



## **ORDINARY COUNCIL MEETING**

# **MINUTES**

Ordinary Meeting of the Council  
held in the Council Chambers  
2.45pm Tuesday 13 June 2006

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

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.51pm 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 J Mark	Town Ward
Cr B Hollingworth	Town Ward
Cr K Hart	Kendenup Ward
Mr R Stewart	Chief Executive Officer
Mr I Bartlett	Manager Works
Ms N Selesnew	Manager Community Services
Ms M Osipowicz	Planning Officer
Mrs K Skinner	Executive Secretary
Ms C Delmage	Administration Officer

There were fifteen (15) members of the public present.  
There were two (2) members of the media present.

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

Nil

### **4 PUBLIC QUESTION TIME**

#### **4.1 MOUNT BARKER TOURIST BUREAU – ITEM 9.1.1 (ED/125/1)**

Asked By: Mr Scott Drummond – Porongurup Community Association (PCA)

Mr Drummond spoke in support of Recommendation 9.1.1 - Tourism In Mount Barker and noted that he was concerned with comments in the background regarding the \$15,000.00 deficit that need to be paid by 30 June 2006 to the departing manager for his Annual Leave etc.

Mr Drummond asked the Council to increase the funding on Part (2) of the recommendation to \$10,000.00 rather than \$5,000.00 for the immediate saving of the Mount Barker Tourist Bureau which he noted put a lot of business through local tourism ventures.

Mr Drummond noted that the PCA had been expecting a cycle path through the area and that it had been budgeted for this financial year. He also noted that the cycle path had not yet commenced. Mr Drummond noted that the PCA would recommend that the money that had already been budgeted for the cycle path be put into the Mount Barker Tourist Bureau.

**Response By: Cr K Forbes – Shire President**

Cr Forbes noted that the Draft Budget was not yet finalised.

Asked By: Mr Kevin Collins – Banksia Farm

Mr Collins asked whether the public would be able to peruse the budget prior to the public meeting due to be held 26 June 2006. He noted that it would give the public an opportunity to have funds considered / diverted eg: Pearce Road was due to be upgraded but Mr Collins wants to see it 'in writing' prior to the public meeting. Does it actually appear? What tourism funding considerations have been made?

**Response By: Cr K Forbes – Shire President**

Cr Forbes noted that the Draft Budget is still under consideration. He also noted that the Councillors had commenced a Budget Workshop today and hope to have it completed by this evening. A recommendation on the Draft Budget would be made available next week prior to the public meeting due 26 June 2006.

Asked By: Mr Lee McInnes – Porongurup Chalets

Mr McInnes noted his concern with Part (2) of Item 9.1.1 regarding the comment 'Subject to an adequate 2006 / 2007 budget allocation' and asked who would make the decision on what is adequate? The Council or the Tourist Bureau? Mr McInnes noted that there was a great concern amongst many regarding the future of the Tourist Bureau.

**Response By: Cr K Forbes – Shire President**

Cr Forbes noted that the recommendation stated that \$5,000.00 would be made available to cover short term expenses of the Tourist Bureau.

**Asked By: Mr Lee McInnes – Porongurup Chalets**

Mr McInnes again asked who would decide on whether the budget was 'adequate'? Mr McInnes noted that the amount may not be adequate to keep the Tourist Bureau open and operating. He also noted that he was aware that the Council would keep the Tourist Bureau open under clear caveats and conditions.

**Response By: Cr K Forbes – Shire President**

Cr Forbes noted that until the Draft Budget is adopted, the amount cannot be put into specifics. Cr Forbes also noted that the Council was hoping to finalise the Draft Budget this evening.

**5 PETITIONS / DEPUTATIONS / PRESENTATIONS****Presentation – Grouped Dwellings - Lot 97 Montem Street, Mount Barker (RV/182/2138)**

Mr Faryar Gorjy, representing Yaran Pty Ltd gave a brief presentation as attached.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Councillor Williss requested leave of absence for the periods 26 to 28 June 2006 inclusive and 8 to 16 July 2006 inclusive.

Councillor Forbes requested leave of absence for the period 8 to 20 July 2006 inclusive.

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

**THAT:**

- (1) Councillor Williss be granted leave of absence for the periods 26 to 28 June 2006 inclusive and 8 to 16 July 2006 inclusive.**
- (2) Councillor Forbes be granted leave of absence for the period 8 to 20 July 2006 inclusive.**

**CARRIED (9/0)**

**No. 147/06**

## 7 CONFIRMATION OF MINUTES

Moved Cr D Williss, seconded Cr J Mark:

That the Minutes of the Ordinary Meeting of the Council held 23 May 2006 be confirmed.

CARRIED (9/0)

No. 148/06

## 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 24 May 2006 – Cr Forbes, Cr Cameron and Cr Williss attended a Conservation and Land Management (CALM) workshop regarding their Good Neighbour Policy. Cr Forbes gave a brief presentation at the beginning of the workshop. The workshop was attended by approximately eighty people with good participation. The Council is now awaiting the outcomes of the workshop
- 26 May 2006 – Cr Forbes and Cr Williss attended the Annual Meeting of the Great Southern Zone of Western Australian Local Government Association (WALGA) in Cranbrook. Cr Forbes will continue as President for a further term.
- The Great Southern Development Commission has decided to replace the 'Great Southern' signs in the region.
- 30 May to 1 June 2006 – Cr Forbes and Mr Stewart held interviews for the position of Deputy Chief Executive Officer. A confidential report on the matter will be considered at the end of the meeting.
- 2 June 2006 – Cr Forbes and Mr Stewart attended a meeting in Perth with the Public Transport Authority (PTA) regarding the demolition of the old packing shed building just to the south / west of the train station in Mount Barker. The PTA representatives noted that they have no intention of rebuilding due to issues with white ants, asbestos roofing and weatherboard cladding. PTA noted that they will fence around the building whilst working through the issues.
- Cr Forbes and Mr Stewart met with a consultant in regards to the direction to take with rates collection for survey-strata plantations resulting in several aspects for consideration. The consultant would further investigate and advise.
- Cr Forbes and Mr Stewart met with representatives from Racing and Wagering Western Australia (RWVA) regarding their long term plans for the Mount Barker Turf Club. They noted that they were intending to start work in approximately six (6) months time with a long term view for the Great Southern region. We will then know if Mount Barker will become the region's main racing area.

- 7 June 2006 – Cr Forbes attended a WALGA budget briefing and the State Council meeting.
- 9 June 2006 – Cr Forbes attended the Mount Barker Lion's Club changeover dinner at Gilbert's Winery. A pleasant evening for all in attendance with Dave Stewart the incoming president.
- 14 June 2006 – Cr Forbes will attend a meeting of the One Community, One College Implementation Committee.
- 14 June 2006 - The Great Southern Development Commission will be running a forum in the Council Chambers at 3.00pm on immigration policies.
- 16 June 2006 – A meeting will be held in Albany to consider the Great Southern Regional Strategy. Cr Forbes is unable to attend.



## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 COMMUNITY SERVICES REPORTS

#### 9.1.1 TOURISM IN MOUNT BARKER

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<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (2)</b>	<b>Letter – To Tourism Industry Members Outcomes From Public Meeting</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>ED/125/1</b>
<b>Author:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>7 June 2006</b>

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#### **Purpose**

The purpose of this report is to advise of the most recent state of play regarding the Mount Barker Tourist Bureau and to recommend a course of action with regard to financial assistance for the Tourist Bureau.

#### **Background**

The Council has been aware, for some time, that the Mount Barker Tourist Bureau has been experiencing financial difficulties.

These financial difficulties have now been highlighted with the resignation of the Tourist Bureau Manager Mr Terry Proctor.

Up until Mr Proctor's resignation, the Bureau was expecting to run at a loss of approximately \$5,000.00 for the 2005 / 2006 financial year. With the resignation and the need to fund long service leave, this operating loss is expected to be in the vicinity of \$15,000.00.

#### **Consultation**

Significant consultation has occurred with the Chairman of the Mount Barker Tourist Bureau Mr Arthur Patterson.

#### **Policy Implications**

The Council's policy regarding Tourism is as follows:

*'The Council will, with regard to tourism, have, as its major objectives to:*

- (1) Recognise tourism as a social and economic force and as a major or potential major employer within the Shire of Plantagenet;*
- (2) Foster and create community awareness of the benefits of tourism within the Plantagenet district;*
- (3) Guide and influence the development of tourism in the Plantagenet district;*
- (4) Provide basic facilities and infrastructure sufficient to encourage development;*

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**Tourism In Mount Barker (Cont.)**

- (5) *Ensure that facilities within the Plantagenet area are adequate to cater for visitors and residents.'*

**Financial Implications**

Councillors will be aware that during the 2005 / 2006 financial year the Council made available a total of \$42,000.00 for use by the Tourist Bureau made up of a \$38,000.00 grant and a further \$4,000.00 upon application to the Chief Executive Officer.

The Tourist Bureau now seeks from the Council an immediate \$5,000.00 for payment of bills and at least a further \$5,000.00 in the first week of July.

In total however the Tourist Bureau seeks an amount from the Council of \$17,000.00 to cover the \$5,000.00 loss on operations, a \$2,000.00 Tourism Strategy funding shortfall, in excess of \$7,000.00 for long service leave and superannuation for the departing Manager and potentially a further \$2,000 plus for staff annual leave.

Councillors are advised that the provision of \$5,000 immediately will mean that general ledger account 1320.1.159 (Tourist Bureau Contribution) will be over expended by that amount. Pursuant to Section 6.8 (1) (b) of the Local Government Act 1995 such authorisation requires an absolute majority.

**Strategic Implications**

The Council's decision with regard to tourism has definite strategic implications.

This report however must serve as an interim position only to enable full examination of those strategic implications.

**Officer Comment**

At a public meeting held on 1 June 2006 to '...decide the future of the Mount Barker Tourism Association Inc' the Chief Executive Officer indicated that the Council would be in a position to assist the Tourist Bureau to remain in operation at least for a 'breathing space' period of time to enable full assessment of the facts. A copy of the outcomes of that public meeting is attached.

Councillors Forbes and Hollingworth attended a board meeting of the Tourist Bureau on 5 June 2006 and both of these Councillors will be in a position to advise the Council of the results of that meeting.

Further, a meeting of the Tourist Bureau committee, Council representatives and Tourism representatives from Australia South West and Tourism WA will be meeting on Friday 9 June 2006.

**Voting Requirements**

Absolute Majority

**OFFICER'S RECOMMENDATION**

THAT:

- (1) An amount of \$5,000.00 be immediately made available to the Mount Barker Tourist Bureau Inc to enable that organisation to satisfy short term expenses.
- (2) Subject to an adequate 2006 / 2007 budget allocation a further \$5,000.00 be made available on 1 July 2006 for a similar purpose to that referred to in (1)

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Tourism In Mount Barker (Cont.)

above subject to, in the sole opinion of the Council, substantial progress being made towards a resolution of the issues which have brought about the present unsatisfactory financial situation of the Mount Barker Tourist Bureau and subject also to a business plan for the Tourist Bureau being put in place to ensure future efforts of the Centre are goal orientated, achievable and financially prudent.

- (3) The funds referred to in (1) above be debited to General Ledger 1320.1.159.

Breaking Down Of Complex Question

Pursuant to Standing Order 9.4, the Presiding Member directed that Points (1) and (3) be considered prior to Point (2) and renumbered accordingly.

**COUNCIL DECISION**

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

**THAT:**

- (1) An amount of \$5,000.00 be immediately made available to the Mount Barker Tourist Bureau Inc to enable that organisation to satisfy short term expenses.
- (2) The funds referred to in (1) above be debited to General Ledger 1320.1.159.

**CARRIED (9/0)**

**No. 149/06**

**(Absolute Majority)**

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

**That subject to an adequate 2006 / 2007 budget allocation, a further \$5,000.00 be made available on 1 July 2006 for a similar purpose to that referred to in (1) above subject to, in the sole opinion of the Council, substantial progress being made towards a resolution of the issues which have brought about the present unsatisfactory financial situation of the Mount Barker Tourist Bureau and subject also to a business plan for the Tourist Bureau being put in place to ensure future efforts of the Centre are goal orientated, achievable and financially prudent.**

**CARRIED (8/1)**

**No. 150/06**

**9.1.2 TOY LIBRARY - FORMER BUILDING - LOT 8 MARMION STREET, MOUNT BARKER**

<b>Location / Address:</b>	<b>Lot 8 Marmion Street, Mount Barker</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>CP/99/10</b>
<b>Author:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>17 May 2006</b>

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**Purpose**

The purpose of this report is to seek authority to dispose of the former Toy Library building situated at Lot 8 Marmion Street, Mount Barker, adjacent to the Council's Day Care Centre.

**Background**

Informal interest has been expressed by members of the public regarding the possibility of purchasing the former Toy Library building and relocating it to private property.

Alan Watkins - Building Surveyor, has taken the opportunity to inspect the building and reports that it is of solid construction consisting of timber floor on timber stumps with timber framed walls and a conventional timber roof frame.

He also reports that no plumbing fixtures or fittings are in the building such as toilet, sinks, shower, laundry, kitchen etc.

He believes that the building is in good condition although external paint work requires some attention. He does not believe that it would be a costly exercise to bring the building to an excellent standard.

The Building Surveyor also notes that the building could be easily transported and restumped in a new location.

The Council's Mount Barker Library Coordinator Hazel Rutter advises that the building originally belonged to the Forestry Department and was located in Menston Street near the Council's old depot. Some 10 to 15 years ago it was relocated to its current position to be used as a Toy Library. The Toy Library function now occurs out of the Mount Barker Library and the building has not been used since then.

**Statutory Environment**

Section 3.58 of the Local Government Act 1995 sets out the circumstances under which the Council may dispose of property.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

As the building is surplus to the Council's needs it could be sold by tender to the highest bidder.

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Toy Library – Former Building – Lot 8 Marmion Street, Mount Barker (Cont.)

### **Strategic Implications**

The Council's Strategic Plan at Key Result Area 3 – Community Services notes that the Council will review the utilisation and Economic and Social Value to the Community of the Council's current Community Services and Facilities.

