne	Executive Director Corporate and Community Services
Mr I Bartlett	Manager Works
Ms M Osipowicz	Planning Officer
Mrs K Skinner	Executive Secretary
Miss C Delmage	Administration Officer – Minutes and Agenda

There were no members of the public present.

There were two (2) members of the media present.

Apologies

Cr K Hart

Kendenup Ward

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

Nil

7 CONFIRMATION OF MINUTES

Moved Cr J Mark, seconded Cr J Moir:

That the Minutes of the Ordinary Meeting of the Council held 26 April 2006 be confirmed.

CARRIED (8/0)

No. 125/06

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 27 April 2006 – Cr Forbes attended the Annual General Meeting of the Plantagenet News.
- 1 May 2006 – Cr Forbes, Mr Stewart and Kate McCormack met with Naomi Arrowsmith and Caron Goodburn at the Great Southern Regional Cattle Saleyards to discuss environmental issues – a satisfactory result
- 2 May 2006 – Councillors Forbes, Williss, Hollingworth, Mark, Hart, Skinner and Clements along with Mr Bartlett, Mr Griffiths and Mr Scott attended the Annual Roads Inspection which gave Councillors and staff a clearer understanding of future requirements.
- 4 May 2006 – Cr Forbes, Mr Stewart, Mr Bartlett and Ms Baesjou met with two (2) representatives of the developers of the Harma subdivision. A further report will come to the Council with regard to road construction for this development eg: adjustments to comply with road width etc.
- 6 May 2006 – The Official Opening of the new Shire Administration Building was held with great success. Thank you to all Councillors, staff and media representatives who participated.
- 9 May 2006 – A farewell gathering will be held after the Council meeting for Ms Delma Baesjou and Michael and Lexie Hambley with all Councillors and staff invited to attend.
- 10 May 2006 – Cr Forbes, Cr Clements and Mr Stewart will meet with the proponents of a development for the Reeves property north of the town.
- 10 May 2006 – A One Community One College small working committee meeting has been scheduled.
- 10 May 2006 – A Fire Break Order Review Committee meeting will be held.
- 12 May 2006 – Cr Forbes and Mr Stewart will attend a budget breakfast with the Hon Jim McGinty.
- Cr Forbes brought an Information Bulletin item to the attention of Councillors regarding road funding grant submissions and noted that work was required re: TIRES funding.
- Cr Forbes noted that Main Roads (WA) has released its Policy on Stock Crossing Roads and WALGA has made comment, requiring feedback from the Council.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 EXECUTIVE SERVICES REPORTS

9.1.1 DELEGATIONS - ANNUAL REVIEW

Location / Address:	N / A
Attachments: (1)	Delegations
Name of Applicant:	N / A
File Reference:	CM/142/1
Author:	Kaye Skinner - Executive Secretary
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	28 April 2006

Purpose

The purpose of this report is to present the Delegations Register for endorsement.

Background

Delegations are granted to the Chief Executive Officer (CEO) (and other officers in some instances) to assist in the efficient and effective running of the organisation so as to preclude many minor matters from coming before the Council and to maximise service to members of the public, residents and ratepayers.

Delegations were generally endorsed by the Council at its meeting held on 10 May 2005.

Statutory Environment

Section 5.42 of the Local Government Act 1995 provides for a Local Government to delegate to the CEO the exercise of any of its powers or the discharge of its duties.

The Act also provides, at Section 5.43, a number of powers or duties that cannot be delegated.

Furthermore, pursuant to Section 5.44 of the Act, the CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under the Act other than the power of delegation. Such delegation must be in writing.

Importantly, Section 5.45 of the Act provides that a delegation has effect for the period of time specified in the delegation or, where no period has been specified, indefinitely.

Nevertheless, at least once every financial year delegations are to be reviewed by the delegator. Any delegation granted by the Council to the CEO must be reviewed once every financial year.

Finally, a person to whom a power or duty is delegated under the Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Delegations – Annual Review (Cont.)**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

It is recommended that the delegations as set out, be endorsed.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr D Williss:

That delegations LG001 to LG003, LG005 to LG011, LG013 to LG031, LGO33 and LG035 to LG043 be adopted subject to:

- (1) LG002 – The words ‘and the Commonwealth Bank’ being removed from Part (3) of the delegation;**
- (2) LG009 – The words ‘an Executive Director’ being replaced with the words ‘the Deputy Chief Executive Officer or a Manager’ in the first paragraph’; and**
- (3) Delegation No: LG043 being removed from the Delegations Register.**

CARRIED (8/0)

No. 126/06

9.1.2 LOCAL GOVERNMENT WEEK - ATTENDEES

Location / Address: N / A
Name of Applicant: N / A
File Reference: ED/62/2
Author: Kaye Skinner - Executive Secretary
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 29 April 2006

Purpose

The purpose of this report is to endorse Councillors' and the Chief Executive Officer's attendance at Local Government Week to be held from Friday 4 to Tuesday 8 August 2006.

Background

This years theme is 'Buying Green – It's So Easy'.

Policy Implications

Policy CE/CS/1 – 'Elected Members Expenses To Be Reimbursed' applies.

Financial Implications

Approximate cost for delegates for registration and accommodation will be \$1,800.00 per delegate.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Tentative accommodation bookings have been made at the Perth Ambassador.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr B Hollingworth:

That the Chief Executive Officer be granted authority to make appropriate arrangements for the registration of Councillors for attendance at Local Government Week, Friday 4 to Tuesday 8 August 2006 and that the associated costs be charged to GL 410.1.207 Councillor Training and Conference Expenses and GL 420.1.44 – Staff Training.

CARRIED (8/0)

No. 127/06

9.1.3 FUNDING FOR ENTRY STATEMENTS INTO MOUNT BARKER TOWNSITE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CR/152/1
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Delma Baesjou - Manager Development Services
Date of Report:	28 April 2006

Purpose

The purpose of this report is to consider a recommendation from the Townscape Review Steering Committee (TRSC) regarding the allocation of \$20,000.00 in the 2006/ 2007 Budget for townscape entry statements.

Background

At its meeting held on 31 January 2006 the TRSC resolved:

'That it be a recommendation to the Council:

That consideration be given in the 2006/ 2007 Budget for \$20,000.00 for townscape entry statements, inclusive of up to \$3,000.00 for enhancements to the Mount Barker entry statements.'

The matter was raised following discussions between one member of the TRSC and artist Dave Taylor with regards to making the recently installed Mount Barker entry statements more effective and conspicuous. Mr Taylor indicated that the contributions he had made to date already exceeded the scope of works and value of the project.

The concept of entry statements and municipal entry signage was considered by the Council at its meeting held 23 November 2004. Item 9.1.1 refers. The following resolutions were adopted:

That the generic design for municipal boundary entry signage as set out in the Shire of Plantagenet Style Guide be used as the basis for entry signs placed on all major roads for the Shire of Plantagenet.

That the Chief Executive Officer be authorised to finalise the fabrication and installation of municipal border entry signage on Albany Highway, Chester Pass Road, Muir Highway and the Denmark – Mount Barker Road subject to the approval of Main Roads (WA).

That the entry statements for the individual towns / localities be based on the Shire of Plantagenet Style Guide using the green / blue 'wave'.

Statutory Environment

Local Government Act 1995

Policy Implications

There are no policy implications.

Funding For Entry Statements Into Mount Barker Townsite (Cont.)**Financial Implications**

Adoption of the TRSC's recommendation requires the Council to allocate the required funds within the 2006/ 2007 Budget.

Strategic Implications

Strategically, the brief of the TRSC notes: *'The enhancement of the visual and practical amenity of the area'*.

