



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2.45pm Tuesday 12 December 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.

Working to Occupational Safety and Health Best Practices, Mr Rob Stewart - Chief Executive Officer, read aloud the emergency evacuation procedures for Councillors, staff and members of the public present in the Council Chambers.

Mr Stewart then read aloud the following disclaimer:

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

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

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

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

Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Williss	Deputy Shire President - East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr J Moir	South Ward
Cr B Hollingworth	Town Ward
Cr K Clements	Town Ward
Cr J Mark	Town Ward
Cr K Hart	Kendenupp Ward
Cr M Skinner	East Ward
Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Mr I Bartlett	Manager Works and Services
Mr P Duncan	Manager Development Services
Ms N Selesnew	Manager Community Services
Mrs K Skinner	Executive Secretary

Ms C Delmage Administration Officer

There were four (4) members of the public present.

There were no members of the media present.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Scott Drummond – Chairman – Mount Barker Tourist Bureau Board (Item 9.2.2)

Scott Drummond thanked the Council for its recent support and read aloud the following letter:

‘As you are all aware, the newly elected Board of the Mount Barker Tourist Bureau Inc met for the first time this week. The new Board is keen to continue on many of the directions of the Tourist Bureau and are looking to the future positively.

We wish to thank the Shire for its ongoing support and we consider it vital that good relations are maintained and developed between our two bodies. It makes sense that this should be the case as we all have a great interest in seeing this region thrive and remain a wonderful place to live.

In particular, you will note from the Minutes that have been provided (attached) that it is the strong desire of the Board to see the Visitors Centre hours and function be retained in its full capacity in the immediate term and indefinitely. It is likely that this will necessitate the use of volunteer staff for a period but we remain confident that by early next year we will be in a position to increase the use of staff. We thank the Shire for its understanding in this matter and wish to inform the Council that the Board are actively considering every option to ensure that the Visitor Centre functions in a cost effective manner both in this financial year and the future.

We thank you for the opportunity of assistance with respect to developing a business plan which we gratefully accept. The Board is already in the process of revising the current business plan in accordance with the budget for this current financial year.

You will notice from the interim budget (attached) that the Board have seriously considered the Shire’s recommendations and have responded appropriately. Of course, the Board would always welcome an increase in financial contribution from the Shire but understand that the Shire considers the current arrangements appropriate. We have a special meeting planned for Monday 18 December 2006 in order to dedicate time to setting priorities and directions for the Board and Visitors Centre.

We look forward to working together constructively on these important issues.’

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

Moved Cr K Clements, seconded Cr J Mark:

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

CARRIED (9/0)

No. 418/06

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 05.12.06 - Cr K Forbes – Shire President, Cr D Williss – Deputy Shire President and Cr J Moir attended the Mount Barker Senior High School Speech Night. The night was successful but three (3) hours long.
- 06.12.06 - Cr Forbes attended a meeting of the State Council of WALGA in Perth. The final report on Systemic Sustainability is now available. Cr Forbes suggested that Councillors and Senior Staff have a workshop soon about issues raised in the Report that will have an effect on our Shire.
- Cr Forbes noted the recent press release from Minister Chance regarding support for regional saleyards ie: Katanning, Plantagenet & Bunbury. Cr Forbes also noted that Minister Chance has the support of Cabinet. Muchea and others will be considered on an equal footing which is a positive for us.
- 12.12.06 – The Christmas dinner for all Councillors, Senior Staff and partners will be held at Fio's tonight.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 COMMUNITY SERVICES REPORTS

9.1.1 BAPTIST CHURCH - CONSTRUCTION OF COMMUNITY CENTRE - REQUEST FOR DONATION

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CS/150/2
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	27 November 2006

Purpose

The purpose of this report is to advise of a request from the Baptist Church of Mount Barker for the Council to contribute \$100,000.00 towards the construction of a community centre in Mount Barker.

Background

Councillors will be aware that negotiations have been underway for some months regarding the potential purchase by the Baptist Church of the old Recreation Centre in Mount Barker which presently houses the Council's Library.

Those negotiations have now ceased as a result of the Council's resolutions of 14 November 2006:

'THAT:

(1) *In response to the petition to the Council at its meeting held on 23 October 2006 praying that the Council not relocate the Mount Barker Library, the community be advised that it is the intention of the Council to no longer pursue co-location of the Library with the Visitors Centre in the Mount Barker Railway Station.*

(2) *The Chief Executive Officer's advice that the transfer of Sounness Park from Old Title to New Title is imminent be noted.'* and

'The Chief Executive Officer's intention to continue to negotiate with the Baptist Church of Mount Barker regarding the sale of the present Library building not be endorsed.'

As a result, the Baptist Church now seeks to continue with the development of a Community Centre with the construction of a new building.

Statutory Environment

Nothing would prevent the Council from donating funds to a group such as the Baptist Church. A donation though would not give the Council any interest in the construction of the facility or in its running.

Consultation

Apart from telephone conversations with representatives of the Baptist Church, no consultation has taken place.

Policy Implications

There are no policy implications for this report.

Financial Implications

The Baptist Church seeks an unbudgeted cash donation of \$100,000.00.

Obviously, such a large amount of money is not available in the current budget and such funding has not been identified in any long term financial planning.

Strategic Implications

The Council's Community Services plan aims to deliver, or facilitate the delivery of a range of services which respond to, and reflect, the physical, social and cultural well being of the community. It is reasonable to conclude that the provision of the type of services that the Baptist Church refers to would be in line with community expectations although, with a large input of funds, one would expect that prudent research would have been done to determine that the need was in fact there.

Officer Comment

The Baptist Church has advised Councillors in the past that it believes that it has a calling to provide significant community services in Mount Barker and the wider area of Plantagenet. The Church would appear committed to this outcome. However, it would be difficult to give anything other than conditional support subject to research being undertaken to ascertain the need for the type of facility being provided by the Baptist Church. Should the services to be provided by the Baptist Church turn out to be services that the Council may otherwise be asked to provide, a \$100,000 contribution may be money well spent. On the other hand, should the services that the Church proposes to provide be services that the government should be supplying, possibly the government should therefore be providing the funding.

The Council may also like to pursue other organisations to provide these services through a tender process.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr D Williss:

That the Baptist Church of Mount Barker be advised that:

- (1) The intention of the Baptist Church of Mount Barker to provide significant community services to Mount Barker is noted.**
- (2) Any request for funding to the Baptist Church for the provision of such services can only be considered once the need for such services has been ascertained.**
- (3) Should the Church be in possession of the information referred to in Part (2) above, the Council would appreciate the provision of such information.**

CARRIED (7/2)

No. 419/06

9.1.2 MEDICAL CENTRE - SITE PROPOSAL

Location / Address:	N / A
Attachments:	Site Maps
Name of Applicant:	N / A
File Reference:	PH/151/1
Author:	Nicole Selesnew - Manager of Community Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	4 December 2006

Purpose

The purpose of this report is to seek endorsement of a location for the proposed Medical Centre.

Background

Doctors from the Plantagenet Medical Group approached Mr Rob Stewart - Chief Executive Officer of the Shire of Plantagenet seeking assistance to construct a new medical centre. The present medical facility is an old building with no room for expansion and doctors have indicated they have been unsuccessful in raising the sufficient capital to construct a new building themselves.

At its Ordinary Meeting held 13 December 2005, the Council resolved:

'That the Chief Executive Officer be authorised to finalise a submission for funds to the Rural Medical Infrastructure Fund for the purpose of construction of new medical facilities in Mount Barker.'

Council staff have progressed the application for the Rural Medical Infrastructure Fund (RMIF) program, aiming for a December submission. In order to submit the application a detailed budget for the construction of the facility is required. Staff are presently liaising with Mr Richard Currie - Building Designer, to prepare a detailed sketch of the proposed Medical Centre that can be costed by a Quantity Surveyor. In order to finalise the sketches, the location for the proposed medical centre needs to be determined.

Statutory Environment

Section 3.59 of the Local Government Act 1995 relates to commercial enterprises and major trading undertakings by local government and the need for the development of business plans and the undertaking of public consultation.

A business plan and practice management plan are being prepared for inclusion with the RMIF application.

The Medical Centre proposal has been promoted in the past two (2) issues of the Shire Flyer and discussed during the public meeting held on 17 October 2006. No formal feedback has been received from articles in the Shire Flyer, however feedback from the public meeting was supportive.

Consultation

Consultation has taken place with the practitioners from the Plantagenet Medical Group, the Great Southern Area Consultative Committee Board, the Mount Barker

Medical Centre – Site Proposal (Cont.)

Co-operative Board, Mr Currie, Mr Stewart, Mr Peter Duncan – Manager Development Services and Mr Alan Watkins – Principal Building Surveyor.

Letters of support have been received from: Plantagenet Medical Group; Department of Local Government and Regional Development; Terry Redman MLA; Ferngrove Wine Group; Alkoomi Wines; St John Ambulance (Mount Barker Branch); Narrikup District Progress Association Inc; Frankland River Olive Company; Shire of Cranbrook; WA Country Health Service – Great Southern; Great Southern Development Commission; and Great Southern Division of General Practice Ltd.

Policy Implications

There are no policy implications for this report.

Financial Implications

A cost estimate to construct a Medical Centre has been sourced from a Quantity Surveyor based on a building with a floor area of 440m² with a 10m² covered entry canopy. The estimate amounted to \$1,001,000.00.

The RMIF application will seek the full funding allocation of \$400,000.00. A presentation was made to the Mount Barker Co-operative Board on 23 November 2006 seeking a \$200,000.00 contribution. A letter received 6 December 2006 advises that the Co-op will be unable to assist the Council with funding. A presentation has been scheduled for the Mount Barker Community Bank on Wednesday 13 December 2006, also seeking a \$200,000.00 contribution.

If the above funding and contributions were received, the Council would be responsible for contributing \$200,000.00.

Strategic Implications

The Council's Strategic Plan details the following vision:

'We see families and economic development as the mainstay for creating a community that will provide everything that is needed: economic security, safety and social networks within an environment that is clean and safe.'

A district where people will come to raise families because of educational opportunities, health facilities, economic infrastructure and a variety of housing opportunities.'

The Medical Centre proposal addresses the provision of health facilities, which will in turn support a growing population and assist economic development.

Officer Comment

The following site recommendations have been prepared following a visit to each of the sites with Mr Currie and Dr Victor Seah – Plantagenet Medical Group on 30 November 2006.

Feedback was also sought from Mr Stewart, Mr Duncan and Mr Watkins.

Four (4) sites were considered: Vacant Land - Reserve 23108 (Lot 644), corner of Marmion Street and Muirs Highway;

- Viv Skinner Park - Reserve 26235, Lots 519, 520, 521 and 522 Muir Street;
- Vacant land to the west of the Mount Barker TAFE buildings - Lots 4 and 5 Langton Road; and
- Vacant land to the south of the Library building - Lot 53 Lowood Road.

Medical Centre – Site Proposal (Cont.)

Please refer to Attachment One for site maps.

The criteria for evaluating the different sites were:

- Site topography and composition;
- Availability of services including power, water, sewer, stormwater drainage and telephone;
- Accessibility in relation to existing health services;
- Space for expansion of facilities. The health service is undergoing considerable change. Medical centres are becoming a 'one stop shop' for health services, incorporating functions such as pathology and preventative health services (for example Infant Health centres).

The Health Service is also addressing the medical service shortage throughout the state by increasing the number of positions available to students studying medicine. A by-product of this process is an increase in the number of interns that will need practice positions. Medical centres that also provide medical services to hospitals will be expected to employ interns within their practices. The Plantagenet Medical group anticipate at least one intern practicing from the centre in three years time.

In order for the Medical Centre to continue meeting the health needs of the population over the next thirty years, space for expansion to facilities was considered in each of the different building locations;

- Ownership of the property and zoning;
- Impact on the surrounding properties;
- Solar orientation in order to maximise the North / South aspect of the building. A North / South aspect is important to minimise the exposure of the building to the sun during summer and maximise the exposure of the building to the sun during winter; and
- Road frontage – two (2) road frontage was preferred as it allowed for separate access (and parking) for medical practitioners and staff.

Ideally, 5,000m² would be required for building, parking, landscaping and the opportunity for expansion. Proposed Medical Centre site review:

Criteria	Location			
	Reserve 23108 (Lot 644, cnr Marmion Street and Muirs Highway)	Viv Skinner Park (Reserve 26235, Lots 519, 520, 521 & 522 Muir Street)	Vacant land immediately west of the TAFE building (Lots 4 & 5 Langton Road)	Vacant land to the south of the Library (Lot 53 Lowood Road)
Area	Reserve 23108 – 4.63 hectares	1.18 hectares	3,809m ²	4,882m ²
Site topography and composition	The site is vegetated and would require some clearing. The topography of the site slopes moderately which would require levelling.	The site is predominantly clear and partly level. Several large trees exist on site. Depending on where the car park was located, site levelling and fill may be required. It would appear	The site would not require any clearing, however fill would be required in the north eastern corner as the land slopes away significantly.	The site is flat with little clearing required. Some fill would be required to build the existing ground level up to the height of the car park.

Medical Centre – Site Proposal (Cont.)

		the site has been filled in the past and examination of the type of fill would be required.		
Availability of services	Power and telephone lines run along the boundary of the block. The Water Corporation sewerage system does not service this block, and an extension of some 200m would be required. The Environmental Health Officer has inspected the site and considers that the site is capable of supporting on-site wastewater treatment and disposal system. It should be noted that an excision from the reserve could attract a reticulated sewer condition from the Western Australian Planning Commission. Stormwater drainage can be disposed of into the Road Reserve of Marmion Street.	All services are available at the block. Stormwater disposal could be a problem as the land drains on to Lot 148 to the north.	Sewer runs along the rear boundary and water along the front boundary. Stormwater disposal could be a problem as the land drains to the residential Lot 167 to the north.	Sewer runs to the north of the library building meaning a small extension would be required. Water is at the Lowood Road frontage. Stormwater could be disposed of into the Lowood Road reserve.
Accessibility in relation to existing health services / hospital	The site is across the road from Overton and Banksia Lodge and in close proximity to the hospital. Pedestrian access to the hospital is through covered walkways, once across Marmion Street.	Viv Skinner Park is in close proximity to the hospital and associated amenities.	This site is just over 500m from the hospital and associated amenities.	This site is over 1km from the hospital and associated amenities.

Medical Centre – Site Proposal (Cont.)

<p>Space for expansion of facilities</p>	<p>Space for expansion of facilities is adequate.</p>	<p>Space for expansion of facilities is adequate.</p>	<p>Building expansion is limited by the surrounding land uses (TAFE buildings and residences).</p>	<p>Building expansion is limited by the surrounding land uses (Library building and Sounness Park entry and facilities).</p>
<p>Ownership of property and zoning</p>	<p>The Reserve is vested with the Health Department of Western Australia for 'medical purposes'. An approach has been made to the WA Country Health service seeking a 5,000m² portion of Reserve 23108 and the power to lease the land for the purpose of a medical facility.</p> <p>A formal response has not been received. Dr Victor Seah has liaised with Mrs Chris O'Farrell, Chief Executive Officer of the WA Country Health Service, regarding the proposal and has received positive feedback.</p> <p>The land is zoned Public Purpose Reserve under TPS3 which could accommodate community based consulting rooms.</p>	<p>Viv Skinner Park is vested with the Council for the purpose of Park & Recreation (children's playground). An informal approach has been made to the Skinner family regarding a possible change of the land use from parkland to consulting rooms. Feedback has been positive. The land is zoned Residential (R12.5/20), which would require a Scheme Amendment (approximately two years) in order to establish consulting rooms. A change in the purpose of the reserve would also be required.</p>	<p>Council records indicate the owner of Lots 4 & 5 Langton Road to be the Roman Catholic Bishop of Bunbury. No approach has been made to the owner of the Lots. The land is currently zoned Public Purpose (church) Reserve under TPS3. In order to establish consulting rooms, a Scheme Amendment (approximately two years) would need to occur.</p>	<p>Lot 53 Lowood Road is owned by the Shire of Plantagenet. The land is zoned Public Purpose (Club) Reserve and Parks and Recreation Reserve. In order to establish consulting rooms, a Scheme Amendment (approximately two years) would need to occur. Lot 10 of 148 (Sounness Park) is to the west and part of this proposed site is in Lot 10 and as such, boundary adjustments would be needed.</p>

Medical Centre – Site Proposal (Cont.)

Impact on surrounding properties	Only one residence adjoins the Reserve. A significant amount of vegetation exists between the residence and the proposed building area.	Viv Skinner Park is bordered by residences to the west, east and south. The increase in traffic flow to the area could impact on the adjoining property owners.	Lots 4 & 5 Langton Road are bounded by Redman House and vacant residential land to the north, TAFE buildings to the east and vacant residential land to the west. Increased traffic flow to the area would not be noticed as the Lots are adjacent to a main thoroughfare.	There are no residences adjoining the proposed site.
Solar orientation	The orientation of the land is suitable.	The orientation of the land is suitable.	The orientation of the land is suitable.	The orientation of the land is suitable.
Road frontage	The Reserve is located on the corner of Muirs Highway and Marmion Street, therefore two accesses to the building could be accomplished with approval from Main Roads Western Australia.	Viv Skinner Park is located on the corner of Muir Street and Menston Street, therefore two accesses to the building could be accomplished.	The Lots abut Langton Road which is a main thoroughfare but does not have two (2) road frontages.	Lot 53 is located on the corner of Lowood Road and Cooper Road (Cooper Road has been constructed through to Sunness Oval). Two accesses to the building could be accomplished.
General comments	<p>The proximity of this block to the hospital is ideal.</p> <p>The native vegetation on the land would provide adequate screening and privacy.</p>	<p>The aspect from the block is very pleasant with views to the Stirling Ranges and Frost Oval. The existing vegetation would provide some privacy around the building, but this would need to be improved.</p> <p>The site is in close proximity to the towns elderly care centres.</p> <p>However, the land is located in a residential precinct and integration of a commercial centre may impact negatively on neighbouring properties. This</p>	<p>The layout of the site would suit the construction of a car park on the existing, levelled pad (an old tennis court) with the building constructed on the northern side of the pad. The topography would require the installation of steps and ramps from the carpark down to the Medical Centre which is not ideal for frail people or people with limited mobility. Alternately, lots of fill would be required to build the site up and a retaining wall</p>	<p>Screening around the building is inadequate. Considerable land scaping or fencing would be required to maintain building privacy.</p> <p>Ancillary facilities such as parking and a vehicle cross over already exist.</p> <p>This is not considered an appropriate site for a Medical Centre.</p>

Medical Centre – Site Proposal (Cont.)

		could be further exacerbated if residential developments were to occur in Lot 148 McDonald Avenue (commonly referred to as Demon Downs). The residents in the area may object to the loss of parkland which they use.	would need to be constructed to the north.	
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The review of the four sites favoured Reserve 23108 (corner of Muirs Highway and Marmion Street) as the preferred site for a Medical Centre. The second preference is Viv Skinner Park.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr J Mark, seconded Cr J Moir:

THAT:

- (1) Reserve 23108 (corner Marmion Street and Langton Road Mount Barker) be the preferred site for the construction of a Medical Centre in Mount Barker.
- (2) The Chief Executive Officer be given authorisation to negotiate with the WA Country Health Service to obtain a 1 to 1.5 acre portion of Reserve 23108 and the power to lease the land for the purpose of a medical facility.

CARRIED (5/4)

No. 420/06

FURTHER MOTION

Moved Cr J Mark, seconded Cr B Hollingworth:

That the Chief Executive Officer prepare a report for the Council's consideration at its meeting to be held 23 January 2007 regarding commercial viability, social amenity and possible benefits to residents based on various funding scenarios for the proposed Medical Centre.

CARRIED (9/0)

No. 421/06

9.2 EXECUTIVE SERVICES REPORTS

9.2.1 MOUNT BARKER RSL SUB BRANCH - MOUNT BARKER DISTRICT HALL - COLOUR PATCH WINDOW

Location / Address:	N / A
Attachments:	Memorandum of Understanding
Name of Applicant:	N / A
File Reference:	CS/150/1
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	27 November 2006

Purpose

The purpose of this report is to recommend that a Memorandum of Understanding (MOU) between the Mount Barker Sub-Branch of the Returned and Services League of Australia (RSL) and the Council be entered into with regard to the Colour Patch Window presently installed in the Muir Street elevation of the Mount Barker District Hall.

Background

Members will recall that with the demolition of the RSL building in Lowood Road, the Colour Patch Window that was housed in that building needed to be removed for safe keeping. The RSL itself was relocated to Redman House and the window, after consultation, was installed in the Mount Barker District Hall in Muir Street.

As the ownership of the window stays with the RSL, it is appropriate to enter into a MOU in this regard.

Consultation

Consultation has occurred between Mr Rob Stewart - Chief Executive Officer and Mr Wayne Hood - President of the Mount Barker RSL Sub-Branch.

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 installation of the colour patch window in the District Hall has proved to be quite popular and discussions are presently underway for the window to be lit.

As ownership of the window stays with the RSL the attached MOU is recommended for endorsement. Insurance of the window will be arranged through the Council's insurers as it has been determined that an insurable interest exists. The MOU further provides that should the RSL wish to remove the window it shall be done at that

Mount Barker RSL Sub-Branch – Mount Barker District Hall – Colour Patch Window (Cont.)

organisation's own cost. However, should the Council determine that the window needs to be removed it will be done at the Council's cost.

It is most likely that the window will remain as a permanent fixture of the District Hall.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr J Moir:

That the Shire President and Chief Executive Officer be authorised to affix the Seal of the Council to the Memorandum of Understanding between the Mount Barker Sub Branch of the Returned and Services League Australia, such Memorandum of Understanding acknowledging that the colour patch window presently installed in the Mount Barker District Hall situated in Muir Street Mount Barker shall remain the property of the Mount Barker Sub Branch of the Returned and Services League Australia.

CARRIED (9/0)

No. 422/06

9.2.2 MOUNT BARKER TOURIST BUREAU - RELEASE OF FUNDS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	ED/92/6
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	5 December 2006

Purpose

The purpose of this report is to seek authority to transfer from the reserve fund to the municipal fund \$9,167.00, being the third quarterly grant to the Tourist Bureau for the running of the Visitor Centre.

Background

In adopting the 2006 / 2007 budget, the Council required that the equivalent of 75% of the grant to the Tourist Bureau to run the Mount Barker Visitor Centre be placed into reserve such that a Council resolution would be necessary to transfer it to municipal for release to the Bureau.

Further, at a Special meeting of the Council held on 27 November 2006 it was resolved:

- (1) *That the Mount Barker Tourist Bureau (Inc) be advised that it is the opinion of the Council that:*
- (a) *Visitor Centre Income and Expenditure can be balanced without increased contributions from the Council provided that operating hours of the Centre are reduced to twenty nine hours per week Monday to Sunday.*
 - (b) *The Manager and Book-keeper positions could be combined, with that new position working two (2) days per week at \$22.00 per hour.*
 - (c) *Casual staff could be limited to three (3) hours per day on the remaining days of the week (as detailed in the attached spreadsheet).*
- (2) *Subject to budget direction, the Council will release the next grant instalment in December 2006 followed by the final instalment in February 2007.*
- (3) *The Council acknowledges that the reduced operating hours will not necessarily be an optimum solution and therefore the Council will fund, up to a maximum of \$10,000.00, the appointment of a Consultant to prepare a Business Plan on behalf of the Visitor Centre, subject to budget reallocation.'*

Statutory Environment

Regulation 12 of the Local Government (Financial Management) Regulation 1996 relates to payments from Municipal Fund. A transfer from Reserve to Municipal is necessary to expend funds. Section 6.8 of the Local Government Act 1995 also applies.

Consultation

Consultation has occurred with the Chairman of the Mount Barker Tourist Bureau.

Mount Barker Tourist Bureau – Release Of Funds (Cont.)**Policy Implications**

There are no policy implications for this report.

Financial Implications

This report will vary the Council's budget by transferring \$9,167.00 from reserve to municipal fund.

The Council's budget shows several amounts relating to the Tourist Bureau. These are account 1320.1.159 \$9,500.00, a separate amount of \$5,000.00 and \$27,500.00 in Reserve. The total of these sums is \$42,000.00 being the equivalent of the 2005 / 2006 contribution. Amounts of \$5,000.00 and two payments of \$9,166.00 have been released to the Tourist Bureau. An amount of \$9,167.00 can now be released, leaving one further payment of \$9,167.00.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The Mount Barker Tourist Bureau has elected a new Board whose Chairman is Scott Drummond. It is reasonable to support the new Board to allow it to adequately consider the Council's draft Bureau budget adopted on 27 November 2006.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth:

That the 2006 / 2007 budget be amended with the transfer of \$9,167.00 from Tourist Bureau Reserve Fund to Municipal Fund (Account 1320.1.159) for Tourist Bureau contribution.