The Council has already reviewed the Toy Library service and relocated that function to the existing Library in Mount Barker. Therefore the old Toy Library building is excess to the Council's needs.

### **Officer Comment**

As the building is not utilised there is no impediment to it being disposed of pursuant to the appropriate legislation.

### **Voting Requirements**

Simple Majority

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

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

**That the Chief Executive Officer be authorised to dispose of the structure situated on Lot 8 Marmion Street, Mount Barker, formerly used as a Toy Library, pursuant to Section 3.58 of the Local Government Act 1995.**

**CARRIED (9/0)**

**No. 151/06**

## 9.2 EXECUTIVE SERVICES REPORTS

### 9.2.1 COMMITTEE MINUTES – AUDIT COMMITTEE – 16 MAY 2006; TOWNSCAPE REVIEW STEERING COMMITTEE – 16 MAY 2006; GREAT SOUTHERN REGIONAL CATTLE SALEYARDS – 23 MAY 2006; WASTE MANAGEMENT COMMITTEE – 6 JUNE 2006

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (4)</b>	<b>Committee Minutes</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>LP/103/1; FM/103/1; CA/103/1; WM/103/1</b>
<b>Author:</b>	<b>Cherie Delmage - Administration Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart – Chief Executive Officer</b>
<b>Date of Report:</b>	<b>30 May 2006</b>

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#### **Purpose**

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

- Audit Committee – 16 May 2006
- Townscape Review Steering Committee – 16 May 2006
- Great Southern Regional Cattle Saleyards Committee – 23 May 2006
- Waste Management Committee – 6 June 2006

#### **Policy Implications**

There are no policy implications for this report.

#### **Financial Implications**

There are no financial implications for this report.

#### **Strategic Implications**

There are no strategic implications for this report.

#### **Officer Comment**

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

#### **Voting Requirements**

Simple Majority

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Committee Minutes – Audit Committee – 16 May 2006; Townscape Review Steering Committee – 16 May 2006; Great Southern Regional Cattle Saleyards Committee – 23 May 2006; Waste Management Committee – 6 June 2006

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That the following Committee Minutes be received:**

- **Audit Committee – 16 May 2006**
- **Townscape Review Steering Committee – 16 May 2006**
- **Great Southern Regional Cattle Saleyards Committee – 23 May 2006**
- **Waste Management Committee – 6 June 2006**

**CARRIED (9/0)**

**No. 152/06**

**9.2.2 SALEYARDS OPERATORS ASSOCIATION OF NSW INC - ANNUAL GENERAL MEETING CONFERENCE 2006 - 25 - 27 JULY 2006 - FORBES SHIRE COUNCIL**

A Financial Interest was disclosed by Cr K Forbes for Item 9.2.2  
Extent of Interest: Cattle Producer - 340 head of mixed cattle

A Financial Interest was disclosed by Cr M Skinner for Item 9.2.2  
Extent of Interest: Cattle Producer – 400 head of cattle

A Financial Interest was disclosed by Cr J Cameron for Item 9.2.2  
Extent of Interest: Cattle Producer – Part owner of cattle

A Financial Interest was disclosed by Cr J Moir for Items 9.2.2  
Extent Of Interest: Financial

A Proximity Interest was disclosed by Cr B Hollingworth for Item 9.2.2  
Extent Of Interest: Adjoining Landowner

3.37pm Cr J Moir withdrew from the meeting.

**Authority to participate pursuant to Section 5.69 (3) (a) and (b) of the Local Government Act 1995**

Approval has been received from the Department of Local Government and Regional Development via letter dated 18 November 2005, giving permission for Cr K Forbes, Cr M Skinner, Cr J Cameron, Cr J Moir and Cr B Hollingworth to participate in matters relating to the Great Southern Regional Cattle Saleyards until 31 December 2006.

The Chief Executive Officer – Mr Rob Stewart, read aloud the attached letter.

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>CA/126/1</b>
<b>Author:</b>	<b>Kaye Skinner - Executive Secretary</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>6 June 2006</b>

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**Purpose**

The purpose of this report is to approve the attendance of Warren Lloyd – Saleyards Manager and Shire President - Councillor Kevin Forbes at an interstate conference, being the Annual General Meeting / Conference of the Saleyards Operators Association of NSW Inc.

**Background**

The Conference is an annual event and will involve a tour of the new cattle saleyards at Forbes. Various speakers will be in attendance which could be of assistance to our Saleyards.

**Consultation**

Consultation has occurred with the Chief Executive Officer.

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Saleyards Operators Association Of NSW Inc – Annual General Meeting & Conference 2006; 25-27 July 2006; Forbes Shire Council (Cont.)

### Policy Implications

Policy CE/CS/1 applies.

### Financial Implications

There is no provision in the Saleyards budget for training this financial year. However, as the Conference is scheduled for the 2006 / 2007 financial year, an allocation could be made in that financial year and bookings made now. The Draft Budget includes a amount of \$5,000.00 for this purpose.

<b>Cost – inclusive of GST</b>	<b>\$</b>
Registration (\$320.00 x 2)	660.00
Accommodation (\$200.00 x 2)	400.00
Travel	1,500.00
Total	<u>2,560.00</u>

### Strategic Implications

There are no strategic implications for this report.

### Officer Comment

The conference program contains a number of lectures, tours and seminars that are of relevance to the issues confronting the operations and management of the Great Southern Regional Cattle Saleyards. The Saleyards at Forbes, NSW are newly constructed.

It is considered that it would be of substantial benefit for the Saleyards Manager and Shire President to attend.

### Voting Requirements

Simple Majority

### OFFICER'S RECOMMENDATION / COUNCIL DECISION

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

**That subject to sufficient funds being allocated in the 2006 / 2007 Annual Budget, Mr Warren Lloyd – Saleyards Manager and Cr Kevin Forbes – Shire President, be authorised to attend the Saleyards Operators Association of NSW Annual General Meeting and Conference to be held in Forbes New South Wales subject to costs for travel, registration and administration being restricted to no more than \$2,750.00.**

**CARRIED (8/0)**

**No. 153/06**

3.40pm Cr J Moir returned to the meeting.

### 9.3 CORPORATE SERVICES REPORTS

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

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>RV/182/2072</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>2 June 2006</b>

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#### **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.

At its Ordinary Meeting held on 9 May 2006, the Council resolved to adjourn their decision on the lease pendant on additional information being sought:

As a result of this request, confirmation has been received from the Public Transport Authority of Western Australia (PTAWA) that Lot 700 is not affected by the rail

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corridor. Therefore the only reservation that exists over the property is the Main Roads Reserve that is presumably for the future expansion of Albany Highway.

### **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.

Further, at its meeting held on 28 March 2006, the Council resolved:

*'The process required to sell the Station House (11 Albany Highway, Mount Barker and Redman House (13 Lord Street, Mount Barker) begin.'*

### **Consultation**

Consultation has occurred with one of the applicants, Ms Kerry Taylor, Mr Ian Rae of Albany Valuation Services, Marta Osipowicz Planning Officer and Rob Stewart Chief Executive Officer.

### **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).

A budgeted three thousand five hundred (\$3,500.00) is currently being spent on repairs to the building, including replacement of the back steps and gutters.

### **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**

A market appraisal of \$150,000.00 to \$180,000.00 was received on the 14 February 2006 from Ray White Mount Barker. This appraisal was based on the property in its current condition however it is not a sworn valuation.

Should the Council wish to pursue the sale of the Old Station House then consideration will need to be given to the fact that the property has no access other than through Council's adjacent property. For that access to continue after sale a

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

'rights of carriageway easement' would need to be considered on Lot 702, Albany Highway.

Alternatively, should the Council decide not to proceed with the sale of the Old Station House then 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.

Alternatively, the Council could resolve to advise the applicants of the Council's earlier resolution to sell the property and simply proceed with the sale.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That the applicants for the leasing of Lot 700 (11) Albany Highway, Mount Barker (known as the Old Station House) be advised that it is the intention of the Council to dispose of the subject property by sale.**

**CARRIED (9/0)**

**No. 154/06**

**9.3.2 REPEAL OF POLICY – RULES FOR BUSH FIRE BRIGADES**

**Location / Address:** N / A  
**Name of Applicant:** N / A  
**File Reference:** ES/120/1  
**Author:** Donna Stevens - Senior Administration/Human Resources Officer  
**Authorised By:** David Blurton - Accountant  
**Date of Report:** 2 June 2006

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**Purpose**

The purpose of this report is to repeal Policy RS/FP/2 Bushfire – Adoption of Rules for Bush Fire Brigades.

**Background**

At its ordinary meeting held on 14 February 2006 the Council adopted the Shire of Plantagenet Bush Fire Brigades Local Law Amendment 2006. This amendment included incorporating the Rules for Bush Fire Brigades into the Shire of Plantagenet Bush Fire Brigade Local Law 2004.

**Policy Implications**

Policy RS/FP/2 Bush Fire – Adoption of Rules for Bush Fire Brigades is recommended for repeal.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

As the Rules for Bush Fire Brigades are now part of the Bush Fire Brigades Local Law 2004 a separate policy is no longer required.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That Policy RS/FP/2 Bush Fire – Adoption of Rules for Bush Fire Brigades be repealed.**

**CARRIED (9/0)**

**No. 155/06**

## 9.4 TECHNICAL SERVICES REPORTS

### 9.4.1 ANNUAL FIRE BREAK NOTICE 2006 / 2007

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (1)</b>	<b>Annual Fire Break Notice 2006 / 2007</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>LE/108/1</b>
<b>Author:</b>	<b>Nicole Selesnew - Administration Assistant, Technical and Development Services</b>
<b>Authorised By:</b>	<b>Robert Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>1 June 2006</b>

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#### **Purpose**

The purpose of this report is to endorse the Annual Firebreak Notice 2006 / 2007 for gazettal, publication and distribution to owners of land in the Shire of Plantagenet.

#### **Background**

The Bush Fire Advisory Committee has raised numerous issues in relation to the Annual Firebreak Notice (AFN) over the past twelve (12) months. The issues are:

- A review of the Camping and Cooking Fires Prohibited dates to align them with the dates for the Restricted Burning Period;
- Highlighting Christmas Day and Good Friday as prohibited burning days;
- Highlighting Christmas Day as a day on which a Shire wide harvest ban applies;
- The inclusion of a Clause to address native vegetation on properties;
- The inclusion of a Clause regarding firebreaks around seed producing crops on properties less than forty (40) hectares;
- Rewording of the Barriers to Installing Firebreaks section of the notice; and
- Concerns in relation to the forty (40) hectare or less section of the Notice.

Shire staff have also raised issues relating to the AFN, these being:

- A review of the wording in the Statutory Declaration; and
- Renaming the Land Area Less Than Forty (40) Hectares tab.

A workshop was held with relevant bushfire personnel on 10 May 2006 to discuss the AFN 2006 / 2007. The workshop was attended by:

- David Burcham – Chief Bush Fire Control Officer
- Len Handasyde – Deputy Chief Bush Fire Control Officer
- Cr Kevin Forbes – Shire President
- Cr David Williss – Deputy President, Deputy Chair Bush Fire Advisory Committee
- Ray Parry – Ranger Services
- Nicole Selesnew - Administration Officer

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**Annual Fire Break Notice 2006 / 2007 (Cont.)****Statutory Environment**

Bush Fires Act 1954

Oaths, Affidavits and Statutory Declarations Act 2005

Town Planning Scheme No. 3

Town Planning and Development Act 1928

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

**Consultation**

The Annual Firebreak Notice 2006 / 2007 has been refined following consultation with the following:

- David Burcham – Chief Bush Fire Control Officer
- Len Handasyde – Deputy Chief Bush Fire Control Officer
- Cr Kevin Forbes – Shire President
- Cr David Williss – Deputy President, Deputy Chair Bush Fire Advisory Committee
- Ray Parry – Ranger Services
- Rob Stewart – Chief Executive Officer

Councillor Keith Hart, who normally attends the working group meetings, was not present during the review of the AFN, but did provide comments for consideration.

Members of the Bush Fire Advisory Committee have provided comments regarding the AFN review at their quarterly meetings.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

Funds have been allocated in the annual budget to facilitate the printing and distribution of the AFN. Printing costs will be in the order of \$4,800.00.

**Strategic Implications**

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

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

**Officer Comment**

Eight (8) sections of the AFN have been amended following concerns raised from the Bush Fire Advisory Committee, the Annual Firebreak review group and Shire staff. These changes can be viewed on the attached draft Annual Firebreak Notice 2006 / 2007. Following is a brief summary of the changes:

- (1) The wording on the front cover of the notice now includes the statement 'Action is required by owners and / or occupiers of ALL land in the Shire of Plantagenet. Please read it completely and carefully'. This is to encourage all landholders, not just rural land holders, to read through the requirements in the notice.

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**Annual Fire Break Notice 2006 / 2007 (Cont.)**

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- (2) The format of the 'Important Information' tab (refer to page 3 of the attachment) has been amended to group important dates such as 'Firebreaks are Required', 'Restricted Burning Time', 'Prohibited Burning Time' and 'Camping and Cooking Fires'. In previous notices the above details were listed under the Shire Zones (Western and Eastern) and therefore the information was not as readily accessible.

A paragraph has been inserted under the 'Firebreaks are Required' heading highlighting Plantation Owners' / Managers' obligations in relation to firebreaks. A paragraph has also been inserted under the 'Restricted Burning Time' heading advising people that permit dates vary due to climatic conditions.

The prohibited dates for Camping and Cooking Fires have been changed from 15 November to 14 February annually, to 3 October to 12 April annually. The new dates have been aligned with the Restricted Burning Time following a request by the Bushfire Advisory Committee.

Christmas Day and Good Friday have also been listed amongst the Prohibited Burning Time dates and a special heading has been included, 'Harvest Ban', to promote the Shire wide harvest ban on Christmas Day. Both changes reflect concerns from the Bushfire Advisory Committee.