Officer Comment

The existing Mount Barker entry statements have been successful however they could be improved to more effectively achieve the initiatives outlined in the *'Mount Barker Townscape Plan Review'*. The review determined the entry statements should be *'strong announcements'* and it is considered, by the TRSC, that the entry statements are not prominent enough. It is considered important that the townsite's entry statements define the townsite and welcome local residents and the community alike. An allocation of up to \$3,000.00 is considered sufficient for enhancements to the landscaping surrounds and artwork.

To continue the momentum of the project, and in accordance with the Council's resolutions of November 2004, it is appropriate that entry statements now be installed for Kendenup, Porongurup, Narrikup and Rocky Gully and that locality signs be progressively installed along the major entry roads within the Shire of Plantagenet. Provision of entry statements will require the ongoing allocation of funds through the Budget process. It is recommended that consideration be given to allocating \$20,000.00 per year towards the entry statement project.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth:

That consideration be given in the 2006 / 2007 Budget for \$20,000.00 for townsite entry statements, inclusive of up to \$3,000.00 for enhancements to the Mount Barker entry statements.

CARRIED (7/1)

No. 128/06

9.2 CORPORATE SERVICES REPORTS**9.2.1 FEES AND CHARGES 2006 / 2007 - PROPOSED**

Location / Address:	N / A
Attachments: (1)	List of Fees and Charges
Name of Applicant:	N / A
File Reference:	FM/64/5
Author:	John Byrne - Executive Director Corporate and Community Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	2 May 2006

Purpose

The purpose of this report is to consider the proposed list of fees and charges for inclusion in the 2006 / 2007 Annual Budget.

Background

The 2005 / 2006 adopted list of fees and charges has been reviewed with minimal changes. A précis of the proposed changes is listed:

Program / Sub Program	Description Of Charge	Old Charge	Proposed New Charge	Comment
Program 4 - Governance	Copy of local law (individual)	\$5.00	\$0.30 per page	Individual local laws vary in size from 2 pages to 48 pages. The proposed new charge enables accurate cost recovery to reproduce each local law.
	Copy of consolidated local law	\$20.00	Nil	Delete this description completely, as the cost would be based on the above charge.
Program 10 – Community Amenities Refuse Collection Services	Dumping fees at waste disposal sites	Nil	To be determined.	These charges will be new and are recommended for implementation following securing and manning of the Council's waste sites. Therefore a separate report will be presented prior to adoption of budgets at a workshop.

Fees & Charges 2006 / 2007 – Proposed (Cont.)

Program / Sub Program	Description Of Charge	Old Charge	Proposed New Charge	Comment
Program 10 – Community Amenities Town Planning Applications for Planning Consent	Outbuildings	Nil	\$50.00	New charge for outbuildings. Considered that outbuildings not adequately covered under existing charge descriptions.
Program 10 – Community Amenities Commercial, Industrial & Intensive Rural Industry	More than \$50K but no more than \$500k			Charge incorrectly listed in previous years budget. Formatting amended to correctly reflect the charge.
Program 10 – Community Amenities	Reply to a property settlement questionnaire	\$55.00	Nil	Delete this listing as the charge is already listed under Program 4 –Governance 'Rate Book Enquiry' and set at \$60.00
Publications	Aerial Photos	\$16.50	Nil	The Shire of Plantagenet does not have corporate licence to reproduce this data for sale. The custodian is Department of Land Information (DOLI).
Program 10 – Community Amenities Cemeteries	Application for order of burial for Ordinary Grave	\$400.00	\$700.00	Increased fee enables cost recovery of digging an ordinary grave.
	Application for order of burial for Child under seven or stillborn grave	\$175.00	\$350.00	Increased fee enables cost recovery of digging an ordinary grave.
	For each internment on a Saturday, Sunday or Public Holiday	\$700.00	\$1,050.00	Fee increased by 50% to enable cost recovery for overtime costs.
	Internment of ashes in a family grave - Monday to Friday	\$120.00	\$120.00	New description and costing to enable cost recovery for overtime costs.
	- Saturday, Sunday or Public Holiday	\$180.00	\$180.00	

Fees & Charges 2006 / 2007 – Proposed (Cont.)

Program / Sub Program	Description Of Charge	Old Charge	Proposed New Charge	Comment
Program 11 – Recreation and Culture Football Clubs	Per annum for use of facilities (including lights)	\$2,200.00	\$1,800.00	Negotiated outcome between Bulls FC, Shire President and Chief Executive Officer. Represents 2004/2005 fee (\$1,500) + 20%.
Recreation Centre	Gymnasium membership	Various sub categories of fees	Delete	The Recreation Centre Manager recommends only offering full centre memberships as this generates greater levels of participation and also represents best value for the customer.

A copy of the complete list of proposed fees charges is submitted as a separate attachment.

Statutory Environment

Sections 6.15 to 6.19 of the Local Government Act 1995 govern the imposition of fees and charges for Local Government Authorities. The fees and charges will be formally adopted at the budget adoption meeting to be held on 25 July 2006.

Consultation

Consultation has occurred with all relevant staff and management during the review of the fees and charges.

Policy Implications

There are no policy implications for this report.

Financial Implications

In 2005 / 2006, budgeted revenue from fees and charges was \$1,182,141.00, for 2006 / 2007 the amount will be marginally higher given the minor amendments to the fees and charges.

Strategic Implications

The proposed fees and charges are consistent with New Initiative 3.1 in Key Result Area 3 – Community Services and says the Council will *'Develop an appropriate and equitable pricing policy for community facilities and programmes.'*

Officer Comment

Many of the fees and charges for the Council's services were increased last financial year following the annual review. It is considered that the current levels of fees and charges are adequate and ought to be maintained. This will ensure a reasonable revenue stream for services provided, without forcing excessive costs upon the community.

Fees & Charges 2006 / 2007 – Proposed (Cont.)

The proposed changes are recommended to reflect cost recovery and aligning fees and charges with pragmatic operational practices.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That the proposed schedule of fees and charges as attached, be listed for consideration in the draft 2006 / 2007 Annual Budget.

PROCEDURAL MOTION**Motion To Adjourn Question**

Moved Cr J Moir, seconded Cr B Hollingworth:

That adoption of the proposed Schedule of Fees and Charges be adjourned pending further clarification, especially relating to charges for Sporting Clubs and charges relating to Cemeteries.

CARRIED (8/0)

No. 129/06

9.2.2 LOT 700 (11) ALBANY HIGHWAY, MOUNT BARKER - LEASE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RV/182/2072
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	John Byrne - Executive Director Corporate and Community Services
Date of Report:	1 May 2006

Purpose

The purpose of this report is to consider the lease disposal of Lot 700 (11) Albany Highway, Mount Barker, historically known as the Old Station House.

Background

An application has been received from Ms Kerry Taylor and Ms Raylene Kerr to lease the Old Station House premises.

They propose to use the premises as a massage clinic and a natural products retail outlet. A development application has been submitted for this use and will be presented to the Council as a separate report.

To be able to operate from the premises Ms Taylor and Ms Kerr have requested the following building maintenance occur to the building:

- Installation of a hot water system;
- Installation of a shower facility; and
- Installation of a lockable door on one of the rooms.

The approximate cost of purchasing and installing these fixtures is four thousand dollars (\$4,000.00).

They have also requested a three (3) month rent-free period to assist with the establishment of their business. Following that time they propose to pay forty five dollars (\$45.00) per week rent.

A recent commercial rental valuation was undertaken by Albany Valuation Services. Based on the current condition of the building and rental comparisons within the district, the Old Station House building was appraised at a weekly rental valuation of \$86.54.

As there is no direct access onto this property the applicants will also require to have unrestricted use of the adjacent gravel car-park being a portion of Reserve 6486, Albany Highway, Mount Barker.