CARRIED (9/0)

No. 423/06

(Absolute Majority)

9.3 CORPORATE SERVICES REPORTS

9.3.1 PURCHASE OF CORPORATE SOFTWARE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	FM/102/1
Author:	John Fathers - Deputy Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	25 August 2006

Purpose

The purpose of this report is to provide the results of the evaluation of the contenders for a replacement corporate software and recommendation that a contract be awarded to Civica Pty Ltd.

Background

The Shire's current finance system (Logis) supplied by PSU International is over twenty years old. PSU International bought out Collier Knyn and Associates, which originally developed the software. The Logis system has been used by the Shire since 1986. Whilst updates have occurred, mostly to address changing legislative requirements, the core software has not kept pace with newer technology.

The package was not written for a Windows environment. It uses older technology and is not readily compatible with modern software packages. Logis is limited in its capacity to deliver timely information such as reports and enquiries in a user-friendly manner. The rates system (Prospect) is newer browser based software, but it has been built using old internet technology.

In the last few years there have been some developments with the rating software but little has been done with the accounting software. This has created some difficulties with complying with current reporting requirements. The local government clients with this system were required to develop their own methods of reporting in proper format which requires many hours of additional work. In addition, the Council has been put on notice by PSU International, that the existing system will no longer be developed or supported.

Statutory Environment

Section 3.57 of the Local Government Act 1995 states that '*a local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*' The Local Government (Functions and General) Regulations also apply.

As the Western Australian Local Government Association (WALGA) carried out this process and determined a panel of three (3) approved suppliers. The Council is in a position to contract with one (1) of those suppliers without undertaking a separate formal tender process.

As an alternative, PSU International is offering a newer system built around a generic accounting package called Navision as an upgrade option to Logis and Prospect. If

Purchase Of Corporate Software (Cont.)

the annual cost of this option is less than the tender threshold (\$50,000.00 per annum) the Council could take up this option without going to tender.

Consultation

WALGA was consulted in regard to their contract structure for preferred supplier of Council Business Systems for smaller Councils.

All staff members likely to be using the new systems attended a series of software demonstrations and presentations held at the Shire of Plantagenet. Staff also visited the Town of Vincent, Shire of Serpentine-Jarrahdale, Shire of Ravensthorpe and City of Bunbury. Further consultation occurred with staff members to resolve queries and clarify requirements.

The following Local Government Authorities were contacted with a request to rate the functionality of the modules and assess service delivery:

Civica (Authority)	IT Vision (SynergySoft)	PSU International (Navision & Council Manager)
City of Armadale	Town of Northam	Town of Claremont
City of Rockingham	Shire of Chapman Valley	Shire of Ravensthorpe
City of Mandurah	Shire of Irwin	
City of Nedlands	Shire of Katanning	
Town of Kwinana	Shire of Northam	
Town of Vincent	Shire of Northampton	
Shire of Esperance		
Shire of Mundaring		

Policy Implications

There are no policy implications relating to this report.

Financial Implications

In the 2006 / 2007 Annual Budget, a sum of \$83,500.00 has been provided for the purchase of replacement Core Information Technology Systems.

Strategic Implications

The Strategic Plan for the Shire of Plantagenet states that Corporate Services will provide effective financial information, records management, information technology and administrative support. It will also provide governance and administrative support to the Council, using appropriate technology, to facilitate decision making.

New Initiative 1.1 was established to ensure information technology systems are efficient and reliable and provide the information necessary for councillors and staff to undertake their respective roles. To achieve this we will:

- Monitor our computer hardware and software systems and upgrade as necessary;
- Introduce and promote computerised organisational support tools to improve communication and productivity; and
- Provide a common platform with common software and equitable access across the whole organisation.

Purchase Of Corporate Software (Cont.)**Officer Comment**Company Profiles

The three (3) WALGA approved tenderers are Civica (Authority), ITVision (SynergySoft), and Technology One (Finance One). The investigations into a new system have been confined to SynergySoft and Authority as they are the systems used by the majority of local governments in Western Australia. Although not on the approved tender panel, the system being offered by PSU International was also reviewed as an upgrade option.

Civica

Civica is a UK based company who provide software solutions to one thousand local governments worldwide. Civica have twenty-five years operating experience and service two hundred local governments within Australia and New Zealand, including fifteen local governments within Western Australia. All but three (3) of those fifteen are metropolitan Perth local governments, the country local governments being the City of Bunbury, Shire of Esperance and Shire of Manjimup. Civica has thirty full time developers working on the product. Due to the number of large clients, Civica is able to invest heavily on research and development.

ITVision

IT Vision is a supplier of fully integrated local government software, with offices in Perth and Adelaide. Over seventy Western Australian local governments use ITVision's core software together with about one third of the local authorities in South Australia and a small number down the Eastern Seaboard. IT Vision has been providing systems and software support to Local Government and Regional Port Authorities for nearly twenty years.

PSU International

PSU International is a Perth based company which currently has around thirty clients in Western Australia using the old Logis and Prospect systems. PSU International is now proposing to introduce Microsoft's Navision accounting package, in conjunction with a Melbourne based firm, Information Outlook Pty Ltd. Established in 1990, Information Outlook provides customised business management systems for local government and general commerce throughout Australia.

Product ProfilesAuthority

Civica's Authority is a complete package for local government comprising over forty modules providing functionality in the accounting, administrative, property, customer service, knowledge base and management roles. A local government may pick and choose what modules it requires to suit its particular circumstances.

Authority is written in a fourth generation programming language and is a proven and stable system, with a modern and intuitive look and feel. Authority is designed as an open systems application, enabling deployment in a variety of environments.

Authority views a customer (which may be a ratepayer, a business lessee, a Government department etc) as a single entity, and therefore a customer is recorded only once within the database. The many different views of the customers' relationships with the Council may then be accessed utilising the inherent power of the relational database. This provides the Council with great flexibility in the management of information and provides ease of analysis and reporting.

Purchase Of Corporate Software (Cont.)

Authority is based on the principle that data is handled and stored once only. Wherever appropriate, transactions are entered into the database at the time of the initial interaction with the customer. By capturing the data at the source of the transaction the integrity of the database is preserved while also promoting the Council's image as a customer-focused organisation.

Authority features also include the ability to provide all sorts of information to elected members, staff and to external customers over web based forms. Examples include provision of debtor information, tracking of payment arrangements and development applications.

Managed Services involve the support and management of IT systems on an ongoing basis. Civica offer a wide range of support services to underpin, supplement or fully manage customer infrastructures. Services offered range from help desk, remote management and outsourcing, through to hosting and application service provision.

SynergySoft

SynergySoft is also a completely integrated application that incorporates some very good features. There are in excess of thirty modules all of which, apart from the core General Ledger, are optional. SynergySoft meets the requirements of the Local Government Act 1995. It is flexible and has been designed to include a consistent interface between the user and the system.

This product also encompasses two (2) very important principles. Like Authority, data must only be input once and stored once. If a client is a ratepayer, debtor, dog owner or supplier, then their details, such as their name and address only need to be entered once. The details are then held in and accessible from anywhere within the system. Also, all related data must be available for viewing. So, for example, if a property is selected, the user can view everything about that property without having to move around the system. As a result of this, SynergySoft screens tend to contain a lot of information and can be quite 'cluttered'.

SynergySoft is developed locally, but uses older generation software. The look and feel is not in keeping with latest software and therefore is less intuitive.

Navision

Navision is a Microsoft.*net* product that can be modified to suit the needs of local government. Navision is being integrated with a rating system called Council Manager, a product developed by Brighton Council in Tasmania, in conjunction with its own rates staff. Council Manager is currently being converted into newer.*net* technology to enable its integration with Navision. Navision will continue to be improved in the future in line with Microsoft's continuing development of its platforms and suite of Office products.

There have been some concerns from some of the PSU International clients about the new system. Although indications were that the new software would be 'rolled out' fairly quickly, there have been delays.

In February 2005, the Shire of Denmark, along with the Shire of Harvey, Shire of Beverley and Town of Claremont, agreed to become test sites for Navision. During 2005, the Shire of Denmark installed the Navision system and after considerable effort decided against using the product. They reverted to using LOGIS again and have since decided to implement SynergySoft. The Shire of Beverley and Harvey have also decided to purchase off-the-shelf accounting products.

Purchase Of Corporate Software (Cont.)

The Shire of Ravensthorpe has contracted directly with Information Outlook to implement a newer version of Navision and Council Manager and that local government states that they are very happy with the system.

The software is state of the art and being a Microsoft product, integrates well with other Microsoft products such as Outlook. It is very flexible in terms of the ability to modify system parameters to suit and the ease of extracting data and reports. The concern held by staff is that the system is not fully integrated, does not have a full suite of modules, is still being modified to suit Western Australian legislation and is yet to be proven in full operation by a local government.

In view of this and as this solution is not part of the WALGA panel, the system will not be further considered in this report.

General

The Authority and SynergySoft packages have a lot of similarities. They have a similar set of modules, shown below, which is not surprising as they are both designed specifically for local government:

Authority Modules	Synergysoft Modules
General Ledger	General Ledger & Reporting
Accounts Payable	Accounts Payable
Accounts Receivable	Accounts Receivable
Applications	
Asset and Infrastructure Management	Asset Management
Bank Reconciliation	Bank Reconciliation
Building / Planning Applications	Building: Planning / Development
Budget Management	
Companion Animals	Animal Control
Contract Management	
Customer Request Management	Customer Service
Debt Recovery	
Electoral Roll	Electoral Roll
e-Services	Synergy.Online
Electronic Document Management	
GIS Integration	Mapping / GIS Enquiry
Human Resource Management	Human Resources Management
Infringements	Infringements
Inventory	Inventory Management
Licencing	
Land Information	
Loans	Loans
Payroll	Payroll
Plant	Plant Management
Project Costing	Job Costing
Property / Streets	
Purchasing	Purchasing
Property Management	
Rates	Rates & Property
Records	Central Records
Receipting	Cash Receipting & Banking

Purchase Of Corporate Software (Cont.)

Risk Assessment	
Trust	Trust Accounting
Work Orders	Work Orders
	Agendas & Minutes
Cemetery Register	Cemeteries
	Community Facilities
Excel Integration	Excel Integration
Health Register	Health
	Report Manager
	Reserves
	SynergySoft DIY

It is suggested that whatever system chosen, the Shire of Plantagenet adopt a staged implementation of selected modules. The crucial modules to be implemented in Stage 1 will be the finance modules. Following on from that the workflow modules such as building and planning can be implemented. A number of modules simply are not required due to the size of the business.

Both systems have a number of features, notable of which are as follows:

- Provision of advanced reporting features. Products such as Crystal Reports are used to access data and extract to Microsoft desktop products and third party solutions. They also come with a range of standard reports.
- Both products can be used through a web browser and hence remote users can also use the systems efficiently across the Internet. Civica's functionality within its eServices module is superior to SynergySoft in this regard. The Council may choose to deploy uses such as on-line mapping enquiries, leave and pay details for staff, high level financial details and development application tracking.
- Both companies provide good support and there are user groups which guide future development.
- SynergySoft is known to be a relatively simple system to deploy and use, whereas investigations with other local governments has indicated that a successful deployment of Authority is more complex.

Evaluation

Whilst formal tenders were not called and a methodology advertised, an assessment matrix was developed to assist in the decision making process. The points allocated in the matrix is based on a combination of information obtained from the tenderers, reference sites visited and other research against the following selection criteria, excluding cost. It is considered appropriate to determine a preferred system and then consider the cost of that system as a separate issue.

- Performance against functional requirements.
- Research and development resources.
- Implementation and project management.
- Ongoing support and software releases.
- Skills and experience of key staff.
- Resources in WA.
- Financial capability.
- Experience in local government information systems.
- Methodology proposed for installation, maintenance and training.

Purchase Of Corporate Software (Cont.)

- Experience in converting data from Logis and Prospect.

The tenderers' scores against the assessment are as follows and some of the factors that influenced the scores are also detailed below:

- Civica Pty Ltd 73%
- IT Vision 67%

The Shire conducted a survey of six (6) to eight (8) users of each of the Authority and SynergySoft systems with a view to rating the modules and the services provided by the firms. The results of that survey indicated an overall average rating of 3.0 (satisfactory) for Authority and Civica's support. SynergySoft and IT Vision rated 3.4 (satisfactory – exceeds requirements). Other investigations have revealed conflicting results. It is believed that both systems under consideration can do the job and whilst Civica's Authority seems to be somewhat more complex to set up and use initially, it has the capacity to deliver greater benefits.

One of the underlying philosophies for the procurement of information systems is to have a single system with a single vendor. This reduces the risk of error when system integration fails between a number of vendors. A disadvantage of choosing Civica is that the Shire currently uses IT Vision's electronic document management system (EDMS). The cost of Civica's EDMS is prohibitive for the Shire of Plantagenet at the current time and therefore, some of the benefits of having a completely integrated system will therefore not be achieved. It must be said, however that the administration is not entirely satisfied with the SynergySoft EDMS and there has been little support in resolving the issues that the Shire has had in this regard.

The selection of the right service provider is dependent upon cost, product functionality and service backup and to a certain extent attempting to predict how these issues will develop in the future. The change of software is a significant and costly exercise and a certain amount of the decision has to be based on the assessing the riskiness of vendor / system combinations. Civica is seen to be the least risky solution from a number of perspectives.

In discussions with Civica, it is evident that most of Civica's customers, which are large local governments, have chosen to undertake the system set-up themselves. This adds to the risk because of the likelihood of making changes with unintended consequences. The costing provided for the Shire of Plantagenet is on the basis of a standard set-up, which is the recommended course of action for smaller councils, mainly for risk management. The chart of accounts would be developed by Civica in conjunction with staff.

It is expected that a new corporate software system will be a long term decision. Typically, local governments operate their systems in excess of ten years and therefore consideration should be given to the needs of the Shire over that lifetime. Civica provides integrated software solutions to at least ten large metropolitan local governments, all of which are larger now (in operational size) than the likely size of the Shire of Plantagenet in ten years time.

Based on all of the issues considered in the evaluation so far, Civica's Authority has therefore been judged to be the best option for the Shire of Plantagenet.

Costs

Quotations have been received from Civica Pty Ltd and IT Vision for the cost of new systems. It was ensured that the quotations were based on the supply and

Purchase Of Corporate Software (Cont.)

installation of similar modules to enable a proper comparison. The following costs are based on implementation of all of the necessary core, finance, payroll, revenue, property and asset modules. Most of the modules would be implemented as at 1 July 2007 as Stage 1 and the Building, Planning, Cemeteries and Health modules would be implemented as a Stage 2, probably later in the 2007 / 2008 financial year.

As detailed below, Civica provides for a number of different implementation options. The quotes include software, setup, implementation and a certain amount of training on modules, but exclude GST.

Option	Year 1	Annual Cost
IT Vision	\$83,116.00	\$19,415.00 (Inc Support)
Civica - Option 1	\$128,893.00	\$11,775.00 + Support
Civica - Option 2 (eServices & CRM)	\$148,743.00	\$15,875.00 + Support
Civica (Managed Services (MSP))	\$72,000.00	\$72,000.00 + Support

These do not include a number of additional costs which the Shire would be required to meet in order to implement the systems, which are estimated below:

	Civica	IT Vision
Application Database Server (Not req'd for MSP)	\$10,000.00	\$10,000.00
Customer Support Server (Not req'd for MSP)	\$5,000.00	Nil
Receipt Printer	\$900.00	Nil
Crystal Reports Licence	\$800.00	\$800.00
Crystal Reports Training	\$6,200.00	\$2,700.00
Travel and Accommodation	\$15,000.00	\$4,500.00
Third Party Data Conversion Contract	\$25,000.00	Nil
TOTAL	\$62,900.00	\$18,000.00

By way of explanation of the above costs, under both the IT Vision and Civica options, it would be the Shire's responsibility to purchase its database application server and software. The Authority system requires a dedicated receipt printer, whereas SynergySoft does not. These costs are not required for the managed services option as the system would use a Civica server based in the Eastern States.

Both systems provide Crystal reporting functionality. This is more important for Authority users as it is the primary means of extracting reports. Civica runs its own training program in addition to generic training, resulting in a greater cost.

Purchase Of Corporate Software (Cont.)

Travel and accommodation for Civica and IT Vision staff is an extra cost and will generally be charged at cost. Civica's relative complexity requires many more person visits than SynergySoft and therefore a greater cost.

It has been recommended by Civica that the Shire engage a firm called GHC to extract data (property/streets, rates and name / address register) from the current Logis system. Civica then modify that data and load it into Authority. This cost is covered by I T Vision in the implementation price.

Based on these factors, an estimated net present cost of each option over a five year period has been prepared. It should be noted that Civica charges per hour for support calls from one month after the go-live date. It is difficult to estimate what the costs will be in this regard. A sum of \$5,000.00 has been allowed for in Year 1, reducing by \$1,000.00 each year.

Option	Additional Costs	Year 1	Year 2	Year 3	Year 4	Year 5	Total	Net Present Cost
IT Vision	\$18,000	\$83,116	\$19,415	\$19,415	\$19,415	\$19,415	\$178,776	\$166,598
Civica Option 1	\$62,900	\$128,893	\$16,775	\$15,775	\$14,775	\$13,775	\$252,893	\$237,901
Civica Option 2 (eServices & CRM)	\$62,900	\$148,743	\$20,875	\$19,875	\$18,875	\$17,875	\$289,143	\$271,298
Civica (Managed Services)	\$47,900	\$77,000	\$77,000	\$77,000	\$77,000	\$77,000	\$432,900	\$388,848

Conclusion

Clearly the IT Vision proposal is the lower cost option and represents good value for money. This option is closest to the 2006 / 2007 budget figure of \$83,500.00.

The Civica Option 1 is the basic Authority system without eServices and the Customer Requests Module. To take option 1 would not fully take advantage of Authority's functionality. Nevertheless, this option could be selected, with the possibility of taking up the other modules at a later date.

Civica Option 2 represents what is considered to be the best system that has been considered. However it comes at a cost of roughly \$20,000.00 per year more than SynergySoft over the first five (5) years.

The Managed Services option is relatively expensive, however all of the work relating to database administration, data backup, user maintenance, security, major releases, patches and hardware purchase and maintenance would be dealt with by Civica. Nevertheless, even factoring in the potential cost savings of a shared I T support staff member and the hardware make this a difficult option to justify without knowing what database maintenance impacts will be. It is suggested that this is an option the Council could consider in future if it selects the Civica solution.

Whatever system the Council chooses, an additional sum will be needed in the 2007 / 2008 financial year to complete the implementation project, together with modest increases for system support. Both Civica and IT Vision have stated that the costs can be spread over two (2) financial years. The amounts required would be approximately as follows:

- IT Vision \$20,000.00
- Civica - Option 1 \$110,000.00
- Civica - Option 2 \$130,000.00

Purchase Of Corporate Software (Cont.)

It is considered that the Civica tender offers the best solution to meet the Shire's information system requirements. The option recommended is Option 2, but the implementation of workflow modules, eServices and the CRM will be carried out as a phase 2 and therefore the respective costs will be delayed until it is decided to implement those. Dependent upon future software developments, minor variations to the contract may be negotiated. A contract of supply and implementation would be prepared to the satisfaction of the Chief Executive Officer.

System changes have the potential to deliver operational efficiencies and service improvements. However, there is also a risk of disruption and data errors if not managed properly. Either way, it should be noted that there will be a significant demand on Shire staff to implement either system.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr M Skinner:

That in accordance with Western Australian Local Government Association Contract No. PSA 11-008 (Local Government Business Systems for Small and Medium Sized Local Governments) the Council enter into a contract for the supply of a corporate software system with Civica Pty Ltd at the prices detailed in the Civica proposal received 18 September 2006, subject to the contract details being prepared to the satisfaction of the Chief Executive Officer.

CARRIED (7/2)

No. 424/06

9.3.2 BEATTIE ROAD - ROAD NAME CHANGE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/107/1
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	John Fathers - Deputy Chief Executive Officer
Date of Report:	31 October 2006

Purpose

The purpose of this report is to consider a possible name change to Beattie Road, Kendenup.

Background

Concern has been raised over the recent application of rural street numbers to Beattie Road.

Beattie Road is located on both the east and west side of Albany Highway, with one side being located approximately 300m further along the highway than the other side.

The Department of Land Information has used two (2) separate starting points to measure Beattie Road. The first begins at Jutland Road and ceases at Chauvel Road and then the second begins at Chauvel Road and crosses over the highway to the west side of Beattie Road.

This means that properties located on the west side of Beattie Road have a rural street number of 600 and above even though the properties are located only a few metres from Albany Highway and do not run directly across Albany Highway from the east side of Beattie Road.

Residents along the west side of Beattie Road were requested to provide feedback as to their road name preferences. The returned submissions are detailed below:

- Mr B and Mrs T Lang's first preference was Dufty Road and their second preference was Lang Road;
- Mr C Paridaens selected West Beattie Road;
- Mrs M Boxwell selected West Beattie Road;
- Mr T and Mrs R Pankhurst chose West Beattie Road or alternatively Frost Road;
- Mr E Hill selected Duff Road; and
- Mr J and Mrs J Hewitt preferred Beattie West Road or alternatively Mead Road.

Consultation

Consultation has occurred with Mr John Fathers - Deputy Chief Executive Officer and Ms Cherie Delmage - Administration Officer responsible for coordinating the Rural Street Numbering Project and residents along the west side of Beattie Road.

Statutory Implications

The Land Administration Act 1997 governs the road naming process.

Beattie Road – Road Name Change (Cont.)**Policy Implications**

Council Policy No. I/RR/1 – Future Street and Reserve Names requires the Council to maintain a Road Name Register. The names Duff, Dufty and Mead are listed in the Register.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

It is suggested that the Beattie Road located on the west side of Albany Highway be renamed West Beattie Road. This will allow for a reassessment of the rural street numbering as each road will then be able to utilise Albany Highway as a starting point and the numbering will more correctly reflect where the property is located along the road.

It will also prevent any possible confusion and delay that Emergency Services may experience by turning down the wrong Beattie Road.

West Beattie Road was the most preferred option by residents.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr J Mark:

That the proposal to rename the west side of Beattie Road, West Beattie Road be forwarded to the Geographical Names Committee for consideration by the Minister for Planning and Infrastructure.

CARRIED (9/0)

No. 425/06

9.3.3 LIST OF PAYMENTS - NOVEMBER 2006

Location / Address:	N / A
Attachments:	List of Payments - November 2006
Name of Applicant:	N / A
File Reference:	FM/65/3
Author:	Rayona Evans - Accounts Officer
Authorised By:	John Fathers – Deputy Chief Executive Officer
Date of Report:	4 November 2006

Purpose

The purpose of this report is to present the list of payments that were made during the month of November 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 J Moir, seconded Cr M Skinner:

That the payment of accounts for the month of November 2006 covering electronic payments, cheques 36172 to 36353, totalling \$1,031,408.42 and the payment of trust cheque 138-145, totalling \$2,277.75 be noted.

CARRIED (9/0)

No. 426/06

MOTION TO ADJOURN THE MEETING**Moved Cr J Moir, seconded Cr B Hollingworth:****4.45pm That the meeting be adjourned until 4.50pm.****CARRIED (7/2)****No. 427/06****RESUMPTION****4.50pm The meeting resumed.**

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Williss	Deputy Shire President - East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr J Moir	South Ward
Cr B Hollingworth	Town Ward
Cr K Clements	Town Ward
Cr J Mark	Town Ward
Cr K Hart	Kendenup Ward
Cr M Skinner	East Ward
Mr R Stewart	Chief Executive Officer
Mr I Bartlett	Manager Works and Services
Mr P Duncan	Manager Development Services
Ms N Selesnew	Manager Community Services
Mrs K Skinner	Executive Secretary
Ms C Delmage	Administration Officer

9.3.4 LOT 364, RESERVE 23771 OSBORNE ROAD, MOUNT BARKER - LEASE GIRL GUIDES

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RV/182/3496
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	21 November 2006

Purpose

The purpose of this report is to consider leasing Lot 364 Osborne Road, Mount Barker being the total of Reserve 23771 to Guides Western Australia, on behalf of the Mount Barker Guides.

Background

Guides Western Australia (Guides) currently has a lease agreement with the Council for Lot 363 Albany Highway, Mount Barker, which is due to expire on 24 March 2009.

They would like to cancel the lease for this property and establish a new lease for Lot 364 being Reserve 23771 Osborne Road, Mount Barker, with the same lease conditions they currently enjoy.

Lot 364 Osborne Road is currently being leased to the Minister of Education for the Mount Barker Kindergarten. The lease with the Minister for Education and Training is due to expire on 31 December 2006.

Due to the Kindergarten being relocated as part of the 'One College, One Community' initiative, the Minister for Education and Training does not wish to renew their lease agreement. A hand over of the premises has been scheduled for 8 December 2006.