- (3) An additional Clause has been incorporated into the 'Rural Land Fire Protection Requirements' tab (refer to page 6 of the attachment) regarding 'Native Vegetation', indicating that areas of native vegetation must be maintained in a low fuel state. This Clause has been added following concerns from Brigades and the Department of Conservation and Land Management that landowners may have sizeable areas of native vegetation on their property which does not require a firebreak (or any other method of fire hazard reduction) either due to the submission of a Statutory Declaration (for firefighting equipment in lieu of boundary firebreaks) or the property not exceeding the forty (40) hectare limit.
- (4) Two additional Clauses have been incorporated into the 'Land Area Less Than 40 Hectares' information page (refer to page 8 of the attachment). The heading 'Seed Producing Crops' and associated information was included to ensure that people with crops on land areas less than forty (40) hectares were obliged to install a firebreak.

The second Clause, 'Native Vegetation', has been included for the abovementioned reason.

- (5) The heading on the 'Land Area Less Than 40 Hectares' tab has been changed to 'Townsites and Small Holdings' (refer to page 9 of the attachment). The change was made following feedback from several land owners who had assumed that the AFN only applied to broadacre properties.
- (6) Several changes have been made to the 'Land Area Greater Than 40 Hectares' tab (refer to page 11 of the attachment), these being the inclusion of the 'Native Vegetation' Clause (previously discussed) and rewording the 'Boundary Firebreaks or Waiver of Boundary Firebreaks' and 'Barriers to Installing Firebreaks' information.



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**Annual Fire Break Notice 2006 / 2007 (Cont.)**

In the 2005 / 2006 notice there were two (2) separate sections regarding Boundary Firebreaks and the Boundary Firebreaks – Fire Fighting Equipment Option.

Both sections have been combined under the new heading 'Boundary Firebreaks or Waiver of Boundary Firebreaks' and the wording has been changed to clarify the requirements which must be addressed if a waiver to installing firebreaks is going to be submitted. Additional information such as 'providing misleading information on a statutory declaration is a criminal offence' has been incorporated to warn people that may be submitting a Statutory Declaration under false pretences.

The 'Barriers to Installing Firebreaks' information has also been amended following a request from the Bush Fire Advisory Committee. The Committee felt the wording from the 2005 / 2006 notice was not prescriptive enough. Further discussions within the AFN review group resulted in a change to the submission date for Variation to Installing a Firebreak requests. The new date will allow time for the Shire Ranger to inspect the property to which the request applies.

- (7) The Shire and Brigade contact details pages (refer to pages 14 and 15 of the attachment) have been amended to reflect changes to the Brigade Captains and Secretaries following the recent Brigade Annual General Meetings.

The contact details for the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Base Radio Operator, Deputy Base Radio Operator, Fire Weather Reporting Officer and Deputy Fire Weather Reporting Officer have been amended to suit the appointments at the 3 May 2006 Bush Fire Advisory Committee meeting. The grouping of the above positions has also been shifted to below all of the Brigade details, to encourage people to contact their local Brigade member rather than the Chief Bush Fire Control Officer (whose name was the first to appear on the list on the 2005 / 2006 notice).

The Shire Contact Details have been amended to suit the new Shire Officer's and contact details for the Ambulance, Hospital and Ranger have also been amended to suit recent changes.

- (8) The Statutory Declaration form has been amended to comply with the requirements detailed in the Oaths, Affidavits and Statutory Declarations Act 2005, the legislation under which Statutory Declarations must comply (refer to page 16 of the attachment).

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

That the Annual Firebreak Notice 2006 / 2007 as attached be endorsed and be:

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

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

**THAT**

- (1) **The Annual Firebreak Notice 2006 / 2007 as attached be endorsed with the following minor amendments:**

**Page 3 – Change ‘East Portion Of Zone 4:  
15 November to 14 February’ to read**

**‘East Portion Of Zone 4:  
15 November to 14 February  
Christmas Day and Good Friday’; and**

**Page 3 – Change ‘CAMPING AND COOKING FIRES  
Camping and cooking fires are  
prohibited from 3 October until 12  
April annually.’; to read**

**‘CAMPING AND COOKING FIRES  
Camping and cooking fires are  
prohibited from 3 October until 12  
April annually, including Good Friday when Good  
Friday falls outside these days.’**

**and be:**

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

**CARRIED (9/0)**

**No. 156/06**

Reason For Change

Councillors noted that Easter was a movable feast.

**9.4.2 LOCAL EMERGENCY MANAGEMENT COMMITTEE**

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>ES/103/7</b>
<b>Author:</b>	<b>Nicole Selesnew - Administration Assistant, Technical and Development Services</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>22 May 2006</b>

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**Purpose**

The purpose of this report is to endorse the Shire of Plantagenet Local Emergency Management Committee (LEMC).

**Background**

A LEMC was established in 2004 to prepare, test and maintain an Emergency Management Plan relevant to the Plantagenet Shire. The formation of the LEMC was in line with recommendations detailed in the State Emergency Management Advisory Committee 'Policy Statement No. 7', a document which outlined the emergency management arrangements for Western Australia in the absence of emergency management legislation.

The Emergency Management Act 2005 came into effect on 24 December 2005. Section 38 (1) of the Emergency Management Act 2005 specifies that local governments must establish one or more LEMC's for the local government's district.

**Statutory Environment**

Section 36 of the Emergency Management Act 2005 details the following functions of local government:

- (a) 'subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district;*
- (b) to manage recovery following an emergency affecting the community in its district; and*
- (c) to perform other functions given to the local government under this Act'.*

Section 38 (1) of the Emergency Management Act 2005 specifies that local governments must establish one or more LEMC's for the local governments district.

Section 39 of the Emergency Management Act 2005 lists the following functions of the LEMC:

*'The duties of the Committee shall be:*

- (a) To advise and assist the local government in ensuring that local emergency management arrangements are established for its district;*
  - (b) To liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
  - (c) To carry out other emergency management activities as directed by the State Emergency Management Committee or prescribed by the regulations'.*
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**Local Emergency Management Committee (Cont.)****Consultation**

Consultation has occurred with Mr Rob Stewart, Chief Executive Officer.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

Prior to the proclamation of the Emergency Management Act 2005, Policy Statement No. 7 specified the Emergency Management Coordinator at the local level was the officer in charge at the Police Station. The role of the Emergency Management Coordinator included the development and implementation of emergency management arrangements, ensuring appropriate training was available to key personnel, coordinating promotion and awareness, ensuring the provision of emergency coordination centres and providing annual reports on emergency management activities to higher authorities.

The new legislation requires that the Local Government establish the LEMC and the LEMC assists the Local Government to ensure the emergency management arrangements are established for the district, the arrangements are reviewed and tested, a recovery plan is formed and a local recovery coordinator nominated. This has essentially shifted the costs associated with emergency management to the Local Government authorities.

The Shire of Plantagenet is now responsible for the actual dollar costs to resource the LEMC to ensure compliance with the legislation. The financial implications of this matter have been recognised by the Council when the revised Organisation Chart was adopted at the Council Meeting on 28 March 2006, acknowledging the future role of a Compliance Officer within the organisation.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

The new Emergency Management Act 2005 prescribes the establishment of one or more LEMC's for the local government district. The constitution and procedures of a LEMC and the terms and conditions of appointment of members, are to be determined by the State Emergency Management Committee (SEMC). The SEMC have advised they are using Policy Statement No. 7 as the guideline to the constitution, procedures, terms and conditions of appointment for LEMC's.

The existing Shire of Plantagenet LEMC was established in 2004 and predominantly operates in line with the recommendations detailed in Policy Statement No. 7 (refer to Table One).

Table One: Interaction between Policy Statement No. 7 and the Shire of Plantagenet LEMC.

## Local Emergency Management Committee (Cont.)

<b>Policy Statement No. 7 Recommendation</b>	<b>Shire of Plantagenet LEMC actions</b>
<b>Membership</b>	
(a) Chair (Shire President / Town or City Mayor)	Cr Kevin Forbes (nominee Cr David Williss)
(b) Deputy Chair (a nominee of Local Government)	No Deputy Chair has been appointed
(c) Executive Officer (a nominee of Local Government)	Executive Director Technical and Development Services (now Manager of Community Services)
(d) Officer in Charge of Police sub-district	Constable Andrew Shaw represents the Mount Barker Police Station
(e) A senior officer of the Local Government	Mr Ray Parry, Ranger and Emergency Services Mr Eric Howard, Environmental Health Officer
(f) The Captain of the local Fire and Rescue Brigade	Mr Ray Drage and Ms Carrie Linster, Mount Barker Fire and Rescue Brigade
(g) The Chief Bush Fire Control Officer	Mr David Burcham
(h) Manager of the local State Emergency Service unit	Mr Ian Foote, Mount Barker State Emergency Service
(i) Officer in charge of the local ambulance service	Mr Ewan Hill, Mount Barker St John Ambulance Service Ms Rosemary Waud, Rocky Gully St John Ambulance Service
(j) A health / medical representative	Ms Ruth York and Ms Sandra Perry, Plantagenet District Hospital
(k) The Conservation and Land Management Senior Officer located in the area	No Conservation and Land Management representative
(l) The officer in charge of the local Meteorological Office	Not applicable.
(m) A representative from Telstra or other registered communication carrier company	No Telstra / registered communication carrier company representative.
(n) A representative of industry	Mr Ted Knight, Department of Agriculture
(o) A Family and Children's Services Officer.	Mr Joe Addie, Department of Community Development.
	The Shire of Plantagenet LEMC also includes representation from the Mount Barker High School, Mount Barker Primary School and Mount Barker Red Cross
<b>Functions</b>	
(a) Assist with the preparation and approval of Local Emergency Management Plans (LEMP)	The Shire of Plantagenet LEMP was formally adopted by Council on 13 April 2004.

**Local Emergency Management Committee (Cont.)**

(b) Review, at least annually, the LEMP	The LEMC reviews components of the LEMP quarterly. Representatives from the LEMC are currently reviewing and updating the plan.
(c) Assist with the preparation of Emergency Management Operating Procedures	Incorporated within the Shire of Plantagenet LEMP.
(d) Ensure appropriate compulsory testing / exercising of the LEMP	Several 'desk top' tests have been completed.
(e) Prepare an annual report on Committee activities for submission to the District Emergency Management Advisory Committee	Cr David Williss and Chief Bush Fire Control Officer David Burcham are representatives on the District Emergency Management Advisory Committee and have advised the Committee accordingly.
(f) Carry out other emergency management functions as directed by the District Emergency Management Committee	No direction has been provided.

The progress achieved by the LEMC over the past two years coupled with continued enthusiasm within the Committee suggests that only one LEMC is required for the Shire of Plantagenet district.

Contrary to the recommendations outlined in Policy Statement No. 7, the following agencies do not require representation on the LEMC:

- An Officer in charge of the Local Meteorological Office, due to the absence of a Meteorological Office within the Shire; and
- A representative from Telstra, or other registered communication carrier company, due to the absence of an officer from these agencies within the Shire. It is envisaged that liaison with Telstra, or other registered communication carrier companies, rather than Committee participation, would suffice.

Further, it is recommended that the role of Deputy Chairman can be incorporated into existing Local Government roles on the LEMC.

**Voting Requirements**

Absolute Majority

**OFFICER'S RECOMMENDATION**

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

**THAT:**

- (1) A committee of the Council, to be known as the Local Emergency Management Committee, be created pursuant to Section 38 of the Emergency Management Act 2005.**
- (2) The duties of the Local Emergency Management Committee shall be:**

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**Local Emergency Management Committee (Cont.)**

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district;
  - (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
  - (c) to carry out other emergency management activities as directed by the State Emergency Management Committee or prescribed by the regulations.
- (3) The membership of the Committee be set at fourteen (14), consisting of:
- (a) One (1) member of the Council who shall Chair the meeting;
  - (b) One (1) member or officer of the Local Government who shall fulfil the role of Emergency Management and Recovery Planning Officer;
  - (c) One (1) member or officer of the Local Government who shall fulfil the role of Executive Officer;
  - (d) Two (2) Senior Officers of the Local Government;
  - (e) Officer in charge of the Police sub-district;
  - (f) A representative from the Local Fire and Rescue Brigade;
  - (g) The Chief Bush Fire Control Officer;
  - (h) An Officer in Charge of the Mount Barker State Emergency Service;
  - (i) An Officer in Charge of the local St John Ambulance Service;
  - (j) A health / medical representative;
  - (k) A Senior Officer from the Department of Conservation and Land Management;
  - (l) A representative from industry; and
  - (m) A representative from the Department of Community Development.
- (4) Cr D Williss be appointed as Chairman.
- (5) Cr K Hart be appointed as the Emergency Management and Recovery Planning Officer and Deputy Chair.
- (6) Ms N Selesnew be appointed as Executive Officer.
- (7) Mr R Parry and Mr E Howard be appointed as Senior Officers of the Local Government.
- (8) The quorum for the Committee is set at fifty percent (50%) of membership, regardless of vacant positions.
- (9) Members of other agencies be co-opted to assist the Shire of Plantagenet Local Emergency Management Committee, as required.

**AMENDMENT**

Moved Cr K Hart, seconded Cr M Skinner:

That the words 'Members of other agencies' be deleted and replaced with the words 'Other persons may' in Part (9).

CARRIED (9/0)

No. 157/06

**AMENDMENT**

Moved Cr J Cameron, seconded Cr J B Hollingworth:

That in Part (3) of the Recommendation:

- (a) The word and number 'fourteen (14)' be deleted and replaced with the word and number 'fifteen (15)'; and
- (b) The words in Part (3)(i) be deleted and replaced with 'Officers representing two (2) St John Ambulance Services in Plantagenet.'

CARRIED (9/0)

No. 158/06

**COUNCIL DECISION**

**THAT:**

- (1) A committee of the Council, to be known as the Local Emergency Management Committee, be created pursuant to Section 38 of the Emergency Management Act 2005.
- (2) The duties of the Local Emergency Management Committee shall be:
  - (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district;
  - (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
  - (c) to carry out other emergency management activities as directed by the State Emergency Management Committee or prescribed by the regulations.
- (3) The membership of the Committee be set at fifteen (15), consisting of:
  - (a) One (1) member of the Council who shall Chair the meeting;
  - (b) One (1) member or officer of the Local Government who shall fulfil the role of Emergency Management and Recovery Planning Officer;
  - (c) One (1) member or officer of the Local Government who shall fulfil the role of Executive Officer;
  - (d) Two (2) Senior Officers of the Local Government;
  - (e) Officer in charge of the Police sub-district;
  - (f) A representative from the Local Fire and Rescue Brigade;
  - (g) The Chief Bush Fire Control Officer;
  - (h) An Officer in Charge of the Mount Barker State Emergency Service;
  - (i) Officers representing two (2) St John Ambulance Services in Plantagenet;
  - (j) A health / medical representative;
  - (k) A Senior Officer from the Department of Conservation and Land Management;
  - (l) A representative from industry; and



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Local Emergency Management Committee (Cont.)