Statutory Environment

Section 3.58 of the Local Government Act 1995 legislates the disposal of property and in particular, S3.58 (3) enables a local government to dispose of property other than by tender. In accordance with s3.58 (3) of the Act, the Council is required to advertise the intended disposal for a period of not less than fourteen (14) days and then consider submissions (if any) prior to making a decision to dispose of the

property. It is intended that this advertising period occur concurrently with the recommended 'SA' use advertising for the proposed development application. Once submissions have been received, a further report will be presented to the Council for its consideration.

Consultation

Consultation has occurred with one of the applicants, Ms Kerry Taylor, Mr Ian Rae of Albany Valuation Services, Marta Osipowicz – Town Planner and John Byrne – Executive Director Corporate and Community Services.

Policy Implications

There are no policy implications for this report.

Financial Implications

The requested building upgrades would cost approximately four thousand dollars (\$4,000.00) to undertake. A budget allocation would need to be considered in the 2006 / 2007 budget for this request.

The weekly rental of forty five dollars (\$45.00) being proposed by the applicants would bring in a yearly income of two thousand three hundred and forty dollars (\$2,340.00).

The yearly income as indicated by Albany Valuation Services would be four thousand five hundred dollars (\$4,500.00).

Strategic Implications

It is an aim of Key Result Area 5 of the Strategic Plan to attract and retain small to medium sized enterprises to Plantagenet.

Officer Comment

At its meeting held on 28 March 2006, the Council resolved to investigate sale of the Old Station House. However, it is considered that this decision may have occurred without all the relevant information to hand. At present, two (2) Local Authority Scheme Reservations exist over the property: ostensibly for widening of the Albany Highway Road Reserve and use as a Railway Reserve. Such Reservations could be removed, however this is likely to take two to three (2–3) years.

Given that the Old Station House building has been vacant since October 2005, any proposal to lease the building should be considered as beneficial to the condition of the building as the longer it is vacant the more deteriorated it will become.

Accepting the rental being proposed by the applicant would not however be financially beneficial to the Council as the cost of the required upgrades would offset the rent for a two (2) year period. It has been indicated by Ms Taylor that the applicants would be willing to negotiate a higher rental.

The decision to dispose of the property to Ms Taylor and Ms Kerr will be dependent on the submissions received from the public advertising period and the development application being approved. The combined advertising periods and subsequent consideration of any public submissions by the Council will mean that the lease is unlikely to commence before the new financial year. It is therefore recommended that the Council advertise its intent to dispose of by lease, its property at 11 Albany Highway, Mount Barker known as the Old Station House and budget adequate funds

Lot 700 (11) Albany Highway, Mount Barker – Lease (Cont.)

to undertake the necessary modifications for the new tenants to effectively conduct their proposed business.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) In accordance with Section 3.58 of the Local Government Act 1995 the disposal of Lot 700 (11) Albany Highway, Mount Barker (Lot 700 – known as the Old Station House) by lease to Ms Kerry Taylor and Ms Raylene Kerr for \$80.00 per week for a period of three (3) years with all outgoings being the responsibility of the lessee, be advertised.
- (2) A licence for use for the gravel carpark being a portion of Reserve 6486 Albany Highway, Mount Barker be issued to the applicants.
- (3) A further report be submitted to the Council at its meeting to be held on 13 June 2006 to consider any public submissions with regard to the disposal by lease of Lot 700 (11) Albany Highway, Mount Barker.
- (4) Four thousand dollars (\$4,000.00) be listed for consideration in the 2006 / 2007 Annual Budget for the following building maintenance on the property known as the Old Station House at Lot 700 (11) Albany Highway, Mount Barker:
 - Installation of a hot water system;
 - Installation of a shower system; and
 - Installation of an inside door.

PROCEDURAL MOTION**Motion To Adjourn Question**

Moved Cr K Clements, seconded Cr J Cameron:

That the question be adjourned until a Title Search is conducted on the property.

CARRIED (8/0)

No. 130/06

9.2.3 POLICY REVIEW - HALL HIRE TIMES

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CP/120/2
Author:	Rayona Evans - Accounts Officer
Authorised By:	John Byrne - Executive Director Corporate and Community Services
Date of Report:	2 May 2006

Purpose

The purpose of this report is to review Council Policy A/PA/1 – ‘Halls’.

Background

Council Policy A/PA/1 reads as follows:

‘That no function shall be continued after 2.00am on Council controlled property except by special permission of the Council. Function held on any property under the control of Council on Easter Saturday, Christmas Eve and the Thursday prior to Good Friday must cease at midnight’.

At its meeting held 28 February 2006, a report was put forward in relation to the above matter and the Officers Recommendation was as follows:

‘That the time ‘2:00am’ be replaced with ‘12 midnight’ in Council Policy A/PA/1 – ‘Halls’ to maintain consistency with the Mount Barker Best Practices Liquor Accord.’

The following Procedural Motion was subsequently carried:

‘That the question be adjourned to enable the Chief Executive Officer to further investigate and review hall hire times and provide a further report relating to the Mount Barker Best Practices Liquor Accord and its implication to the Council Policy A/PA/1 – Halls.’

Statutory Environment

A Guide to Developing Local Government Alcohol Policy
Mount Barker Best Practices Liquor Accord
A Guide for Local Governments – Liquor Licensing Act 1988
Liquor Licensing Act 1988

Consultation

Consultation has taken place with the Mr Eric Howard - Environmental Health Officer, Senior Constable Daniel Highman – (Alcohol and Drug Advisor, Albany Police) and the Mount Barker Police.

Policy Implications

The review of this Policy is presented to the Council as part of the ongoing Council policy review cycle.

Financial Implications

There are no financial implications for this report.

Policy Review – Hall Hire Times (Cont.)**Strategic Implications**

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

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

To achieve this we will:

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

Officer Comment

It is considered that this policy should be amended so that it supports the Mount Barker Best Practices Liquor Accord. Although the Accord does not specify times of trading, 'A Guide for Local Governments – Liquor Licensing Act 1988' specifies that a licensed premise has to cease functions at which alcohol is consumed by 1.00am. Shire of Plantagenet records show that functions where there is no alcohol consumption have not historically required the flexibility of continuing until 2.00am or later. The Mount Barker Best Practices Liquor Accord has been developed in accordance with the Liquor Licensing Act 1998 to provide a safe social environment for the community. It is therefore recommended that the policy be amended to allow the hire of venues until 1.00am in accordance with the Liquor Licensing Act 1998 and hospitality industry best practice.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr D Williss:

That the time '2.00am' be replaced with '1.00am' in Council Policy A/PA/A/1 – 'Halls' to maintain consistency with the Liquor Licensing Act 1998 and the Mount Barker Best Practices Liquor Accord.

CARRIED (8/0)

No. 131/06

9.3 TECHNICAL SERVICES REPORTS

9.3.1 HEAVY HAULAGE ROUTES - TEMPORARY ENDORSEMENTS 2006 / 2007 AND GENERAL EXEMPTION CONDITIONS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	TT/117/1
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Ian Bartlett - Manger Works
Date of Report:	1 May 2006

Purpose

The purpose of this report is to consider the recommendations from the Heavy Haulage Advisory Committee regarding Temporary Grain and Fertiliser Endorsements for the 2006/07 season and revised conditions applicable to the general endorsement for Heavy Haulage Routes for the Shire of Plantagenet.

Background

Main Roads WA (MRWA) has advised that in the lead up to the 2005/2006 Grain Season, it received a large number of applications from operators requesting extensions to the current road network for various combinations of Restricted Access Vehicles. Unfortunately many of these applications were received without sufficient time for MRWA to accurately assess the suitability of roads prior to the commencement of the grain season.

