



## **ORDINARY COUNCIL MEETING**

# **MINUTES**

Ordinary Meeting of the Council  
held in the Council Chambers  
2.45pm Tuesday 27 June 2006

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

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.48pm The Presiding Member declared the meeting open.

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

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

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

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

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

### Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Willis	Deputy Shire President / East Ward
Cr M Skinner	East Ward
Cr 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	Kendenupp 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 fourteen (14) members of the public present.

There was one (1) member of the media present.

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

Nil

### 4 PUBLIC QUESTION TIME

#### 4.1 RURAL ROAD NUMBERING – CHANGE OF LOCALITIES (RO/107/4)

Mr Brett Bell

Mr Bell spoke on behalf of residents whose locality had been changed from Mount Barker to Kendenup. Mr Bell asked the following five (5) questions:

- (1) *Who decided to change from Mount Barker to Kendenup?*
- (2) *Why the change from Mount Barker to Kendenup?*
- (3) *Did the Council consider the implications when considering the locality changes?*
- (4) *Why did no consultation occur with affected residents?*
- (5) *When will this situation be corrected and the localities changed back?*

Mr Bell noted that he had spoken to Brad Harken from the Department of Land Information (DLI) who advised that it was the Shire's responsibility to inform residents of the change to localities.

**Response By: Mr R Stewart – Chief Executive Officer**

Mr Stewart read aloud the following media release.

*'The subject of Rural Road Numbering and locality names has caused a lot of discussion within Plantagenet lately.*

*Rural Road Numbering is a State Government initiative which Local Government has supported widely, including the Shire of Plantagenet.*

*Rural Road Numbering, which creates property numbers based on distance from a defined starting point, allows mail and emergency services to easily find locations due to the prominent numbering and the distance criteria.*

*Very few people argue about the merit of such a system although any change from one system to another can create individual issues.*

*For example the Council has received many submissions from residents and ratepayers in Plantagenet regarding locality naming. Locality naming was considered by the Council in April 2002 and at that time people may not have necessarily been aware that some changes to traditional names of areas had occurred.*

*The Council has expressed concerns to the government authorities most involved in these changes including Australia Post and the Department of Land Information. It would appear that many residents and ratepayers are concerned that their mail delivery may be changed or otherwise affected because of the changes. Australia Post has assured Council representatives that this is not the case.*

*Apparent changes to locality names reflect what was adopted in 2002 by the Council but is receiving further attention by the Council.'*

Mr Stewart noted that he had been authorised by the Council to liaise with DLI and Australia Post and was unable to answer the questions fully as the matter was still being investigated.

Mr Stewart also noted that the locality naming originally looked at by the Council as requested by DLI then known as the Department of Land Administration (DOLA).

Mr Stewart noted that the Council can make recommendations to change locality names but it is not the Council's responsibility to change the names.

Mr Brett Bell

Mr Bell noted that he lived five (5) kilometres north of Mount Barker and had his mail delivered from the Mount Barker Post Office. The changing of his locality from Mount Barker to Kendenup meant that he would now have to pick parcels etc up from the Kendenup Post Office from which he was thirteen (13) kilometres south of.

Mr Bell also noted that there was a fear within the community that the changes may erode historical names. He also noted that community feeling was strongly against the locality changes and requested that the Council please consider the matter seriously.

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

Cr Forbes noted that the change to localities was addressed and advertised in 2002. Some objections were received and the locality line between Kendenup and Mount Barker was drawn following the old Kendenup Subdivision. No-one at the Council was advised that these changes would affect the existing mail system.

Cr Forbes also noted that the road numbering could have been introduced two years ago but we are one of the last Councils to implement the change. He also noted that the mail changes had only been introduced now so in effect, the mail changes had nothing to do with the rural road numbering program. Cr Forbes noted that the Council can change the lines on the ground (localities) but Australia post will still do their mail runs as they decide.