At its Ordinary Meeting held 12 September 2006, the Council resolved that:

'(1) Guides Western Australia be advised that no objections are raised for that Association to sublease the Guides Hall situated at Lot 363, 66 Albany Highway, Mount Barker to the Mount Barker Sub Branch of the Returned Services League (RSL).'

It is the intention of the Guides, to extend a sublease to the RSL for Lot 364, should the lease be approved. The RSL are agreeable to this proposed relocation.

Statutory Environment

Section 3.58 of the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 govern the disposal of property.

Under the Regulations a disposition of land is an exempt disposition, and is excluded from the application of section 3.58, if:

- 'the land is disposed of to a body, whether incorporated or not –
 - the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
-

Lot 364 Reserve 23771 Osborne Road, Mount Barker – Lease Girl Guides (Cont.)

- the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.'

A lease agreement to the Guides could be classed as an exempt disposition.

It is a requirement under the Land Administration Act 1997 that as Lot 364 is vested in the Shire of Plantagenet lease approval is required from the Minister for Planning and Infrastructure.

Consultation

Consultation has occurred between Mr Rob Stewart - Chief Executive Officer and members from the RSL and Guides Mount Barker.

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

Moved Cr K Clements, seconded Cr J Moir:

THAT:

- (1) **The Guides Western Australia lease of Lot 363 Albany Highway, Mount Barker be finalised as of 1 January 2007.**
- (2) **Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Lease of Lot 364 Osborne Road, Mount Barker being Reserve 23771 be leased to Guides Western Australia as of the 1 January 2007, with the following provisions:**
 - **Rental to be one (1) dollar per annum;**
 - **Term of the lease to be five (5) years;**
 - **Guides Western Australia to be responsible for public liability insurance, contents insurance, minor building maintenance, garden maintenance, water usage and electricity charges;**
 - **The Shire of Plantagenet to be responsible for building insurance, property and water rates and major building maintenance;**
 - **The Shire of Plantagenet permits Guides Western Australia to sub lease to the Returned Services League; and**
 - **Subject to the approval of the Minister for Planning and Infrastructure.**

PROCEDURAL MOTION

Motion To Adjourn Question

Moved Cr B Hollingworth, seconded Cr J Moir:

That the question be adjourned to allow Councillors to undertake an inspection of both the existing Guides Hall and the former Booth Street Kindergarten and that a further report be presented to the meeting of the Council to be held on 23 January 2007.

CARRIED (9/0)

No. 428/06

9.4 TECHNICAL SERVICES REPORTS

9.4.1 POLICY - STOCK ON LOCAL ROADS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/120/15
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	4 December 2006

Purpose

The purpose of this report is to adopt Council Policy No. I/R/18 – ‘Stock on Local Roads’.

Background

This Policy is a model provided by the Western Australian Local Government Association (WALGA). WALGA (with assistance from the Shire of Woodanilling and a small working group made up from Council representatives and the WA Rangers Association) developed the model in response to various concerns raised by Councils regarding the management and responsibility of stock on local roads.

The objective of this policy is to provide reasonable precautions that should be taken when moving stock on local roads and to outline the Council’s requirements for provision of stock underpasses on local roads.

Council Policy No. I/R/18 – ‘Stock on Local Roads’ reads as follows:

OBJECTIVE:

The purpose of this Policy is to provide reasonable precautions that should be taken when moving stock on local roads, and to outline the Council’s requirements for provision of stock underpasses on local roads.

POLICY:

1. POLICY STATEMENT

Main Roads will provide guidance on reasonable precautions that should be taken when droving stock across or along a state road and will also permit stock underpasses under state roads subject to the underpass meeting Main Roads requirements.

The Council will provide guidance on reasonable precautions that should be taken when droving stock across or along a local road and will also permit stock underpasses under local roads subject to the underpass meeting Main Roads requirements.

These guidelines do not address the issue of straying stock in unfenced pastoral areas.

2. APPLICATION & APPROVAL GUIDELINES

2.1. Definitions

Unless otherwise indicated in the text of this Guideline:

AS means Australian Standards.

Local road means a road under the control of a Local Government.

Main Roads means the Main Roads of Western Australia.

RTC 2000 means The Road Traffic Code 2000.

State road means a road under the control of Main Roads

Traffic signs mean a sign as recognised in the Australian Standards or Main Roads Signs Index.

2.2. Background

The purpose of this Policy is to provide reasonable precautions that should be taken when moving stock on local roads, and to outline the Council's requirements for provision of stock underpasses on local roads.

The person in charge of moving stock across or along a road does not need formal permission from the Council except for the following statutory requirements:

- For roads with declared Control of Access the consent of Main Roads is required.
(Main Roads Act 1930, Section 28A (4)); and
- For roads within a town the permission of the Director General is required.
(RTC 2000 Regulation 277).

A person droving stock on roads shall:

- not leave stock unattended **(RTC 2000 Regulation 275);** and
- provide reasonable warning and not cause unreasonable delay to approaching traffic **(RTC 2000 Regulations 276)**

The RTC 2000 allows the person in charge of moving stock on a road to install temporary road warning signs **(Regulations 297 & 276)**, and to display an orange flashing warning light on a vehicle **(Regulation 289)**.

2.3 APPLICATION

2.3.1. Precautions for Taking Stock onto a Local Road

2.3.1.1 General

The RTC 2000 requires the person in charge of stock on a road to:

- Take all reasonable precautions to warn approaching traffic of the presence of the stock; and
- Arrange the moving of the stock at such times, and in such numbers, and establishes such control of the stock on the road, as is likely to prevent it causing unreasonable delay to the passage of other traffic.

Policy – Stock On Local Roads (Cont.)**2.3.1.2 Reasonable Warning**

Reasonable precautions to warn approaching traffic with warning signs and devices is provided in the **Technical Guideline (Section 3)**.

2.3.1.3 Unreasonable Delay

The following circumstances are considered to be cause for unreasonable delay:

- The duration of road closure is greater than 5 minutes; and for multiple crossing movements, all queued vehicles are not cleared before the commencement of the next crossing movement;
- The stock movement is on a dual carriageway road;
- The crossing is closer than 1 km to a stock underpass servicing the same landowner; or
- The road's annual average daily traffic volume is greater than 500 vehicles per day.

2.3.1.4 Costs

The person in charge of the stock is responsible of the supply, installation and removal of the road traffic signs and devices associated with the stock movement on a road.

2.3.1.5 Roads with High Traffic Volumes

Where a road's annual average daily traffic volume is greater than 500 vehicles per day, a stock underpass is the preferred method of moving stock across the road.

2.3.2. Stock Underpasses under Local Roads**2.3.2.1 General**

A stockowner may install an underpass under a local road subject to compliance with the requirements of these guidelines. There are conditions on the design, construction, and maintenance.

2.3.2.2 Costs

There is no fee for the Council to process an application. The applicant shall be responsible for all costs associated with the design, construction and maintenance of the underpass structure.

2.3.2.3 Design and Construction

For sections of the underpass that are within and at the boundary of the road reserve, the design shall be approved by the Council and the construction shall be undertaken by the Council or Council approved consultants and or contractors.

2.3.2.4 Maintenance

The applicant shall maintain the underpass. The maintenance of the underpass by the applicant includes removal of fouling and repair of any damage to the road infrastructure within the road reserve.

2.4. APPROVAL - STOCK UNDERPASSES**2.4.1. Applications**

A person wishing to install a stock underpass must submit an application to Council.

2.4.2. Approval

Approval of an application shall include a condition that a Stock Underpass Agreement be signed by both the applicant and the Council before commencement of any work in the road reserve and shall indicate the extent, if any, of Council’s contribution to funding the underpass.

3. TECHNICAL GUIDELINES

3.1. General

The removal or covering of stock crossing signs when not in use is mandatory. Signs that are displayed while not in use may bring all signing into disrepute and may result in motorists disregarding important warnings. Signs should be covered such that they are not visible in all light conditions.

3.2. STOCK CROSSINGS

3.2.1. Stock Crossings with Sight Distance Greater Than 300 Metres

Where a stock crossing is located such that approaching motorists can see the stock crossing point from more than 300m away, signing should be as per **Figure 1**.

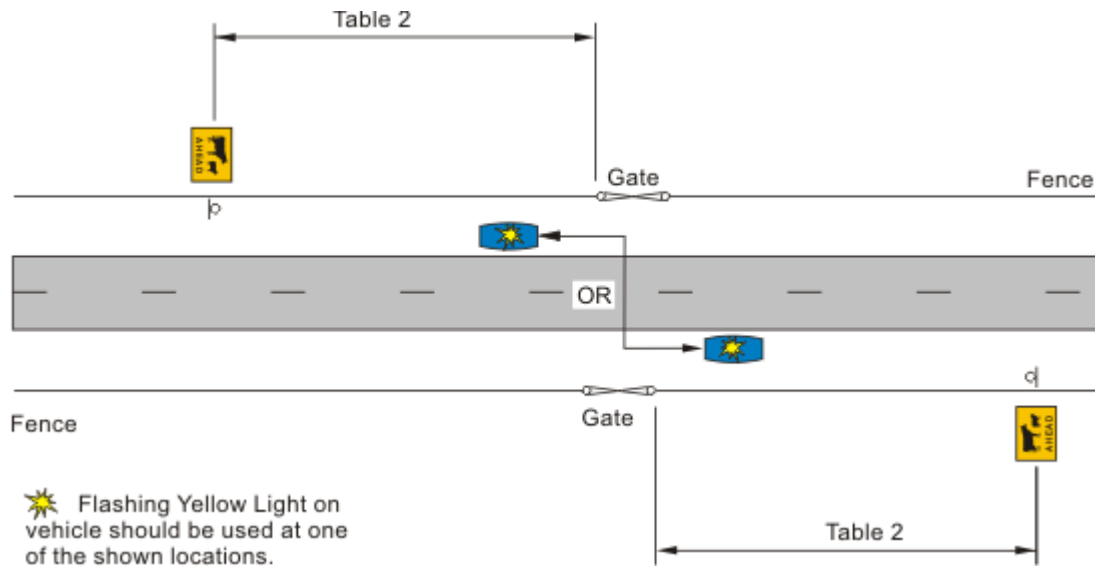


FIGURE 1 - Typical Stock Crossing Site – for bitumen roads.

NOTE: Gravel roads – there is no requirement for orange flashing lights

The crossing should desirably not be used when sun glare will interfere with drivers’ view of the traffic signs or stock on the road.

Where stock movements are adjacent to or encompass an intersection, STOCK AHEAD and ON SIDE ROAD signs should be used on the side roads, to alert motorists entering the road that there is stock on the road. The location of the STOCK AHEAD sign should be based on a distance from the stock crossing as shown in **Table 2**.

POSTED SPEED LIMIT KM/HR	MINIMUM SPACING DISTANCE METRES
60	120
70	140

Policy – Stock On Local Roads (Cont.)

80	160
90	180
100	200
110/ STATE LIMIT	220

Table 2 – Placement of STOCK AHEAD Signs

3.2.2. Stock Crossings with Sight Distance Less Than 300 Metres

If the stock crossing site is positioned such that approaching motorists cannot see the stock crossing point from at least a minimum of 300m away during the day, then signage should be as shown in figure 2.

The REDUCE SPEED and the STOCK AHEAD signs should be visible at the same time to the approaching motorist.

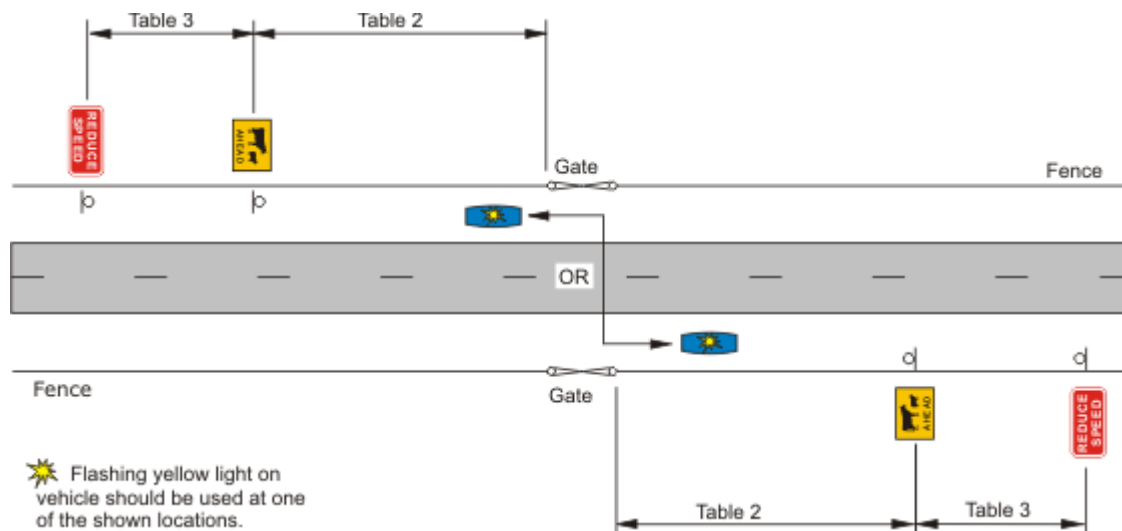


FIGURE 2 - Signing at stock crossings with sight distance less than 300m

POSTED SPEED LIMIT KM / HR	MINIMUM SPACING DISTANCE
60	30
70	35
80	40
90	45
100	50
110/State Limit	55

TABLE 3 - Placement of REDUCE SPEED Signs

3.2.3. Use of Stock Crossings during Night-Time, Periods of Poor Visibility or Hazardous Locations

Daylight use of stock crossings is preferred. Where the stock crossing is proposed to be used during nighttime, periods of poor visibility or in a hazardous location, the following actions should be taken:

- Signing and flashing rotating orange light should be carried out in accordance with Figure 1 (See also Sections 3.4 and 3.5);
- Any person standing on or adjacent to the road for the purposes of controlling stock should wear clothing with reflective strips;

Policy – Stock On Local Roads (Cont.)

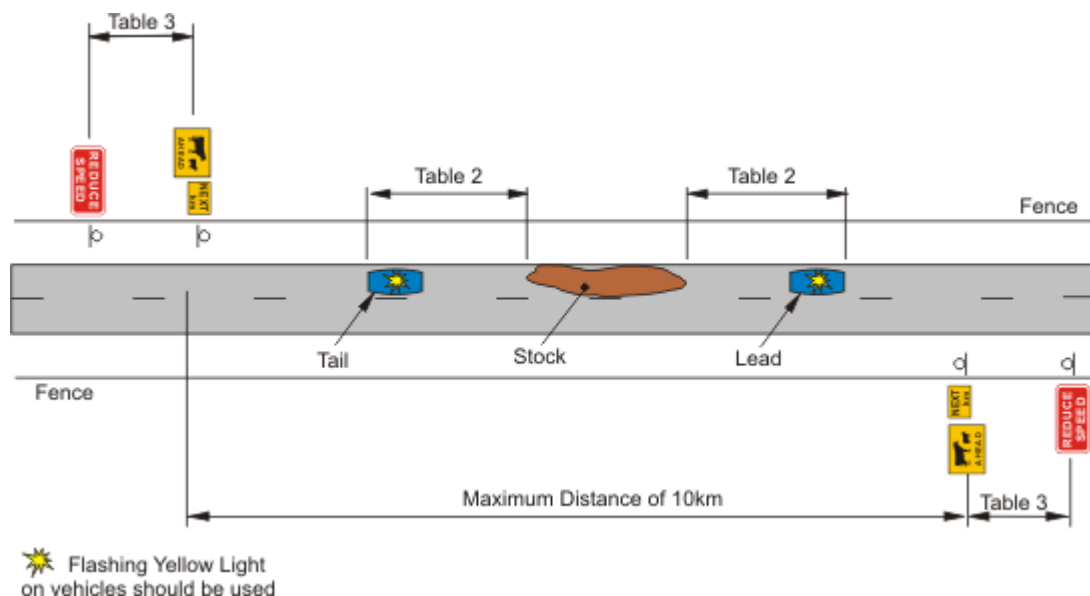
- Floodlighting shall be provided at the crossing point. The lighting should be sufficient to clearly illuminate stock on the road formation in the vicinity of the crossing point. If the road reserve is wider than 30m then floodlights should be placed on both sides of the road reserve; and
- The Council sign STOCK AHEAD PREPARE TO STOP (MR-WAW-6) should be considered for use. With reference to **Figure 1**, the STOCK AHEAD PREPARE TO STOP sign should be positioned in place of the STOCK AHEAD sign.

3.3. DROVING OF STOCK ALONG A ROAD

Where it is necessary to move stock more than 100m along a road reserve, signs should be erected along the road shoulder in accordance with **Figure 3**. In addition, a lead vehicle and / or a tail vehicle should be placed in front and/or at the rear of the stock to warn approaching motorists. The vehicles should be located at a distance from the stock as shown in **Table 2**.

NOTE: On gravel roads no orange flashing light is required.

FIGURE 3 - Signing for droving of stock



NOTE: Where stock can be moved along the road reserve without stock or vehicles traveling on the carriageway, it remains necessary to adhere to the signage shown in Figure 3.

3.4. SIGNS

The conditions of the following publications have been described in this guideline:

- Main Roads Signs Index and relevant guidelines,
- Occupational Safety and Health Regulations 1996 Act, and
- Relevant Australian Standards.

This guideline provides sufficient guidance for a person wanting to take stock onto a road to comply with the necessary standards. If required, further information can be obtained by contacting Main Roads.

Policy – Stock On Local Roads (Cont.)

Signs should be erected in accordance with these guidelines and Main Roads Standard Drawings 9548 - 0106 and 8720 -0762. All signs shall be rigid. The class of retro reflective material used shall be Class 1.

Signing should be displayed prior to and during the stock movement. Signs and flashing orange warning lights should be positioned and erected so that:

- they are properly displayed and firmly secured so as to prevent them being blown over by the wind or passing traffic; and
- Signs may be placed on the roadside or road shoulder and should be at least 1m clear of the road lanes.

The signs and any flashing orange lights should be displayed or installed immediately prior to the stock being driven on to the road reserve and folded over or removed as soon as the stock are no longer in the road reserve, as per **Section 3.1** .

Signs are a specified treatment in this guideline, and typical signs are listed in **Table 4**.






<p>'STOCK AHEAD' AS 1742.2 Designation T1-19B Sign Size: 1200 x 900mm (sealed roads) OR 900 x 600mm (unsealed roads)</p>	
<p>'REDUCE SPEED' AS 1742.2 Designation G9-9A Sign Size: 1500 x 750mm</p>	
<p>'NEXT ... KM' AS 1742.2 Designation W8-17-1B Sign Size: 750 x 450mm</p>	
<p>'ON SIDE ROAD' AS 1742.2 Designation W8-3B Sign Size: 750 x 500mm</p>	
<p>'STOCK AHEAD PREPARE TO STOP (With Flashing Yellow)' Main Roads Designation MR-WAW-6B (See Section 2.3) Sign Size: 1100 x 1600mm Sign Dimensions Sign Post Dimensions</p>	

TABLE 4 - List of typical signs for Stock Crossings and Droving of Stock

Policy – Stock On Local Roads (Cont.)**3.5. VEHICLE MOUNTED WARNING DEVICE**

The flashing orange warning light shall comply with the equipment described in the Road Traffic (Vehicle Standards) Regulations 2002. Vehicle indicator lights do not constitute a flashing orange warning light.

3.6. STOCK UNDERPASSES

Stock underpasses generally consist of reinforced concrete box culverts of a size suitable to allow safe passage of the stock and the farmer. Sizes for these structures may, for example, be:

- 1200 x 1200 mm Sheep movements;
- 1500 x 1500 mm Sheep movements where the stock owner may access the underpass; or
- 1800 x 1800 mm Cattle movements and where the stock owner may utilise a vehicle in the underpass.

Fencing details for the underpass to prevent stock from entering the road is available from Main Roads.'

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred between Mr Rob Stewart – Chief Executive Officer, Mr Ian Bartlett – Manager Works and Services, Mr Ray Parry – Ranger Services, Ms Nicole Selesnew – Manager Community Services and Mrs Kaye Skinner – Executive Secretary to determine the need for this Council Policy and the shape that it should take.

Policy Implications

The adoption of the recommendation will result in a new policy for the Council.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

It is considered the opinion of the Manager Works and Services that Council Policy No. I/R/18 – 'Stock on Local Roads' is a satisfactory reflection of precautions that should be taken when moving stock on local roads, and also adequately outlines Council's requirements for the provision of stock underpasses on local roads.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Moir:

That Council Policy No. I/R/18 – 'Stock on Local Roads' as follows:

OBJECTIVE:

The purpose of this Policy is to provide reasonable precautions that should be taken when moving stock on local roads, and to outline the Council's requirements for provision of stock underpasses on local roads.

POLICY:**1. POLICY STATEMENT**

Main Roads will provide guidance on reasonable precautions that should be taken when driving stock across or along a state road and will also permit stock underpasses under state roads subject to the underpass meeting Main Roads requirements.

The Council will provide guidance on reasonable precautions that should be taken when driving stock across or along a local road and will also permit stock underpasses under local roads subject to the underpass meeting Main Roads requirements.

These guidelines do not address the issue of straying stock in unfenced pastoral areas.

2. APPLICATION & APPROVAL GUIDELINES**2.1. Definitions**

Unless otherwise indicated in the text of this Guideline:

AS means Australian Standards.

Local road means a road under the control of a Local Government.

Main Roads means the Main Roads of Western Australia.

RTC 2000 means The Road Traffic Code 2000.

State road means a road under the control of Main Roads

Traffic signs mean a sign as recognised in the Australian Standards or Main Roads Signs Index.

2.2. Background

The purpose of this Policy is to provide reasonable precautions that should be taken when moving stock on local roads, and to outline the Council's requirements for provision of stock underpasses on local roads.

The person in charge of moving stock across or along a road does not need formal permission from the Council except for the following statutory requirements:

- For roads with declared Control of Access the consent of Main Roads is required;
(Main Roads Act 1930, Section 28A (4)); and

Policy – Stock On Local Roads (Cont.)

- For roads within a town the permission of the Director General is required. (RTC 2000 Regulation 277).

A person droving stock on roads shall:

- not leave stock unattended (RTC 2000 Regulation 275); and
- provide reasonable warning and not cause unreasonable delay to approaching traffic (RTC 2000 Regulations 276)

The RTC 2000 allows the person in charge of moving stock on a road to install temporary road warning signs (Regulations 297 & 276), and to display an orange flashing warning light on a vehicle (Regulation 289).

2.3 APPLICATION

2.3.1. Precautions for Taking Stock onto a Local Road

2.3.1.1 General

The RTC 2000 requires the person in charge of stock on a road to:

- Take all reasonable precautions to warn approaching traffic of the presence of the stock; and
- Arrange the moving of the stock at such times, and in such numbers, and establishes such control of the stock on the road, as is likely to prevent it causing unreasonable delay to the passage of other traffic.

2.3.1.2 Reasonable Warning

Reasonable precautions to warn approaching traffic with warning signs and devices is provided in the Technical Guideline (Section 3).

2.3.1.3 Unreasonable Delay

The following circumstances are considered to be cause for unreasonable delay:

- The duration of road closure is greater than 5 minutes; and for multiple crossing movements, all queued vehicles are not cleared before the commencement of the next crossing movement;
- The stock movement is on a dual carriageway road;
- The crossing is closer than 1 km to a stock underpass servicing the same landowner; or
- The road's annual average daily traffic volume is greater than 500 vehicles per day.

2.3.1.4 Costs

The person in charge of the stock is responsible of the supply, installation and removal of the road traffic signs and devices associated with the stock movement on a road.

2.3.1.5 Roads with High Traffic Volumes

Where a road's annual average daily traffic volume is greater than 500 vehicles per day, a stock underpass is the preferred method of moving stock across the road.

2.3.2. Stock Underpasses under Local Roads

2.3.2.1 General

A stockowner may install an underpass under a local road subject to compliance with the requirements of these guidelines. There are conditions on the design, construction, and maintenance.

2.3.2.2 Costs

There is no fee for the Council to process an application. The applicant shall be responsible for all costs associated with the design, construction and maintenance of the underpass structure.

2.3.2.3 Design and Construction

For sections of the underpass that are within and at the boundary of the road reserve, the design shall be approved by the Council and the construction shall be undertaken by the Council or Council approved consultants and / or contractors.

2.3.2.4 Maintenance

The applicant shall maintain the underpass. The maintenance of the underpass by the applicant includes removal of fouling and repair of any damage to the road infrastructure within the road reserve.

2.4. APPROVAL - STOCK UNDERPASSES

2.4.1. Applications

A person wishing to install a stock underpass must submit an application to the Council.

2.4.2. Approval

Approval of an application shall include a condition that a Stock Underpass Agreement be signed by both the applicant and the Council before commencement of any work in the road reserve and shall indicate the extent, if any, of the Council's contribution to funding the underpass.