In order to better serve operators, MRWA has assessed the most requested roads from the past season and is producing a series of Great Southern Temporary Grain and Fertiliser Endorsements based on the assumption that generally speaking, the same roads will be requested in the 2006/2007 season.

MRWA produced a list of local roads within the Shire and has requested that it be reviewed and that the Shire of Plantagenet advise whether it is in agreement with these roads being added to the appropriate Temporary Grain and Fertiliser Endorsement for the 2006/2007 grain season. MRWA advises it will attempt to assess any additional roads prior to the commencement of the grain season.

This matter was considered by the Heavy Haulage Advisory Committee at its meeting held 11 April 2006. The following resolution was adopted:

'That it be a recommendation to the Council:

THAT:

- (1) *The following roads within the Shire of Plantagenet be endorsed for inclusion in the Main Roads (WA) Temporary Grain and Fertiliser Endorsements for the 2006 / 2007 Season:*

Heavy Haulage Routes – Temporary Endorsements 2006 / 2007 & General Exemption Conditions (Cont.)

<i>Road name</i>	<i>Maximum Combination Length</i>	<i>Noted Conditions</i>
<i>Barrow Road</i>	<i>27.5m</i>	<i>No access from Woogenellup Road</i>
<i>Beverley Road</i>	<i>36.5m</i>	
<i>Branson road</i>	<i>36.5m</i>	
<i>Bunker Road</i>	<i>27.5m</i>	
<i>Carbaraup Road</i>	<i>36.5m</i>	<i>Railway crossing at 8.18km – not to be crossed</i>
<i>Gorton Road</i>	<i>27.5m</i>	
<i>Martagallup Road</i>	<i>36.5m</i>	
<i>Martagallup-Tenterden Road</i>	<i>36.5m</i>	
<i>Palmdale Road</i>	<i>36.5m</i>	
<i>Poorarecup Road</i>	<i>36.5m</i>	
<i>Red Gum Pass Road</i>	<i>36.5m</i>	<i>From Kendenup townsite to Stirling Range National Park only. No access from Salt River Road.</i>
<i>Stirling School Road</i>	<i>36.5m</i>	
<i>Syred Road</i>	<i>36.5m</i>	
<i>Takalarup Road</i>	<i>36.5m</i>	
<i>View Range Road</i>	<i>36.5m</i>	
<i>Woogenellup Road</i>	<i>36.5m</i>	<i>Road Train Only</i>

(2) *Main Roads (WA) be advised in writing of (1) above.'*

The conditions nominated by MRWA regarding traffic speeds applicable to its endorsed Heavy Haulage Routes are inconsistent with those endorsed by the Council at its meeting held 13 December 2005. At that meeting it was resolved that:

'A heavy vehicle speed restriction of 70 kilometres per hour apply on all gravel roads and 80 kilometres per hour on all unmarked sealed roads and 90 kilometres per hour on marked sealed roads within the Shire.'

At its meeting held 11 April 2006 the Heavy Haulage Advisory Committee considered the traffic speed and vehicle length conditions relating to the general endorsement for Heavy Haulage Routes within the Shire of Plantagenet. The following resolution was adopted:

'That it be a recommendation to the Council:

That Main Roads (WA) be advised that in respect to the general endorsement for Heavy Haulage Routes for the Shire of Plantagenet:

(1) *The maximum speed limit is 80km on sealed roads and 60km on unsealed roads, or 10km lower than the posted speed limit of roads under 80km*

Heavy Haulage Routes – Temporary Endorsements 2006 / 2007 & General Exemption Conditions (Cont.)

whichever is the lesser, be the standard for all approved Heavy Haulage Routes within the Shire of Plantagenet.

- (2) *The maximum vehicle length to be 36.5m or as per the adopted Schedule for Shire of Plantagenet roads and that this does not include a Rigid Truck and two (2) six (6) axle dog combinations.'*

Statutory Environment

Road Traffic (Vehicle Standing Regulations 2002)

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Key Result Area – Infrastructure aims to:

'Maximise the benefit to the Community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and building infrastructure within the financial resources of the Shire.'

Officer Comment

The heavy vehicle approved routes are developed to ensure that Council controlled roads within the Shire are protected from undue damage by heavy vehicles. The approved routes are also used by Main Roads WA (MRWA) to issue heavy vehicle permits within the Shire. It is prudent for the Shire of Plantagenet to respond to the request from MWRA and advise whether it is in agreement with these roads being added to the appropriate Temporary Grain and Fertiliser Endorsement for the 2006/2007 grain season. Further, the discrepancies in the conditions relating to traffic speed and vehicle length for the general endorsement for Heavy Haulage Routes within the Shire of Plantagenet need to be resolved.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) The following roads within the Shire of Plantagenet be endorsed for inclusion in the Main Roads (WA) Temporary Grain and Fertiliser Endorsements for the 2006 / 2007 Season:

Road name	Maximum Combination Length	Noted Conditions
Barrow Road	27.5m	No access from Woogenellup Road
Beverley Road	36.5m	
Branson road	36.5m	
Bunker Road	27.5m	
Carbaraup Road	36.5m	Railway crossing at 8.18km – not to be crossed
Gorton Road	27.5m	
Martagallup Road	36.5m	
Martagallup-Tenterden Road	36.5m	
Palmdale Road	36.5m	
Poorarecup Road	36.5m	
Red Gum Pass Road	36.5m	From Kendenup townsite to Stirling Range National Park only. No access from Salt River Road.
Stirling School Road	36.5m	
Syred Road	36.5m	
Takalarup Road	36.5m	
View Range Road	36.5m	
Woogenellup Road	36.5m	Road Train Only

- (2) Main Roads (WA) be advised in writing of (1) above.
- (3) Main Roads (WA) be advised that in respect to the general endorsement for Heavy Haulage Routes for the Shire of Plantagenet:
- (a) The maximum speed limit of 80km on sealed roads and 60km on unsealed roads, or 10km lower than the posted speed limit of roads under 80km whichever is the lesser, be the standard for all approved Heavy Haulage Routes within the Shire of Plantagenet.
- (b) The maximum vehicle length to be 36.5m or as per the adopted Schedule for Shire of Plantagenet roads noting that this does not include a Rigid Truck and two (2) six (6) axle dog combinations.

COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Cameron:

THAT:

- (1) The following roads within the Shire of Plantagenet be endorsed for inclusion in the Main Roads (WA) Temporary Grain and Fertiliser Endorsements for the 2006 / 2007 Season:

Road name	Maximum Combination Length	Noted Conditions
Barrow Road	27.5m	No access from Woogenellup Road
Beverley Road	36.5m	
Branson road	36.5m	
Bunker Road	27.5m	
Carbaraup Road	36.5m	Railway crossing at 8.18km – not to be crossed
Gorton Road	27.5m	
Martagallup Road	36.5m	
Martagallup-Tenterden Road	36.5m	
Palmdale Road	36.5m	
Poorarecup Road	36.5m	
Red Gum Pass Road	36.5m	From Kendenup townsite to Stirling Range National Park only. No access from Salt River Road.
Stirling School Road	36.5m	
Syred Road	36.5m	
Takalarup Road	36.5m	
View Range Road	36.5m	
Woogenellup Road	36.5m	Road Train Only

- (2) Main Roads (WA) be advised in writing of (1) above.
- (3) Main Roads (WA) be advised that in respect to the general endorsement for Heavy Haulage Routes for the Shire of Plantagenet:
- (a) The maximum speed limit of 80km on sealed roads and 60km on unsealed roads, or 10km lower than the posted speed limit of roads under 80km whichever is the lesser, be the standard for all approved Heavy Haulage Routes within the Shire of Plantagenet.

Heavy Haulage Routes – Temporary Endorsements 2006 / 2007 & General Exemption Conditions (Cont.)