Mr Brett Bell

Mr Bell noted that he had spoken with Australia Post who claimed that the information they were working from was received from DLI who claimed it was originally received from the Shire of Plantagenet. Mr Bell noted that Australia Post said they had no wish to change Mount Barker to Kendenup but had been instructed to do so by DLI.

**Response By: Mr R Stewart – Chief Executive Officer**

Mr Stewart noted that this was not totally correct as the Council had only signed off on locality changes they had originally received from DLI. The locality changes had not originated with the Council.

Mr Don Steven

Mr Steven read from a letter he had received from Australia Post and noted that he believed the localities can be changed back.

**Response By: Mr R Stewart – Chief Executive Officer**

Mr Stewart noted that the Council only signed off on the locality changes as recommended by DLI once they had advertised and taken submissions into consideration.

Mr Stewart also noted that the Council is only one (1) part of the decision making process and that although it may be a simple decision for the Council to make to change the localities back, the matter would still need to be discussed further with DLI and Australia Post. He also noted that as soon as you amend the boundary, other people affected could be unhappy with the changes. Mr Stewart noted that other Councils have had to deal with the same problem.

**Mr Don Steven**

Mr Steven noted that he would make a submission to the Council on where the Kendenup boundary should go.

**Mr Brett Bell**

Mr Bell noted that he was not aware that the localities were going to change and believed that the Council did not inform the community of the ramifications.

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

Cr Forbes noted that the change in localities was advertised four (4) years ago in 2002 and that changes were made in consideration of submissions received.

**Mr Brett Bell**

Mr Bell asked that he be kept informed of any progress in the matter.

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

Cr Forbes noted that the matter would not be settled quickly as there were several areas to consider and resolve. He also noted that if Australia Post was changing the mail runs now it would take some time before they would change their runs back, if indeed they would at all.

**5 PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Councillor Kevin Forbes requested leave of absence for the period 25-26 July 2006 inclusive.

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

**That Councillor Forbes be granted leave of absence for the period 25-26 July 2006 inclusive.**

**CARRIED (9/0)**

**No. 177/06**

## **7 CONFIRMATION OF MINUTES**

Moved Cr J Cameron, seconded Cr K Hart:

That the Minutes of the Ordinary Meeting of the Council held 13 June 2006 be confirmed.

**CARRIED (9/0)**

**No. 178/06**

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

- 23 June 2006 - Cr K Forbes and his wife attended the Mount Barker Wine Producers Dinner in Perth along with the Chief Executive Officer and partner. The event was well attended and the Council was publicly thanked for their support.
- 25 June 2006 - Cr M Skinner and his wife attended the Rotary Changeover Dinner on the Shire President's behalf.
- 26 June 2006 - Cr K Forbes thanked all Councillors who attended the Budget Meeting.

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 EXECUTIVE SERVICES REPORTS

#### 9.1.1 BIOSPHERE

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>EM/125/6</b>
<b>Author:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>9 June 2006</b>

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#### **Purpose**

The purpose of this report is to advise that a request has been received from the Denmark Education and Innovation Centre seeking a Council representative on the Centre's sub committee regarding investigations into the proposed UNESCO Biosphere Region.

#### **Background**

At its meeting held on 12 August 2003, the Council resolved, with regard to the Biosphere proposal:

*'That, having regard to the proposal by Greenskills Inc requesting support for the nomination of a new Biosphere Reserve in the Lower Great Southern, the Great Southern Development Commission be advised that the Shire of Plantagenet would be prepared to cautiously support the initiative but would require Greenskills Inc and the Commission to undertake extensive community information sessions and public consultation sessions in the Shire of Plantagenet regarding the proposal.'*

For the further information of Councillors a copy of the report that went to that Council Meeting is attached.

#### **Consultation**

Extensive consultations have and are being undertaken over a period of several years for the biosphere region proposal, more recently by the Denmark Education and Innovation Centre. A consultation forum was held at the St John's Ambulance Hall on 15 April 2004 with fourteen in attendance including three (3) Councillors plus the Chief Executive Officer.