3. TECHNICAL GUIDELINES

3.1. General

The removal or covering of stock crossing signs when not in use is mandatory. Signs that are displayed while not in use may bring all signing into disrepute and may result in motorists disregarding important warnings. Signs should be covered such that they are not visible in all light conditions.

3.2. STOCK CROSSINGS

3.2.1. Stock Crossings with Sight Distance Greater Than 300 Metres

Where a stock crossing is located such that approaching motorists can see the stock crossing point from more than 300m away, signing should be as per Figure 1.

Policy – Stock On Local Roads (Cont.)

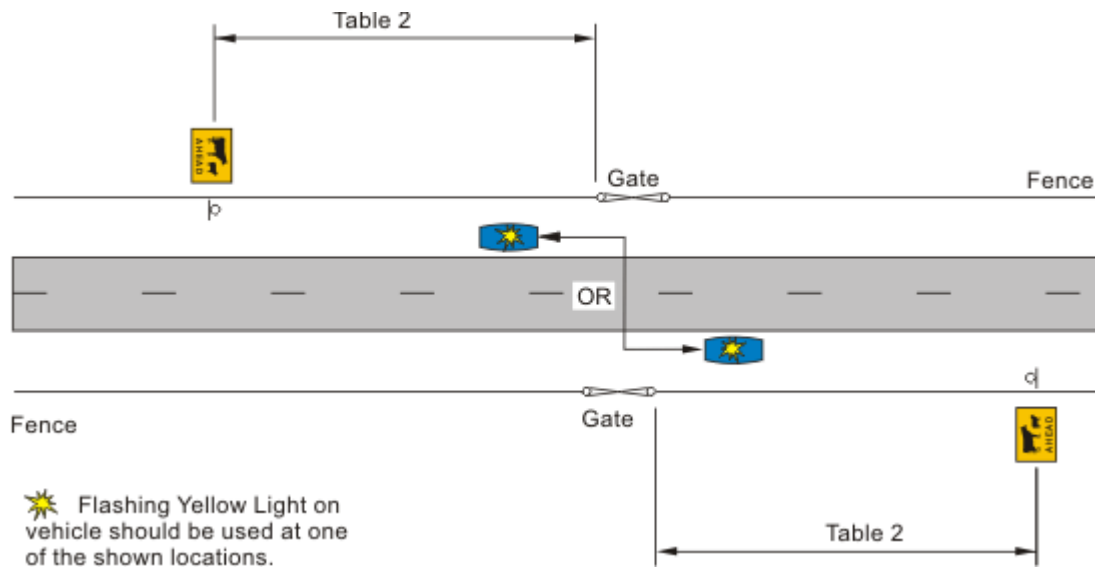


FIGURE 1 - Typical Stock Crossing Site – for bitumen roads.

NOTE: Gravel roads – there is no requirement for orange flashing lights

The crossing should desirably not be used when sun glare will interfere with drivers' view of the traffic signs or stock on the road.

Where stock movements are adjacent to or encompass an intersection, STOCK AHEAD and ON SIDE ROAD signs should be used on the side roads, to alert motorists entering the road that there is stock on the road. The location of the STOCK AHEAD sign should be based on a distance from the stock crossing as shown in Table 2.

POSTED SPEED LIMIT KM/HR	MINIMUM SPACING DISTANCE METRES
60	120
70	140
80	160
90	180
100	200
110 / STATE LIMIT	220

Table 2 – Placement of STOCK AHEAD Signs

3.2.2. Stock Crossings with Sight Distance Less Than 300 Metres

If the stock crossing site is positioned such that approaching motorists cannot see the stock crossing point from at least a minimum of 300m away during the day, then signage should be as shown in figure 2.

The REDUCE SPEED and the STOCK AHEAD signs should be visible at the same time to the approaching motorist.

Policy – Stock On Local Roads (Cont.)

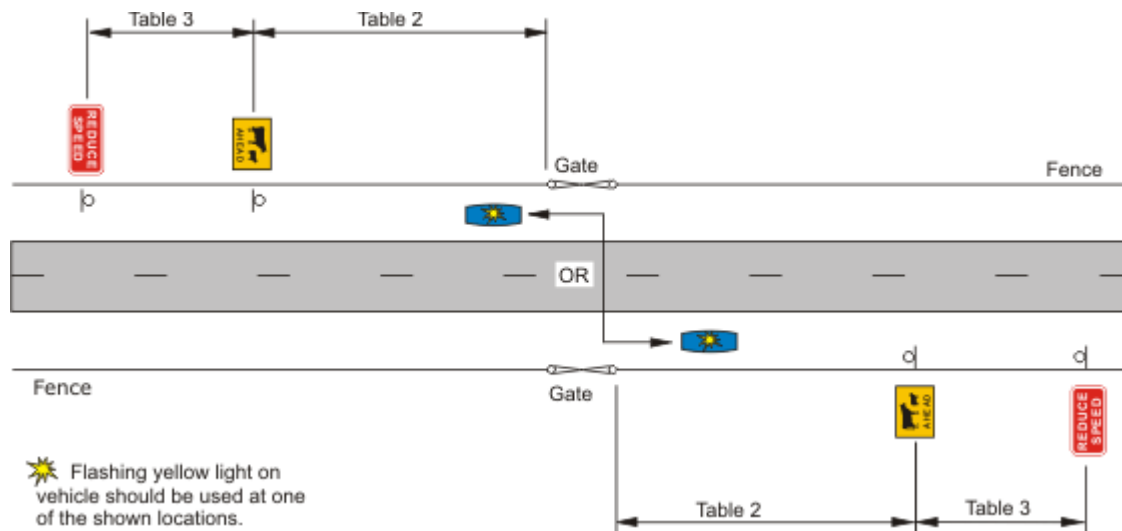


FIGURE 2 - Signing at stock crossings with sight distance less than 300m

POSTED SPEED LIMIT KM / HR	MINIMUM SPACING DISTANCE
60	30
70	35
80	40
90	45
100	50
110 / State Limit	55

TABLE 3 - Placement of REDUCE SPEED Signs

3.2.3. Use of Stock Crossings during Night-Time, Periods of Poor Visibility or Hazardous Locations

Daylight use of stock crossings is preferred. Where the stock crossing is proposed to be used during nighttime, periods of poor visibility or in a hazardous location, the following actions should be taken:

- Signing and flashing rotating orange light should be carried out in accordance with Figure 1 (See also Sections 3.4 and 3.5),
- Any person standing on or adjacent to the road for the purposes of controlling stock should wear clothing with reflective strips,
- Floodlighting shall be provided at the crossing point. The lighting should be sufficient to clearly illuminate stock on the road formation in the vicinity of the crossing point. If the road reserve is wider than 30m then floodlights should be placed on both sides of the road reserve, and
- The Council sign STOCK AHEAD PREPARE TO STOP (MR-WAW-6) should be considered for use. With reference to Figure 1, the STOCK AHEAD PREPARE TO STOP sign should be positioned in place of the STOCK AHEAD sign.

3.3. DROVING OF STOCK ALONG A ROAD

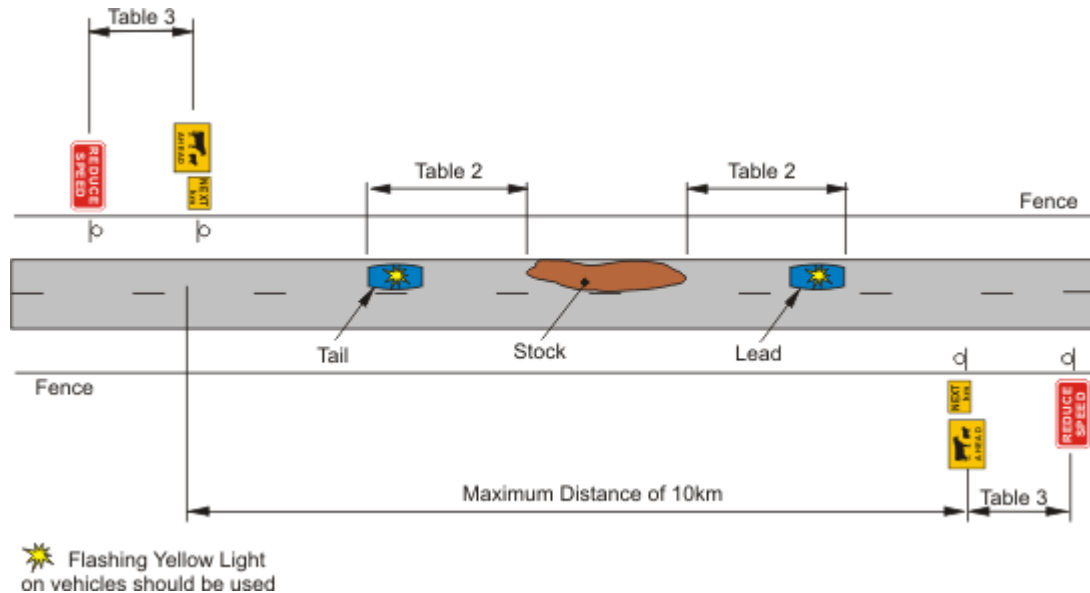
Where it is necessary to move stock more than 100m along a road reserve, signs should be erected along the road shoulder in accordance with Figure 3. In addition, a lead vehicle and / or a tail vehicle should be placed in front and /

Policy – Stock On Local Roads (Cont.)

or at the rear of the stock to warn approaching motorists. The vehicles should be located at a distance from the stock as shown in Table 2.

NOTE: On gravel roads no orange flashing light is required.

FIGURE 3 - Signing for droving of stock



NOTE: Where stock can be moved along the road reserve without stock or vehicles traveling on the carriageway, it remains necessary to adhere to the signage shown in Figure 3.

3.4. SIGNS

The conditions of the following publications have been described in this guideline:

- Main Roads Signs Index and relevant guidelines;
- Occupational Safety and Health Regulations 1996 Act; and
- Relevant Australian Standards.

This guideline provides sufficient guidance for a person wanting to take stock onto a road to comply with the necessary standards. If required, further information can be obtained by contacting Main Roads.

Signs should be erected in accordance with these guidelines and Main Roads Standard

Drawings 9548 - 0106 and 8720 -0762. All signs shall be rigid. The class of retro reflective material used shall be Class 1.

Signing should be displayed prior to and during the stock movement. Signs and flashing orange warning lights should be positioned and erected so that:

- they are properly displayed and firmly secured so as to prevent them being blown over by the wind or passing traffic; and
- Signs may be placed on the roadside or road shoulder and should be at least 1m clear of the road lanes.

The signs and any flashing orange lights should be displayed or installed immediately prior to the stock being driven on to the road reserve and folded

Policy – Stock On Local Roads (Cont.)

over or removed as soon as the stock are no longer in the road reserve, as per Section 3.1 .

Signs are a specified treatment in this guideline, and typical signs are listed in Table 4.






<p>'STOCK AHEAD' AS 1742.2 Designation T1-19B Sign Size: 1200 x 900mm (sealed roads) OR 900 x 600mm (unsealed roads)</p>	
<p>'REDUCE SPEED' AS 1742.2 Designation G9-9A Sign Size: 1500 x 750mm</p>	
<p>'NEXT ... KM' AS 1742.2 Designation W8-17-1B Sign Size: 750 x 450mm</p>	
<p>'ON SIDE ROAD' AS 1742.2 Designation W8-3B Sign Size: 750 x 500mm</p>	
<p>'STOCK AHEAD PREPARE TO STOP (With Flashing Yellow)' Main Roads Designation MR-WAW-6B (See Section 2.3) Sign Size: 1100 x 1600mm Sign Dimensions Sign Post Dimensions</p>	

TABLE 4 - List of typical signs for Stock Crossings and Droving of Stock

3.5. VEHICLE MOUNTED WARNING DEVICE

The flashing orange warning light shall comply with the equipment described in the Road Traffic (Vehicle Standards) Regulations 2002. Vehicle indicator lights do not constitute a flashing orange warning light.

3.6. STOCK UNDERPASSES

Stock underpasses generally consist of reinforced concrete box culverts of a size suitable to allow safe passage of the stock and the farmer. Sizes for these structures may, for example, be:

- 1200 x 1200 mm Sheep movements;
- 1500 x 1500 mm Sheep movements where the stock owner may access the underpass; or
- 1800 x 1800 mm Cattle movements and where the stock owner may utilise a vehicle in the underpass.

Policy – Stock On Local Roads (Cont.)

Fencing details for the underpass to prevent stock from entering the road is available from Main Roads.'

be endorsed.

CARRIED (8/1)

No. 429/06

9.5 DEVELOPMENT SERVICES REPORTS

9.5.1 TOWN PLANNING SCHEME POLICY NO. 14 - RURAL TOURIST ACCOMMODATION AND ADDITIONAL HOUSES

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	LP/120/4
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	21 November 2006

Purpose

The purpose of this report is to consider submissions made and to adopt Town Planning Scheme Policy No. 14 – Rural Tourist Accommodation and Additional Houses.

Background

Currently the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) and associated policies provide little to no guidance on rural tourist accommodation or the appropriateness of more than one house on rural properties.

The Council has considered a number of applications for second houses on rural lots. In most instances the second house has been approved where the house provides accommodation for workers associated with the rural enterprise.

The proposed policy aims to provide guidelines on the appropriateness and acceptability of rural tourist accommodation and additional houses on rural land.

At its meeting held 10 October 2006, the Council, when considering this draft Policy resolved:

‘THAT:

- (1) Draft Town Planning Scheme Policy No. 14 - Rural Tourist Accommodation and Additional Houses, as follows, be advertised in accordance with Clause 7.6.2 (a) of 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 consideration of the Council no later than its meeting to be held 12 December 2006.*

Town Planning Scheme No. 3

Draft Town Planning Scheme Policy No. 14

Rural Tourist Accommodation & Additional Houses

Purpose

- (1) Commercial tourist development should generally occur within the urban areas of the Shire and that opportunities should be provided for small scale and low impact tourist accommodation and related activities in rural areas.*

Town Planning Scheme Policy No. 14 – Rural Tourist Accommodation & Additional Houses (Cont.)

- (2) *To provide the ability for the Council to consider Additional houses on rural properties.*

Objectives

- (1) *To provide for tourist accommodation in the rural areas of the Shire in a manner that does not conflict with existing or potential agricultural or horticultural pursuits.*
- (2) *To provide a balance between agriculture or horticulture and tourism such that tourism does not dominate, and does not detrimentally impact, the sustainable use or availability of agricultural land.*
- (3) *To acknowledge tourism as an appropriate source of employment and income to the benefit and prosperity of the community of the Shire.*
- (4) *To optimise both the agricultural and tourism potential of the rural areas of the Shire without detrimental impact on the inherent beauty, amenity and value of those areas.*
- (5) *To allow, under certain circumstances, additional houses and / or ancillary accommodation to be erected on rural properties over 10ha.*

This Policy applies to all land situated within the rural zone.

Proponents should be aware that proposals including more than four (4) tourist accommodation units will be subject to rezoning and other procedures pursuant to the Town Planning Scheme in addition to the requirements of this policy.

In considering any application for approval for Rural Tourist Accommodation and Additional Houses, the Council will have regard to the criteria below before a decision is made.

Policy Criteria:

- (1) *This policy applies for up to a maximum of four (4) tourist accommodation units on a Rural zoned property. The minimum lot size for such a proposal will be 10ha.*
- (2) *All tourist accommodation units will be sited in a manner that will not impinge on the amenity or character of the area. The Council may require additional vegetation screening to be planted and established prior to approval of the proposal.*
- (3) *Tourist accommodation units must be primarily accessed from a bitumen sealed road. A small scale operator (four (4) units or less) is able to access off a gravel road but should not expect the Council to upgrade the road pavement to bitumen standards. The Council may require a once off financial contribution to maintenance of the gravel road at the time of approval. This fee will be set in the Council's Annual Budget.*
- (4) *Tourist accommodation will not be permitted within a minimum of 100m of lot boundaries and a minimum of 100m of existing horticultural and / or agricultural chemical use and activities on the subject land.*

The operator may be required to display appropriate signage/ information material within the main reception area of the development and / or within accommodation units that advises patrons that development is located in an agricultural area and that agricultural activities may create nuisance or

Town Planning Scheme Policy No. 14 – Rural Tourist Accommodation & Additional Houses (Cont.)

inconvenience from time to time, but are essential to the maintenance of the prosperity and character of the area.

- (5) *Each tourist accommodation unit (such as a Chalet) will be a maximum of two (2) bedrooms.*
- (6) *External building materials of tourist accommodation units and / or additional house must be compatible with the site's surrounding.*
- (7) *Every tourist accommodation unit and / or additional house requires a source of potable water to a capacity of 92,000L. Suction fittings will be required on individual domestic water supplies for the supply of water to fire fighting appliances in the event of a fire.*
- (8) *The applicant must demonstrate that efficient long-term on-site effluent disposal can be achieved without potential impact to public health, water supplies, neighbouring properties or the environment.*
Conventional effluent disposal areas must not be located within 100m of any creek, river, dam or spring however, approved Aerobic Treatment Units (ATU) may allow this distance to be reduced to 50m.
- (9) *The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development will be at no cost to the Council.*
- (10) *The Council shall determine on application the need for fire protection measures such as Building Protection zones, firebreaks, escape routes, clearing of vegetation and standpipe and hose facilities in consultation with the Fire and Emergency Service Authority.*
- (11) *The applicant of an additional house will be required to substantiate that the house is needed for management purposes of an existing rural enterprise or for a family member. A maximum of two (2) additional houses will be permitted on any one (1) Rural zoned lot over 10ha.*
- (12) *In considering additional houses, specifically for a rural enterprise, the Council will require the applicant to substantiate that progress has been made towards bringing the rural venture into operation.*
- (13) *Ancillary Accommodation (maximum 60m²) must be part of the main house (or connected through some physical means to the Council's satisfaction) on the property and will need to meet the standards set in the Residential Design Codes. A Statutory Declaration will be required to be submitted with the application for planning consent.*
- (14) *Land subdivision by way of freehold or strata title arising from the approved development of tourist accommodation or additional houses of any given site will not be supported.*

Larger Rural Tourist Accommodation Proposals

Proposals for between five (5) and eight (8) tourist accommodation units in the Rural zone will require the property to be subject to an amendment to Town Planning Scheme No. 3 to include the property in the Additional Use Schedule No. 2. Such an amendment will include a development plan for the site and relevant conditions of use for the proposal. Where relevant, the above listed policy criteria will apply.

Town Planning Scheme Policy No. 14 – Rural Tourist Accommodation & Additional Houses (Cont.)

Proposals over eight (8) tourist accommodation units in the Rural zone will require the property to be subject to an amendment to Town Planning Scheme No. 3 to rezone the property to a Tourist zone. Presently no such zone exists in Town Planning Scheme No. 3 and as such the first such proposal will need to include the necessary mechanisms into the Scheme which will include a Schedule of Tourist zones. Any such proposal for over eight (8) such units will need to show the sustainability of the development in terms of its location and site specific standards.'

Statutory Environment

Planning and Development Act 2005

TPS3 – Clause 7.6 'Power to Make Policies'

Consultation

The draft policy was advertised in the Albany Advertiser and the Plantagenet News. At the close of the submission period on Tuesday 14 November 2006 one submission had been received from Mr Peter Thorn of Millinup Estate Wines.

Policy Implications

This is a new Town Planning Scheme Policy.

Financial Implications

The cost of advertising was met from the Town Planning Advertising Budget.

Strategic Implications

Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 states that the Council will *'Develop and Review Town Planning Policies'*.

Officer Comment

As previously indicated, the Council does not currently have any policies relating to rural tourist accommodation or additional houses on rural land. There are many residents and interested individuals keen in either commencing tourist ventures or providing an additional house for family members.

The proposed policy clearly establishes requirements for commencing tourism accommodation and sets minimum standards for development including the minimum rural lot area (10ha) where tourist accommodation and additional dwellings are acceptable.

The draft policy applies to tourist accommodation ventures involving up to a maximum of four (4) units such as Chalets. The draft policy states that for between five (5) to eight (8) units a Scheme Amendment will be needed to include the site in the Schedule of Additional Uses. Over eight (8) such units will require a Scheme Amendment to zone the land Tourist.

The submission received during the advertising from Mr Peter Thorn was as follows:

'Agree with Purpose and Objectives and very well handled in Policy.

Only clause 7 concerns me in that it may be an unnecessary overkill to require every accommodation unit to have a 92000 litre tank which can be very intrusive to the landscape. My use over 17 years with a large house and cottage feeding off the 92000 tank has rarely taken the tank to less than half full possibly due to our summer rainfall in Porongurup.'

Town Planning Scheme Policy No. 14 – Rural Tourist Accommodation & Additional Houses (Cont.)

This may be the case for this particular property but the 92,000 litre water capacity is a standard figure for any form of residential accommodation. There are parts of the Shire with less rainfall than the Porongurup's and a 92,000 litre capacity will be essential. A family of say four people on holidays will have a higher consumption than a couple. It is more appropriate to apply the standard figure than to allow for lesser capacity water supply in particular locations. No modifications to the draft policy are proposed as a result of this submission.

Part (13) of the draft Policy refers to Ancillary Accommodation having a maximum area of 60m². This 60m² figure may not be able to be achieved particularly where a unit is designed for disabled persons which would mean a design with wider hallways, doors, toilets, bathrooms and so on. All of these increase the floor area. A solution to this is to introduce a new part (14) as follows:

'(14) Ancillary Accommodation may be allowed an increase in the floor area maximum from 60m² up to 90m² on the basis that the accommodation is designed to meet the Australian Standards and the Building Code of Australia for disabled persons.'

The Council does have existing Policy No. TP/SDC/1 entitled 'Buildings – Town Planning Scheme – Rural Areas' which reads as follows:

'That construction of one only residential building be approved on any single identifiable location within the Shire, any additional units to be subject of special approval of Council and further that this condition be included in the Shire of Plantagenet Town Planning Scheme No. 4.'

That Policy was last reviewed on 20 October 1998.

With this new Town Planning Scheme Policy No. 14 now being finalised it is appropriate to revoke the above Policy as it becomes superfluous.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr D Williss:

THAT:

- (1) Council Policy No. TP/SDC/1 - Buildings – Town Planning Scheme – Rural Areas be revoked.**
- (2) Amended Town Planning Scheme Policy No. 14 - Rural Tourist Accommodation and Additional Houses as follows:**

Town Planning Scheme No. 3

Town Planning Scheme Policy No. 14

Rural Tourist Accommodation & Additional Houses

Purpose

- (1) Commercial tourist development should generally occur within the urban areas of the Shire and that opportunities should be provided for small scale and low impact tourist accommodation and related activities in rural areas.**

- (2) To provide the ability for the Council to consider Additional houses on rural properties.

Objectives

- (1) To provide for tourist accommodation in the rural areas of the Shire in a manner that does not conflict with existing or potential agricultural or horticultural pursuits.
- (2) To provide a balance between agriculture or horticulture and tourism such that tourism does not dominate, and does not detrimentally impact, the sustainable use or availability of agricultural land.
- (3) To acknowledge tourism as an appropriate source of employment and income to the benefit and prosperity of the community of the Shire.
- (4) To optimise both the agricultural and tourism potential of the rural areas of the Shire without detrimental impact on the inherent beauty, amenity and value of those areas.
- (5) To allow, under certain circumstances, additional houses and / or ancillary accommodation to be erected on rural properties over 10ha.

This Policy applies to all land situated within the rural zone.

Proponents should be aware that proposals including more than four (4) tourist accommodation units will be subject to rezoning and other procedures pursuant to the Town Planning Scheme in addition to the requirements of this policy.

In considering any application for approval for Rural Tourist Accommodation and Additional Houses, the Council will have regard to the criteria below before a decision is made.

Policy Criteria:

- (1) This policy applies for up to a maximum of four (4) tourist accommodation units on a Rural zoned property. The minimum lot size for such a proposal will be 10ha.
- (2) All tourist accommodation units will be sited in a manner that will not impinge on the amenity or character of the area. The Council may require additional vegetation screening to be planted and established prior to approval of the proposal.
- (3) Tourist accommodation units must be primarily accessed from a bitumen sealed road. A small scale operator (four (4) units or less) is able to access off a gravel road but should not expect the Council to upgrade the road pavement to bitumen standards. The Council may require a once off financial contribution to maintenance of the gravel road at the time of approval. This fee will be set in the Council's Annual Budget.
- (4) Tourist accommodation will not be permitted within a minimum of 100m of lot boundaries and a minimum of 100m of existing horticultural and / or agricultural chemical use and activities on the subject land.

The operator may be required to display appropriate signage / information material within the main reception area of the development

and / or within accommodation units that advises patrons that development is located in an agricultural area and that agricultural activities may create nuisance or inconvenience from time to time, but are essential to the maintenance of the prosperity and character of the area.