- (m) A representative from the Department of Community Development.
- (4) Cr D Williss be appointed as Chairman.
- (5) Cr K Hart be appointed as the Emergency Management and Recovery Planning Officer and Deputy Chair.
- (6) Ms N Selesnew be appointed as Executive Officer.
- (7) Mr R Parry and Mr E Howard be appointed as Senior Officers of the Local Government.
- (8) The quorum for the Committee is set at fifty percent (50%) of membership, regardless of vacant positions.
- (9) Other persons may be co-opted to assist the Shire of Plantagenet Local Emergency Management Committee, as required.

**CARRIED (9/0)**

**No. 159/06**

**(Absolute Majority)**

## 9.5 DEVELOPMENT SERVICES REPORTS

### 9.5.1 LOT 97 MONTEM STREET - TWENTY-EIGHT GROUPED DWELLINGS

<b>Location / Address:</b>	<b>Lot 97 Montem Street, Mount Barker</b>
<b>Attachments: (6)</b>	<b>Site Plan Floor Plans Elevations Responses to Public Submissions Indicative Strata Management Plan Photographs</b>
<b>Name of Applicant:</b>	<b>Yaran Pty Ltd</b>
<b>File Reference:</b>	<b>RV/182/2138</b>
<b>Author:</b>	<b>Marta Osipowicz - Planning Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>30 May 2006</b>

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#### **Purpose**

The purpose of this report is to consider public submissions regarding the proposed twenty-eight grouped dwellings at Lot 97 Montem Street, Mount.

#### **Background**

The application was submitted on 2 February 2006. The proposed development was assessed and extensive feedback was provided to the developer. The developer made changes accordingly. Amended drawings were submitted on 21 March 2006. Further assessment was undertaken and additional comments provided to the developer. The final plans and those considered at the Council meeting on 11 April 2006 are dated 4 April 2006.

Zoning:	Residential
Density Coding:	R10/20
Lot Size:	14,366m <sup>2</sup>
Average Lot Size:	500m <sup>2</sup>
Minimum Lot size:	440m <sup>2</sup>
Permitted Lot Yield:	28 Lots
Proposed:	28 Lots
Subdivision Type:	Survey-Strata with Common Property thus, Grouped Dwelling
Land Use under TPS3:	'SA'

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.

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**Lot 97 Montem Street, Mount Barker – Twenty-Eight Grouped Dwellings (Cont.)**

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The above denotes the location of the subject lot.

At its Council Meeting held 11 April 2006, the Council resolved,

*'THAT:*

- (1) The application for twenty-eight three (3) bedroom Grouped Dwellings at Lot 97 Montem Street, Mount Barker be advertised in accordance with Clause 6.2.3 (a), (b) and (c) of the Shire of Plantagenet Town Planning Scheme for twenty-one days from the date of the notice.*
- (2) The application be specifically referred to the Department for Planning and Infrastructure for consideration and comment on the proposed subdivisional layout for a period of twenty-one days from the date of notice.*
- (3) 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.*
- (4) The applicant be advised that a detailed drainage analysis and report is required to be submitted prior to 22 May 2006 to enable assessment prior to determination of the Development Application for the proposed Grouped Dwellings at Lot 97 Montem Street, Mount Barker.*
- (5) An Indicative Strata Management Plan be provided to the Shire of Plantagenet prior to 22 May 2006.'*

The proposed Survey-Strata subdivision was considered at the Council Meeting held on 9 May 2006. The outcome of the meeting was to defer a decision on the proposed subdivision.

There have been numerous conversations and meetings held between officers at the Shire of Plantagenet and the developer. The developer has been informed of community concerns regarding the proposed grouped dwelling development.

### **Statutory Environment**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3)

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**Lot 97 Montem Street, Mount Barker – Twenty-Eight Grouped Dwellings (Cont.)**

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In determining an application for planning consent, Clause 6.2.3 of TPS3,

*'The Council, having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or is approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve an application for planning consent or may grant its' approval unconditionally or subject to conditions as it thinks fits.'*

The definition of amenity within TPS3 is:

*'the quality of the environment as determined by the character of an area, its appearance and land use, which contributes to its pleasantness and harmony and to its better enjoyment'.*

- Western Australian Planning Commission (WAPC) Policies. The following policies are applicable to this proposed development:
  - DC 1.3 'Strata titles'
  - DC 2.2 'Residential Subdivision'
  - DC 2.3 'Public Open Space in Residential Areas'
  - DC 2.6 'Residential Road Planning'
- The Residential Design Codes of Western Australia (R-Codes) (2002)
- Health Act 1911
- Building Code of Australia 2006

### **Consultation**

The subject proposal has been advertised for a period of twenty-one days and submissions have been received. The submissions form an attachment to this report. The comments have been considered and responded to.

The Council also resolved to consult the Department for Planning and Infrastructure (DPI). The DPI offers the following comments:

*'The DPI has recently received a proposal for subdivision of Lot 97 into 28 Survey-Strata lots. A decision has as yet not been reached.'*

*Factors to be taken into consideration:*

- *Lot and building orientation.*
- *Solar access and solar passive design principles.*
- *Relation of the development to the prevailing street block pattern and the amenity of surrounding residential properties.*
- *Site permeability and road connectivity.*
- *Road design and function.*
- *Drainage issues both on and off site resulting from increased runoff following clearing and development of the site.*
- *The level of amenity afforded by the proposed development and lot sizes.*
- *Compatibility with adjacent land uses.*
- *The urban design character of the proposal.*
- *On street parking, vehicle manoeuvring and accessibility.*
- *Internal safety.*

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**Lot 97 Montem Street, Mount Barker – Twenty-Eight Grouped Dwellings (Cont.)**

*The applicant has liaised with DPI regarding a request for concession to road widths under Commission Policy 2.6 'Residential Road Planning'. At this stage no road width concession has been granted however the proposal has been referred to the DPI's Transport Planning branch for specific comment regarding this matter.'*

**Policy Implications**

Currently the Shire of Plantagenet does not have a Town Planning Policy (TPP) that guides urban design for grouped dwellings. Following consideration of public submissions it has become apparent that a TPP for the development of grouped dwellings is important and required, especially since this housing type is an 'SA' use under TPS3.

**Financial Implications**

The Shire is unable to currently provide adequate finances towards maintenance and enhancement of existing parkland. The proposed development does not include a freehold lot for public parkland. The applicant offers a cash-in-lieu contribution for public open space. Accepting this cash-in-lieu contribution would enable additional finances to be allocated towards maintenance of existing parks.

**Strategic Implications**

The Shire of Plantagenet's Strategic Plan aims to:

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

It has been acknowledged the Shire can achieve this by ensuring a mix of housing types, range of lot sizes, residential opportunities and adaptable housing are provided. The proposed development is a housing type not typical of Mount Barker but it may provide residential opportunities for various members within the community.

**Officer Comment**

The proposed development has been the subject of public consultation. The comments received have been considered and responded to. It became apparent that major community concerns related to density, loss of bushland, lack of open space, lack of visitor parking, width of driveway and overall appearance. As part of the approval process the applicant was required to provide additional information. The applicant has provided a drainage study and indicative Strata Management Plan (SMP) prior to 22 May 2006.

**Drainage / Stormwater Disposal**

The developer engaged Tabec Pty Ltd to undertake the drainage study. The additional information provided to the Shire included:

- Calculations of pre-development flows (Q10 and Q100);
- Calculations of the number and sizes of soak wells required per house;
- Calculations of the number and typical size of retention pits required along the roadway;
- Calculations of post development flows using typical house and carport roof configuration and roadway runoff (Q10 and Q100); and
- Comparison of pre and post development flows to demonstrate the pre-development flows will not be exceeded (Q10 and Q100).

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**Lot 97 Montem Street, Mount Barker – Twenty-Eight Grouped Dwellings (Cont.)**

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The drainage concept includes extensive retaining walls and sand filled pads. Sand pads will be filled up to 1.5m in height where necessary. The proposed sand pads allow for conventional soak well to be incorporated into the development. Three (3) soak wells will be installed per dwelling.

Drainage from the driveway will be managed through retention pits and pipes installed along the centreline of the driveway. The retention pits will capture and direct runoff from the driveway into the piped drainage system.

Mechanisms will be incorporated into the drainage system to ensure the retaining walls are not placed under great pressure. Subsoil drains will be situated adjacent to each retaining wall.

These initiatives adopted by the developer aim to reduce water flow within and from the development. Stormwater will eventually enter into the Shire's drainage system but the amount discharged at anyone time should be manageable. The drainage system will not be inundated with stormwater. As part of the development process, officers at the Shire of Plantagenet consider a detailed drainage plan needs to be submitted in conjunction with the Building Licence.

#### Strata Management Plan (SMP)

The applicant has forwarded a Strata Management Plan to the Council for its consideration which forms an attachment to the report. The information provided is additional to normal strata title provision, providing specific requirements for Lot 97 Montem Street, Mount Barker.

It is prudent to recognise that the proposed grouped dwellings are for residential purposes. The dwellings are not considered as 'short stay tourist accommodation'. There have been known instances where owners lease their dwellings to travellers. This has the potential to cause problems for permanent residents within the development. They are likely to feel unsafe and concerned that on a regular basis they have a different neighbour. To ensure that safety and harmony is maintained within the development officers at the Shire have sought a statement that precludes the use of these dwellings for 'short stay tourist accommodation'. This has been incorporated into Clause 16. It does not preclude short-term rental.

It is considered that a number of community concerns have been addressed through the SMP. The Strata Company shall be required to ensure all common areas are maintained to a high standard. Strata owners will be required to contribute to the maintenance of the development.

The SMP specifies security gates are not permitted. The R-Codes require visitor spaces to be outside any security barrier. The current visitor parking layout precludes the installation of security gates. This is an important and beneficial statement within the SMP.

It is considered the proposed Strata Management Plan is acceptable.

#### Housing Density

Determination of density is based upon the average in Table 1 of the Residential Design Codes. The development potential of the subject lot is twenty eight (28) lots. The minimum lot size in R20 is 440m<sup>2</sup>. The Council report dated 11 April 2006 noted housing density was non compliant; this may have been misleading as all proposed lots meet the Acceptable Development provisions of the R-Codes. Certain lots met

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**Lot 97 Montem Street, Mount Barker – Twenty-Eight Grouped Dwellings (Cont.)**

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the minimum lot area by incorporating the truncation which is allowable under Clause 3.1.2 of the R-Codes.

The community has expressed its concerns with regards to density. A number of comments have described the development as *'high density'*. It is acknowledged the proposal appears dense within the context of Mount Barker. It is considered the community perceives the development as *'high density'* due to it being a survey-strata subdivision. Survey-strata subdivisions do not incorporate verges and setbacks to dwellings are reduced under the R-Codes. It is anticipated that grouped dwellings are a more compact development and the traditional streetscape is not applicable to internal dwellings.

The comments made by the community promote conventional green-title subdivision. Green-title subdivisions result in 'single houses', a permitted use within a Residential zoned area under TPS3. The minimum lot area of 440m<sup>2</sup> is the same for green title and survey-strata subdivision. The green-title subdivision could include between twenty-two to twenty-five potential lots. It is evident that a similar number of dwellings can be achieved regardless of subdivision design (ie: green title or survey-strata). This yield is assumed a cash-in-lieu contribution is accepted in lieu of public open space.

Development at the lower density coding (R10) allows the subject lot to be subdivided into fourteen lots. The dual density, in this instance, allows for development up to the higher density coding subject to connection to reticulated sewerage as per Clause 5.3.5 of TPS3. The dual density is an indication that the subject lot is able to be developed to an R20 potential. It is not considered consistent with the dual density coding to restrict development to fourteen (14) lots.

Whilst the development potential is twenty-eight lots, it maybe necessary to consider reducing the number for grouped dwellings permitted for orderly and proper planning of the locality. The amenity of the locality would be improved slightly larger strata lots providing a greater amount of space per dwelling. There is the potential for some front setbacks to be increased for lots fronting Montem Street and Marion Street. The lots would be more in keeping with the character of the area, contributing to the pleasantness of the locality and reducing the perceived *'high'* density of the development.

A reduction in four (4) grouped dwellings is considered appropriate in this instance. It is recommended to the Council that the density of the proposed grouped dwellings be reduced from twenty-eight to twenty-four grouped dwellings. Whilst a reduction in dwellings is proposed, it is considered the overall development remains in keeping with Shire expectations but ensures that:

- Some setbacks from Montem Street and Marion Street are increased but ensuring that backyards are provided with a minimum distance of 4.5m to the rear fence;
- A variety of lot sizes are provided within the development, advocating choice for future residents;
- A wider driveway is incorporated into the development providing openness and safety for moving traffic, including the Shire's refuse truck;
- Pedestrian access through the development is improved, ensuring that there is no breakdown of pedestrian flow; and

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**Lot 97 Montem Street, Mount Barker – Twenty-Eight Grouped Dwellings (Cont.)**

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- Less pressure is placed on the Shire's drainage system by reducing the amount of impervious area.