#### **Policy Implications**

The creation of a Biosphere Reserve in the Lower Great Southern has unknown policy implications at this stage. An adjacent Biosphere Reserve could place pressure on the Council relating to road building and related clearing of land and access to building materials.

#### **Financial Implications**

The creation of a Biosphere Reserve in the Lower Great Southern has unknown financial implications at this stage, however, Council has raised concerns in the past

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**Biosphere (Cont.)**

(at the Rainbow Coast Regional Council level) that increased levels of environmental responsiveness will invariably lead to increased monetary costs at a local level.

**Strategic Implications**

The creation of a Biosphere Reserve in the Lower Great Southern has unknown Strategic implications at this stage.

**Officer Comment**

Although the representation by the Council on any group looking at the Biosphere is recommended, some caution should nevertheless be expressed. The Denmark Education and Innovation Centre notes in its letter that:

*'Biosphere region status has proven benefits for local communities, industries including retail and wholesale businesses and farmers, as well as scientists, government and non government organisations and the wider world community.*

*These benefits include:*

- 1. An ongoing springboard for applying for funding to implement landcare programs.*
- 2. Opportunity to host conferences, seminars and field days focussing on the study area.*
- 3. Marketing the area for eco-cultural and eco-tourism opportunities (including farm stays).*
- 4. Increased opportunity to host scientists of state, national or international standing for lectures, courses, workshops, consultancies etc.*
- 5. Further creation of open, evolving and adaptive relationships within and between all sections of the community to promote culturally creative and ecologically, economically and socially sustainable management of the area.*
- 6. Development of a positive community support for sustainability principles.*
- 7. Further development of ecologically sustainable economic opportunities.*

The Education and Innovation Centre would appear to already have a 'position' on the Biosphere and the Council's previous 'cautious support' may be at odds with such a group.

Nevertheless, the invitation to participate would allow the Council's representative to voice the cautious support while being alert for benefits as well as disbenefits to the community of Plantagenet. Alternatively, Cr Cameron, the Council's representative on the Walpole Wilderness Community Advisory Committee, adequately voices any Council concerns.

**Voting Requirements**

Simple Majority

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Biosphere (Cont.)

### **OFFICER'S RECOMMENDATION**

That the Denmark Education and Innovation Centre be advised in the terms of the Council's resolution of 12 August 2003 and that the Council has nominated Councillor Joan Cameron as its representative on the Walpole Wilderness Community Advisory Committee, and who is adequately protecting the Council's interests.

### **COUNCIL DECISION**

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

**That the Denmark Education and Innovation Centre be advised that the Council is pleased to nominate Councillor B Hollingworth as the Council's representative on the Centre's Sub-Committee regarding investigation into the proposed UNESCO Biosphere Region.**

**CARRIED (9/0)**

**No. 179/06**

### **FURTHER MOTION**

**Moved Cr B Hollingworth, Cr M Skinner:**

**That the Denmark Education and Innovation Centre be further advised that Councillor J Cameron has been nominated as the Council's Deputy representative on the Centre's Sub-Committee regarding investigation into the proposed UNESCO Biosphere Region.**

**CARRIED (9/0)**

**No. 180/06**

### Reason For Change

Councillors were of the opinion that a representative would be beneficial.

**9.1.2 COMMITTEE MINUTES - GREAT SOUTHERN REGIONAL CATTLE SALEYARDS ADVISORY - 13 JUNE 2006; WASTE MANAGEMENT - 20 JUNE 2006**

**Location / Address:** N / A  
**Attachments: (2)** Committee Minutes  
**Name of Applicant:** N / A  
**File Reference:** CA/103/1; WM/103/1  
**Author:** Cherie Delmage - Administration Officer  
**Authorised By:** Rob Stewart - Chief Executive Officer  
**Date of Report:** 21 June 2006