- (b) The maximum vehicle length to be 36.5m or as per the adopted Schedule for Shire of Plantagenet roads noting that this does not include a Rigid Truck and two (2) six (6) axle dog combinations.
- (4) A meeting be arranged with Main Roads (WA) to discuss Barrow Road and Carbarup Road.

CARRIED (8/0)

No. 132/06

Reason For Change

The Council believed that it was important to meet with Main Roads (WA) to discuss Barrow and Carbarup Roads and the conditions relating to heavy haulage on those roads.

9.3.2 MARTAGALLUP ROAD - ROUTE DETERMINATION

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	TT/117/1
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Ian Bartlett - Manager Works
Date of Report:	30 April 2006

Purpose

The purpose of this report is to consider a recommendation of the Heavy Haulage Advisory Committee regarding the use of Martagallup Road by Rigid Truck and two (2) six (6) axle dog trailer combinations.

Background

Main Roads Western Australia (MRWA) is seeking comment on a request from Southern Haulage to operate B Doubles and two (2) six (6) axle dog combinations on Martagallup Road. MRWA has advised that it is no longer issuing individual endorsement to operators and wishes to confirm whether access to this road is available to all operators for the above vehicle combinations. This matter was considered by the Heavy Haulage Advisory Committee at its meeting held 11 April 2006. The following resolution was adopted:

'That it be a recommendation to the Council:

THAT:

- (1) Main Roads (WA) be advised that the use of Martagallup Road by Rigid Truck and two (2) six (6) axle dog trailer combinations is supported.*
- (2) The Council's Heavy Haulage Vehicle Control Approved Routes approved at the Ordinary Meeting of the Council held 13 December 2005, be amended by the insertion of a further column headed Rigid Truck and two (2) six (6) axle dog trailers and the word 'yes' adjacent to Martagallup Road.'*

Statutory Environment

Road Traffic (Vehicle Standing Regulations 2002)

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Key Result Area – Infrastructure aims to:

'Maximise the benefit to the Community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and building infrastructure within the financial resources of the Shire.'

Martagallup Road – Route Determination (Cont.)**Officer Comment**

The heavy vehicle approved routes are developed to ensure that Council controlled roads within the Shire are protected from undue damage by heavy vehicles.

The approved routes are also used by Main Roads WA (MRWA) to issue heavy vehicle permits within the Shire.

Martagallup road is considered suitable for use by both B Doubles and two (2) six (6) axle dog combinations. It is recommended that MRWA be advised the request to use Martagallup Road is supported and the Council's Heavy Haulage Vehicle Control Approved Routes approved be amended accordingly.

Use of other roads within the Shire of Plantagenet, in particular Woogenellup Road, by Rigid Truck and two (2) six (6) axle dog trailer combinations will be the subject of a further report to the Council pending the provision of advice from Main Roads (WA) on which of its roads are approved for use by such vehicle combinations.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr M Skinner:

THAT:

- (1) Main Roads (WA) be advised that the use of Martagallup Road by Rigid Truck and two (2) six (6) axle dog trailer combinations is supported.**
- (2) The Council's Heavy Haulage Vehicle Control Approved Routes approved at the Ordinary Meeting of the Council held 13 December 2005, be amended by the insertion of a further column headed Rigid Truck and two (2) six (6) axle dog trailers and the word 'yes' adjacent to Martagallup Road.**

CARRIED (8/0)

No. 133/06

9.3.3 PLANT REPLACEMENT PROGRAM 2006 - 2016

Location / Address:	N / A
Attachments: (1)	Ten Year Plant Replacement Program
Name of Applicant:	N / A
File Reference:	PS/4/6
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	3 May 2006

Purpose

The purpose of this report is to endorse the ten (10) year plant replacement program for the period 2006 to 2016.

Background

Each year the Council reviews its ten (10) year plant replacement program to maximise the effectiveness of the plant being acquired to undertake works and maintenance programs.

The proposed program has been prepared with a focus on the 2006 / 2007 financial year. Of particular importance is the inclusion of the twenty tonne excavator to replace the old rubber tyred dozer. This inclusion represents a significant investment to the plant and equipment assets, however as previously reported to the Council (13 December 2005), the excavator will provide a significantly greater range of functionality than the dozer.

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred with the Works Supervisor, former Executive Director Technical and Development Services, and the Council. A report was considered by the Council at its meeting held in December 2005 and the program was discussed with Councillors on the 2006 Annual Roads Inspection.

Policy Implications

There are no policy implications for this report.

Financial Implications

The Plant Replacement Program details the proposed expenditure for each budget during the ten year period from 2006 / 2007 to 2016 / 2017.

Strategic Implications

The development of a ten (10) year Plant Replacement Program is consistent with Key Result Area 2 – Infrastructure which says the Council will undertake *'Development of asset management and information systems to more effectively utilise scarce resources.'*

Plant Replacement Program 2006-2016 (Cont.)**Officer Comment**

It is noted that expenditure within the Plant Replacement Program in future years is not evenly distributed. This will require further review and enhancement during the next year.

In addition, plant considered surplus will be disposed of and replaced with more practical machinery that is suited to the Council's Works Operations. This will maximise usage of machinery, result in less down time and improve safety within the operations.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Hollingworth:

That the ten (10) year Plant Replacement Program, as attached, be endorsed for inclusion in the 2006 / 2007 Draft Annual Budget.

CARRIED (8/0)

No. 134/06

9.4 DEVELOPMENT SERVICES REPORTS

9.4.1 TOWNSCAPE REVIEW STEERING COMMITTEE - RESIGNATION OF MEMBER

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	LP/103/3
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	1 May 2006

Purpose

The purpose of this report is to note the resignation of a member of the Townscape Review Steering Committee and to consider the appointment of a replacement member.

Background

The Townscape Review Steering Committee was endorsed by the Council on 10 May 2005 with the following brief:

‘Committee Brief

Guide the process of reviewing the Townscape Improvement Plan for the Shire of Plantagenet that will:

- *Serve as an overall framework for streetscape upgrading projects over the next ten years; and*
- *Lead to the enhancement of the visual and practical amenity of the area.’*

Statutory Environment

The Townscape Review Steering Committee was appointed by the Council pursuant to Section 5.9(2)(c). This means that the Committee has as its members, Council Members, Employees and other persons.

Ms Delma Baesjou was appointed to the committee as an employee. As Ms Baesjou has resigned from her employment with the Council, her membership on the committee ceases on the date that she *‘...no longer holds the office by virtue of which (she) became a member...’*.

It would be proper to replace Ms Baesjou with an ‘employee’ and it is suggested that Ms Marta Osipowicz be the replacement.

An appointment by the Council pursuant to Section 5.10 of the Act is warranted.

Consultation

Consultation has taken place with Ms Marta Osipowicz.

Policy Implications

There are no policy implications for this report.

Townscape Review Steering Committee – Resignation Of Member (Cont.)**Financial Implications**

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) The resignation of Ms Delma Baesjou from the membership of the Townscape Review Steering Committee be accepted with regret and that Ms Baesjou be thanked for her services to the committee and the community of the Shire of Plantagenet.
- (2) Ms Marta Osipowicz be appointed on the Townscape Review Steering Committee, in her capacity as an employee.