- (5) Each tourist accommodation unit (such as a Chalet) will be a maximum of two (2) bedrooms.
- (6) External building materials of tourist accommodation units and / or additional house must be compatible with the site's surrounding.
- (7) Every tourist accommodation unit and / or additional house requires a source of potable water to a capacity of 92,000L. Suction fittings will be required on individual domestic water supplies for the supply of water to fire fighting appliances in the event of a fire.
- (8) The applicant must demonstrate that efficient long-term on-site effluent disposal can be achieved without potential impact to public health, water supplies, neighbouring properties or the environment.

Conventional effluent disposal areas must not be located within 100m of any creek, river, dam or spring however, approved Aerobic Treatment Units (ATU) may allow this distance to be reduced to 50m.

- (9) The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development will be at no cost to the Council.
- (10) The Council shall determine on application the need for fire protection measures such as Building Protection zones, firebreaks, escape routes, clearing of vegetation and standpipe and hose facilities in consultation with the Fire and Emergency Service Authority.
- (11) The applicant of an additional house will be required to substantiate that the house is needed for management purposes of an existing rural enterprise or for a family member. A maximum of two (2) additional houses will be permitted on any one (1) Rural zoned lot over 10ha.
- (12) In considering additional houses, specifically for a rural enterprise, the Council will require the applicant to substantiate that progress has been made towards bringing the rural venture into operation.
- (13) Ancillary Accommodation (maximum 60m²) must be part of the main house (or connected through some physical means to the Council's satisfaction) on the property and will need to meet the standards set in the Residential Design Codes. A Statutory Declaration will be required to be submitted with the application for planning consent.
- (14) Ancillary Accommodation may be allowed an increase in the floor area maximum from 60m² up to 90m² on the basis that the accommodation is designed to meet the Australian Standards and the Building Code of Australia for disabled persons.'
- (15) Land subdivision by way of freehold or strata title arising from the approved development of tourist accommodation or additional houses of any given site will not be supported.

Larger Rural Tourist Accommodation Proposals

Proposals for between five (5) and eight (8) tourist accommodation units in the Rural zone will require the property to be subject to an amendment to Town Planning Scheme No. 3 to include the property in the Additional Use Schedule No. 2. Such an amendment will include a development plan for the site and relevant conditions of use for the proposal. Where relevant, the above listed policy criteria will apply.

Proposals over eight (8) tourist accommodation units in the Rural zone will require the property to be subject to an amendment to Town Planning Scheme No. 3 to rezone the property to a Tourist zone. Presently no such zone exists in Town Planning Scheme No. 3 and as such the first such proposal will need to include the necessary mechanisms into the Scheme which will include a Schedule of Tourist zones. Any such proposal for over eight (8) such units will need to show the sustainability of the development in terms of its location and site specific standards.'

be adopted in accordance with Clause 7.6 of the Shire of Plantagenet Town Planning Scheme No. 3.

CARRIED (9/0)

No. 430/06

9.5.2 TOWN PLANNING SCHEME POLICY NO. 15 - COMMERCIAL PLANTATIONS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	LP/120/5
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	21 November 2006

Purpose

The purpose of this report is to consider submissions made and to adopt Town Planning Scheme Policy No. 15 – Commercial Plantations.

Background

In November 1999 a draft Commercial Plantation Forestry Policy was prepared.

The draft Policy was advertised for public comment in February 2000 and the Council received 125 submissions.

At its meeting held 24 April 2001, the Council considered a report on the submissions and a draft policy prepared by TME and resolved at Item 9.5.6:

'Moved Cr McGready Seconded Cr Seeber that:

Council resolve to:

- 1. Receive the Summary of Public Submissions and the Draft Commercial Plantation Forestry Policy prepared by Thompson McRobert Edgeloe (TME).*
- 2. Following a briefing of Council in the afternoon of 15th May 2001 request the Acting Chief Executive Officer organise a community workshop to be held on the evening of 15th May 2001 to explain and gain feedback on the Policy and Amendment 28.*
- 3. In consultation with TME evaluate the outcomes of the workshop and present the Final Policy to a Council meeting as early as possible*

CARRIED 12/0'

A community workshop was held in May 2001. Following that, work was done on improving Amendment No. 28 to Town Planning Scheme No. 3 rather than on the draft policy.

Amendment No. 28 was finalised and published in the Government Gazette on 19 September 2006 and it introduced provisions specifically dealing with plantations. A new draft policy was subsequently prepared.

Town Planning Scheme Policy No. 15 – Commercial Plantations (Cont.)

At its meeting held 10 October 2006, the Council, when considering this new draft policy resolved:

'THAT:

- (1) Draft Town Planning Scheme Policy No. 15 - Commercial Plantations, as follows, be advertised in accordance with Clause 7.6.2(a) of 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 consideration of the Council no later than its meeting to be held 12 December 2006.*

Town Planning Scheme No. 3

Draft Town Planning Scheme Policy No. 15

Commercial Plantations

Definition

Timber Plantation means the use of land for planting, growing, maintenance and harvesting of trees for the production of timber products.

Objectives

- (1) To encourage the integration of plantations with existing agricultural uses.*
- (2) To reduce potential adverse impacts and land use conflict from the inappropriate siting and development of plantations.*
- (3) To promote the development of plantations that integrate traditional agricultural activities.*
- (4) To support the rehabilitation of cleared land and assist in the reduction in salinity, waterlogging and erosion.*
- (5) To ensure there is an appropriate means of access to plantations and that the existing road network and public safety is not affected by heavy vehicles and that the local road network is not damaged by heavy vehicles.*
- (6) To ensure that the development, management and harvesting of plantations is in accordance with the Code of Practice for Plantations and the Guidelines for Plantation Fire Protection and the Council's Firebreak Notice.*

After many years of development, Amendment No. 28 to Town Planning Scheme No. 3 was finalised and published in the Government Gazette on 19 September 2006. That Amendment introduced provisions which specifically deal with timber plantations. This Town Planning Scheme Policy is aimed at assisting in the method of dealing with timber plantations.

In considering any application for approval for plantations, the criteria below will be considered.

Policy Criteria:

- (1) This policy applies to the whole of the municipal district of the Shire of Plantagenet, excluding State Forest and Crown Reserves.*
- (2) Plantations are a 'P' (permitted) use in the Rural zone and planning consent of the Council is not required for such a use where criteria specified in Clause 5.1.2(g) of Town Planning Scheme No. 3 are satisfied.*

Town Planning Scheme Policy No. 15 – Commercial Plantations (Cont.)

- (3) *Town Planning Scheme No. 3 contains five (5) Special Control Areas wherein an application for planning consent is required or alternatively where plantations are not permitted. The Special Control Areas are:*
- (i) *Kendenup Townsite*
 - (ii) *Rocky Gully Townsite*
 - (iii) *Narrakup Townsite*
 - (iv) *Mount Barker*
 - (v) *Porongurup*
- For ease of reference, the Special Control Area Maps for these five (5) areas are attached to this Policy.*
- (4) *Clause 3.8.4 of Town Planning Scheme No. 3 lists the matters the Council will consider when determining an application for planning consent where such an application is required. These are listed below:*
- (a) *The provisions of the Shire's Commercial Plantation Policy;*
 - (b) *The Code of Practice for Timber Plantations and whether or not the proponent is a signatory to the Code;*
 - (c) *Consistency with the performance standards of 'Planning for Bush Fire Protection' and 'Guidelines for Fire Protection', following referral to the Fire and Emergency Services Authority, and with Council's 'Annual Fire Break Notice';*
 - (d) *Existing uses and development on the subject land;*
 - (e) *The location of the subject land and its relationship to surrounding land uses, especially residential, rural residential, rural small holdings, and tourist land uses;*
 - (f) *The location of the land in relation to designated haulage routes;*
 - (g) *Access to and from the subject land and the existing standard of local roads and their capacity to support timber haulage vehicles;*
 - (h) *Protection of native vegetation;*
 - (i) *The impact on the amenity of the area, including scenic views;*
 - (j) *Where the land is located in the Porongurup SCA 5, the provisions of the Porongurup Rural Strategy;*
 - (k) *Where the land is located in the Mount Barker SCA 4, the Mount Barker Rural Strategy;*
 - (l) *Any submissions received as a result of advertising the application; and*
 - (m) *Any other matters considered relevant.*
- (5) *Although planning consent is not required in the rural districts not part of a Special Control Area, in accordance with clause 5.1.2(g)(3) of Town Planning Scheme No. 3 proponents will need to submit to the Council:*
- (a) *A plantation management plan prior to the commencement of any site works or plantings; and*
 - (b) *a harvesting plan two (2) years prior to the anticipated harvesting date.*
- (6) *The Council will address any particular road needs as part of the consideration of the harvesting management plan.*
- (7) *The issue of aerial spraying of plantations to control insect damage is a matter the Council will have regard to. The Council requires plantation operators provide advice before a plantation is to be aurally sprayed in order that monitoring of spray drift can be carried out by Council officers. The Council*

Town Planning Scheme Policy No. 15 – Commercial Plantations (Cont.)

will be prepared to accept a specific protocol to be prepared by the proponent in the form of an aerial spray application management plan which addresses the Code of Practice and the following points:

- (a) Restrictions on the wind direction and wind speed under which aerial spraying may occur;*
 - (b) Provisions for a buffer zone adjacent to any urban area that is not to be aerially sprayed, the width of which can be negotiated depending on the chemical types and any restrictions on wind direction that may apply; and*
 - (c) An aerial spraying record to be logged by the pilot and submitted to the Shire prior to and following application events.*
- (8) The Council recognises the intentions of the timber industry in its Code of Practice for Timber Plantations in WA and supports the thrust of such a document. The Council will administer this Town Planning Scheme Policy on the understanding that all operators will abide by the Code of Practice.'*

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 – Clause 7.6 'Power to Make Policies'

Consultation

The draft policy was advertised in the Albany Advertiser and the Plantagenet News. At the close of the submission period on Tuesday 14 November 2006 one submission had been received from Mr Peter Thorn of Millinup Estate Wines.

Policy Implications

This is a new Town Planning Scheme Policy.

Financial Implications

The cost of advertising has been met from the Town Planning Advertising Budget.

Strategic Implications

Shire of Plantagenet Plan 2003, Key Result Area 4 states that the Council will 'Develop and Review Town Planning Policies'.

Officer Comment

The draft Town Planning Scheme Policy No. 15 has been prepared to reinforce the recently introduced provisions relative to plantations in Town Planning Scheme No. 3 through Amendment No. 28. That Amendment and the draft policy have been in the course of preparation for many years.

The State Government is yet to release its policy on plantations.

The earlier draft policy of 2000 was quite long and included many provisions which have since been modified and included within the Scheme through Amendment No. 28.

This proposed draft policy emphasises the five (5) new special control areas where planning consent is required or where plantations are not permitted. It also advises that planning consent is not required for plantations outside the special control areas

Town Planning Scheme Policy No. 15 – Commercial Plantations (Cont.)

provided a plantation management plan is submitted to the Council, prior to any planting.

This proposed draft policy makes reference to the Code of Practice for Timber Plantations in WA 2006, which was recently revised and updated. The code required things such as harvesting management plans two (2) years prior to harvest and aerial spray application management plans should it be proposed to use this practice.

The submission received during the advertising from Mr Peter Thorn was as follows:

'Whilst Council requires plantation operators to advise them as per clause 7 locals in the area to be sprayed must also be advised and also be advised of harvesting plan as per 5b to plan ahead for noise problems. Clause 7b (buffer zone) should have added after "urban area" the words and "tourist areas where drinking water is accessed from rainwater tanks".'

The advising of 'locals' that aerial spraying is to be carried out is a matter covered by the timber industry Code of Practice and is not a matter for this form of Council policy document.

The intent of a harvesting management plan two (2) years prior to the harvest is for the Council's Works and Services section to prepare and program the necessary road inspection regime. Again the Code of Practice addresses the Management Plan requirements for the timber companies.

The modifications of the buffer area requirements to include 'tourist areas' is a very broad description that could include the majority of the Shire area. Such a requirement is unreasonable. The Code of Practice addresses spraying and neighbours are to be notified prior to spraying events and this will provide them the opportunity to discuss options with the operators.

No modifications to the draft policy are proposed as a result of this submission.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Town Planning Scheme Policy No. 15 - Commercial Plantations as follows:

'Town Planning Scheme No. 3

Town Planning Scheme Policy No. 15

Commercial Plantations

Definition

Timber Plantation means the use of land for planting, growing, maintenance and harvesting of trees for the production of timber products.

Objectives

- (1) To encourage the integration of plantations with existing agricultural uses.
- (2) To reduce potential adverse impacts and land use conflict from the inappropriate siting and development of plantations.
- (3) To promote the development of plantations that integrate traditional agricultural activities.

Town Planning Scheme Policy No. 15 – Commercial Plantations (Cont.)

- (4) To support the rehabilitation of cleared land and assist in the reduction in salinity, waterlogging and erosion.
- (5) To ensure there is an appropriate means of access to plantations and that the existing road network and public safety is not affected by heavy vehicles and that the local road network is not damaged by heavy vehicles.
- (6) To ensure that the development, management and harvesting of plantations is in accordance with the Code of Practice for Plantations and the Guidelines for Plantation Fire Protection and the Council's Firebreak Notice.

After many years of development, Amendment No. 28 to Town Planning Scheme No. 3 was finalised and published in the Government Gazette on 19 September 2006. That Amendment introduced provisions which specifically deal with timber plantations. This Town Planning Scheme Policy is aimed at assisting in the method of dealing with timber plantations.

In considering any application for approval for plantations, the criteria below will be considered.

Policy Criteria:

- (1) This policy applies to the whole of the municipal district of the Shire of Plantagenet, excluding State Forest and Crown Reserves.
- (2) Plantations are a 'P' (permitted) use in the Rural zone and planning consent of the Council is not required for such a use where criteria specified in Clause 5.1.2(g) of Town Planning Scheme No. 3 are satisfied.
- (3) Town Planning Scheme No. 3 contains five (5) Special Control Areas wherein an application for planning consent is required or alternatively where plantations are not permitted. The Special Control Areas are:
 - (i) Kendenup Townsite
 - (ii) Rocky Gully Townsite
 - (iii) Narrikup Townsite
 - (iv) Mount Barker
 - (v) Porongurup

For ease of reference, the Special Control Area Maps for these five (5) areas are attached to this Policy.

- (4) Clause 3.8.4 of Town Planning Scheme No. 3 lists the matters the Council will consider when determining an application for planning consent where such an application is required. These are listed below:
 - (a) The provisions of the Shire's Commercial Plantation Policy;
 - (b) The Code of Practice for Timber Plantations and whether or not the proponent is a signatory to the Code;
 - (c) Consistency with the performance standards of 'Planning for Bush Fire Protection' and 'Guidelines for Fire Protection', following referral to the Fire and Emergency Services Authority, and with Council's 'Annual Fire Break Notice';
 - (d) Existing uses and development on the subject land;
 - (e) The location of the subject land and its relationship to surrounding land uses, especially residential, rural residential, rural small holdings, and tourist land uses;
 - (f) The location of the land in relation to designated haulage routes;

Town Planning Scheme Policy No. 15 – Commercial Plantations (Cont.)

- (g) Access to and from the subject land and the existing standard of local roads and their capacity to support timber haulage vehicles;
 - (h) Protection of native vegetation;
 - (i) The impact on the amenity of the area, including scenic views;
 - (j) Where the land is located in the Porongurup SCA 5, the provisions of the Porongurup Rural Strategy;
 - (k) Where the land is located in the Mount Barker SCA 4, the Mount Barker Rural Strategy;
 - (l) Any submissions received as a result of advertising the application; and
 - (m) Any other matters considered relevant.
- (5) Although planning consent is not required in the rural districts not part of a Special Control Area, in accordance with Clause 5.1.2(g)(3) of Town Planning Scheme No. 3 proponents will need to submit to the Council:
- (a) A plantation management plan prior to the commencement of any site works or plantings; and
 - (b) A harvesting plan two (2) years prior to the anticipated harvesting date.
- (6) The Council will address any particular road needs as part of the consideration of the harvesting management plan.
- (7) The issue of aerial spraying of plantations to control insect damage is a matter the Council will have regard to. The Council requires plantation operators provide advice before a plantation is to be aurally sprayed in order that monitoring of spray drift can be carried out by Council officers. The Council will be prepared to accept a specific protocol to be prepared by the proponent in the form of an aerial spray application management plan which addresses the Code of Practice and the following points:
- (a) Restrictions on the wind direction and wind speed under which aerial spraying may occur;
 - (b) Provisions for a buffer zone adjacent to any urban area that is not to be aurally sprayed, the width of which can be negotiated depending on the chemical types and any restrictions on wind direction that may apply; and
 - (c) An aerial spraying record to be logged by the pilot and submitted to the Shire prior to and following application events.
- (8) The Council recognises the intentions of the timber industry in its Code of Practice for Timber Plantations in WA and supports the thrust of such a document. The Council will administer this Town Planning Scheme Policy on the understanding that all operators will abide by the Code of Practice.'

be adopted in accordance with Clause 7.6 of the Shire of Plantagenet Town Planning Scheme No. 3.

COUNCIL DECISION

Moved Cr J Cameron, seconded Cr B Hollingworth:

That Town Planning Scheme Policy No. 15 - Commercial Plantations as follows:

**‘Town Planning Scheme No. 3
Town Planning Scheme Policy No. 15
Commercial Plantations**

Definition

Timber Plantation means the use of land for planting, growing, maintenance and harvesting of trees for the production of timber products.

Objectives

- (1) To encourage the integration of plantations with existing agricultural uses over the Shire.**
- (2) To reduce potential adverse impacts and land use conflict from the inappropriate siting and development of plantations within the Special Control Areas.**
- (3) To support the rehabilitation of cleared land and assist in the reduction in salinity, waterlogging and erosion.**
- (4) To ensure there is an appropriate means of access to plantations and that the existing road network and public safety is not affected by heavy vehicles and that the local road network is not damaged by heavy vehicles.**
- (5) To ensure that the development, management and harvesting of plantations is in accordance with the Code of Practice for Plantations and the Guidelines for Plantation Fire Protection and the Council’s Firebreak Notice.**

After many years of development, Amendment No. 28 to Town Planning Scheme No. 3 was finalised and published in the Government Gazette on 19 September 2006. That Amendment introduced provisions which specifically deal with timber plantations. This Town Planning Scheme Policy is aimed at assisting in the method of dealing with timber plantations.

In considering any application for approval for plantations, the criteria below will be considered.

Policy Criteria:

- (1) This policy applies to the whole of the municipal district of the Shire of Plantagenet, excluding State Forest and Crown Reserves.**
- (2) Plantations are a ‘P’ (permitted) use in the Rural zone and planning consent of the Council is not required for such a use where criteria specified in Clause 5.1.2(g) of Town Planning Scheme No. 3 are satisfied.**

- (3) Town Planning Scheme No. 3 contains five (5) Special Control Areas wherein an application for planning consent is required or alternatively where plantations are not permitted. The Special Control Areas are:
- (i) Kendenup
 - (ii) Rocky Gully Townsite
 - (iii) Narrikup Townsite
 - (iv) Mount Barker
 - (v) Porongurup
- For ease of reference, the Special Control Area Maps for these five (5) areas are attached to this Policy.
- (4) Clause 3.8.4 of Town Planning Scheme No. 3 lists the matters the Council will consider when determining an application for planning consent where such an application is required. These are listed below:
- (a) The provisions of the Shire's Commercial Plantation Policy;
 - (b) The Code of Practice for Timber Plantations and whether or not the proponent is a signatory to the Code;
 - (c) Consistency with the performance standards of 'Planning for Bush Fire Protection' and 'Guidelines for Fire Protection', following referral to the Fire and Emergency Services Authority, and with Council's 'Annual Fire Break Notice';
 - (d) Existing uses and development on the subject land;
 - (e) The location of the subject land and its relationship to surrounding land uses, especially residential, rural residential, rural small holdings, and tourist land uses;
 - (f) The location of the land in relation to designated haulage routes;
 - (g) Access to and from the subject land and the existing standard of local roads and their capacity to support timber haulage vehicles;
 - (h) Protection of native vegetation;
 - (i) The impact on the amenity of the area, including scenic views;
 - (j) Where the land is located in the Porongurup SCA 5, the provisions of the Porongurup Rural Strategy;
 - (k) Where the land is located in the Mount Barker SCA 4, the Mount Barker Rural Strategy;
 - (l) Any submissions received as a result of advertising the application; and
 - (m) Any other matters considered relevant.
- (5) Although planning consent is not required in the rural districts not part of a Special Control Area, in accordance with Clause 5.1.2(g)(3) of Town Planning Scheme No. 3 proponents will need to submit to the Council:
- (a) A plantation management plan prior to the commencement of any site works or plantings; and
 - (b) A harvesting plan two (2) years prior to the anticipated harvesting date.
- (6) The Council will address any particular road needs as part of the consideration of the harvesting management plan.
- (7) The issue of aerial spraying of plantations to control insect damage is a matter the Council will have regard to. The Council requires plantation

Town Planning Scheme Policy No. 15 – Commercial Plantations (Cont.)

operators provide advice before a plantation is to be aially sprayed in order that monitoring of spray drift can be carried out by Council officers. The Council will be prepared to accept a specific protocol to be prepared by the proponent in the form of an aerial spray application management plan which addresses the Code of Practice and the following points:

- (a) Restrictions on the wind direction and wind speed under which aerial spraying may occur;
 - (b) Provisions for a buffer zone adjacent to any urban area that is not to be aially sprayed, the width of which can be negotiated depending on the chemical types and any restrictions on wind direction that may apply; and
 - (c) An aerial spraying record to be logged by the pilot and submitted to the Shire prior to and following application events.
- (8) The Council recognises the intentions of the timber industry in its Code of Practice for Timber Plantations in WA and supports the thrust of such a document. The Council will administer this Town Planning Scheme Policy on the understanding that all operators will abide by the Code of Practice.'

be adopted in accordance with Clause 7.6 of the Shire of Plantagenet Town Planning Scheme No. 3.

CARRIED (9/0)

No. 431/06

Reason For Change

Councillors agreed that Part (3) was ambiguous and the word 'townsite' was not applicable to Kendenup.

9.5.3 TOWN PLANNING SCHEME POLICY NO. 16 – OUTBUILDINGS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	LP/120/6
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	21 November 2006

Purpose

The purpose of this report is to consider submissions made and to adopt Town Planning Scheme Policy No. 16 - Outbuildings

Background

The Council is regularly required to consider proposals for outbuildings that exceed the maximum floor area of 60m² set by the Residential Design Codes.

At its meeting held 10 October 2006, the Council resolved:

'THAT:

- (1) Draft Town Planning Scheme Policy No. 16 - Outbuildings, as follows, be advertised in accordance with Clause 7.6.2(a) of 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 consideration of the Council no later than its meeting to be held 12 December 2006.*

Town Planning Scheme No. 3

Draft Town Planning Scheme Policy No. 16

Outbuildings

Definition

- (1) An outbuilding is defined in the Residential Design Codes as an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling.*
- (2) Cumulative floor area means the total area of all outbuildings on a lot.*

Objectives

- (1) To protect the amenity of the locality in which the outbuilding is proposed.*
- (2) To set standards in respect to size (height and cumulative area), boundary setbacks and use of the outbuilding.*

Town Planning Scheme Policy No. 16 – Outbuildings (Cont.)

In considering any application for approval for an outbuilding, the criteria below will be considered.

Policy Criteria:

- (1) This policy applies to the whole municipal district of the Shire of Plantagenet excluding Crown Reserves. It applies to all land zoned Rural, Residential, Rural Residential, Landscape Protection and Rural Smallholding.*
- (2) For outbuildings proposed on Residential zoned land, the required rear setback shall be determined in accordance with side setback calculations detailed within the Residential Design Codes.*
- (3) On Residential zoned land an outbuilding shall not be sited on a lot nearer to the frontage of the lot than the setback of the building to which it is appurtenant, or less than half the front setback from any other street boundary of the lot, other than in accordance with the minimum standards as stated in the Residential Design Codes and Building Code of Australia.*
- (4) An outbuilding may be built on a boundary of a lot following receipt by the Council of written approval from the adjoining landowner stating no objections to the construction of an outbuilding on the boundary with the proviso that no openings are located in the wall on the boundary and Building Code of Australia standards are met.*
- (5) The Council will consider the visual amenity of residential areas and the safety of pedestrians when determining approvals for outbuildings to be located on a lot boundary.*
- (6) Outbuildings proposed for Residential zones are limited to being single storey with a maximum wall height of 3m and a maximum cumulative total floor area of 80m².*
- (7) Outbuildings proposed for Rural Residential and Landscape protection zones are limited to have a maximum wall height of 3.5m and a maximum cumulative total floor area of 150m².*
- (8) Outbuilding proposed for Rural Smallholding zones are limited to have a maximum wall height of 3.5m and a maximum cumulative floor area of 200m².*
- (9) Outbuildings proposed for Rural zones are not limited in respect to wall height or cumulative floor area.*
- (10) In respect to outbuildings proposed for vacant Residential, Rural Residential, Landscape Protection or Rural Smallholding lots, the Council will not allow their use for residential, commercial or industrial purposes. Written confirmation in the form of a Statutory Declaration or similar to this affect may be required of the property owner in making such an application.*
- (11) A building licence will be required for outbuildings in all zones.'*

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.6 'Power to Make Policies'

Town Planning Scheme Policy No. 16 – Outbuildings (Cont.)