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**Purpose**

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

- Great Southern Regional Cattle Saleyards Advisory – 13 June 2006
- Waste Management – 20 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

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

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

- Great Southern Regional Cattle Saleyards Advisory – 13 June 2006
- Waste Management – 20 June 2006

**CARRIED (9/0)**

**No. 181/06**

**9.1.3 LOCAL GOVERNMENT WEEK - VOTING DELEGATES**

**Location / Address:** N / A  
**Name of Applicant:** N / A  
**File Reference:** ED/62/5  
**Author:** Kaye Skinner - Executive Secretary  
**Authorised By:** Rob Stewart - Chief Executive Officer  
**Date of Report:** 15 June 2006

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**Purpose**

The purpose of this report is to endorse voting delegates for the Western Australian Local Government Association (WALGA) Annual General Meeting.

**Background**

Correspondence has been received from Ricky Burges, Chief Executive Officer of WALGA seeking the names of voting delegates at the 2006 Western Australian Local Government Association (WALGA) Annual General Meeting.

Historically this is usually the Shire President and Deputy Shire President.

**Policy Implications**

Policy CE/CS/1 applies.

**Officer Comment**

It will be necessary to endorse two voting delegates.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That Shire President and Deputy Shire President be endorsed as the Council's voting delegates for the Annual General Meeting of the Western Australian Local Government Association to be held on Sunday 6 August 2006.**

**CARRIED (9/0)**

**No. 182/06**

## 9.2 CORPORATE SERVICES REPORTS

### 9.2.1 FINANCIAL STATEMENTS - MAY 2006

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (1)</b>	<b>Financial Statements – May 2006</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>FM/65/1</b>
<b>Author:</b>	<b>Ross MacDonald - Accountant</b>
<b>Authorised By:</b>	<b>Rob Stewart – Chief Executive Officer</b>
<b>Date of Report:</b>	<b>21 June 2006</b>

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#### **Purpose**

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 May 2006.

#### **Statutory Environment**

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

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

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

#### **Policy Implications**

There are no policy implications for this report.

#### **Financial Implications**

There are no financial implications for this report.

#### **Strategic Implications**

There are no strategic implications for this report.

#### **Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That the financial statements for the month ending 31 May 2006 be received.**

**CARRIED (9/0)**

**No. 183/06**

**9.2.2 BUSH FIRE BRIGADES LOCAL LAW AMENDMENT 2006 - AMENDMENT**

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>LE/98/1</b>
<b>Author:</b>	<b>Donna Stevens - Senior Administration / Human Resources Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>20 June 2006</b>

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**Purpose**

The purpose of this report is to make a resolution not to enforce Clause 2.5 of the Shire of Plantagenet Bush Fire Brigades Local Law Amendment 2006.

**Background**

At its Ordinary Meeting on 14 February 2006 the Council resolved to adopt the Plantagenet Bush Fire Brigades Local Law Amendment 2006.

This amendment was reviewed by the Joint Standing Committee on Delegated Legislation (JSC) on the 10 May 2006. As a result of that review the JSC has requested that the Shire resolve not to enforce clause 2.5 of the principal local law which deals with the variation of Rules Governing the Operation of Bush Fire Brigades.

The JSC considers clauses 2.5(1) and (2) inconsistent with and not authorised by the Bush Fires Act 1954 and the Local Government Act 1995, as these clauses suggest that the local law may be amended by means other than through the making of a valid amendment local law. These clauses have also been recently removed from the Western Australian Local Government Association Model Local Law on which the Shire's principal local law was based.

**Statutory Environment**

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

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

**Consultation**

Consultation has occurred with the Joint Standing Committee on Delegated Legislation.