COUNCIL DECISION

Moved Cr J Cameron, seconded Cr J Mark:

THAT:

- (1) The resignation of Ms Delma Baesjou from the membership of the Townscape Review Steering Committee be accepted with regret and that Ms Baesjou be thanked for her services to the committee and the community of the Shire of Plantagenet.**
- (2) Ms Marta Osipowicz be appointed on the Townscape Review Steering Committee, in her capacity as an employee.**
- (3) The Council note their appreciation and thanks to Ms Delma Baesjou for her work whilst a member of the Townscape Review Steering Committee.**

CARRIED (8/0)

No. 135/06

(Absolute Majority)

9.4.2 LOT 101 INGOLDBY STREET, MOUNT BARKER (PROPOSED OVERSIZED OUTBUILDING)

Location / Address:	Lot 101 Ingoldby Street, Mount Barker
Attachments: (2)	Site Plan Elevations
Name of Applicant:	Peter and Anne Harwood
File Reference:	RV/182/4201
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Delma Beasjou – Manager Development Services
Date of Report:	1 May 2006

Purpose

The purpose of this report is to consider an application for a 90m² outbuilding on Lot 101 Ingoldby Street, Mount Barker.

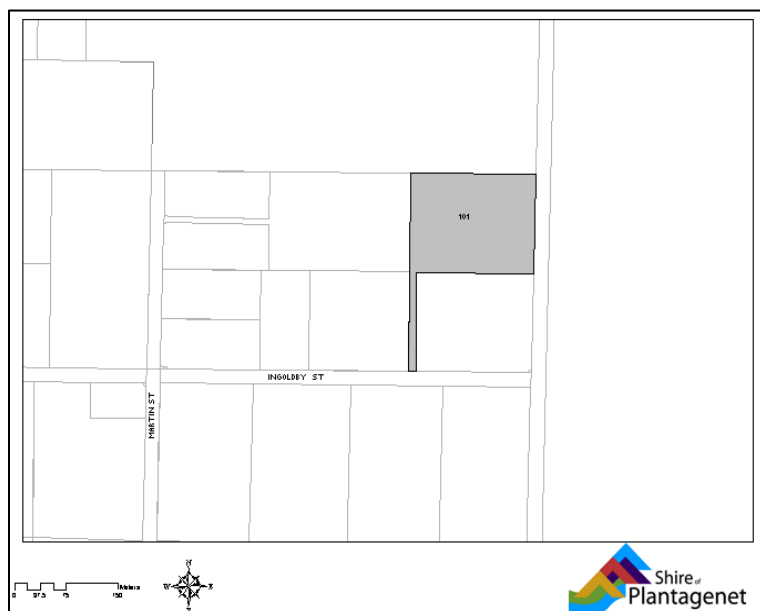
Background

The proposed shed is 7.5m by 12m and 3.729m high.

The subject land is zoned Rural Residential 3 under the Shire of Plantagenet Town Planning Scheme No. 3 and is currently vacant.

Setbacks required:

Front -	15m
Rear -	15m
Sides -	15m



Shire records show that the registered owners to be Peter and Anne Harwood.

Statutory Environment

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

Building Code of Australia 2006

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 meets all setback requirements. The proposal 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). The outbuilding is in excess of 60m² in area with a wall height exceeding 2.4m. The proposed outbuilding is required to be considered under the respective Performance Criteria: *'Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.'*

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

The outbuilding is proposed to be setback 70m from the northern boundary and 40m from the western boundary. There is little to no negative impact on the adjoining property neighbours. The property is approximately 2.4ha in area: the outbuilding will not be clearly visible from either Ingoldby Street or Sounness Street, thus having no negative impact on the streetscape.

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

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr J Moir, seconded Cr M Skinner:

That planning consent be granted in respect of Application No. 24/06 for development of an oversize outbuilding on Lot 101 Ingoldby Street, Mount Barker in accordance with the plans dated 26 April 2006, subject to the following conditions:

- (1) The crossover and access way being designed and installed in accordance with the Shire of Plantagenet specifications and standards, and being maintained by the proponent.**
- (2) All stormwater runoff being contained onsite.**

Lot 101 Ingoldby Street, Mount Barker – Proposed Oversized Outbuilding (Cont.)

- (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 twenty-four 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.

AMENDMENT

Moved Cr J Cameron, seconded Cr D Williss:

That Part (2) of the Motion be deleted and the motion be recast accordingly.

CARRIED (6/2)

No. 136/06

COUNCIL DECISION

That planning consent be granted in respect of Application No. 24/06 for development of an oversize outbuilding on Lot 101 Ingoldby Street, Mount Barker in accordance with the plans dated 26 April 2006, subject to the following conditions:

- (1) The crossover and access way being designed and installed in accordance with the Shire of Plantagenet specifications and standards, and being maintained by the proponent.
- (2) The outbuilding not being used for industrial or commercial purposes.
- (3) 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 twenty-four 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. 137/06

9.4.3 LOT 502 MARTIN STREET, MOUNT BARKER - OVERSIZE SHED

Location / Address: Lot 502 Martin Street, Mount Barker
Attachments: (2) Site Plan
 Elevations
Name of Applicant: J Dean and E Klein
File Reference: RV/182/4643
Author: Marta Osipowicz - Planning Officer
Authorised By: Delma Baesjou - Manager Development Services
Date of Report: 26 April 2006

Purpose

The purpose of this report is to consider an application for a 115.52m² outbuilding on Lot 502 Martin Street, Mount Barker.

Background

The proposed shed is 12m by 10m and 3.65m high.

The subject land is zoned Rural Residential 3 under the Shire of Plantagenet Town Planning Scheme No. 3 and is currently vacant.

Setbacks required: Front - 15m
 Rear - 15m
 Sides - 15m



Shire records show the registered owner to be Edeltraud Klein.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3
 Residential Design Codes of Western Australia 2002
 Building Code of Australia 2006

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 meets front and rear setback requirements however it does not meet the 15m side setback requirement applicable to the zone. Clause 5.3 of the Special Provisions for Rural Residential Area 3 of Town Planning Scheme No. 3 sets out: *'In approving any setback relaxation, the Council shall take into account the topography, lot shape and vegetation on the site.'*

The proposal 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). The outbuilding is in excess of 60m² in area with a wall height exceeding 2.4m. The proposed outbuilding is required to be considered under the respective Performance Criteria: *'Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.'*

Determination by the Council is required for a relaxation of the 15m boundary setback required under the Town Planning Scheme and as a result of the outbuilding exceeding Acceptable Development Provisions of the Residential Design Codes.

The outbuilding is setback 64m from the front property boundary line and 10m from the southern (side) boundary. Since the proposal was first submitted, the side setback has been increased by the applicant from 8m to 10m. The applicant has provided a site plan of the intended house and associated septic tanks and leach drains to give an indication of the development proposed on the subject lot.

A site visit has been undertaken. It has been determined that the outbuilding will have limited negative effect on the streetscape and the adjoining property. The adjoining property is currently a paddock for the adjoining neighbour's cows. There are large trees along the southern boundary, a stand of trees within the south-western portion of the site and tall trees along the front boundary. It is considered that the siting of the proposed outbuilding is acceptable and not visually intrusive on neighbouring properties.

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

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That planning consent be granted in respect of Application No. 22/06 for development of an oversize outbuilding on Lot 502 Martin Street, Mount Barker in accordance with the plans dated 27 March 2006, subject to the following conditions:

- (1) The crossover and access way being designed and installed in accordance with the Shire of Plantagenet specifications and standards, and 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 twenty-four 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.

COUNCIL DECISION

Moved Cr J Cameron, seconded Cr D Williss:

That planning consent be granted in respect of Application No. 22/06 for development of an oversize outbuilding on Lot 502 Martin Street, Mount Barker in accordance with the plans dated 27 March 2006, subject to the following conditions:

- (1) The crossover and access way being designed and installed in accordance with the Shire of Plantagenet specifications and standards, and being maintained by the proponent.**
- (2) The outbuilding not being used for industrial or commercial purposes.**
- (3) 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 twenty-four 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.**

Lot 502 Martin Street, Mount Barker – Oversized Shed (Cont.)

- (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. 138/06

Reason For Change

The Council decided that Point (2) of the Officer's Recommendation was not required.