Consultation

The draft policy was advertised in the Albany Advertiser and the Plantagenet News. At the close of the submission period on Tuesday 14 November 2006 no submissions had been received.

Policy Implications

This is a new Town Planning Scheme Policy.

Financial Implications

The cost of advertising has been met from the Town Planning Advertising Budget.

Strategic Implications

Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 indicates that the Council will *'Develop and Review Town Planning Policies'*.

Officer Comment

The draft Town Planning Scheme Policy No. 16 has been prepared to provide guidance and direction when considering proposals to erect outbuildings in particular zones.

The main parts of the draft policy set maximum wall heights and maximum floor areas for outbuildings based on the zone. These are summarised briefly in the table below:

Zone	Maximum Wall Height	Maximum Cumulative Floor Area
Residential	3.0m	80m ²
Rural Residential & Landscape Protection	3.5m	150m ²
Rural Smallholding	3.5m	200m ²
Rural	No Limit	No Limit

In respect to maximum wall height and floor area in a Residential zone the Residential Design Codes set a wall height at 2.4m and maximum area at 60m². In the rural parts of the state these RCode standards are considered impractical hence the larger wall and floor area proposals. The revised figures are based on past experience of these land uses and the need in many instances to store equipment and vehicles used to maintain larger properties such as Rural Residential and Rural Smallholdings.

As no submissions were received no alterations are proposed for the policy which can now be finalised.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr B Hollingworth, seconded Cr J Mark:

That Town Planning Scheme Policy No. 16 - Outbuildings as follows:

Town Planning Scheme No. 3

Town Planning Scheme Policy No. 16

Outbuildings

Definition

- (1) An outbuilding is defined in the Residential Design Codes as an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling.
- (2) Cumulative floor area means the total area of all outbuildings on a lot.

Objectives

- (1) To protect the amenity of the locality in which the outbuilding is proposed.
- (2) To set standards in respect to size (height and cumulative area), boundary setbacks and use of the outbuilding.

In considering any application for approval for an outbuilding, the criteria below will be considered.

Policy Criteria:

- (1) This policy applies to the whole municipal district of the Shire of Plantagenet excluding Crown Reserves. It applies to all land zoned Rural, Residential, Rural Residential, Landscape Protection and Rural Smallholding.
- (2) For outbuildings proposed on Residential zoned land, the required rear setback shall be determined in accordance with side setback calculations detailed within the Residential Design Codes.
- (3) On Residential zoned land an outbuilding shall not be sited on a lot nearer to the frontage of the lot than the setback of the building to which it is appurtenant, or less than half the front setback from any other street boundary of the lot, other than in accordance with the minimum standards as stated in the Residential Design Codes and Building Code of Australia.
- (4) An outbuilding may be built on a boundary of a lot following receipt by the Council of written approval from the adjoining landowner stating no objections to the construction of an outbuilding on the boundary with the proviso that no openings are located in the wall on the boundary and Building Code of Australia standards are met.
- (5) The Council will consider the visual amenity of residential areas and the safety of pedestrians when determining approvals for outbuildings to be located on a lot boundary.

Town Planning Scheme Policy No. 16 – Outbuildings (Cont.)

- (6) Outbuildings proposed for Residential zones are limited to being single storey with a maximum wall height of 3m and a maximum cumulative total floor area of 80m².
- (7) Outbuildings proposed for Rural Residential and Landscape protection zones are limited to have a maximum wall height of 3.5m and a maximum cumulative total floor area of 150m².
- (8) Outbuilding proposed for Rural Smallholding zones are limited to have a maximum wall height of 3.5m and a maximum cumulative floor area of 200m².
- (9) Outbuildings proposed for Rural zones are not limited in respect to wall height or cumulative floor area.
- (10) In respect to outbuildings proposed for vacant Residential, Rural Residential, Landscape Protection or Rural Smallholding lots, the Council will not allow their use for residential, commercial or industrial purposes. Written confirmation in the form of a Statutory Declaration or similar to this affect may be required of the property owner in making such an application.
- (11) A building licence will be required for outbuildings in all zones.'

be adopted in accordance with Clause 7.6 of the Shire of Plantagenet Town Planning Scheme No. 3.

AMENDMENT

Moved Cr K Clements, seconded Cr B Hollingworth:

That the words 'an enclosed non-habitable' be replaced with the word 'a' from Part (1) of Definition of the Motion.

CARRIED (7/2)

No. 432/06

COUNCIL DECISION

That Town Planning Scheme Policy No. 16 - Outbuildings as follows:

Town Planning Scheme No. 3

Town Planning Scheme Policy No. 16

Outbuildings

Definition

- (1) An outbuilding is defined in the Residential Design Codes as a structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling.
- (2) Cumulative floor area means the total area of all outbuildings on a lot.

Objectives

- (1) To protect the amenity of the locality in which the outbuilding is proposed.

Town Planning Scheme Policy No. 16 – Outbuildings (Cont.)

- (2) To set standards in respect to size (height and cumulative area), boundary setbacks and use of the outbuilding.

In considering any application for approval for an outbuilding, the criteria below will be considered.

Policy Criteria:

- (1) This policy applies to the whole municipal district of the Shire of Plantagenet excluding Crown Reserves. It applies to all land zoned Rural, Residential, Rural Residential, Landscape Protection and Rural Smallholding.
- (2) For outbuildings proposed on Residential zoned land, the required rear setback shall be determined in accordance with side setback calculations detailed within the Residential Design Codes.
- (3) On Residential zoned land an outbuilding shall not be sited on a lot nearer to the frontage of the lot than the setback of the building to which it is appurtenant, or less than half the front setback from any other street boundary of the lot, other than in accordance with the minimum standards as stated in the Residential Design Codes and Building Code of Australia.
- (4) An outbuilding may be built on a boundary of a lot following receipt by the Council of written approval from the adjoining landowner stating no objections to the construction of an outbuilding on the boundary with the proviso that no openings are located in the wall on the boundary and Building Code of Australia standards are met.
- (5) The Council will consider the visual amenity of residential areas and the safety of pedestrians when determining approvals for outbuildings to be located on a lot boundary.
- (6) Outbuildings proposed for Residential zones are limited to being single storey with a maximum wall height of 3m and a maximum cumulative total floor area of 80m².
- (7) Outbuildings proposed for Rural Residential and Landscape protection zones are limited to have a maximum wall height of 3.5m and a maximum cumulative total floor area of 150m².
- (8) Outbuilding proposed for Rural Smallholding zones are limited to have a maximum wall height of 3.5m and a maximum cumulative floor area of 200m².
- (9) Outbuildings proposed for Rural zones are not limited in respect to wall height or cumulative floor area.
- (10) In respect to outbuildings proposed for vacant Residential, Rural Residential, Landscape Protection or Rural Smallholding lots, the Council will not allow their use for residential, commercial or industrial purposes. Written confirmation in the form of a Statutory Declaration or similar to this effect may be required of the property owner in making such an application.

(11) A building licence will be required for outbuildings in all zones.'

be adopted in accordance with Clause 7.6 of the Shire of Plantagenet Town Planning Scheme No. 3.

CARRIED (8/1)

No. 433/06

9.5.4 LOT 6, LOCATION 3205 JAMES ROAD, MOUNT BARKER - HOME BUSINESS - NATUROPATH

A Proximity Interest was disclosed by Cr B Hollingworth for Item 9.5.4
Nature Of Interest: Adjacent Landowner

5.48pm Cr B Hollingworth withdrew from the meeting.

Location / Address: Lot 6, Location 3205 James Road, Mount Barker (cnr Albany Highway)
Attachments: (1) Floor Plan
Name of Applicant: Elizabeth Johnson
File Reference: RV/182/500
Author: Marta Osipowicz - Planning Officer
Authorised By: Peter Duncan - Manager Development Services
Date of Report: 29 November 2006

Purpose

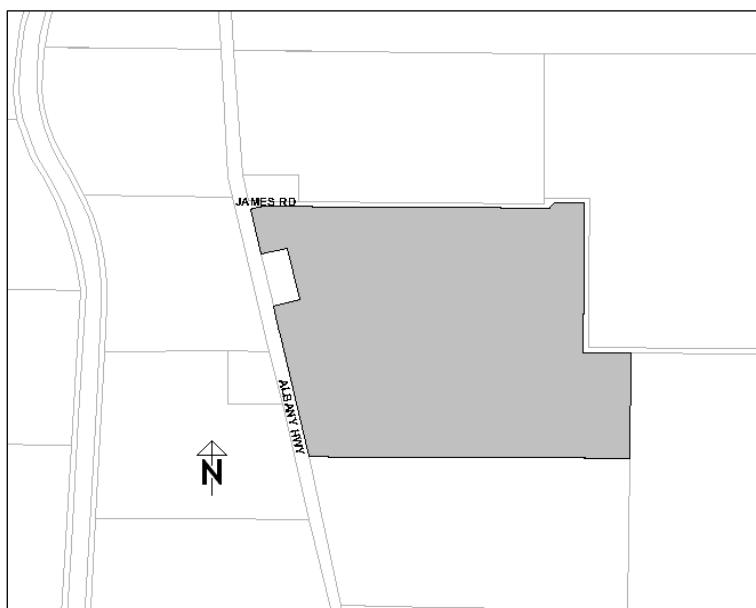
The purpose of this report is to consider an application for a Home Business (Naturopath) from Lot 6, Location 3205 James Road, Mount Barker.

Background

At its meeting held 10 October 2006, the Council resolved:

'THAT:

- (1) *The application for Home Business at Lot 6 of Location 3205 James Road, Mount Barker be advertised in accordance with Clause 6.2.3 (a) and (b) 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 12 December 2006.'*



Shire records show the owner to be Philip Rogerson.

Statutory Environment

Planning and Development Act 2005

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

Consultation

The subject proposal was advertised in accordance with the Council's resolution 10 October 2006. The public consultation period ended on 7 November 2006. One (1) submission was received from the adjoining neighbour raising no objections to the proposed Home Business.

Policy Implications

There are no policy implications for this report.

Financial Implications

The cost of advertising was met from the Town Planning Advertising Budget.

Strategic Implications

Shire of Plantagenet Strategic Plan, Key Result Area 4 aims to:

'Encourage and guide local development in accordance with the Strategic Plan and Town Planning Scheme No. 3 (as amended)' and also to,

'Protect existing rural land from inappropriate land uses.'

Officer Comment

The proposed Home Business is for a Naturopath Clinic in the Rural zone. In this instance it is considered the use will not be detrimental to the primary agricultural use of the subject lot. Currently the operations would not warrant the rental of a Commercial premise in Mount Barker however the provision of Naturopathic health advice is of benefit to the community and should be encouraged to operate. The applicant has indicated that a maximum of ten cars per week is anticipated. The approval should provide some limitations on numbers so that the nature of the business remains as a Home Business and does not become a Commercial enterprise.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr J Moir:

That planning consent be granted in respect of Application No. 45/06 for a Home Business (Naturopath) at Lot 6 of Location 3205 James Road, Mount Barker in accordance with the plans dated 26 September 2006, subject to the following conditions:

- (1) The maximum number of clients per working week is 15 persons unless otherwise approved by the Council.**

- (2) Signage being in accordance with Schedule 10 of Shire of Plantagenet Town Planning Scheme No. 3 and having regard to the existing character of the house.

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 the Council having first been sought and obtained.

CARRIED (8/0)

No. 434/06

5.49pm Cr B Hollingworth returned to the meeting.

9.5.5 RELOCATED GROUPED DWELLINGS - LOT 354, 25 OSBORNE ROAD, MOUNT BARKER

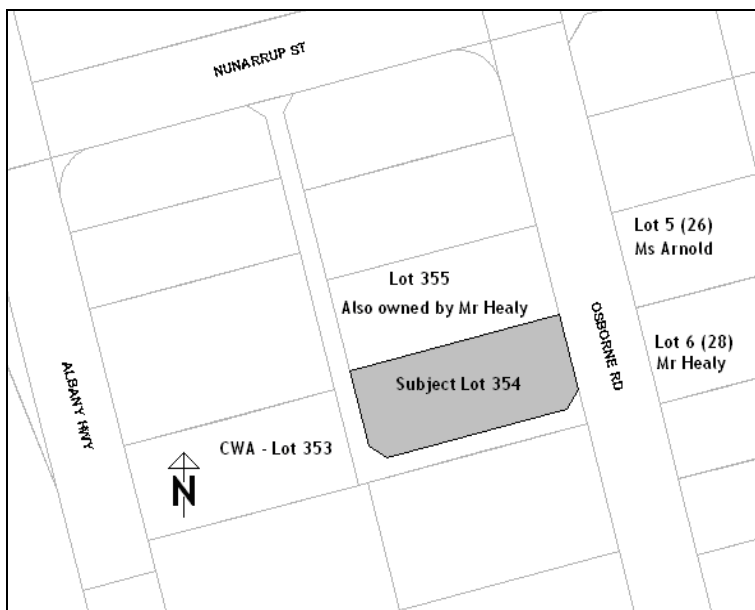
Location / Address:	Lot 354 (25) Osborne Road, Mount Barker
Attachments: (3)	Site Plan Elevation (Photos) Floor Plan (same for both dwellings)
Name of Applicant:	M McPharlin
File Reference:	RV/182/1530
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	29 November 2006

Purpose

The purpose of this report is to consider an application for two (2) relocated grouped dwellings at Lot 354 (25) Osborne Road, Mount Barker following public advertising.

Background

The proposal has been advertised for public comment in accordance with delegation LG043 which allows for public advertising to be initiated for 'SA' uses under Town Planning Scheme No. 3. The Council now needs to determine the application.



Shire records show the owners are M & G McPharlin and T & K Bateman.

Statutory Environment

Planning and Development Act 2005

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

Zoning:	Residential
Density:	R12.5/20

The Residential Design Codes of Western Australia (2002)

Consultation

Public consultation occurred as per Clause 6.2.3 of TPS3 with a notice in the press, a sign onsite and letters to neighbours. During the consultation process one (1) letter of support was received from the CWA (Lot 353 Albany Highway to the west) and two (2) letters of objection were received.

Mr DR Healy (28 Osborne Road – owner of Lot 355 to the north and Lot 5 to the east) and Ms Arnold (26 Osborne Road – owner of Lot 2 to the north east) have provided the following reasons of objection:

- Do not want to be surrounded by grouped dwelling developments;
- Unacceptable that dwellings which the Department of Housing and Works has determined as unfit for their use are being relocated across the road from them;
- Relocated houses and tin shed houses should be for bush blocks; and
- Landlords wanting to make a quick dollar at the town's expense.

Policy Implications

Council Policy No. TP/SDC/5 - Housing – Second Hand Houses requires (for houses more than twelve years old) various conditions to be imposed including a \$5,000.00 bond, engineer's certification, removal of asbestos cladding etc.

Financial Implications

The application fee of \$110.00 was paid.

The cost of advertising was met from the Town Planning Advertising Budget.

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 subject lot is zoned Residential R12.5/20. The proposed grouped dwelling development complies with the R20 density coding subject to the provision of reticulated deep sewerage as specified under Clause 5.3.5 of TPS3.

The proposed grouped dwellings are intended to be subdivided by the applicant into two (2) freehold titles.

There are no town planning or building regulations that prevent the relocation of these types of dwellings. It is possible to require the applicant to reclad the dwellings and improve the general appearance and aesthetics of the dwellings however the fact they are relocated rather than purpose built kit homes or transportable homes cannot be prohibited.

In order to ensure an acceptable standard of development is achieved the planning approval should impose conditions in accordance with the provisions of the Residential Design Codes. Conditions should also be imposed relating to the provision of reticulated deep sewerage in accordance with Clause 5.3.5 of TPS3 and a road contribution for the upgrade of the Right of Way (RoW) as the development utilises the RoW.

Relocated Grouped Dwellings – Lot 354, 25 Osborne Road, Mount Barker (Cont.)

Council Policy No. TP/SDC/5 requires amongst other things, a condition that asbestos cladding be removed before entry into the Shire. These houses are located in Booth Street (No. 35A & 35B) and as such complete recladding could not be insisted on. The removal of the asbestos roof would be an appropriate condition along with making safe any damaged wall sheets.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That planning consent be granted in respect of Application No. 51/06 for development of two (2) relocated Grouped Dwellings on Lot 354 (25) Osborne Road, Mount Barker in accordance with the plans dated 30 October 2006, subject to the following conditions:

- (1) Certification from a Structural Engineer that the building is suitable for transportation.
- (2) The payment of a refundable \$5,000.00 bond prior to the issuing of a building licence.
- (3) Both dwellings being connected to reticulated sewerage.
- (4) The developer contributing towards the upgrading, sealing and draining of the Right Of Way (RoW) up to half the cost of construction that directly adjoins the boundary of the subject lot.
- (5) The asbestos roofing material to be removed and replaced to the satisfaction of the Council.
- (6) Any damaged asbestos wall sheeting being made good and safe.
- (7) Two (2) parking spaces being provided for each dwelling in accordance with Clause 3.5.1(ii) of the Residential Design Codes.
- (8) The garage for Unit 1 being relocated to the northern side of the dwelling to maintain safe separation from the intersection of the RoW and Osborne Road.
- (9) Sealed crossovers and access ways to the lot and vehicle parking areas being provided to the satisfaction of the Manager Works and Services.
- (10) Any required filling or excavation of the site shall be retained by embankments or walls, details of which are to be incorporated into the working drawings submitted in support of a building licence application.
- (11) All stormwater runoff from the development being contained onsite and disposed of to the satisfaction of the Manager Works & Services.
- (12) A landscaping plan being submitted in accordance with Clause 3.4.5 (A5) of the Residential Design Codes to the Council for assessment prior to commencement of development and landscaping being installed in accordance with the approved plan.
- (13) No person occupying the grouped dwellings until such time as the landscaping has been completed.
- (14) Any fencing forward of the building line to Osborne Road and along the southern boundary to the RoW including the truncation and the fence dividing

Relocated Grouped Dwellings – Lot 354, 25 Osborne Road, Mount Barker (Cont.)

the two units to the setback line of Unit 2, as marked in red, not being of fibre cement sheet construction and not exceeding 1.2m in height unless otherwise approved by the Manager Development Services.

- (15) 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.
- (16) The provision of an enclosed lockable storage area of 4m² per dwelling in accordance with Clause 3.10.3 of the Residential Design Codes.

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) This planning approval is not an authorisation to commence construction. A building licence must be obtained from Council's Building Services Department prior to commencing work of a structural nature.
- (iii) The developer is encouraged to landscape to a high standard.
- (iv) The applicant is reminded that the Western Australian Planning Commission is the responsible agency for subdivision and that it maybe prudent to liaise with the Commission with regards to any intended subdivision of the subject lot.
- (v) The \$5,000.00 bond will only be refunded when the dwellings are completed to an acceptable standard both structurally and aesthetically.

ALTERNATIVE MOTION

Moved Cr J Cameron,

That planning consent be granted in respect of Application No. 51/06 for development of two (2) relocated Grouped Dwellings on Lot 354 (25) Osborne Road, Mount Barker in accordance with the plans dated 30 October 2006, subject to the following conditions:

- (1) Certification from a Structural Engineer that the building is suitable for transportation.**
- (2) The payment of a refundable \$5,000.00 bond prior to the issuing of a building licence.**
- (3) Both dwellings being connected to reticulated sewerage.**
- (4) The developer contributing towards the upgrading, sealing and draining of the Right Of Way (RoW) up to half the cost of construction that directly adjoins the boundary of the subject lot.**
- (5) The asbestos roofing material to be removed and replaced to the satisfaction of the Council.**
- (6) Any damaged asbestos wall sheeting being made good and safe.**

Lot 364 Reserve 23771 Osborne Road, Mount Barker – Lease Girl Guides (Cont.)

- (7) Two (2) parking spaces being provided for each dwelling in accordance with Clause 3.5.1(ii) of the Residential Design Codes.
- (8) The garage for Unit 1 being relocated to the northern side of the dwelling to maintain safe separation from the intersection of the RoW and Osborne Road.
- (9) Sealed crossovers and access ways to the lot and vehicle parking areas being provided to the satisfaction of the Manager Works and Services.
- (10) Any required filling or excavation of the site shall be retained by embankments or walls, details of which are to be incorporated into the working drawings submitted in support of a building licence application.
- (11) All stormwater runoff from the development being contained onsite and disposed of to the satisfaction of the Manager Works & Services.
- (12) Any fencing forward of the building line to Osborne Road and along the southern boundary to the RoW including the truncation and the fence dividing the two units to the setback line of Unit 2, as marked in red, not being of fibre cement sheet construction and not exceeding 1.2m in height unless otherwise approved by the Manager Development Services.
- (13) 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.
- (14) The provision of an enclosed lockable storage area of 4m² per dwelling in accordance with Clause 3.10.3 of the Residential Design Codes.

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) This planning approval is not an authorisation to commence construction. A building licence must be obtained from Council's Building Services Department prior to commencing work of a structural nature.
- (iii) The developer is encouraged to landscape to a high standard.
- (iv) The applicant is reminded that the Western Australian Planning Commission is the responsible agency for subdivision and that it may be prudent to liaise with the Commission with regards to any intended subdivision of the subject lot.
- (v) The \$5,000.00 bond will only be refunded when the dwellings are completed to an acceptable standard both structurally and aesthetically.

MOTION LAPSED FOR WANT OF A SECONDER

COUNCIL DECISION

Moved Cr D Williss, seconded Cr M Skinner:

That planning consent be granted in respect of Application No. 51/06 for development of two (2) relocated Grouped Dwellings on Lot 354 (25) Osborne Road, Mount Barker in accordance with the plans dated 30 October 2006, subject to the following conditions:

- (1) Certification from a Structural Engineer that the building is suitable for transportation.
- (2) The payment of a refundable \$5,000.00 bond per dwelling prior to the issuing of a building licence.
- (3) Both dwellings being connected to reticulated sewerage.
- (4) The developer contributing towards the upgrading, sealing and draining of the Right Of Way (RoW) up to half the cost of construction that directly adjoins the boundary of the subject lot.
- (5) The asbestos roofing material to be removed and replaced to the satisfaction of the Council.
- (6) Any damaged asbestos wall sheeting being made good and safe and the exterior being reclad in entirety.
- (7) Two (2) parking spaces being provided for each dwelling in accordance with Clause 3.5.1(ii) of the Residential Design Codes.
- (8) The garage for Unit 1 being relocated to the northern side of the dwelling to maintain safe separation from the intersection of the RoW and Osborne Road.
- (9) Sealed crossovers and access ways to the lot and vehicle parking areas being provided to the satisfaction of the Manager Works and Services.
- (10) Any required filling or excavation of the site shall be retained by embankments or walls, details of which are to be incorporated into the working drawings submitted in support of a building licence application.
- (11) All stormwater runoff from the development being contained onsite and disposed of to the satisfaction of the Manager Works & Services.
- (12) A landscaping plan being submitted in accordance with Clause 3.4.5 (A5) of the Residential Design Codes to the Council for assessment prior to commencement of development and landscaping being installed in accordance with the approved plan.
- (13) No person occupying the grouped dwellings until such time as the landscaping has been completed.
- (14) Any fencing forward of the building line to Osborne Road and along the southern boundary to the RoW including the truncation and the fence dividing the two units to the setback line of Unit 2, as marked in red, not being of fibre cement sheet construction and not exceeding 1.2m in height unless otherwise approved by the Manager Development Services.

Relocated Grouped Dwellings – Lot 354, 25 Osborne Road, Mount Barker (Cont.)

- (15) 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.
- (16) The provision of an enclosed lockable storage area of 4m² per dwelling in accordance with Clause 3.10.3 of the Residential Design Codes.

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) This planning approval is not an authorisation to commence construction. A building licence must be obtained from Council's Building Services Department prior to commencing work of a structural nature.
- (iii) The developer is encouraged to landscape to a high standard.
- (iv) The applicant is reminded that the Western Australian Planning Commission is the responsible agency for subdivision and that it may be prudent to liaise with the Commission with regards to any intended subdivision of the subject lot.
- (v) The \$5,000.00 bond will only be refunded when the dwellings are completed to an acceptable standard both structurally and aesthetically.

CARRIED (6/3)

No. 435/06

Reason for Change

It was believed that a bond should be obtained for each dwelling and that the structures should be re-clad.