**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.

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**Officer Comment**

Although unusual, the request of the JSC is endorsed.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr K Hart, seconded Cr M Skinner:

**THAT:**

- (1) **Clause 2.5 of the Shire of Plantagenet Bush Fire Brigades Local Law 2004 which reads:**

**'2.5 Variation of Rules**

- (1) **The local government may vary the Rules in their application to all bush fire brigades or in respect of a particular bush fire brigade.**
- (2) **The Rules, as varied, have effect on and from the date of a decision under subclause (1).**
- (3) **The local government is to notify a bush fire brigade of any variation to the Rules as soon as practicable after making a decision under subclause (1).'**

**not be enforced.**

- (2) **The deletion of Clause 2.5 of the Shire of Plantagenet Bush Fire Brigades Local Law 2004 be incorporated in any future amendment to the local law.**

**CARRIED (9/0)**

**No. 184/06**

**9.2.3 LIST OF PAYMENTS - MAY 2006**

**Location / Address:** N / A  
**Attachments: (1)** List of Payments - May 2006  
**Name of Applicant:** N / A  
**File Reference:** FM/65/3  
**Author:** Rayona Evans - Accounts Officer  
**Authorised By:** Rob Stewart - Chief Executive Officer  
**Date of Report:** 19 June 2006

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**Purpose**

The purpose of this report is to present the list of payments that were made during the month of May 2006.

**Statutory Environment**

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

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That the payment of accounts for the month of May 2006 covering electronic payments, cheques 35303 to 35399, totalling \$978,731.09 and the payment of trust cheques 121-124, totalling \$5,346.55, be noted.**

**CARRIED (9/0)**

**No. 185/06**

### 9.3 DEVELOPMENT SERVICES REPORTS

#### 9.3.1 LOT 30 OATLANDS ROAD, MOUNT BARKER - CARPORT / COVERED AREA

**Location / Address:** Lot 30 Oatlands Road, Mount Barker  
**Attachments: (2)** Site Plans x 2  
**Name of Applicant:** Peter H Truphet  
**File Reference:** RV/182/1770  
**Author:** Marta Osipowicz - Planning Officer  
**Authorised By:** Rob Stewart - Chief Executive Officer  
**Date of Report:** 15 June 2006

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#### Purpose

The purpose of this report is consider an application for a carport / covered area 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 construct a carport and covered drying area on the property. The required boundary setback is 15m and a 14.7m setback has been proposed. The applicant seeks a variation of 0.3m from the boundary.

Zoning: Rural Residential 3

Setback Requirements:

Front: 15m

Side: 15m

Rear: 15m



Shire records show the registered owner to be PRT Australia Pty Ltd.

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**Statutory Environment**

Planning and Development Act 1995  
Shire of Plantagenet's Town Planning Scheme No. 3 (TPS3)  
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 applicant proposes 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 covered drying area is an extension of the existing use and is an acceptable form of development.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That planning consent be granted in respect of Application No. 26/06 for construction of a carport / covered area on Lot 30 Oatlands Road, Mount Barker in accordance with the plans dated 9 May 2006 subject to the following:**

**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 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. 186/06**

**9.3.2 LOT 97 MONTEM STREET, MOUNT BARKER – WAPC. 462-06 - SURVEY STRATA SUBDIVISION**

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<b>Location / Address:</b>	<b>Lot 97 Montem Street, Mount Barker</b>
<b>Attachments: (2)</b>	<b>Survey-Strata Subdivision Plan – 10.04.06 Modified Survey-Strata Subdivision Plan – 19.06.06</b>
<b>Name of Applicant:</b>	<b>Yaran Pty Ltd</b>
<b>File Reference:</b>	<b>LP/158/44 - 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>15 June 2006</b>

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**Purpose**

The purpose of this report is to consider a request from the Western Australian Planning Commission (WAPC) to comment on a proposed survey-strata subdivision at Lot 97 Montem Street, Mount Barker.

**Background**

The subject lot is 14,366m<sup>2</sup> in area, zoned Residential under Town Planning Scheme No.3 with a density coding of R10/20. A development application for the subject lot was lodged in February 2006. The Council considered the proposed application for planning consent for twenty-eight grouped dwellings at its meeting held 13 June 2006 and resolved to approve the application subject to conditions.