### Streetscape

The dwellings on Lots 1, 2, 3, 12 and 13 fronting Montem Street and Marion Street do not meet the required 6.0m average. The applicant has provided justification in accordance with the Performance Criteria. The Performance Criteria is:

*'Buildings set back an appropriate distance to ensure they:*

- *Contribute to the desired streetscape;*
- *Provide adequate privacy and open space for dwellings; and*
- *Allow safety clearances for easements for essential service corridors.'*

The applicant's justification is of the following nature:

- *'The minor variation in averaging provides for a staggering of front setbacks along the frontage of the development, which contributes to the desired streetscape.*
- *Pushing the dwellings on Lots 1 & 2 toward the street a little further provides additional solar access to outdoor living areas which are located on the south side of those dwelling.*
- *By having a minimum dimension of 4.5 metres at the rear of the dwellings on Lots 1 & 2, the privacy requirements of the R-Codes are satisfied for the bedroom.*
- *The dwellings are setback 5 metres from the front boundary, which provides greater separation between the street and the dwelling than is required in areas with higher density codings (ie: four (4) metres for R30 coded land).*
- *The proposed front setback provide adequate privacy and open space for the dwellings, as the outdoor living areas are located behind the dwelling with a minimum dimension of 4.5 metres.'*

It is considered acceptable to encourage a few front setback variations. The development would become more interesting and provide variety within the streetscape. The setbacks from the front property boundary to the dwelling (not the verandah) are 5.05m, 5.0m, 4.57m and 5.5m from Montem Street and 5.05m, 5.05m, 4.22m and 6.0m from Marion Street. The reduced front setbacks for Lots 1, 2, 3, 12 and 13 allow for adequate sunlight access and the creation of acceptable rear yards for private use.

The proposed reduction in dwelling numbers, as recommended previously, will allow for greater differences in setbacks to be achieved. It is anticipated that the lots directing fronting Montem Street and Marion Street will be allocated more lot area and some setbacks slightly increased (i.e. the verandah at 5.0 or 5.5m and the dwelling at 6.0 or 6.5m). It is considered that increasing the setback of dwellings on Lot 2 and Lot 13 will be beneficial for the streetscape and the amenity of the locality. A minimum distance of 4.5m to the rear fence is also anticipated. Setback variations are supported for Lot 1, 3 and 12.

The internal setbacks are in accordance with Clause 3.2.1 of the R-Codes. It is considered appropriate that the internal grouped dwellings be setback as proposed. The internal dwellings do not contribute to the streetscape of Montem Street and Marion Street. Setbacks of this nature ensure adequate privacy and open space is achieved for each independent dwelling.

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**Lot 97 Montem Street, Mount Barker – Twenty-Eight Grouped Dwellings (Cont.)**

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All proposed dwellings, fronting Montem Street and Marion Street, offer surveillance of the street as per Clause 3.2.4 of the R-Codes. There have been no proposed front fences but approval of the application does not preclude the construction of front fences by independent strata owners in the future. These will need to meet the Acceptable Development provisions of Clause 3.2.5 and 3.2.6 of the R-Codes.

With regards to internal fencing discussions have occurred with Mr Michael Coe from the Office of Crime Prevention. Mr Coe advocated reducing the amount of solid fencing within the development. In discussions with the developer this issue was raised. It is anticipated that wherever possible the removal, reduction or replacement of high fencing is instigated whilst ensuring the privacy of residents is maintained.

There is no Town Planning Policy to guide development of this nature. Elements of urban design, such as design of parking structures, colour, scale, materials and roof pitch are not specifically addressed through any planning documentation. TPS3 only offers a definition of 'amenity'. Concerns have been raised by the community with respect to the appearance of the proposed grouped dwellings. Design, especially without guiding documentation, can be subjective.

Despite no documentation, a site visit has been undertaken to determine streetscape compatibility. Photos form an attachment to this report. This information demonstrates the proposed grouped dwellings are in keeping with the existing streetscape in terms of building materials. A number of dwellings have similar appearances, for example, along Eaton Avenue. To enhance the streetscape it is considered that additional design elements need to be incorporated into the development. The roof line and pitch is an important component of design and this has been communicated to the developer. The developer has responded by improving the roof line and pitch and incorporating half gables.

Window shape and size is another element of design that provides variety. The developer should be encouraged to provide different window size and treatment.

The colour schedule for the roof includes Jasper, Woodland and Ironstone. It is considered these colours do not provide adequate variety within the development. It is considered appropriate to recommended to the Council to seek additional roof colours (ie: Manor Red / Headland or Sandbank) to ensure variety is achieved within the proposed grouped dwelling development.

Further to all the above comments some additional changes are recommended. Surveillance of primary streets has been mentioned however, it s considered important to obtain greater surveillance of the entries into the development. As part of the solution a window should be incorporated into the lounge room for dwelling A on Lot 3. Additionally, dwelling D on Lot 14 should be amended to dwelling A incorporating the extra window.

### Open Space

There are three (3) types of open space; private, communal and public. The community has raised concerns with regards to the lack of open space. It is assumed the concerns relate to the lack of 'public' open space however a number of comments allude to the lack of 'private' and/ or 'communal' open space. The following comments are offered:

#### *'Private' Open Space*

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**Lot 97 Montem Street, Mount Barker – Twenty-Eight Grouped Dwellings (Cont.)**

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The 'private' open space requirement in areas coded R20 is 50% as prescribed within Table 1 of the Residential Design Codes. The proposed grouped dwelling development meets this open space requirement, in fact, a greater amount of overall open space has been provided.

The Residential Design Codes requires only 30m<sup>2</sup> of 'private' outdoor living area per dwelling. The proposed development offers a greater amount than 30m<sup>2</sup> per dwelling - in some instances double this amount. All but four (4) backyards have northern orientation, this being a desirable outcome in accordance with the Performance Criteria of Clause 3.4.2 of the R-Codes.

#### *'Communal' Open Space*

There is no requirement to provide 'communal' open space for grouped dwellings in areas coded R20, unlike for Multiple Dwellings at densities of R35 and above. Multiple dwellings are usually constructed in density coded areas of R80 and above and represented through apartment complexes with balconies. In grouped dwelling developments the lack of 'communal' open space requirements is due to each dwelling having a 'private' courtyard.

#### *'Public' Open Space*

The Western Australian Planning Commission's policy on residential open space specifies that 10% of the subdivisible area, where more than five (5) lots are created, is required to be allocated for 'public' open space. The proposed development does not provide any 'public' open space in anticipation that cash-in-lieu payments can be made to the Council.

The Council has various parks throughout the townsite which are not maintained at desired standards. The acceptance of cash-in-lieu payments would allow the Council to fund these parks. It is considered the parkland on Lowood Road is in close proximity for any families with children to access. Unplanned, ad hoc parkland is not in the interest of overall planning for the townsite.

Clause 3.4.5 of the R-Codes requires landscaping plans to be provided and the landscaping installed as part of the development process. A detailed landscaping plan has not been submitted – the landscaping plan will need to be submitted in conjunction with the Building Licence and will be to the satisfaction of the planning department. Recent discussions have occurred with Mr Michael Coe, from the Office of Crime Prevention, where certain suggestions were offered and considered appropriate to this development. These suggestions have been offered to the developer.

The detailed landscaping plan will need to accommodate additional lighting, especially at the entrances to the development. Bollard lighting is not considered appropriate. Any trees incorporated into the development, which are forward of buildings lines, are to be tall and slender with no over hanging canopies. The majority of landscaping must not be higher than a metre and no higher than 0.5m adjoining the pedestrian path.

#### Access and Car Parking

The community has raised concerns with regards to the 'road'. It is prudent to recognise that the access way is actually a 'common property driveway' and will not be a gazetted road. The R-Codes prescribe a 4.0m minimum driveway width and

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**Lot 97 Montem Street, Mount Barker – Twenty-Eight Grouped Dwellings (Cont.)**

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where there are more than six (6) dwellings the access way is to be designed to allow vehicles to pass in opposite directions at one or more points.

The applicant has sought garbage pickup from within the development. A 4.8m wide driveway has been designed to accommodate the refuse truck. It is considered appropriate to increase the trafficable area from 4.8m to 6.0m to allow vehicles to pass safely, for refuse truck manoeuvring and also to provide additional visual relief between dwellings.

The community has raised concerns with regards to the number of visitor parking bays that have been provided. The number of parking spaces have been determined based upon the number of dwellings gaining access from the common property access way. The four (4) dwellings fronting Montem Street and Marion Street with direct access have provided on-site parking opportunities for visitors. The minimum number of visitor parking bays is six (6). In accordance with the Performance Criteria of Clause 3.5.1 of the R-Codes, it is considered appropriate to increase the number of visitor parking bays.

The inclusion of additional parking bays has been discussed with the developer. A sketch was provided to the developer indicating the Shire's expectation. It was also communicated that visitor parking bays should be relocated to the west and east of the internal block of units. This modification is considered appropriate for two (2) reasons:

- To ensure visitor parking bays are easily visible for visitors as they enter into the development in accordance with Clause 3.5.3 of the R-Codes, and
- To minimise larger areas of solid fencing.

The footpath within a grouped dwelling development is required to be a minimum of 1.2m in width - this has been provided. Concerns have been raised regarding pedestrian footpaths concluding at the visitor bays. The Performance Criteria of Clause 3.5.5 of the R-Codes indicates that pedestrian access needs to be,

*'...safe and comfortable ... between communal car parking areas or public streets and individual dwellings'*.

It is considered appropriate to seek modifications to the internal pedestrian network to ensure the pedestrian flow is unimpeded.

It is recommended to the Council that the number of visitor bays be increased from six (6) to eight (8). The design to include visitor bays in blocks of two (2) separated by a tree. It is also recommended to the Council that pedestrian access be redesigned to enable unimpeded pedestrian flow through the proposed development. The developer has been provided with a sketch depicting the Shire's expectations which forms part of this report.

#### Site Works

The developer has proposed to import sand and create flat sand pads for each dwelling. This requires retaining walls up to a height of 1.5m. The sand pads are part of the drainage solution and supported despite a maximum of 0.5m allowed under Clause 3.6.1 of the R-Codes. The Performance Criteria stipulates that development needs to retain the *'visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property'*.

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**Lot 97 Montem Street, Mount Barker – Twenty-Eight Grouped Dwellings (Cont.)**

The visual impression of the land will be maintained. A variety of levels are proposed throughout the development. The dwellings fronting Montem Street and Marion Street retain the natural impression of the land as seen from the street and adjoining properties.

The sand pads form an integral part of the development. They offer drainage solutions, controlling water flow within and from the development. It is considered the proposed retaining walls are acceptable but the developer should reduce height wherever possible and be discouraged from erecting high fences on top of retaining walls.

**Privacy**

The proposed development has met visual privacy requirements of the R-Codes

In summary, the community comments and concerns were considered and wherever possible changes have been or will be sought. The subject lot has been designated for urban development in TPS3. The proposed grouped dwellings have been development in accordance with the permitted density, offering an alternative housing development to conventional subdivisions within Mount Barker. The development has been designed within the framework of the Residential Design Codes. The developer has worked with the Shire to address the concerns of the community and improve the overall appearance and presence within the Montem Street and Marion Street streetscapes. The proposed grouped dwellings development is considered acceptable for approval subject to appropriate conditions.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

Moved Cr B K Hart, seconded Cr J Cameron:

That planning consent be granted in respect of Application No. 10/06 for Lot 97 Montem Street, Mount Barker to be developed for the purpose of Grouped Dwellings generally in accordance with the plans dated 4 April 2006 - subject to the following conditions:

- (1) The proposed number of dwellings being decreased from twenty-eight to twenty-four grouped dwellings.
- (2) The proposed front setback for the dwelling on Lot 2 being increased from 5.05m to 6.5m ensuring a 4.5m setback is maintained from the rear boundary.
- (3) The proposed front setback for the dwelling on Lot 13 being increased from 5.0m to 6.5m ensuring a 4.5m setback is maintained from the rear boundary.
- (4) The driveway being widened from 4.8m to 6.0m throughout the development.
- (5) The number of visitor bays being increased from six (6) to eight (8).
- (6) The pathway being redesigned to ensure pedestrian flow is unimpeded.
- (7) A detailed colour selection being provided in conjunction with the Building Licence with at least five (5) different roof colours being incorporated into the development.
- (8) The rooflines being generally modified to reflect the character of surrounding dwellings.
- (9) Any fencing forward of the building line not being of fibre cement sheet construction and not exceeding 1.2m in height unless otherwise approved by the Shire.
- (10) The height of any letterbox, electricity installation, fence, wall or hedge with 1.5m of any vehicle driveway where it meets a street or driveway alignment not exceeding the 0.75m limit imposed under the provisions of Clause 3.2.6 (A6) of the Residential Design Codes.
- (11) Internal dividing fences visible from the driveway not being constructed of fibre cement sheeting.
- (12) Structural details of the proposed retaining walls being incorporated into the working drawings submitted with the Building Licence.
- (13) The developer providing eight (8) street trees in accordance with the species list and specifications set out in the Mount Barker Townscape Review.
- (14) A detailed landscaping plan being submitted in accordance with Clause 3.4.5 (A5) of the Residential Design Codes being submitted to the Shire for assessment prior to commencement of development, indicating:
  - Two (2) deciduous trees per strata lot;
  - The type of lighting proposed; and

- **Additional lighting at the entrances of the development.**
- (15) **No person occupying the grouped dwellings until such time as the landscaping has been completed.**
- (16) **Landscaping areas being installed in accordance with the approved plan and maintained in good condition thereafter.**
- (17) **The crossovers, sealed access ways and vehicle parking areas being installed and funded in accordance with the approved plan and maintained in good condition thereafter.**
- (18) **Details of the proposed method of stormwater disposal system being submitted for assessment by the Council's Technical and Development Services Officers.**
- (19) **All stormwater runoff from the development being contained onsite and disposed of to the satisfaction of the Council.**
- (20) **External clothes drying facilities being provided for each dwelling in accordance with Clause 3.10.3 of the Residential Design Codes ensuring clothes drying areas are screened from view from any primary street or public area.**
- (21) **All conditions not of an ongoing nature being complied with, within six (6) months of this approval.**

#### **ADVICE NOTES**

- (i) **If the development, the subject of this approval, is not substantially commenced within a period of twenty-four months the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.**
- (ii) **The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:**
- **The Building Code of Australia 2006**
- (iii) **The developer is encouraged to landscape to a high standard.**
- (iv) **If you are aggrieved by the decision you may lodge an appeal with the State Administrative Tribunal within twenty-eight days of the Determination Date recorded on this Notice.**

#### **AMENDMENT**

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

**That the words 'twenty-four' be replaced with the words 'twenty-six' in Part (1) of the Officer's Recommendation.**

**CARRIED (6/3)**

**No. 160/06**

**AMENDMENT**

Moved Cr B Hollingworth, seconded Cr K Clements:

That Part (21) of the Motion be deleted.