9.5.6 LOT 63, 1 BOOTH STREET, MOUNT BARKER - RECONSIDERATION OF CONDITION OF APPROVAL

Location / Address:	Lot 63, 1 Booth Street, corner Albany Highway, Mount Barker
Attachments: (1)	Proposed Fencing Diagram
Name of Applicant:	Edith Park Superannuation Fund
File Reference:	RV/182/4608; RV/182/4609
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	27 November 2006

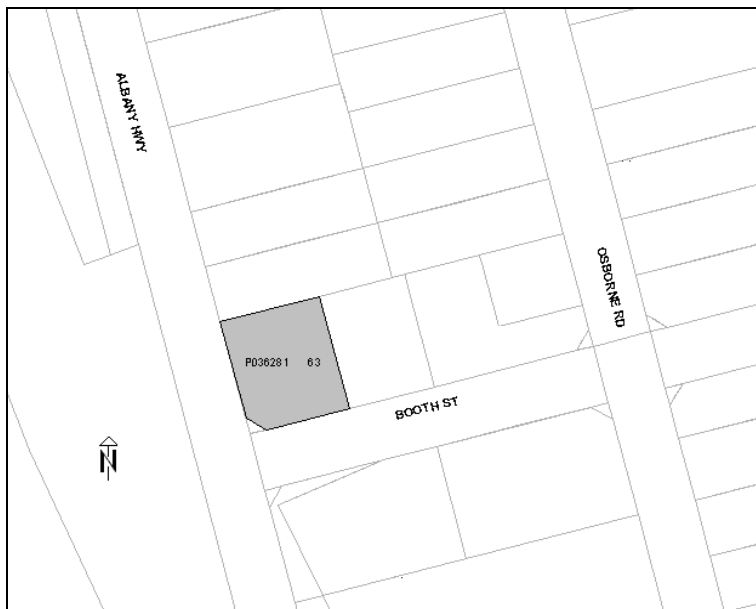
Purpose

The purpose of this report is to reconsider a condition of planning approval for two (2) grouped dwellings at Lot 63 (1) Booth Street, Mount Barker.

Background

At its Meeting held 22 August 2006 the Council considered and determined the proposed two (2) grouped dwelling development. The applicant is however seeking reconsideration of condition eight (8) which reads:

'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 Council and this will include the western boundary to Albany Highway.'



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

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Residential R10/20

Residential Design Codes 2002

Consultation

Consultation has been undertaken by Development Services staff with the applicant.

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 purpose of the condition was to reduce the visual bulk of fencing on Albany Highway. The applicant seeks reconsideration of the following basis:

- Privacy – the condition would provide nil privacy for occupiers;
- Noise – from Albany Highway traffic;
- Fumes – from traffic;
- Clothes line – will be visible from Albany Highway which needs to be screened from view; and
- Pedestrians – walking along Albany Highway would have a clear view of occupants in the dwellings and rear yards.

Rather than 1.2m high fencing the applicant seeks 1.5m high fencing with lattice up to a height of 1.8m. The submitted diagram shows this along the western and southern boundaries and the truncation. Further discussions have occurred with the applicant and it has been agreed that a 1.2m high fence should be maintained along the front southern boundary. It is considered that a higher fence is unnecessary along the front boundary and would create an unattractive streetscape. The applicant, as part of the landscaping plan, has indicated that 2.0m to 3.0m high shrubs are intended along the western boundary which will also provide additional privacy and noise reduction for residents. The proposed fence height variation is supported along the western boundary and truncation.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth:

That Condition No. 8 of Application No. 28/06 for the development of two (2) Grouped Dwellings on Lot 63 Booth Street, Mount Barker be amended to read:

'Fencing along the western boundary (Albany Highway) and truncation being no higher than 1.5m with permeable material up to a height of 1.8m and any fencing forward of the building line or along the front property boundary to Booth Street not exceeding 1.2m in height unless otherwise approved by the Council. Fencing is not to be of fibre cement sheeting.'

CARRIED (9/0)

No. 436/06

9.5.7 LOCATION 608 SPENCER ROAD, NARRIKUP - AQUACULTURE - MARRON FARM

Location / Address:	Location 608 Spencer Road, Narrikup
Attachments: (2)	Site Plan Aerial View
Name of Applicant:	Ross Howard
File Reference:	RV/182/469
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	28 November 2006

Purpose

The purpose of this report is to consider an application for Aquaculture - Marron Farm at Location 608 Spencer Road, Narrikup.

Background

In this instance the proposal is presently a Use Not Defined in Schedule 1 Interpretations or listed within the Zoning Table of the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3).

As per clause 3.2.5 *'if the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

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



Shire records show the owners to be Pauline & Robert Howard & Gary Portwood.

Location 608 Spencer Road, Narrikup – Aquaculture – Marron Farm (Cont.)

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet TPS3 – zoned Rural

Consultation

Initial consultation with the Department of Water (DoW) and Department of Environment and Conservation (DEC) was undertaken for a period of twenty-eight days. The DoW and DEC have responded and indicated there are no objections to the proposed Marron Farm. DoW & DEC have provided information for the applicant which will be sent out with the determination. The proposed development application shall require advertising in accordance with Clause 6.2.3 of TPS3.

Policy Implications

There are no policy implications for this report.

Financial Implications

The cost of advertising is to be met from the Town Planning Advertising Budget.

Strategic Implications

Shire of Plantagenet Strategic Plan, Key Result Area 4 aims to:

'Encourage and guide local development in accordance with the Strategic Plan and Town Planning Scheme No. 3 (as amended)' and also to,

'Protect existing rural land from inappropriate land uses.'

Officer Comment

A site visit was undertaken on the 21 November 2006 by Mr Eric Howard - Environmental Health Officer and Ms Marta Osipowicz – Planning Officer. The ponds had been constructed by a previous owner. The current owner seeks to utilise the infrastructure and operate a marron farm. The application has been referred to the DoW and DoEC with the DoW indicating it has no objections to the proposal.

Voting Requirements

Absolute Majority – Use Not Listed

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark:

THAT:

- (1) The application for Aquaculture - Marron Farm at Location 608 Spencer Road, Narrikup be advertised in accordance with Clause 6.2.3 of the Shire of Plantagenet Town Planning Scheme No. 3 for a period of twenty-one days.**
- (2) At the conclusion of the advertising period a further report be prepared for the consideration of the Council at its meeting to be held on 13 February 2007.**

CARRIED (9/0)

No. 437/06

(Absolute Majority)

9.5.8 LOT 14 MOUNT BARKER ROAD, MOUNT BARKER – OVERSIZE OUTBUILDING

Location / Address:	Lot 14 Mount Barker Road, Mount Barker
Attachments: (2)	Site Plan Elevations
Name of Applicant:	Nathan Masson
File Reference:	RV/182/1384
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	28 November 2006

Purpose

The purpose of this report is to consider the erection of an outbuilding at Lot 14 Mount Barker Road, Mount Barker.

Background

The subject lot has an existing panel beating business (non conforming use) located on the eastern end of the site which has been in this location for more than fifty years. A house and shed area located on the western half of the lot. A non conforming use is a use which was legally established prior to the coming into force of the Town Planning Scheme.



Shire records show the registered owner to be BJ Bellfield.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Residential with non conforming use rights for panel beating business.

Lot 14 Mount Barker Road, Mount Barker – Oversize Outbuilding (Cont.)

Consultation

There has been no consultation for this report.

Policy Implications

The draft Outbuildings Town Planning Scheme Policy No. 16 being considered by the Council at this meeting sets a maximum floor area of 80m². This proposed outbuilding is to be 104m². The Council can make a decision which differs from a Policy.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The existing outbuilding to be demolished is 46.9m² with the proposed outbuilding being 104m². The proposed setback of 1.5m, to the northern boundary, complies with the Residential Design Codes. The outbuilding is proposed to be used for the storage of a caravan, boat, ute and car and will contain a small home workshop. Given the nature of the subject lot, the existing panel beating repair workshop, the proposed outbuilding will not be of detriment to the amenity of the neighbouring properties or the locality. The applicant advises he has spoken to the surrounding neighbours who advise they have no problem with the size or the location of the outbuilding.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth:

That planning consent be granted in respect of Application No. 57/06 for an Outbuilding (Shed) at Lot 14 Mount Barker Road, Mount Barker in accordance with the plans dated 10 November 2006 subject to the outbuilding not being used for panel beating business activities.

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 the Council having first been sought and obtained.**
- (ii) This planning approval is not an authorisation to commence construction. A building licence must be obtained from the Council's Building Services Department prior to commencing any work of a structural nature.**

CARRIED (9/0)

No. 438/06

9.5.9 LOT 32 HOPE VALLEY VIEW, KENDENUP – WAPC NO. 132975 - RURAL SUBDIVISION

Location / Address:	Lot 32 Hope Valley View, Kendenup
Attachments: (1)	Plan of Subdivision
Name of Applicant:	Mr J & Mrs E Hair
File Reference:	LP/158/73 - RV/182/4150
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	30 November 2006

Purpose

The purpose of this report is to consider a rural subdivision application for Lot 32 Hope Valley View, Kendenup.

Background

The Western Australian Planning Commission (WAPC) has referred the proposed rural subdivision for consideration by the Council.



Shire records show the registered owners to be J & E Hair.

Statutory Environment

Planning and Development Act 2005

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

WAPC SPP 2.5 'Agricultural and Rural Land Use Planning'

WAPC DC Policy 3.4 'Subdivision of Rural Land'

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

Shire of Plantagenet Strategic Plan, Key Result Area 4 aims to:

'Encourage and guide local development in accordance with the Strategic Plan and Town Planning Scheme No. 3 (as amended)' and also to,

'Protect existing rural land from inappropriate land uses.'

Officer Comment

The applicant has provided the following justification:

- The lot is subject to flooding and that the construction of a bridge would be a costly exercise and the floods are likely to destroy any bridge built therefore access is proposed off the railway service road;
- An undesirable precedent would not be set as the area is already dedicated to small farmlets;
- As the existing lot is only approximately 35 acres and part of a previous subdivision of which the subject lot is the largest allotment, it is not large enough for economic agriculture on its own;
- The new lot is close to the Kendenup township and other farmlets of similar stature and is not far from Mount Barker Town Centre;
- The future use of the lot will not change and will be as the current use of the land, being hobby farm / farmlet; and
- The proposal will reduce the risk of land and environmental degradation due to the fact that a bridge will not be built over the river to access this portion of the lot.

A site visit was undertaken by the Shire's Environmental Health Officer, Eric Howard and Planning Officer, Marta Osipowicz. The railway service track is a slender gravel track along the western side of the railway line and is accessed off Williams Road. The lots to the south of this proposed subdivision have recently been the subject of a boundary realignment which the Council considered at its meeting held 12 September 2006. There were four (4) lots which fronted this gravel track and the realignment proposed to create one (1) large lot encompassing the river and providing direct access off Williams Road.

The proposed subdivision will set an undesirable precedent. The surrounding lots are in most instances between 6 to 10ha therefore, a proposal to create a 1.9ha lot does not remain in keeping with surrounding lots. The proposed subdivision is not considered close or on the outskirts of the Kendenup townsite to justify the creation of a lot size typical of Rural Residential development.

It is acknowledged construction of the bridge could encourage further environmental degradation however the creation of a small allotment in close proximity to and encompassing a portion of the river is also increasing the impact on the river system.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr M Skinner:

That the Western Australian Planning Commission be advised that the subdivision of Lot 32 Hope Valley View, Kendenup (WAPC Ref. 132975) dated 27 October 2006 is not supported for the following reasons:

- (1) The subdivision is of a rural zoned lot.
- (2) The subdivision would set an undesirable precedent for further subdivision of surrounding rural lots.
- (3) No Local Planning Strategy or Local Rural Strategy provides guidance on this form of subdivision in the subject locality.

CARRIED (9/0)

No. 439/06

9.5.10 PEDESTRIAN RAMP - LOWOOD ROAD, MOUNT BARKER

Location / Address:	Westpac Bank, Lot 4 Lowood Road, Mount Barker
Attachments: (1)	Plan of Ramp
Name of Applicant:	AE Hoskins and Sons
File Reference:	RV/182/1052
Author:	Alan Watkins - Principal Building Surveyor
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	29 November 2006

Purpose

The purpose of this report is to issue a permit for an access ramp to the Westpac Bank building at Lot 4 Lowood Road corner Short Street, Mount Barker.

Background

Lot 4 Lowood Road is zoned Commercial under the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) and is currently occupied by the Westpac Bank. Internal renovations are being carried out to the bank and the addition of a ramp and access stairs is part of the renovations.

A permit is required for the ramp as it is within the thoroughfare.

Statutory Environment

TPS3 – Lot 4 zoned Commercial

Building Code of Australia 2006

AS 1428.1-2001 Design for access and mobility, Part 1: General requirements for access – New building work.

Shire of Plantagenet 'Activities in Thoroughfares and Public Places and Trading Local Law' Part 2 applies:

- Division 1, Clause 2.2 (1)(c) stipulates that a permit is required for any obstruction in a thoroughfare;
- Division 3 – Verge Treatments, Clause 2.8 sets out that the owner of land abutting that part of the verge may install a 'permissible verge treatment' provided that visibility is maintained for any person using the thoroughfare (road and / or footpath). Clause 2.10 specifies that the owner / occupier is obliged to 'keep the permissible verge treatment in a good and tidy condition' and to 'not disturb a footpath on the verge'

Part 7 of the Local Law relates to Permits and allows the Council to specify the duration of a permit. In this instance a period of four (4) years is appropriate.

Local Government (Uniform Local Provisions) Regulations 1996, Encroaching on public thoroughfare.

Consultation

There has been consultation with the applicants and Council Officers in regard to the Town Planning Scheme, use of the thoroughfare, streetscape proposals, disabled access and health and building requirements.

Pedestrian Ramp – Lowood Road, Mount Barker (Cont.)**Policy Implications**

There are no policy implications for this report.

Financial Implications

The permit fee of \$110.00 has been paid.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The application for an access ramp will not have any impact on, or disadvantage pedestrians using the section of Lowood Road, currently the access to the bank is by a set of steps which extend out onto the footpath.

The new ramp will extend up Short Street for 3.35m and the steps will be located in Lowood Road these will be 1.4m long, with the width being 1.2m (see attachment).

The footpath will not require widening to accommodate the new ramp and a safe pedestrian walkway as with the recent Lowood Road upgrading works there is well in excess of 2m of footpath area available after the ramp is constructed. The Activities in Thoroughfares and Public Places and Trading Local Law requires that a permit be issued for the ramp.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr K Clements:

That pursuant to the Shire of Plantagenet 'Activities in Thoroughfares and Public Places and Trading Local Law' a permit be issued for the installation of an access ramp and steps to the Westpac Bank building located at Lot 4 Lowood Road corner Short Street, Mount Barker in accordance with the plans dated 21 September 2006 conditional upon:

- (1) Work being completed at the expense of the developer to the satisfaction of the Council.**
- (2) The necessary approvals being obtained from Telstra, Western Power and the Water Corporation prior to works being carried out.**
- (3) Installation of the appropriate safety barriers and signage during construction.**
- (4) The ramp being maintained in a good and tidy condition at the expense of the developer.**
- (5) The developer being required to have public liability insurance which will indemnify the Council from responsibility for damages or claims associated with that part of the development intruding onto the thoroughfare.**
- (6) The permit being valid for four (4) years and being reviewed by the Council in December 2010.**

CARRIED (9/0)

No. 440/06

9.5.11 SURREY DOWNS ROAD - CLOSURE PROPOSAL

Location / Address:	Eastern End of Surrey Downs Road near junction of Chester Pass Road
Attachment: (1)	Location map
Name of Applicant:	N / A
File Reference:	RO/144/4
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	21 November 2006

Purpose

The purpose of this report is to revisit a proposal to close portion of Surrey Downs Road considered by the Council in 2003.

Background

The Council has considered proposals for the closure of the eastern end of Surrey Downs Road near its junction with Chester Pass Road on various occasions in 2002 and 2003. The road reserve in this subject area exists but the road has not physically been constructed.

At its meeting held 25 March 2003, the Council resolved:

'THAT:

- (1) Subject to inclusion of the project in the 2003/2004 Adopted Budget the Minister for Planning and Infrastructure be advised that:
 - (a) Closure of the existing road reserve along the southern boundary of Plantagenet location 6088 and amalgamation with that location be supported;*
 - (b) An alternative road reserve be created along the northern boundary of location 6088 for access to Chester Pass Road;*
 - (c) The road reserve along the eastern boundary of Plantagenet location 4375 be closed and amalgamated with the adjoining location 4375;*
 - (d) The road reserve dividing Plantagenet locations 4577 and 4402 be closed and amalgamated with location 4577.**
- (2) No further action be taken to close road reserves or create an alternative road to Chester Pass Road until the project is included in an Adopted Annual Budget;*
- (3) The project nominated in point (1) above be listed for consideration in the 2003/2004 Annual Budget.'*

This matter it would appear, was not listed for inclusion in the Council's 2003/2004 Budget considerations. The road closure proposal goes back to the Council's meeting on 27 August 2002 where a road closure request from the owners of locations 6088 and 3838 (GJ and JH Bailey) was considered. The section of Surrey Downs Road is unconstructed and divides the two locations. At its meeting held 27 August 2002, the Council resolved to support the closure subject to the road reserve being amalgamated into Location 6088 at the owner's expense (Resolution 291/02).

Surrey Downs Road – Closure Proposal (Cont.)

In a report to the Council at its meeting held on 17 December 2002, the Executive Director Technical and Development Services advised the Council that the proposed road closure had been advertised in accordance with the Land Administration Act 1997 and twenty-three submissions had been received. The report to the Council refers to 'considerable controversy surrounding the proposal'. The Council at that meeting resolved at Resolution 454/02 to, amongst other matters, not support the road closure and made reference to gate permits being issued upon requests. Resolution 454/02 reads as follows:

'THAT:

1. *G.J. and J.H. Bailey be advised that closure of the portion of Surrey Downs Road which divides Plantagenet locations 3838 and 6088 is not supported.*
2. *G.J. and J.H. Bailey be advised that:*
 - a) *The road reserve which divides Plantagenet locations 3838 and 6088 is to be made accessible to the public;*
 - b) *Upon request gate permits will be issued for the installation of gates across the road reserve as extensions to fences along the western and eastern boundaries of Plantagenet location 6088;*
 - c) *The gate permits will be issued conditional upon compliance with the requirements of Council Policy PG 1 – Gate Permits (May 1999);*
 - d) *The gate permits will be issued conditional upon the additional condition that the boundary of the road reserve be permanently and visibly marked at appropriate intervals to delineate the road reserve and to avoid confusion about land tenure;*
 - e) *The Local Government (Uniform Local Provisions) Regulations 1996, Sections 5 to 10 apply;*
- (3) *W.L. and S.L. Bird be advised that:*
 - a) *They are entitled to access and use the road reserve dividing Plantagenet locations 3838 and 6088 in a manner consistent with the existing condition of the road although the Council has no intention of continuing the construction of Surrey Downs Road;*
 - b) *Surrey Downs Road has been fenced off in the vicinity of Plantagenet location 5003 without the approval of the Council;*
 - c) *The Local Government (Uniform Local Provisions) Regulations 1996, Sections 5 to 10 apply;'*

The Council at its meeting held on 11 February 2003 when considering a request for a gate permit from GJ & JH Bailey resolved at Resolution 16/03 as follows:

'That the question be adjourned until additional information can be obtained from Main Roads (WA).'

The most recent report to the Council was considered at its meeting on 25 March 2003 which advised of the comments of Main Roads (WA) (MRWA) on the acceptability of vehicle access from the eastern end of Surrey Downs Road onto Chester Pass Road. In that report the Council was advised that 'Main Roads will oppose constructed vehicular access to Chester Pass Road at the existing location'.

Surrey Downs Road – Closure Proposal (Cont.)

At that 25 March 2003 meeting the Council resolved subject to inclusion in the 2003 / 2004 Budget to support the road closure request. See Resolution 79/03 above.

Statutory Environment

Land Administration Act 1997 – S.58 (road closure procedures)

Local Government (Uniform Local Provisions) Regulations 1996 (particularly relevant in respect to obstructions of public thoroughfares).

Consultation

As detailed above this proposed road closure has been advertised for public comment and several objections were received. Discussions have also been held by previous staff with the adjoining landowners (Bailey) and adjacent landowners (WL & SL Bird) in respect to access arrangements to Chester Pass Road. A site inspection was carried out with Councillors on Tuesday 3 December 2002.

The matter has also been discussed with Mr Rob Stewart - Chief Executive Officer and Mr Ian Bartlett - Manager Works and Services.

Policy Implications

Council Policy No. RS/G/1 - Gate Permits / Outside / Boundary Fences is relevant in respect to the erection of gates across the road reserve.

Financial Implications

Road closure procedures are lengthy and in some cases costly with potentially significant expenses on the Council. This matter has had extensive consideration since 2002. There are expenses such as land survey costs, title expenses, land value issues and if necessary, road construction costs, none of which have been budgeted.

The Council's most recent resolution (79/03) involves the creation of a new road to Chester Pass Road along the northern boundary of Location 6088 and this will mean the creation of a basic standard roadway and an intersection to the satisfaction of MRWA.

Mr Bartlett estimates the cost of constructing a new 4.5km gravel road along the northern boundary of Location 4524, the western and northern boundaries of Location 6088 would be in the order of \$165,000.00.

Strategic Implications

There is the opportunity for the Council to close redundant road reserves.

Officer Comment

This particular road closure process has been very protracted with several objections being received during the formal advertising. The difficult factor is that MRWA do not support the current road junction of Surrey Downs Road with Chester Pass Road due to bad sight distances.

The option of retaining the road reserve and issue gate permits to the adjoining land owners (subject to 400m minimum separation between gates) would appear to be the common sense approach as opposed to road closure, road reserve creation and road construction procedures. This would allow limited and controlled access to Chester Pass Road without the creation of an actual gravel road surface. The retention of the road reserve and the issue of gate permits will not be to the

Surrey Downs Road – Closure Proposal (Cont.)

satisfaction of all affected landowners but it will provide a workable solution to the situation without substantial expense in respect to road construction.

The alternative road access to Chester Pass Road along the northern boundary of Location 6088 will lend to significant capital expenditure to the Council for the construction of the gravel road. Mr Ian Bartlett estimates a cost of \$165,000.00 for this road together with any additional requirements for the new road intersection with Chester Pass Road.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) The closure of the existing road reserve of Surrey Downs Road along the southern boundary of Location 6088 be not supported due to the cost implications on the Council for an alternative road.
- (2) The road reserve at (1) above be made accessible to the public.
- (3) Gate permits be issued (upon request) across the road reserve at (1) above subject to a minimum separation of 400m between gates and subject to compliance with Council Policy No. RS/G/1 - Gate Permits / Outside / Boundary Fences.

COUNCIL DECISION

Moved Cr M Skinner, seconded Cr D Williss:

That no action be taken regarding this matter.

CARRIED (9/0)

No. 441/06

Reason for Change

Councillors believed that the matter was now resolved and needed no further input of staff time.

9.5.12 LOCAL PLANNING STRATEGY - UPDATE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	LP/118/28
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	28 November 2006

Purpose

The purpose of this report is to provide an update on the status of preparation of the draft Local Planning Strategy.

Background

The preparation of a Local Planning Strategy (LPS) is a prerequisite to the review of a Town Planning Scheme. The LPS provides the rationale for Scheme zones, proposals and development controls and sets in place planning proposals for the next ten to twenty years.

Various planning initiatives have been carried out over the years with particular relevance between 1995 and 1998 such as Limited Rural Strategies for Mount Barker and Porongurup. Some partial reviews of Townsite Strategies / Structure Plans were carried out in 2002 for Kendenup, Narrikup, Rocky Gully and Mount Barker but none of these documents was ever finalised.

In 2003 consultants (LandVision and Land Assessment Pty Ltd) commenced work on a Local Rural Strategy for the balance of the rural land and in September 2003 a draft technical paper was submitted. That draft included preliminary identification of planning units, however it was never completed. Priority Agricultural areas were identified in that draft but it is considered these need adjustment.

A series of community forums were held in October and November 2005 at the Porongurup Hall, Frost Park, Narrikup Hall, Rocky Gully CWA Rooms, Kendenup Country Club and the District Hall. Attendances ranged from 11 to 30 members of the public.

It would appear that work on the LPS was delayed in part because of the Lower Great Southern Strategy which is still yet to be finalised and released by the Minister for Planning and Infrastructure.

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967

Western Australian Planning Commission's Planning Schemes Manual – this Manual provides guidance in terms of the format and content of LPS.

Consultation

A series of community forums were held in October and November 2005.

Local Planning Strategy – Update (Cont.)

Once prepared the draft LPS will need to be submitted to the Western Australian Planning Commission (WAPC) for its approval to advertise. The LPS will then be publicly advertised for a period in the order of forty-two days.

Policy Implications

When finalised, this LPS will provide policy direction to the Council.

Financial Implications

There may be the need for the use of planning consultants and limited funding is included in the 2006 / 2007 Annual Budget.

Strategic Implications

This LPS will provide strategic direction for the Council for well into the future. It will also satisfy the Aims of Key Result Area 4 Development Services of the Council's Strategic Plan.