9.4.4 LOT 700 (11) ALBANY HIGHWAY, MOUNT BARKER (OLD STATION HOUSE) - PROPOSED RETAIL AND CONSULTING ROOMS

Location / Address:	Lot 700 (11) Albany Highway, Mount Barker
Attachments: (1)	Floor Plan
Name of Applicant:	Kerry Taylor
File Reference:	RV/182/2072
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Delma Baesjou - Manager Development Services
Date of Report:	27 April 2006

Purpose

The purpose of this report is to consider an application for Shop and Consulting Rooms at Lot 700 (11) Albany Highway, Mount Barker (Old Station House).

Background

The previous tenants vacated the Old Station House in 2005. The previous use was limited to retail; the sale of goods within the scope of Scots-r-wee. The proposal, the subject of this report, includes two (2) components; retail and massage therapy.

Zoning: 3/4 Main Roads Reserve
 1/4 Railway Reserve

Land Use: Shop & Consulting Room (Massage Therapy)

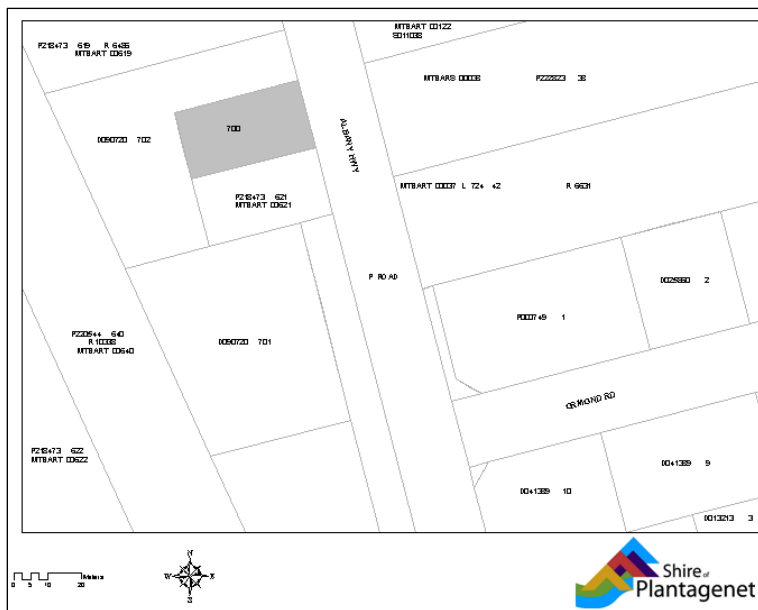
'Massage Therapy is the manipulation of soft tissue for therapeutic purposes' as stipulated by the Department of Health.

Permissibility: Town Planning Scheme No. 3 (TPS3) is silent in regard to land use categories permissible within the Local Authority Scheme Reserves. The proposal is therefore determined as a use-not-listed.

The retail component alone could be permitted (given the previous retail nature of the premises) however, in conjunction with massage therapy the proposal is recommended to be considered an 'SA' use. The massage therapy component is defined as a 'Consulting Rooms'.

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

Lot 700, 11 Albany Highway, Mount Barker – Old Station House – Proposed Consulting Rooms (Cont.)



Council records show the current owner to be the Shire of Plantagenet.

Statutory Environment

Planning and Development Act 2005
 Town Planning Scheme No. 3
 Clause 2.2 of TPS3 sets out:

‘Where an application for planning consent is made with respect to land within a Reserve, the Council shall have regard to the ultimate purpose intended for the reserve....’

Clause 6.2.3 of TPS3 sets out:

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

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

Health Act 1911
 Building Code of Australia 2005

Consultation

Should the Council decide to give Notice of the change of use the application will require public advertising in accordance with Clauses 6.2.1 and 6.2.3 of TPS3. Whilst one aspect constitutes shop, the proposed massage therapy is considered to be a

'consulting rooms' thus constituting a change of use. Advertising for a period of twenty-one days is recommended and shall be undertaken in accordance with Clause 6.2.3 (a), 6.2.3(b) and 6.2.3(c).

Policy Implications

There are no policy implications for this report.

Financial Implications

The intended lease agreement and associated financial arrangements will be the subject of a separate report to the Council.

Strategic Implications

The Shire of Plantagenet's Strategic Plan aims to:

'Retain local business and encourage new businesses that will create long-term sustainable local employment'.

The Strategic Plan notes the following new initiative that is of relevance to this proposal:

'Encourage establishment of new businesses, which provide employment and/or service the tourist industry and contribute to the prosperity of Plantagenet'.

Officer Comment

The application entails the establishment of a retail component and massage therapy. The applicant is a Human and Equine Worker however the application is only for the massage of humans at this location. Initial conversations between the applicant and Eric Howard – Environmental Health Officer and Marta Osipowicz - Planning Officer prior to formal submission, established that equine massage would not be favoured due to predominant safety and traffic management issues.

The proposal, in its current form, allows for two partners to share the premises. One without the other may not be able to proceed and as such, they have submitted a joint application. Essentially the uses do not present land use conflict issues or significant safety concerns.

It is anticipated that traffic generation and parking requirements will be similar to that of the previous tenancy. The area given over to retail floor space is to be reduced and visitors to the massage therapy will be by appointment, one patient examined at any one time. An existing gravel parking area is provided on the adjoining lot. This is considered to be sufficient for the proposed land uses.

It is recommended that the application be subject to a twenty-one day public advertising period including letters to neighbouring land owners, notices in the newspaper and a sign on-site, undertaken in accordance with Clause 6.2.3(a), 6.2.3(b) and 6.2.3(c) of the Planning Scheme.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) The application for Shop and Consulting Rooms (massage therapy) at Lot 700, 11 Albany Highway, Mount Barker be advertised in accordance with Clause 6.2.3 (a), (b) and (c) of the Shire of Plantagenet Town Planning Scheme No. 3 for a period of twenty-one days.
- (2) At the conclusion of the advertising period a further report be prepared for the consideration of the Council at its meeting to be held on 13 June 2006.

PROCEDURAL MOTION

Motion To Adjourn Question

Moved Cr K Clements, seconded Cr J Moir:

That the question be adjourned until a Title Search is conducted on the property.

CARRIED (8/0)

No. 139/06

9.4.5 LOT 97 MONTEM STREET, MOUNT BARKER - (462-06 SURVEY-STRATA SUBDIVISION)

Location / Address:	Lot 97 Montem Street, Mount Barker
Attachments: (1)	Survey-strata Plan
Name of Applicant:	Yaran Pty Ltd referred by the Western Australian Planning Commission
File Reference:	RV/182/2138
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Delma Baesjou - Manager Development Services
Date of Report:	24 April 2006

Purpose

The purpose of this report is to consider a survey-strata subdivision application for Lot 97 Montem Street, Mount Barker.