CARRIED (9/0)

No. 161/06

**COUNCIL DECISION**

That planning consent be granted in respect of Application No. 10/06 for Lot 97 Montem Street, Mount Barker to be developed for the purpose of Grouped Dwellings generally in accordance with the plans dated 4 April 2006 - subject to the following conditions:

- (1) The proposed number of dwellings being decreased from twenty-eight to twenty-six grouped dwellings.
- (2) The proposed front setback for the dwelling on Lot 2 being increased from 5.05m to 6.5m ensuring a 4.5m setback is maintained from the rear boundary.
- (3) The proposed front setback for the dwelling on Lot 13 being increased from 5.0m to 6.5m ensuring a 4.5m setback is maintained from the rear boundary.
- (4) The driveway being widened from 4.8m to 6.0m throughout the development.
- (5) The number of visitor bays being increased from six (6) to eight (8).
- (6) The pathway being redesigned to ensure pedestrian flow is unimpeded.
- (7) A detailed colour selection being provided in conjunction with the Building Licence with at least five (5) different roof colours being incorporated into the development.
- (8) The rooflines being generally modified to reflect the character of surrounding dwellings.
- (9) Any fencing forward of the building line not being of fibre cement sheet construction and not exceeding 1.2m in height unless otherwise approved by the Shire.
- (10) The height of any letterbox, electricity installation, fence, wall or hedge with 1.5m of any vehicle driveway where it meets a street or driveway alignment not exceeding the 0.75m limit imposed under the provisions of Clause 3.2.6 (A6) of the Residential Design Codes.
- (11) Internal dividing fences visible from the driveway not being constructed of fibre cement sheeting.
- (12) Structural details of the proposed retaining walls being incorporated into the working drawings submitted with the Building Licence.

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Lot 97 Montem Street, Mount Barker – Twenty-Eight Grouped Dwellings (Cont.)

- (13) The developer providing eight (8) street trees in accordance with the species list and specifications set out in the Mount Barker Townscape Review.
- (14) A detailed landscaping plan being submitted in accordance with Clause 3.4.5 (A5) of the Residential Design Codes being submitted to the Shire for assessment prior to commencement of development, indicating:
  - Two (2) deciduous trees per strata lot;
  - The type of lighting proposed; and
  - Additional lighting at the entrances of the development.
- (15) No person occupying the grouped dwellings until such time as the landscaping has been completed.
- (16) Landscaping areas being installed in accordance with the approved plan and maintained in good condition thereafter.
- (17) The crossovers, sealed access ways and vehicle parking areas being installed and funded in accordance with the approved plan and maintained in good condition thereafter.
- (18) Details of the proposed method of stormwater disposal system being submitted for assessment by the Council's Technical and Development Services Officers.
- (19) All stormwater runoff from the development being contained onsite and disposed of to the satisfaction of the Council.
- (20) External clothes drying facilities being provided for each dwelling in accordance with Clause 3.10.3 of the Residential Design Codes ensuring clothes drying areas are screened from view from any primary street or public area.

#### ADVICE NOTES

- (iii) 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 the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.
- (iv) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:
  - The Building Code of Australia 2006
- (iii) The developer is encouraged to landscape to a high standard.
- (iv) If you are aggrieved by the decision you may lodge an appeal with the State Administrative Tribunal within twenty-eight days of the Determination Date recorded on this Notice.

CARRIED (9/0)

No. 162/06



### 9.5.2 LOT 30 OATLANDS ROAD, MOUNT BARKER - CARPORT / COVERED AREA AND RETAIL

<b>Location / Address:</b>	<b>Lot 30 Oatlands Road, Mount Barker</b>
<b>Attachments: (2)</b>	<b>Site Plans</b>
<b>Name of Applicant:</b>	<b>Peter H Truphet</b>
<b>File Reference:</b>	<b>RV/182/1770</b>
<b>Author:</b>	<b>Marta Osipowicz - Planning Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>2 June 2006</b>

#### Purpose

The purpose of this report is to consider an application for a carport / covered area and retail facilities at Lot 30 Oatlands Road, Mount Barker.

#### Background

The subject property is known as 'Rayanne Homestead' and 'Kelly's Shearing Shed'. The applicant seeks to expand the building associated with the restaurant for retail (shop) purposes. The applicant also seeks minor setback variations to the boundaries.

Zoning: Rural Residential 3

Setback requirements:

Front: 15m  
Side: 15m  
Rear: 15m

Permitted Uses (P): Single House  
Public Recreation

Use at Council's discretion (AA): Rural Uses

Home Occupation: Industry-Cottage  
Public Utility  
Horse Stables

The proposed retail component is considered an 'SA' use within the Rural Residential 3 zoning. Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.2 of the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3).



#### Statutory Environment

Planning and Development Act 2005  
Shire of Plantagenet's Town Planning Scheme No. 3 (TPS3)  
Building Code of Australia 2006  
Building Regulations 1989

**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**

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

**Officer Comment**

There are two (2) components to the application. The carport / covered area is considered an extension of the existing use. The applicant has designed a 3.0m wide carport adjacent to the existing garage which has resulted in a setback of 14.7m from the boundary. The applicant seeks a variation of 0.3m to the boundary. It is considered the proposed setback variation will not be detrimental to the area, retaining the semi-rural character.

The retail (shop) component is proposed to the north of the existing restaurant. The proposed land use is not outlined as a permitted or contemplated use subject to the Council discretion. The proposal includes a floorspace of 177.39m<sup>2</sup> with a setback of 13.0m from the northern boundary. The applicant seeks a 2.0m setback variation. The applicant has approached the adjoining neighbour and has provided them a copy of their proposal. This component of the application will require the Council to advertise the proposal.

It should be noted that under Part 2 of the Building Regulations 1989, the applicant will need to liaise with the Fire and Emergency Services Authority (FESA) prior to the issue of a Building Licence for the retail component.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

THAT:

- (1) The application for a retail (shop) at Lot 30 Oatlands Road, Mount Barker be advertised in accordance with Clause 6.2 of the Shire of Plantagenet Town Planning Scheme No. 3 stating that submissions may be made within twenty-one days from the date of the notice.
- (2) At the conclusion of the advertising period a further report be prepared for the consideration of the Council at its meeting on 25 July 2006 relating to both components of the application.

**COUNCIL DECISION**

Moved Cr B Hollingworth, seconded Cr J Cameron:

**THAT:**

- (1) The application for a retail (shop) at Lot 30 Oatlands Road, Mount Barker be advertised in accordance with Clause 6.2 of the Shire of Plantagenet Town Planning Scheme No. 3 stating that submissions may be made within twenty-one days from the date of the notice.
- (2) At the conclusion of the advertising period a further report be prepared for the consideration of the Council at its meeting on 25 July 2006 relating to both components of the application.
- (3) The application for the carport component be presented to the Council at its meeting to be held 27 June 2006.

**CARRIED (9/0)**

**No. 163/06**

Reason For Change

Councillors determined that the carport / covered area could be considered prior to the closure of advertising as that component was separate from the retail (shop) proposal.

**9.5.3 LOT 63 (1) BOOTH STREET, MOUNT BARKER - TWO (2) GROUPED DWELLINGS****Location / Address:** Lot 63 (1) Booth Street, Mount Barker**Attachments: (5)** Site Plan  
Elevations x 2  
Floor Plans x 2**Name of Applicant:** Edith Park Superannuation Fund**File Reference:** RV/182/4608**Author:** Marta Osipowicz - Planning Officer**Authorised By:** Rob Stewart - Chief Executive Officer**Date of Report:** 30 May 2006**Purpose**

The purpose of this report is to consider an application for two (2) grouped dwellings on Lot 63 (1) Booth Street, Mount Barker.

**Background**

The application seeks approval for two (2) new dwellings in a battleaxe configuration.

Zoning: Residential  
Density: R10/20  
Lot size: 1,391m<sup>2</sup>  
Potential lot yield: 2 lots  
Proposed lot yield: 2 lots  
Use class: Grouped Dwelling  
Permissibility: 'SA' use

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



The Council's records show the registered owner to be the Edith Park Pty Ltd.

### **Statutory Environment**

Shire of Plantagenet Town Planning Scheme No. 3

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

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

The Residential Design Codes of Western Australia (2002)

Health Act 1911

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**

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

### **Officer Comment**

The overall design concept is acceptable. The design would be improved by making the rear dwelling more visible from the public road. The Residential Design Codes seek that the rear dwelling as clear visibility of pedestrians approaching the dwelling. It is considered that this objective of the R-Codes has not been adequately met. Discussions are likely to occur further with the applicant regarding this issue during the advertising process.

The applicant appears to have taken account of solar passive orientation. The living areas and rear yard are located on the northern side.

Generally, the proposed grouped dwellings satisfy relevant standards contained in the Residential Design Codes including density, setbacks, parking and open space.

### **Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr D Williss, seconded Cr B Hollingworth:

**THAT:**

- (1) The application for Grouped Dwellings at Lot 63 (1) Booth Street, Mount Barker be advertised in accordance with Clause 6.2 of the Shire of Plantagenet Town Planning Scheme No. 3 stating that submissions may be made within twenty-one days from the date of the notice.
- (2) At the conclusion of the advertising period a further report be prepared for the consideration of the Council at its meeting on 25 July 2006.

**CARRIED (9/0)**

**No. 164/06**

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**9.5.4 LOT 700 (11) ALBANY HIGHWAY, MOUNT BARKER - OLD STATION HOUSE - SHOP AND CONSULTING ROOMS**

<b>Location / Address:</b>	<b>Lot 700 (11) Albany Highway, Mount Barker</b>
<b>Attachments: (4)</b>	<b>Certificate of Title Public Transport Authority Reserve Plans x 2</b>
<b>Name of Applicant:</b>	<b>Kerry Taylor</b>
<b>File Reference:</b>	<b>RV/182/2072</b>
<b>Author:</b>	<b>Marta Osipowicz - Planning Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart – Chief Executive Officer</b>
<b>Date of Report:</b>	<b>1 June 2006</b>

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**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: ¾ Main Roads Reserve

Land Use: Shop & Consulting Room (Massage Therapy)

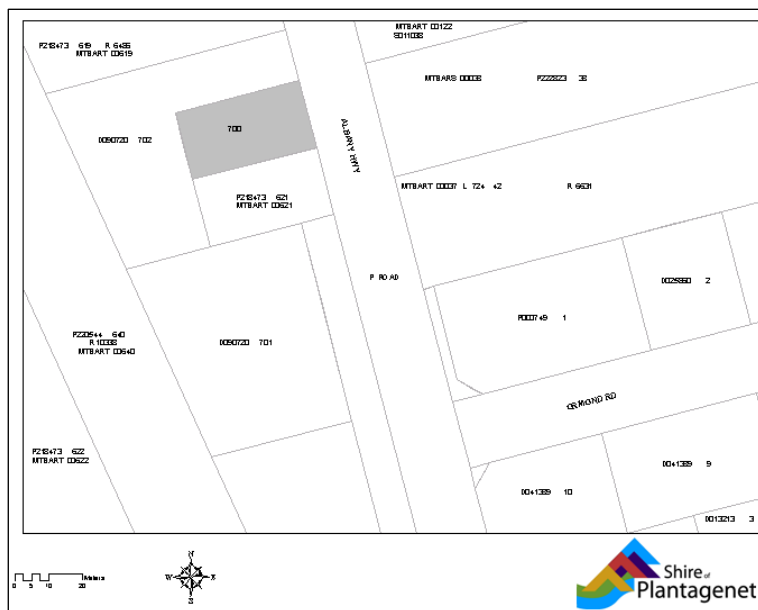
*'Massage Therapy is the manipulation of soft tissue for therapeutic purposes'* as stipulated by the Department of Health.

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 – Consulting Rooms (Cont.)



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

**Statutory Environment**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3)

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 2006

**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 21 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 Eric Howard - Environmental Health Officer, Marta Osipowicz - Planning Officer and the applicant prior to formal submission, established that equine massage would not be favoured due to predominant safety and traffic management issues.

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. In the event the Council proceeds to dispose of the asset car parking for Lot 700 would be required on site. Discussions have occurred with the applicant regarding this issue.

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 / COUNCIL DECISION**

Moved Cr K Clements, seconded Cr J Moir:

**THAT:**

- (1) The application for Shop and Consulting Rooms (massage therapy) at Lot 700 (No. 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 25 July 2006.

**CARRIED (9/0)**

**No. 165/06**

**9.5.5 LOT 283 SOUTH MARMION STREET, MOUNT BARKER - OVERSIZED OUTBUILDING**

<b>Location / Address:</b>	<b>Lot 283 South Marmion Street, Mount Barker</b>
<b>Attachments: (2)</b>	<b>Site Plan Elevations</b>
<b>Name of Applicant:</b>	<b>Kosters Steel Construction on behalf of Steve Mortimore</b>
<b>File Reference:</b>	<b>RV/182/3797</b>
<b>Author:</b>	<b>Marta Osipowicz - Planning Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>23 May 2006</b>

**Purpose**

The purpose of this report is to consider an application for a 200m<sup>2</sup> outbuilding (shed) on Lot 283 South Marmion Street, Mount Barker.

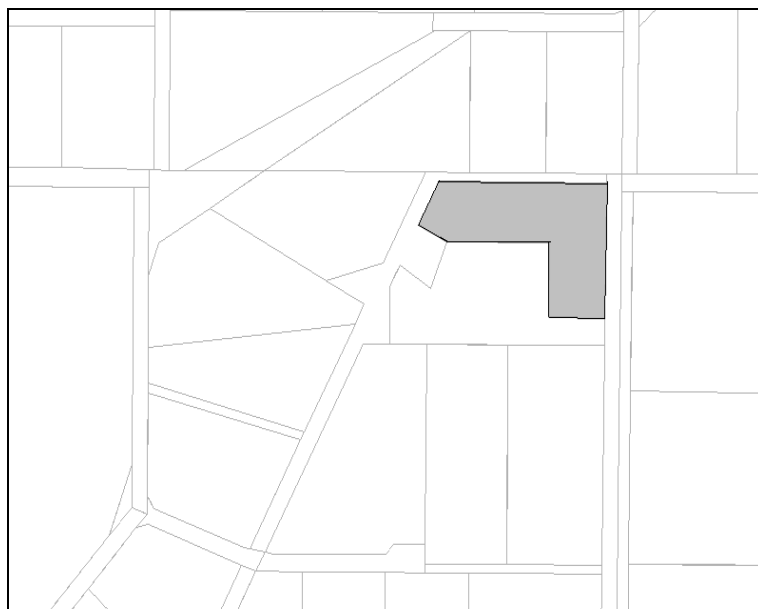
**Background**

The proposed shed is 10m by 20m and 3.3m 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 S Mortimore.