The survey-strata subdivision application was referred to the Shire for its consideration on 10 April 2006. The Council considered the survey-strata subdivision application at its meeting held 9 May 2006 where it was resolved:

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

- (1) The applicant is required to undertake a detailed drainage study to demonstrate that the site is able to accommodate the intensity of development proposed without adverse impact on downstream flows and drainage systems;*
- (2) The development application for twenty eight (28) Grouped Dwellings on Lot 97 Montem Street is currently the subject of public consultation; the comments are to be considered at the Council's meeting on the 13 June 2006; and*
- (3) An indicative Strata Management Plan showing how weekly rubbish collection, mail delivery, internal infrastructure and maintenance will managed is required to be sighted.*

**ADVICE NOTE:**

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

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The determination of the application for planning consent allows the Council to formally respond to the WAPC.

### **Statutory Environment**

- Planning and Development Act 2005
- Shire of Plantagenet's Town Planning Scheme No. 3 (TPS3)
- Western Australian Planning Commission Policies include:
  - Policy No. DC 1.3 'Strata Titles'
  - Policy No. DC 2.2 'Residential Subdivision'
  - Policy No. DC 2.3 'Public Open Space in Residential Areas'
  - Policy NO. DC 2.6 'Residential Road Planning'
  - 'Guidelines for the Design and Geometric Layout of Residential Roads'

### **Consultation**

As part of the development application process the proposed development was publicly advertised and referred to the Department for Planning and Infrastructure.

### **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. As an outcome of the study, the Density Coding of the subject land was amended from R10 to R10/20.

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

### **Financial Implications**

The Shire is unable to provide adequate finances towards maintenance and enhancement of existing parkland. The proposed development does not include a freehold lot for public parkland. The application 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 overall objective of the Mount Barker Townsite 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.'*

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

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

*'Plan a safe and healthy living environment'.*

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

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

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

### **Officer Comment**

At its meeting held 9 May 2006 the Council resolved to defer the response to the WAPC. This decision was made primarily for the Council to determine the development application, obtained a detailed drainage study and view an indicative Strata Management Plan.

The application provided the Shire with drainage information and the Strata Management Plan for its consideration. The applicant engaged engineering consultants to undertake a drainage study. The information and solution was presented to the Council at its meeting dated 13 June 2006. It is considered the concerns raised have been addressed by the applicant.

The drainage concept includes extensive retaining walls and sand filled pads. Three (3) soak wells are to be installed per dwelling. The proposal includes the installation of subsoil drains adjacent to each retaining wall. This will ensure the retaining walls are not placed under great pressure. Other mechanisms are to be incorporated into the development to reduce water flow within and from the development. Whilst the stormwater will eventually enter into the Shire’s drainage system, the amount discharged at any one time should be manageable. The definitive layout of the drainage and stormwater disposal system will need to be submitted in conjunction with the Building Licence(s).

The Strata Management Plan (SMP) is generally acceptable. Further discussions have occurred with the applicant to include additional critical information for future residents. Some minor wording changes and insertion have been suggested. The applicant has confirmed that rubbish collection will be internal and a clause alerting all potential purchasers of possible early morning rubbish collections. Mail will not be delivered internally. Letter boxes will be provided on Montem Street and Marion Street.

The determination of the application for planning consent has required the applicant to undertake modifications to the proposed grouped dwelling development. The critical alterations required are:

- A reduction in dwellings from twenty-eight to twenty-six;
- Increased driveway width from 4.8m to 6.0m;
- An unimpeded pedestrian path throughout the development; and
- Front setback increases for Lot 2 and Lot 13 with a minimum of 4.5m to the rear boundary.

The amended Survey-Strata subdivision plan, dated 19 June 2006, forms an attachment to this report. The amended plan is considered generally acceptable, correlating to the amended development application drawings presented to the Council at its meeting held 13 June 2006. The above mentioned modifications have been undertaken by the applicant.