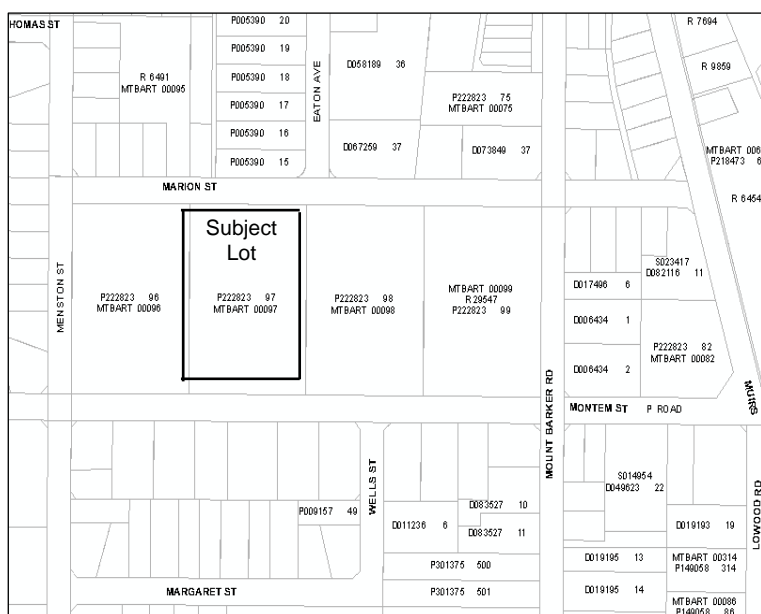
Background

In February 2006 the owners of Lot 97 Montem Street lodged a development application with the Shire of Plantagenet for twenty-eight grouped dwellings. The initial plans proposed one access point onto Montem Street with an internal loop road. Officers at the Shire were concerned about egress and traffic management. Predominant traffic flow was directed onto Montem Street. Officers sought a staggering of access ways, onto Montem Street and Marion Street, to deter through traffic due to the access way being 'common property' and not a gazetted road.

Drainage has also been a major concern with respect to the proposed development. The increased amount of impervious surfaces will result in more water run-off from the subject lot than in its pre-development state. In response to this concern the Council resolved, at its 11 April Council Meeting, that a detailed drainage study be undertaken by the applicant and indicated this information was required by the 22 May 2006.

Zoning:	Residential
Density Coding:	R10/20
Lot Size:	14,366m²
Average Lot Size:	500m²
Minimum Lot size:	440m²
Permitted Lot Yield:	28 Lots
Proposed:	28 Lots
Subdivision Type:	Survey-Strata with Common Property thus, Grouped Dwelling
Land Use under TPS3:	'SA'

The above mentioned lot size has been derived from the Certificate of Title; the amount is 3.01m² less than noted in the previous Council report dated 11 April 2006.

Lot 97 Montem Street, Mount Barker – (462-06 Survey-Strata Subdivision) (Cont.)

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

Statutory Environment

Planning and Development Act 2005
Town Planning Scheme No. 3

The proposed Survey-Strata subdivision is subject to the following Western Australian Planning Commission Policies:

WAPC DC Policy 1.3 'Strata Titles'
WAPC DC Policy 2.2 'Residential Subdivision'
WAPC DC Policy 2.3 'Public Open Space in Residential Areas'
WAPC DC Policy 2.6 'Residential Road Planning'; and
WAPC's 'Guidelines for the Design and Geometric Layout of Residential Roads'

DC Policy 1.3 states 'on plan, a survey-strata subdivision will have a similar appearance to a conventional subdivision although it may include "common property" and have an on going relationship between the other lots created on the same survey strata plan'.

Clause 3.3.7 in DC Policy 1.3 states 'There may be circumstances where the Commission believes that a proposal to create vacant strata or survey-strata lots is not acceptable, and that the subdivision should take the form of a conventional lot subdivision. In instances where it is proposed to create a large number of lots which could raise issues such as access for emergency services, public access and the distribution of public facilities, or where a proposal circumvents the normal requirements of subdivision, the Commission may consider that the proposal should proceed as a conventional subdivision'.

Consultation

The application for planning consent was considered by the Council at its meeting held on 11 April 2006. The Council resolved to advertise the proposed grouped dwellings for twenty-one days. The submission period closes on the 12 May 2006.

The submissions will be addressed at the Council meeting to be held on the 13 June 2006.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

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

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

'Plan a safe and healthy living environment'.

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

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

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

Officer Comment

The proposed survey-strata development is concurrently the subject of a development application for twenty-eight grouped dwellings and an 'SA' use under Town Planning Scheme No. 3 (TPS3). In this instance, determination of the survey-strata subdivision is considered premature.

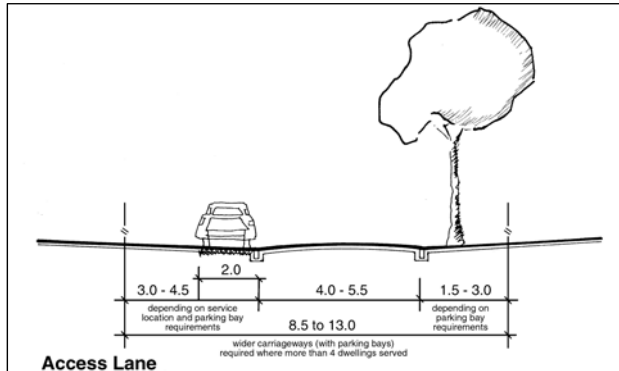
At this stage the development application is pending the outcome of public consultation and the submission of a detailed drainage study. In both instances the development proposal may be required to be amended. A major concern is that of drainage and it may be necessary for the applicant to provide an area for on site stormwater disposal / retention. The current proposal, to retain filled lots and install soak wells into the sand pads is of concern. Water could seep through the soak wells and accumulate behind the retaining walls, potentially undermining or putting pressure onto the walls. Without a detailed drainage assessment the Shire is not in a position to support the subject survey-strata proposal.

In addition, concerns are raised with respect to the proposed 'common property' driveway. Whilst this is not a gazetted road, issues of safety and traffic management have arisen. The current proposal indicates a 6.0m access way through the development of which 4.8m is dedicated to motorists and 1.2m to pedestrians. As specified in Clause 3.5.5 of the R Codes, the pedestrian access is required because there are more than 10 grouped dwellings in the development. The absolute minimum width of the pedestrian access is 1.2m.

The Shire's Subdivision Standards Policy determines the proposal as being an 'Access place'. The policy requires an access place to have a pavement area of 6.0m; the pathway is required to be 2.5 metres. In this instance a 1.2m minimum pedestrian way is considered acceptable.

Lot 97 Montem Street, Mount Barker – (462-06 Survey-Strata Subdivision) (Cont.)

The Shire's planning department has considered the WAPC DC Policy 2.6 and 'Guidelines for the Design and Geometric Layout of Residential Roads' and in accordance with these documents the 'common property' access leg has been determined as an 'Access Lane'. The pavement area is required to be between 4.0 – 5.5m. The subject proposal includes a pavement width of 4.8m.



It is considered that a total of 7.2m minimum is required for the 'common property' plus the additional width for visitor parking bays. The east-west access ways are therefore required to be 9.0m in width in accordance with the Shire's Subdivision Standards Policy. This is advocated predominantly for safety, traffic management and servicing.

It is recommended that the Council defer the survey-strata subdivision until such time as additional information has been received from the applicant and the Council is satisfied with the proposed Grouped Dwelling development.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth:

That the Western Australian Planning Commission (WAPC) be advised that a determination of the survey-strata subdivision for Lot 97 Montem Street, Mount Barker (WAPC Ref. 462-06) dated 10 April 2006 is considered to be premature and that a decision on the application should be deferred for the following reasons:

- (1) The applicant is required to undertake a detailed drainage study to demonstrate that the site is able to accommodate the intensity of development proposed without adverse impact on downstream flows and drainage systems;
- (2) The development application for twenty eight (28) Grouped Dwellings on Lot 97 Montem Street is currently the subject of public consultation; the comments are to be considered at the Council's meeting on the 13 June 2006; and

- (3) An indicative Strata Management Plan showing how weekly rubbish collection, mail delivery, internal infrastructure and maintenance will managed is required to be sighted.

ADVICE NOTE:

Consideration be given to a wider 'common property' access way. In accordance with the Shire of Plantagenet Subdivision Standards Policy the pavement width is required to be 6.0m; the pedestrian way to be a minimum of 1.2m. Where visitor parking bays are provided the overall width is required to be 9.0m.

CARRIED (8/0)

No. 140/06

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

4.59pm The Presiding Member declared the meeting closed.

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