**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 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 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.

Setbacks from the northern and western boundary are required to be 15m. The outbuilding is setback 15m from the northern boundary. The western boundary is angled which results in the closest corner of the outbuilding being 14.5m from the boundary. This is easily adjustable. The majority of the structure is setback a greater distance than 15m from the western boundary. It is considered the size of the outbuilding will have little to no negative impact on the adjoining property neighbours.

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 / COUNCIL DECISION**

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

**That planning consent be granted in respect of Application No. 27/06 for development of an oversize outbuilding (shed) on Lot 283 South Marmion Street, Mount Barker in accordance with the plans dated 9 May 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.**

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Lot 283 South Marmion Street, Mount Barker – Oversized Outbuilding (Cont.)

- (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.
- (iii) The applicant is advised that stormwater runoff should be contained onsite and measures should be taken to minimise any stormwater runoff onto adjoining properties.

**CARRIED (9/0)**

**No. 166/06**

**9.5.6 LOT 846 SEVENTH AVENUE, KENDENUP - SIDE SETBACK VARIATION**

**Location / Address:** Lot 846 Seventh Avenue, Kendenup  
**Attachments: (1)** Site Plan  
**Name of Applicant:** Denise Devine  
**File Reference:** RV/182/2341  
**Author:** Marta Osipowicz - Planning Officer  
**Authorised By:** Rob Stewart - Chief Executive Officer  
**Date of Report:** 30 May 2006

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**Purpose**

The purpose of this report is to consider an application to obtain a setback variation for a Single House at Lot 846 Seventh Avenue, Kendenup.

**Background**

The applicant approached the Shire to discuss the proposed design. The applicant explained that a setback variation was sought from one (1) side boundary. It was explained to the applicant that this variation would need to be sought from the Council.

**Zoning:** Rural  
**Lot Size:** 1,248m<sup>2</sup>  
**Use class:** Single House  
**Permissibility:** 'P' use



Shire records show the registered owner to be Denise Devine.

**Statutory Environment**

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3)  
The Residential Design Codes of Western Australia (R-Codes)  
Building Code of Australia Code 2006

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**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 R-Codes stipulate that a wall less than 9.0m in length is required to be setback 1.0m from the boundary. The applicant seeks a variation to this requirement. The proposed setback is 0.512m. Determination by the Council is required because a variation is sought from the Acceptable Development provisions of the Residential Design Codes.

The proposed setback variation is required to be considered under the respective Performance Criteria of Clause 3.3.1 of the R-Codes. The criteria read,

*'Buildings set back from boundaries other than street boundaries so as to:*

- *provide adequate direct sun and ventilation to the building;*
- *ensure adequate direct sun and ventilation being available to adjoining properties;*
- *provide adequate direct sun to the building and appurtenant open spaces;*
- *assist with protection of access to direct sun for adjoining properties;*
- *assist in ameliorating the impact of building bulk on adjoining properties; and*
- *assist in protecting privacy between adjoining properties.'*

It is considered the proposed setback variation will not negatively impact the adjoining property. The variation sought is from the northern boundary therefore not being detrimental to sunlight or ventilation for the proposed dwelling and any future adjoining dwelling on the northern property. Privacy for the adjoining property is maintained. There are no windows facing north into the carport for overlooking to become an issue.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That planning consent be granted in respect of Application No. 30/06 for Lot 846 Seventh Avenue, Kendenup, for the construction of a Single House with a reduced setback of 0.512m in accordance with plans dated 26 May 2006.**

**ADVICE NOTES**

- (i) If the development, the subject of this approval, is not substantially commenced within a period of 24 months the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.
- (ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:
  - Building Code of Australia 2006
  - Building Regulations 1989

**CARRIED (8/1)**

**No. 167/06**



### 9.5.7 LOT 2 MUIRS HIGHWAY, FOREST HILL - PLANTATION

A Financial Interest was disclosed by Cr J Moir.

Extent of Interest: Financial

4.41pm Cr J Moir withdrew from the meeting

**Location / Address:** Lot 2 Muirs Highway, Forest Hill  
**Name of Applicant:** Timbercorp Forestry Pty Ltd on behalf EI & BJ Lynch  
**Attachment: (1)** Site Plan  
**File Reference:** RV/182/856  
**Author:** Marta Osipowicz - Planning Officer  
**Authorised By:** Rob Stewart - Chief Executive Officer  
**Date of Report:** 25 May 2006

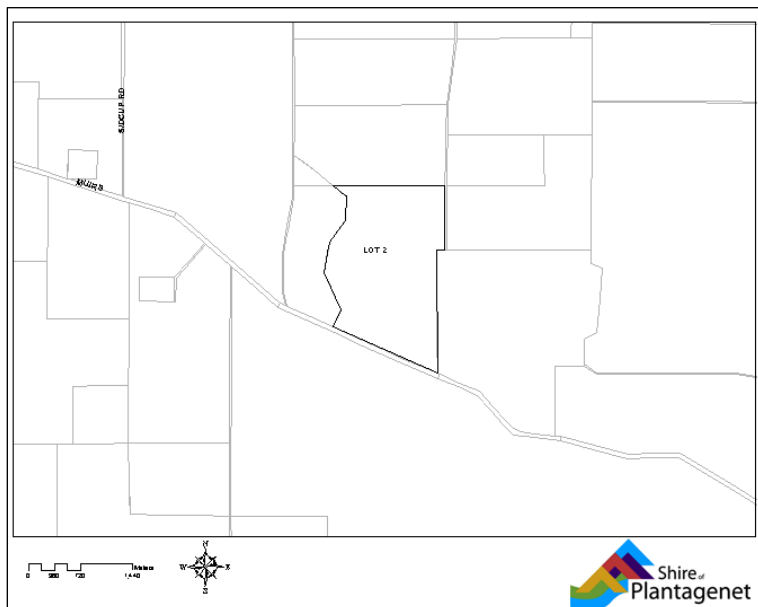
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#### Purpose

The purpose of this report is to consider an application for a Rural Use (Plantation) on Lot 2 Muirs Highway, Forest Hill.

#### Background

The subject property is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3. The property is approximately 335ha. The application is for fifteen (15) compartments totalling 202.2ha of Tasmanian Blue Gum.



The above diagram denotes the location of the subject lot.

Shire records show the current owners to be EI and BJ Lynch.

#### Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3

Bushfires Act (1954)

**Consultation**

There has been no consultation for this report.

**Policy Implications**

Planning Commission Bulletin 56 Farm Forestry Policy, once adopted, will affect the way the Council deals with applications for Agroforestry and Plantations. Discussions with the Department for Planning and Infrastructure indicate that Planning Bulletin remains with the Minister for Agriculture.

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

**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 fifteen (15) compartments, as shown on the site plan. The estimated size of the net plantable area is 202.2ha. Muirs Highway is a sealed road.

The clean up of the subject lot will involve the removal of degraded paddock trees and to fill in stump holes.

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**

That planning consent be granted in respect of Application No. 29/06 for Lot 2 Muirs Highway, Forest Hill to be developed for the purpose of Rural Use (202.2ha of Tasmanian Blue Gum Plantation) in accordance with the plans dated 23 May 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.

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**Lot 2 Muirs Highway, Forest Hill – 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*

*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.

**COUNCIL DECISION**

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

**That planning consent be granted in respect of Application No. 29/06 for Lot 2 Muirs Highway, Forest Hill to be developed for the purpose of Rural Use (202.2ha of Tasmanian Blue Gum Plantation) in accordance with the plans dated 23 May 2006 subject to the following condition:**

- (1) **A detailed planting plan showing final compartment sizes, fire access and water points being submitted prior to planting.**

**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**

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Lot 2 Muirs Highway, Forest Hill – Plantation (Cont.)

- 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 (8/0)**

**No. 168/06**

#### Reason For Change

Councillors determined that conditions 2, 3, 4 and 5 of the Officer’s Recommendation related to a Main Roads (WA) highway and was therefore not within the Council’s jurisdiction.

4.43pm Cr J Moir returned to the meeting.

### 9.5.8 LOT 144 WARBURTON ROAD, MOUNT BARKER - WAPC NO. 131143 - SUBDIVISION

<b>Location / Address:</b>	<b>Lot 144 Warburton Road, Mount Barker</b>
<b>Attachments: (1)</b>	<b>Site Plan</b>
<b>Name of Applicant:</b>	<b>Trencoast Pty Ltd</b>
<b>Attachment: (1)</b>	<b>Site Plan</b>
<b>File Reference:</b>	<b>LP/158/45 and RV/182/1023</b>
<b>Author:</b>	<b>Marta Osipowicz - Planning Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>25 May 2006</b>

#### Purpose

The purpose of this report is to consider a request from the Western Australian Planning Commission (WAPC) to comment on a proposed subdivision at Lot 144 Warburton Road, Mount Barker. The proposal is for seven (7) lots being six (6) lots of 5,000m<sup>2</sup> and one (1) lot of 7,180m<sup>2</sup>.

#### Background

Zoning:	Residential
Density:	R2
Lot size:	40,417.5m <sup>2</sup> (as determined from subdivision plan)
Minimum lot size:	5,000m <sup>2</sup>
Potential lot yield:	8
Proposed lot yield:	7

Constructed road forms part of development



The Council's records show the owners of Lot 144 Warburton Road, Mount Barker to be Trencoast Pty Ltd.

### Statutory Environment

- Planning and Development Act 2005
- Shire of Plantagenet Town Planning Scheme No. 3 (TPS3)
- Western Australian Planning Commission Policies include:
  - Policy No. DC 1.1 Subdivision of land – General Principles*
  - Policy No. DC 1.4 Functional Road Classification for Planning*
  - Policy No. DC 2.2 Residential Subdivision*
  - Policy No. DC 23 Public Open Space in Residential Areas*
  - Policy No. DC 2.6 Residential Road Planning*

Discussions occurred between officers at the Shire of Plantagenet and the WAPC. The WAPC has informed the Shire that recently the public open space requirement has been modified and subdividers of three (3) or more lots must provide and / or contribute to public open space.

### Consultation

There has been no consultation for this report.

### Policy Implications

The subject land is within the study area for the 1994 Mount Barker Townsite Strategy. The Council adopted the Mount Barker Townsite Strategy as Town Planning Policy No. 7 on 26 April 1995.

The Shire of Plantagenet 'Subdivision Development Policy Standards Specifications' adopted March 1997 apply.

### Financial Implications

There are no financial implications for this report.

### Strategic Implications

The subject land is within the area covered by the 1994 Mount Barker Townsite Strategy. The overall objective of the Strategy is:

*'To provide for further consolidation and development within the Mount Barker Townsite in a manner which recognises and enhances the existing character of the town and ensures that there are no negative impacts.'*

### Officer Comment

The WAPC requires public open space to be provided where three (3) or more lots are proposed. This number has recently been amended from five (5) or more lots. In this instance the applicant is required to provide 10% of the lot area as public open space. The amount of public open space required totalling 4,041.7m<sup>2</sup>. Demand for public parkland is more important where urban form is denser than R2. It is recommended the Council accept a cash-in-lieu contribution in this instance. The funds can be used to upgrade existing parkland.

Part 4.2 of Town Planning Scheme Policy No. 7 states *'the Council will give consideration to further subdivision and / or development.'* Policy Guidelines relevant to this proposal include:

- Submission of a subdivision guide plan indicating contours, areas subject to inundation, vegetation, creeks and services;

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**Lot 144 Warburton Road, Mount Barker – WAPC No. 131143 - Subdivision (Cont.)**

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- Submission of a subdivision guide plan demonstrating how adjoining land is to be subdivided;
- Where it is not economically possible to connect to reticulated sewerage consideration will be given to on site effluent disposal. Lot sizes to be determined by detailed assessment/testing of soil profile and absorption, water table and proximity to water bodies;
- On site effluent to be setback 100m from creek lines or water bodies. This may be reduced to 50m subject to the use of suitable alternative treatment units;
- Connection to reticulated water supply;
- Connection to bitumen sealed roads or provide contribution to upgrading existing or proposed roads;
- Clearing of vegetation is restricted and revegetation may be required as a condition of subdivision;
- Fire hydrants to be provided at 200m intervals.

In 2002, the Shire of Plantagenet engaged Planning Consultants to review the 1994 Mount Barker Townsite Strategy and prepare precinct plans for the residential growth areas to the south of Mount Barker. The Precinct Plans include development guidelines designed to help ensure the existing character of the townsite is retained, particularly in regard to retention of vegetation, design and siting of buildings and fences. The subject land is within the Lowood Road Precinct of the draft document and the guidelines relevant to this subdivision proposal include:

- Promote larger lots on lower land in the north.
- Require capability assessment of lower land in the north.
- Promote replanting for landscape enhancement in cleared areas and adjacent to Mitchell Street to provide a visual and noise buffer to the railway and the highway.
- Support the use of minimum width road reserves and carriageways where new lots service few lots.
- Promote the provision subdivisional services including underground power connections, a reticulated water supply, telecommunications connections, construction of internal roads, existing unconstructed roads, battleaxe legs and strategic fire breaks and contribution to the upgrading of existing gravel roads in accordance with Council's adopted policy.

This draft document has not been adopted by the Council but provides officers at the Shire of Plantagenet with guidance how to approach proposed subdivisions. The applicant was provided with a copy of the draft plan where the road (cul-de-sac) was envisaged along the common lot boundary with Lot 145 Warburton Road. The applicant has proposed a cul-de-sac servicing Lot 144 exclusively as the adjoining lot owner does not seek subdivision. The applicant has indicated that the proposed subdivision at Lot 144 Warburton Road does not disadvantage the adjoining neighbour should they decide to subdivide in the future. Officers at the Shire confer that the proposed subdivision will not disadvantage development of Lot 145 Warburton Road.