The survey-strata subdivision application is subject to the provisions set out in Part 4.0 of TPS Policy 7. They are:

- connection to reticulated sewerage;
- compliance with the Residential Planning Codes;
- preference for the creation of gazetted roads, rather than battle-axe lots;

- applications to indicate existing vegetation and where possible, demonstrate how significant trees are to be retained;
- new trees are to be planted if it is necessary to remove established trees; and
- subdivision shall have regard for the existing character of the streetscape.

The above requirements have been considered during the assessment and determination of the application for planning consent by the Council. During the assessment process the Council considered accepting a cash-in-lieu contribution for public open space. The Council resolved to accept a cash-in-lieu contribution as a result of not requesting the provision of public open space.

The subdivision will facilitate the provision of additional lots and dwellings in Mount Barker. The proposal is supported, conditional upon provision of standard residential infrastructure, including adequately constructed internal driveway, internal pathway, drainage, internal lighting, power, and water.

### **Voting Requirements**

Simple Majority

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

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

**That the Western Australian Planning Commission be advised that the survey-strata subdivision of Lot 97 Montem Street, Mount Barker (WAPC Ref 462-06) dated 10 April 2006 is supported subject to:**

- (1) **The subdivision being in accordance with the Council's determination dated 13 June 2006 and generally in accordance with attached amended plans dated 19 June 2006;**
- (2) **The land being filled and / or drained at the subdivider's cost to the satisfaction and specifications of the Shire of Plantagenet, and any easements and / or reserves necessary for the implementation thereof being wholly funded and maintained by the applicant.**
- (3) **A detailed stormwater / drainage disposal system to be submitted and approved by the Council. The design drawings to include longitudinal sections clearly showing drainage inverts, cover levels, surface levels, pipe size and class, grade, inlet pit details, design flows, and other associated information.**
- (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 emission of noise, dust and / or sand shall be managed in accordance with Department of Environment Protection (DEP) requirements.**
- (6) **The subdivider providing eight (8) street trees in accordance with the species list and specifications set out in the Mount Barker Townscape Review.**

- (7) Certification from the Water Corporation that arrangements have been made with that body so that connection to an adequate reticulated water service will be available to all lots proposed by this application.**
- (8) Certification from the Water Corporation that arrangements have been made with that body so that connection to an adequate reticulated sewer service will be available to all lots proposed by this application.**
- (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) All electricity services are to be provided at the Subdivider's expense via underground cabling.**
- (11) Internal lighting being provided to the satisfaction of the Manager, Development Services.**
- (12) A cash contribution being made to the Shire of Plantagenet in lieu of public open space.**

**CARRIED (9/0)**

**No. 187/06**

**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 Mark, seconded D Williss:

That business of an urgent nature, namely

- Sounness Park - South Mount Barker Football Club

be introduced into the meeting.

**CARRIED (9/0)**

**No. 188/06**

**MOTION TO PROCEED BEHIND CLOSED DOORS**

Moved Cr K Clements, seconded Cr J Cameron:

3.53pm That the meeting proceed behind closed doors

**CARRIED (9/0)**

**No. 189/06**

**MOTION TO PROCEED IN PUBLIC**

Moved Cr K Hart, seconded Cr J Cameron:

4.13pm That the meeting proceed in public.

**CARRIED (9/0)**

**No. 190/06**

**11.1 SOUNNESS PARK – SOUTH MOUNT BARKER FOOTBALL CLUB – DEBT RECOVERY****COUNCIL DECISION**

Moved Cr K Clements, seconded Cr J Cameron:

That the Chief Executive Officer be encouraged to utilise any appropriate delegation to finalise issues relating to the South mount Barker Football Club.

**CARRIED (8/1)**

**No. 191/06**

**12 CONFIDENTIAL**

Nil

**13 CLOSURE OF MEETING**

4.14pm The Presiding Member declared the meeting closed.

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