It is considered the proposed subdivision layout is acceptable. All lots have been provided with direct frontage to the new road. This is a good outcome whereby no battleaxe lots are created.

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**Lot 144 Warburton Road, Mount Barker – WAPC No. 131143 - Subdivision (Cont.)**

The Mount Barker Townsite Policy Plan indicates there is vegetation on the subject lot that should be retained. The applicant has indicated they will retain as much vegetation as possible on the proposed lots. A site visit was undertaken by the Shire's Works Manager, Ian Bartlett and Planning Officer, Marta Osipowicz.

The section of Warburton Road adjoining Lot 144 is unconstructed. The Shire of Plantagenet 'Subdivision Development Policy Standards Specifications' require sealed roads for 'urban' subdivisions. Construction of the internal road will be at the developer's expense. A contribution will be required from the developer for the upgrade of Warburton Road that adjoins the subject lot. It is unreasonable to seek a contribution from Mitchell Street to the subject lot. The Shire will have to allocate funds towards the upgrade of Warburton Road for the cemetery.

The proposed internal road is 18.0m wide. The Shire's Manager Works and Services has indicated this provides adequate reserve for the construction of a sealed road with shoulders and verge for services. A sealed foot path is not considered necessary in this instance. The proposed subdivision consists of seven (7) lots. This is the current maximum permitted. Should further subdivision be considered appropriate in the future, the proposed road reserve is wide enough for further urban pressure (ie: widening road to 7.2m).

Urban subdivision requires the provision of street lighting. There are currently two (2) power poles which the Shire considers appropriate for street lights to be attached to. The applicant may need to liaise with Western Power to determine the internal number of street lights required. It is envisaged at least two (2) will be required within the development.

Stormwater runoff will need to be adequately managed to address drainage issues and potential nutrient export associated with the subdivision and subsequent development.

The proposed subdivision is supported, conditional upon provision of standard residential infrastructure, including roads, drainage, power, lighting, water and revegetation.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

That the Western Australian Planning Commission be advised that the subdivision of Lot 144 Warburton Road, Mount Barker (WAPC Ref 131143) dated 28 April 2006 is supported subject to:

- (1) The subdivision being in accordance with the plan dated 28 April 2006.
- (2) All lots created by this application being provided with frontage to a sealed subdivisional road design, constructed and drained at the subdivider's cost to the specifications and satisfaction of the Shire of Plantagenet. A geotechnical assessment / pavement design report shall be provided, certifying that the pavement for all subdivision roads comply with the specifications set out in the 'Shire of Plantagenet Engineering Department Subdivision Development Policy Standards Specifications'.



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**Lot 144 Warburton Road, Mount Barker – WAPC No. 131143 - Subdivision (Cont.)**

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- (3) Cul-de-sac heads within the subdivision shall be design and constructed to the specification generally consistent with the standards outlined in the Institute of Municipal Engineering Australia (WA Division), Local Government Guidelines for Subdivisional Development and the 'Shire of Plantagenet Engineering Department Subdivision Development Policy Standards Specifications'
- (4) Prior to carrying out any subdivisional works, plans are required to be submitted to and approved by the Council. All areas disturbed as a result of subdivisional works are to be reinstated (including the restoration and stabilising of top soil) to the satisfaction of the Council.
- (5) The section of Warburton Road directly adjoining Lot 144 being designed, constructed, sealed and drained at the subdividers cost, to the specifications and satisfaction of the Shire of Plantagenet. A permit is required prior to any work being carried out within the road reserve.
- (6) The land being filled and / or drained at the subdivider's cost to the satisfaction and specifications of the Local Authority, and any easements and / or reserves necessary for the implementation thereof, being provided free of cost to the Council and in accordance with its requirements.
- (7) The subdivider making arrangements satisfactory to the Council to ensure that prospective purchasers and successors in title are aware of the following:
  - (a) In the event that development is not connected to the sewerage network, an approved alternative on-site effluent disposal system to the satisfaction of the Council and the Health Department of WA will be required to service any new development on each lot.
  - (b) An approved alternative effluent disposal system will need to be installed in combination with engineering controls to divert storm and ground water off the site through an approved method, subject to approval by the Council and in accordance with conventional engineering principles.
- (8) Street lighting being provided at the subdivider's cost to the satisfaction and specification of the Council.
- (9) The subdivider is to provide certification by the Water Corporation and the Fire and Emergency Services Authority of WA (FESA) that subdivision plans meet their specifications and that hydrant fire fighting services will be installed to standard specifications and requirements.
- (10) A cash contribution being made to the Shire of Plantagenet in lieu of public open space.

**COUNCIL DECISION**

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

**That the Western Australian Planning Commission be advised that the subdivision of Lot 144 Warburton Road, Mount Barker (WAPC Ref 131143) dated 28 April 2006 is supported subject to:**

- (1) **The subdivision being in accordance with the plan dated 28 April 2006.**

- (2) All lots created by this application being provided with frontage to a sealed subdivisional road design, constructed and drained at the subdivider's cost to the specifications and satisfaction of the Shire of Plantagenet. A geotechnical assessment / pavement design report shall be provided, certifying that the pavement for all subdivision roads comply with the specifications set out in the 'Shire of Plantagenet Engineering Department Subdivision Development Policy Standards Specifications'.
- (3) Cul-de-sac heads within the subdivision shall be design and constructed to the specification generally consistent with the standards outlined in the Institute of Municipal Engineering Australia (WA Division), Local Government Guidelines for Subdivisional Development and the 'Shire of Plantagenet Engineering Department Subdivision Development Policy Standards Specifications'
- (4) Prior to carrying out any subdivisional works, plans are required to be submitted to and approved by the Council. All areas disturbed as a result of subdivisional works are to be reinstated (including the restoration and stabilising of top soil) to the satisfaction of the Council.
- (5) The section of Warburton Road directly adjoining Lot 144 being designed, constructed, sealed and drained at the subdivider's cost or a cash contribution being made to the Shire of Plantagenet for half the width of Warburton Road directly adjoining the subject lot.
- (6) The land being filled and / or drained at the subdivider's cost to the satisfaction and specifications of the Local Authority, and any easements and / or reserves necessary for the implementation thereof, being provided free of cost to the Council and in accordance with its requirements.
- (7) The subdivider making arrangements satisfactory to the Council to ensure that prospective purchasers and successors in title are aware of the following:

  - (a) In the event that development is not connected to the sewerage network, an approved alternative on-site effluent disposal system to the satisfaction of the Council and the Health Department of WA will be required to service any new development on each lot.
  - (b) An approved alternative effluent disposal system will need to be installed in combination with engineering controls to divert storm and ground water off the site through an approved method, subject to approval by the Council and in accordance with conventional engineering principles.
- (8) Street lighting being provided at the subdivider's cost to the satisfaction and specification of the Council.
- (9) The subdivider is to provide certification by the Water Corporation and the Fire and Emergency Services Authority of WA (FESA) that subdivision plans meet their specifications and that hydrant fire fighting services will be installed to standard specifications and requirements.

- (10) A cash contribution being made to the Shire of Plantagenet in lieu of public open space.**

**CARRIED (9/0)**

**No. 169/06**

Reason For Change

Councillors determined that the subdivider should have the option of either constructing the road (referred to in Part (5)) or making a cash contribution to the Council.

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**9.5.9 LOT 516 CARBARUP ROAD, KENDENUP - APPLICATION FOR TEMPORARY ACCOMMODATION**

<b>Location / Address:</b>	<b>Lot 516 Carbarup Road, Kendenup</b>
<b>Attachments: (2)</b>	<b>Locality Map Site Plan</b>
<b>Name of Applicant:</b>	<b>B &amp; I McHardy</b>
<b>File Reference:</b>	<b>RV/182/4565</b>
<b>Author:</b>	<b>Eric Howard - Environmental Health Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>6 June 2006</b>

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**Purpose**

The purpose of this report is to consider an application for Temporary Accommodation at Lot 516 Carbarup Road, Kendenup.

**Background**

An application has been received from the owners of Lot 516 Carbarup Road, Kendenup seeking approval to occupy a caravan located on Lot 516 Carbarup Road, Kendenup for a period of twelve (12) months during the construction of their Class 1a dwelling, also located at Lot 516 Carbarup Road, Kendenup.

A Building Licence has been issued for a Class 1a dwelling (Building Licence 2585). The applicants intend to reside within a caravan located on the property and have connected ablution facilities provided within the existing outbuilding, to a separate effluent disposal system. A separate effluent disposal system has been approved with the construction of the Class 1A dwelling, located approximately 120m away from the temporary accommodation.

**Statutory Environment**

Caravan Parks and Camping Ground Regulations 1997 Section (11) (2) states as follows:

- (2) Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than three (3) nights —
  - (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than three (3) months in any period of twelve (12) months;
  - (b) by the Minister, if such approval will result in the land being camped on for longer than three (3) months in any period of twelve (12) months; or
  - (c) despite paragraph (b), by the local government of the district where the land is situated —
    - (i) if such approval will not result in the land being camped on for longer than twelve (12) consecutive months; and

- (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.

### **Consultation**

This application has been discussed with Mr Alan Watkins, Principal Building Surveyor.

### **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 caravan and ablution facilities to be utilised for temporary accommodation have been inspected and do conform to the required health and safety standards required for this type of accommodation.

The applicants have formally agreed to comply with the provisions and conditions expressed in the Councils 'Application for Temporary Accommodation' document.

The applicants wish to reside on site during the construction of their dwelling to maintain site security and to expedite the building project.

It is expected that the dwelling will be constructed to a habitable standard within twelve (12) months and therefore temporary accommodation will be required for a period of between six (6) and twelve (12) months.

The Council may revoke the temporary accommodation approval at any time during this approval period.

### **Voting Requirements**

Simple Majority

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

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

**That approval be granted to B and I McHardy to occupy temporary accommodation at Lot 516 Carbarup Road Kendenup for a maximum period of twelve (12) months from 13 June 2006 subject to:**

- (1) Satisfactory progress being achieved with the construction of the Class 1A Dwelling.**
- (2) The approval to occupy temporary accommodation may be revoked at any time within the twelve (12) month approval period.**

**CARRIED (9/0)**

**No. 170/06**

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

Nil

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

Moved Cr J Cameron, seconded Cr K Hart:

That new business of an urgent nature, namely:

- Rural Numbering Project
- Budget Consideration

be introduced into the meeting.

**CARRIED (9/0)**

**No. 171/06**

**11.1 RURAL NUMBERING PROJECT**

Moved Cr D Williss, seconded Cr J Cameron:

That, as a matter of urgency and with regard to locality naming and postcodes within the Shire of Plantagenet, the Chief Executive Officer:

- (1) Contact Australia Post seeking their concurrence to leaving postal runs in Plantagenet unchanged.
- (2) Contact the Department of Land Information (DLI) requesting that:
  - (a) DLI leave the locality map as adopted by the Council in April 2002 unchanged;
  - (b) DLI delay the implementation of address changes; and
  - (c) Advise that not all affected landowners have received their Rural Road Number letters.
- (3) Continue with the Rural Road Numbering Program.
- (4) Liaise with Terry Redman MLA regarding Points (1) to (3) above.

**CARRIED (9/0)**

**No. 172/06**

## 12 CONFIDENTIAL

### 12.1 DEPUTY CHIEF EXECUTIVE OFFICER

**Location / Address:** N / A  
**Name of Applicant:** N / A  
**File Reference:** PE/136/27  
**Author:** Rob Stewart – Chief Executive Officer  
**Authorised By:** Rob Stewart - Chief Executive Officer  
**Date of Report:** 7 June 2006

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#### Purpose

The purpose of this report is to seek endorsement of the appointment to the position of Deputy Chief Executive Officer to the Shire of Plantagenet.

#### MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr J Moir, seconded Cr J Mark:

5.35pm That the Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1995 Section 5.23(2) as follows:

- (a) a matter affecting an employee or employees;

CARRIED (9/0)

No. 173/06

#### COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Moir:

That the recommendation of the Chief Executive Officer to appoint Mr Jonathan Michael Fathers to the position of Deputy Chief Executive Officer with the Shire of Plantagenet be accepted, pursuant to Section 5.37(2) of the Local Government Act 1995.

CARRIED (9/0)

No. 174/06

#### MOTION TO PROCEED IN PUBLIC

Moved Cr J Moir, seconded Cr J Cameron:

5.45pm That the meeting proceed in public.

CARRIED (9/0)

No. 175/06

**ADJOURNMENT**

The Presiding Member adjourned the meeting until 9.00pm

**RESUMPTION**

9.00pm The Presiding Member resumed the meeting.

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 J Mark	Town Ward
Cr B Hollingworth	Town Ward
Cr K Hart	Kendenup Ward
Mr R Stewart	Chief Executive Officer
Mr I Bartlett	Manager Works
Ms N Selesnew	Manager Community Services
Mrs K Skinner	Executive Secretary

**11.2 DRAFT BUDGET 2006 / 2007**

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

**That the Draft Budget and Plan For The Future as circulated be:**

**(1) Amended by deleting:**

	\$
<b>Entry Statements</b>	<b>20,000.00</b>
<b>Transfer Station Vehicles</b>	<b>27,000.00</b>
<b>Pool Mower</b>	<b>1,300.00</b>
<b>Contract Tree Lopping</b>	<b>25,000.00</b>
<b>Apprentice Mechanic</b>	<b>25,500.00</b>
<b>Scout Hall</b>	<b>3,750.00</b>
<b>Plantagenet Hall Emergency Power</b>	<b>2,500.00</b>

**(2) Amended by adding:**

	\$
<b>Pearce Road</b>	<b>18,000.00</b>
<b>Chauvel Road</b>	<b>12,000.00</b>
<b>Staff Training</b>	<b>5,000.00</b>

**(3) Advertised for public presentation at a meeting to be held 26 June 2006 in the Council Chambers.**

**CARRIED (9/0)**

**No. 176/06**



**13 CLOSURE OF MEETING**

9.07pm The Presiding Member declared the meeting closed.

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