Officer Comment

Over the past few years, issue papers have been prepared on:

- Kendenup;
- Rocky Gully;
- Narrikup;
- Porongurup;
- Rural Planning
- Community (includes Settlement Pattern, Mount Barker Townsite, Commercial, Industrial, Community and Recreational Development); and
- Economy.

In terms of a LPS there is a range of topics that need to be addressed. The following is a list of what essentially will form the table of contents of the LPS which provides an indication of the extent of work needed to be done:

- (1) State and Regional Planning Context
 - State Planning Strategy
 - State Planning Framework
 - Other Relevant Strategies
 - Sea Change / Climate Change
 - State Water Plan
- (2) Local Government Policy Context
 - Strategic Plan
 - Significant Council Policies and Strategies
- (3) Plantagenet Profile and Key Issues
 - General
 - Population, Employment and Education
 - Settlement Pattern
 - Infrastructure
 - Commercial Growth and Employment
 - Environment
 - Industry
 - Cultural Heritage

Local Planning Strategy – Update (Cont.)

(4) Strategic Plan (Rural, Urban, Commercial, Industrial issues and response)

(5) Strategies and Actions

- Rural Settlement (including Narrikup, Rocky Gully, Kendenup and Porongurup)
- Urban Settlement (including Mount Barker)
- Commercial in Mount Barker
- Industrial
- Risk
- Sustainability
- Special Control Areas

(6) Monitoring and Review

It can be seen from the work done to date on the LPS that there is a good deal more to be done to create a LPS that will be to the satisfaction of the WAPC which must give its approval to advertise a draft LPS. The bulk of the work needed is to update the older strategies for Kendenup, Mount Barker, Narrikup, Rocky Gully and the Porongurup to ensure they represent the views of the community and the Shire and that they allow for controlled / coordinated growth well into the future. The planning consultants (LandVision) that coordinated the work on the rural districts in 2003 will be consulted about the degree of work required to complete the rural section to a satisfactory standard to see if that can be achieved within the budget available.

The intention is to prepare the LPS as much as possible in house as this ensures local knowledge and experience are used. The Manager Development Services intends preparing the draft LPS as soon as and as quickly as possible but this obviously is dependent upon day to day workloads within the Development Services section and consistency in staffing levels.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr B Hollingworth:

That the progress of the draft Local Planning Strategy and the use of in house resources as much as possible for the preparation of the draft Local Planning Strategy be noted.

CARRIED (9/0)

No. 442/06

9.5.13 TOWN PLANNING SCHEME POLICY NO. 1 - SIZE OF DWELLING

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	LP/120/10
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	4 December 2006

Purpose

The purpose of this report is to rescind Town Planning Scheme Policy No. 1 - Size of Dwelling.

Background

At its meeting held 25 February 1992, Town Planning Scheme Policy No. 1 was adopted by the Council as follows:

POLICY STATEMENT NO. 1

POLICY TOPIC AREA	<i>Size of Dwelling</i>
POLICY AREA	<i>All land in Shire of Plantagenet</i>
POLICY OBJECTIVE	<i>To prevent the construction of undersized or partially constructed dwellings that would impinge upon the general amenity of the local rural or urban environment.</i>
POLICY STATEMENT	<p><i>Council recognises that there is a place for "cottage" or "cabin" size of dwellings smaller than the conventional house. The size of this type of dwelling not only results in cost savings but is also a reflection of the number of occupants (e.g. retirees) and the frequency of occupation (e.g. holiday accommodation.)</i></p> <p><i>Council will support the construction of such smaller dwelling provided they are constructed to a standard of development of other new residences throughout the Shire and do not impact upon the visual amenity of the locality.</i></p> <p><i>In its endeavours to improve the overall standard of residential development in the Shire no dwelling with an internal living area of less than 70 square metres will be approved by Council.'</i></p>

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.6 'Power to Make Policies' – A Town Planning Scheme Policy may only be rescinded at 7.6.3 by:

'(b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.'

Building Code of Australia 2006

Town Planning Scheme Policy No. 1 – Size Of Dwelling (Cont.)

Residential Design Codes

Consultation

There has been no consultation in this report.

Policy Implications

This is an existing Town Planning Scheme Policy.

Financial Implications

The cost of advertising the rescission will be met from the Town Planning Advertising Budget.

Strategic Implications

Shire of Plantagenet Strategic Plan 2003, Key Results Area 4 states that the Council will '*Develop and Review Town Planning Policies*'.

Officer Comment

This policy is stating that the Council will support the construction of smaller dwellings but sets a minimum size of 70m².

Standards set for housing developments are contained within the Residential Design Codes (RCodes) and the Building Code of Australia (BCA).

The RCodes do not set a minimum floor area for a house but they do set a maximum floor area for 'ancillary accommodation' (granny flat) at 60m² and a maximum floor area for a 'single bedroom dwelling' at 60m².

The Council also at this meeting will be considering adopting TPS Policy 14 (Rural Tourist Accommodation and Additional Houses). That new policy will allow for ancillary accommodation to be between 60m² and 90m² maximum.

The BCA sets standards for the method of construction and structural integrity of houses but does not set floor area limits.

It is not appropriate to set a minimum floor area size for a house of 70m² where other statutory documents actually set a maximum area which is below the Council's minimum. Of more importance in the use of smaller houses is that they meet the necessary health and safety standards set by the BCA and they meet the relevant RCode standards.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr D Williss:

That Town Planning Scheme Policy No. 1 - Size of Dwellings as follows:

'POLICY STATEMENT NO. 1

POLICY TOPIC AREA **Size of Dwelling**

POLICY AREA **All land in Shire of Plantagenet**

Town Planning Scheme Policy No. 1 – Size Of Dwelling (Cont.)

POLICY OBJECTIVE To prevent the construction of undersized or partially constructed dwellings that would impinge upon the general amenity of the local rural or urban environment.

POLICY STATEMENT Council recognises that there is a place for 'cottage' or 'cabin' size of dwellings smaller than the conventional house. The size of this type of dwelling not only results in cost savings but is also a reflection of the number of occupants (eg: retirees) and the frequency of occupation (eg: holiday accommodation.)

Council will support the construction of such smaller dwelling provided they are constructed to a standard of development of other new residences throughout the Shire and do not impact upon the visual amenity of the locality.

In its endeavours to improve the overall standard of residential development in the Shire no dwelling with an internal living area of less than 70 square metres will be approved by Council.'

be rescinded in accordance with Clause 7.6.3(b) of Town Planning Scheme No. 3 and formal notice of that rescission be published twice in a newspaper.

CARRIED (9/0)

No. 443/06

9.5.14 TOWN PLANNING SCHEME POLICY NO. 3 - TRANSPORTABLE DWELLINGS AND SKID MOUNTED AMENITY AND UTILITY BUILDINGS

Location / Address: N / A
Name of Applicant: N / A
File Reference: LP/120/11
Author: Peter Duncan - Manager Development Services
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 4 December 2006

Purpose

The purpose of this report is to rescind Town Planning Scheme Policy No. 3 - Transportable Dwellings and Skid Mounted Amenity and Utility Buildings.

Background

At its meeting held 25 February 1992, Town Planning Scheme Policy No. 3 was adopted by the Council as follows:

'POLICY STATEMENT NO. 3

<i>POLICY TOPIC AREA</i>	<i>Transportable dwellings and skid mounted amenity and utility buildings.</i>
<i>POLICY AREA</i>	<i>All land in Shire of Plantagenet</i>
<i>POLICY OBJECTIVE</i>	<i>To control the placement of transportable dwellings and skid mounted amenity and utility buildings.</i>
<i>POLICY STATEMENT</i>	<p><i>Council recognises that due to the seasonal employment factor and the short term nature of various enterprises in the Shire, there is a need to provide suitable accommodation for limited periods of time.</i></p> <p><i>Due to the temporary nature of the siting of these accommodation units insufficient attention is being given to their placement, servicing and general appearance resulting in the reduction of amenity in the locality. Therefore in its endeavours to strive for an overall improvement of residential development in the Shire, Council will only permit the placement of transportable dwellings and skid mounted amenity and utility buildings at its absolute discretion.'</i></p>

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.6 'Power to Make Policies' – A Town Planning Scheme Policy may only be rescinded at 7.6.3 by:

'(b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.'

Building Code of Australia 2006

Town Planning Scheme Policy No. 3 – Transportable Dwellings & Skid Mounted Amenity & Utility Buildings (Cont.)

Residential Design Codes

Consultation

There has been no consultation in this report.

Policy Implications

This is an existing Town Planning Scheme Policy.

Financial Implications

The cost of advertising the rescission will be met from the Town Planning Advertising Budget.

Strategic Implications

Shire of Plantagenet Strategic Plan 2003, Key Results Area 4 states that the Council will '*Develop and Review Town Planning Policies*'.

Officer Comment

This Policy is stating that these kinds of structures will only be permitted by the Council at its 'absolute discretion'.

Standards set for those kinds of structures are set by the Residential Design Codes (RCodes) and the Building Code of Australia (BCA).

The BCA sets standards for the method of construction and structural integrity of buildings.

These kinds of structures do require a Building Licence and in some instances depending upon the zoning of the land, they may also require the issuing of planning consent. If there is considered to be an amenity issue, appropriate conditions can be imposed in terms of external finishes and colours, landscaping, locational requirements and so on.

It is considered this present TPS Policy No. 3 can be rescinded as adequate controls and mechanisms are in place under present standards.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth:

That Town Planning Scheme Policy No. 3 - Transportable Dwellings and Skid Mounted Amenity and Utility Buildings as follows:

POLICY STATEMENT NO. 3

POLICY TOPIC AREA	Transportable dwellings and skid mounted amenity and utility buildings.
POLICY AREA	All land in Shire of Plantagenet
POLICY OBJECTIVE	To control the placement of transportable dwellings and skid mounted amenity and utility buildings.

Town Planning Scheme Policy No. 3 – Transportable Dwellings & Skid Mounted Amenity & Utility Buildings (Cont.)

POLICY STATEMENT Council recognises that due to the seasonal employment factor and the short term nature of various enterprises in the Shire, there is a need to provide suitable accommodation for limited periods of time.

Due to the temporary nature of the siting of these accommodation units insufficient attention is being given to their placement, servicing and general appearance resulting in the reduction of amenity in the locality. Therefore in its endeavours to strive for an overall improvement of residential development in the Shire, Council will only permit the placement of transportable dwellings and skid mounted amenity and utility buildings at its absolute discretion.'

be rescinded in accordance with Clause 7.6.3(b) of Town Planning Scheme No. 3 and formal notice of that rescission be published twice in a newspaper.

CARRIED (9/0)

No. 444/06

9.5.15 TOWN PLANNING SCHEME POLICY NO. 4 - PIGGERIES

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	LP/120/12
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	4 December 2006

Purpose

The purpose of this report is rescind Town Planning Scheme Policy No. 4 - Piggeries.

Background

At its meeting held 25 February 1992, Town Planning Scheme Policy No. 4 was adopted by the Council as follows:

POLICY STATEMENT NO. 4

POLICY TOPIC AREA *Piggeries*

POLICY AREA *All land in Shire of Plantagenet*

POLICY OBJECTIVE *To adopt a positive approach to the suitable location, construction, maintenance and the effluent management of piggeries, and to encourage development of piggeries that comply with high standards of construction and operation.*

POLICY STATEMENT *Council recognises that the pig industry is an important contributor to rural enterprise and seeks to assist pig producers to run efficient enterprises.*

Council further recognises that there are particular problems associated with the establishment of piggeries and seek to encourage the development' of these facilities in appropriate locations in a manner which will not adversely affect local amenity or environment.

Council will support the establishment of piggeries provided the lot size exceeds 40 hectares in one title the siting, water supply, waste treatment and general hygiene of the projects comply with the principles and standards outlines in the Department of Agriculture's booklet "Environment Management Guidelines for Animal Based Industries – Piggeries", miscellaneous publication No. 23/98.'

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.6 'Power to Make Policies' – A Town Planning Scheme Policy may only be rescinded at 7.6.3 by:

Town Planning Scheme Policy No. 4 – Piggeries (Cont.)

'(b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.'

Shire of Plantagenet Health Local Laws 1997

Consultation

There has been no consultation for this report.

Policy Implications

This is an existing Town Planning Scheme Policy.

Financial Implications

The cost of advertising the rescission will be met from the Town Planning Advertising Budget.

Strategic Implications

Shire of Plantagenet Strategic Plan 2003, Key Results Area 4 states that the Council will '*Develop and Review Town Planning Policies*'.

Officer Comment

This policy is stating that the Council recognises the importance of the pig industry in the rural sector and recognises there are potential problems with the establishment of piggeries. It sets a minimum lot size of 40ha for piggeries and states the Council will support the activity provided it complies with a Department of Agriculture piggeries publication of 1989.

Piggeries fall within the definition of Rural Use under TPS3 and require Council approval. The Shire of Plantagenet Health Local Laws 1997 contain specific standards for piggeries. The Department of Agriculture and Food have specific guidelines for new and existing piggeries (2000) and an EPA license is required for Intensive piggeries.

The standards and controls for piggeries have been improved markedly from the 1989 publication and this policy is now not considered warranted.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr M Skinner:

That Town Planning Scheme Policy No. 4 - Piggeries as follows:

POLICY STATEMENT NO. 4

POLICY TOPIC AREA	Piggeries
POLICY AREA	All land in Shire of Plantagenet
POLICY OBJECTIVE	To adopt a positive approach to the suitable location, construction, maintenance and the effluent management of piggeries, and to encourage development of piggeries that comply with high standards of construction and operation.

POLICY STATEMENT Council recognises that the pig industry is an important contributor to rural enterprise and seeks to assist pig producers to run efficient enterprises.

Council further recognises that there are particular problems associated with the establishment of piggeries and seek to encourage the development of these facilities in appropriate locations in a manner which will not adversely affect local amenity or environment.

Council will support the establishment of piggeries provided the lot size exceeds 40 hectares in one title the siting, water supply, waste treatment and general hygiene of the projects comply with the principles and standards outlines in the Department of Agriculture's booklet "Environment Management Guidelines for Animal Based Industries – Piggeries", miscellaneous publication No. 23/98.'

be rescinded in accordance with Clause 7.6.3(b) of Town Planning Scheme No. 3 and formal notice of that rescission be published twice in a newspaper.

CARRIED (9/0)

No. 445/06

9.5.16 TOWN PLANNING SCHEME POLICY NO. 5 - RURAL RESIDENTIAL DEVELOPMENT AROUND MOUNT BARKER TOWNSITE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	LP/120/13
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	4 December 2006

Purpose

The purpose of this report is to rescind Town Planning Scheme Policy No. 5 - Rural Residential Development around Mount Barker Townsite.

Background

At its meeting held 25 February 1992, Town Planning Scheme Policy No. 5 was adopted by the Council as follows:

'POLICY STATEMENT NO. 5

POLICY TOPIC AREA Rural Residential Development around Mount Barker Townsite.

POLICY AREA Area designated on Plan "C" on Scheme Report.

POLICY OBJECTIVE

- (i) To cater for rural residential living within close proximity to the town by identifying precincts for more intense development.*
- (ii) To provide guidelines for more detailed assessment, through the preparation of Limited rural Strategy, of areas considered capable for more intense development.*
- (iii) To protect the agricultural base of the Shire by limiting rural/residential development within the identified precincts.*

POLICY STATEMENT Council adopts the general contents of paragraph 2.4.0 of its Scheme Report which deals specifically with rural Planning Guidelines for that areas in the immediate vicinity of the Mount Barker Townsite.

The area has been divided into 3 precincts and Council's Guidelines for each precinct are set out in sub paragraph 2.4.8 of the Report.'

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.6 'Power to Make Policies' – A Town Planning Scheme Policy may only be rescinded at 7.6.3 by:

Town Planning Scheme Policy No. 5 – Rural Residential Development Around Mount Barker Townsite (Cont.)

‘(b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.’

Consultation

There has been no consultation in this report.

Policy Implications

This is an existing Town Planning Scheme Policy.

Financial Implications

The cost of advertising the rescission will be met from the Town Planning Advertising Budget.

Strategic Implications

Shire of Plantagenet Strategic Plan 2003, Key Results Area 4 states that the Council will *‘Develop and Review Town Planning Policies’*.

Officer Comment

This Policy is stating the Council supports its Rural Planning Guidelines which formed part of the Scheme Report for TPS3 when adopted in 1991. The policy is emphasising rural residential development around Mount Barker Townsite.

Those guidelines and principles were very broad and were superseded when the Council adopted the Mount Barker Local Rural Strategy of 1997. That 1997 document is more detailed and is a much more relevant document than the 1992 adopted TPS Policy.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr D Williss:

That Town Planning Scheme Policy No. 5 - Rural Residential Development Around Mount Barker Townsite as follows:

POLICY STATEMENT NO. 5

POLICY TOPIC AREA	Rural Residential Development around Mount Barker Townsite.
POLICY AREA	Area designated on Plan “C” on Scheme Report.
POLICY OBJECTIVE	<ul style="list-style-type: none"> (i) To cater for rural residential living within close proximity to the town by identifying precincts for more intense development. (ii) To provide guidelines for more detailed assessment, through the preparation of Limited rural Strategy, of areas considered capable for more intense development. (iii) To protect the agricultural base of the Shire by limiting rural / residential development within the identified precincts.

Town Planning Scheme Policy No. 5 – Rural Residential Development Around Mount Barker Townsite
(Cont.)

POLICY STATEMENT Council adopts the general contents of paragraph 2.4.0 of its Scheme Report which deals specifically with rural Planning Guidelines for that areas in the immediate vicinity of the Mount Barker Townsite.

The area has been divided into 3 precincts and Council's Guidelines for each precinct are set out in sub paragraph 2.4.8 of the Report.'

be rescinded in accordance with Clause 7.6.3(b) of Town Planning Scheme No. 3 and formal notice of that rescission be published twice in a newspaper.

CARRIED (9/0)

No. 446/06

9.5.17 TOWN PLANNING SCHEME POLICY NO. 9 - BIRD NETTING OVER HORTICULTURE IN TOWNSITES

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	LP/120/14
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	4 December 2006

Purpose

The purpose of this report is to rescind Town Planning Scheme Policy No. 9 - Bird Netting over Horticulture in Townsites.

Background

At its meeting held 22 October 1996, Town Planning Scheme Policy No. 9 was adopted by the Council as follows:

'POLICY STATEMENT NO. 9

1.0 Policy Background

The intent of this policy is to combine horticultural landuse with residential development without creating conflict between the different landuses, while still maintaining the amenity of the townsite. This can be achieved by controlling the erection of structures supporting netting of shade cloth over horticulture and floriculture development. Horticulture and floriculture generally includes orchards, vineyards or vegetable production.

2.0 Policy Area

The policy encompasses the townsites of Mount Barker, Kendenup, Narrikup and Rocky Gully.

3.0 Policy Objectives

To retain the rural character of the Plantagenet Shire townsites, by integrating various landuses while minimising conflict.

4.0 Policy Statement

Council recognises that horticulture, floriculture in townsites is beneficial to the area, but the protection and enhancement of the rural character is important. Therefore the Shire Council will only permit the erection of structures to protect horticulture and floriculture development at its absolute discretion.'

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.6 'Power to Make Policies' – A Town Planning Scheme Policy may only be rescinded at 7.6.3 by;

'(b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.'

Consultation

There has been no consultation in this report.

Policy Implications

This is an existing Town Planning Scheme Policy.

Financial Implications

The cost of advertising the rescission will be met from the Town Planning Advertising Budget.

Strategic Implications

Shire of Plantagenet Strategic Plan 2003, Key Results Area 4 states that the Council will '*Develop and Review Town Planning Policies*'.

Officer Comment

This policy is stating that the Council approval is required to erect bird netting type structures in the townsites of Mount Barker, Kendenup, Narrikup and Rocky Gully. The policy states they will only be permitted at the Council's 'absolute discretion'.

Kendenup is not a Gazetted Townsite and as such the policy could not be applied there.

It would appear the policy was introduced in an attempt to reduce potential for neighbour conflict where a large bird netting structure was to be erected adjacent to a house. There are for example some bird netting devices near the intersection of Mills and Martin Streets and these are somewhat large. At the other end of the scale some people have bird netting placed over individual trees.

These bird netting devices are not officially buildings under the Building Code of Australia and do not require a building licence. These also are a far less intrusive device than the bird scaring devices (gas guns) that do generate noise problems in residential areas.

The policy statement makes reference to the 'enhancement of the rural character' but it is not clear what this is intended to mean.

The policy is one which does not provide direction and as such would be very difficult to enforce and it would also be difficult to defend in an appeal situation.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr D Williss:

That Town Planning Scheme Policy No. 9 - Bird Netting over Horticulture in townsites as follows:

'POLICY STATEMENT NO. 9**1.0 Policy Background**

The intent of this policy it to combine horticultural landuse with residential development without creating conflict between the different landuses, while still maintaining the amenity of the townsite. This can be achieved by

controlling the erection of structures supporting netting of shade cloth over horticulture and floriculture development. Horticulture and floriculture generally includes orchards, vineyards or vegetable production.

2.0 Policy Area

The policy encompasses the townsites of Mount Barker, Kendenup, Narrikup and Rocky Gully.

3.0 Policy Objectives

To retain the rural character of the Plantagenet Shire townsites, by integrating various landuses while minimising conflict.

4.0 Policy Statement

Council recognises that horticulture, floriculture in townsites is beneficial to the area, but the protection and enhancement of the rural character is important. Therefore the Shire Council will only permit the erection of structures to protect horticulture and floriculture development at its absolute discretion.'

be rescinded in accordance with Clause 7.6.3(b) of Town Planning Scheme No. 3 and formal notice of that rescission be published twice in a newspaper.

CARRIED (9/0)

No. 447/06

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr J Moir has given notice pursuant to Clause 3.7 of Standing Orders that he intends to move:

'That the Chief Executive Officer be requested to begin the processes to rename the following road in the Shire of Plantagenet:

- Muir Street (from Lowood Road to Albany Highway) to be renamed Memorial Road.'

Comment

The Muir Street name will be retained from Lowood Road west. The proposed new name will compliment the War Memorial. Mount Barker RSL support the proposed road name change. (Minutes attached)

At some future date this section of road may be given an alternate pavement treatment to further enhance the area for Anzac Day parades and other community events.

COUNCIL DECISION

Moved Cr J Moir, seconded Cr K Clements:

That the Chief Executive Officer be requested to begin the processes to rename the following road in the Shire of Plantagenet:

- **Muir Street (from Lowood Road to Albany Highway) to be renamed Memorial Road.**

CARRIED (6/3)

No. 448/06

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

Moved Cr J Cameron, seconded Cr D Williss:

That business of an urgent nature, namely:

- Southern Agcare – Redman House
- Lot 55 Muirs Highway, Rocky Gully – Offer of Sale
- Home & Community Care Building
- Cemetery Expansion – (Confidential)
- Saleyards – De-sludging of Ponds

be entered into the meeting.

CARRIED (9/0)

No. 449/06

11.1 SOUTHERN AGCARE - REDMAN HOUSE

Location / Address: N / A
Name of Applicant: N / A
File Reference: CS/103/13
Author: Rob Stewart - Chief Executive Officer
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 11 December 2006

Purpose

The purpose of this report is to seek direction regarding the possibility of allowing Southern Agcare to utilise rooms at Redman House, Lord Street, Mount Barker.

Background

Councillors will be aware that Southern Agcare is an organisation that is a community based, non-profit organisation. Its purpose is to provide a mobile, free and confidential financial and family counselling service to rural business and families in times of need. Southern Agcare's two Rural Financial Counsellors and four Family Counsellors cover fifteen shires in the Great Southern: Lake Grace, Dumbleyung, Kent, Jerramungup, Gnowangerup, Wagin, Albany, Kojonup, Katanning, Cranbrook, Broomehill, Plantagenet, Tambellup, Woodanilling and West Arthur.

Councillors will also be aware that the Shire of Plantagenet supports Southern Agcare through a financial donation each year.

Policy Implications

There are no policy implications for this report.

Financial Implications

Should any rent be received by Southern Agcare, it would be minimal.

Strategic Implications

Key Result Area 3 – Aims: *Community Services aims 'to deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural well being of the community.'*

Officer Comment

Both the Chief Executive Officer and the Manager Community Services have advised Southern Agcare that it is the intention of the Council to sell Redman House. Nevertheless, representatives of Southern Agcare have indicated that even short term accommodation in Mount Barker would suit their purposes.

Possibly a note of caution would be that once Redman House is sold Southern Agcare may have an expectation of further provision of accommodation.

However, for a short term, it would be appropriate to give positive consideration to the request of Southern Agcare provided that that organisation met their own utility costs.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth:

That the Chief Executive Officer be authorised to negotiate a short term rental agreement with Southern Agcare for the use of Redman House.

CARRIED (9/0)

No. 450/06

11.2 OFFER OF SALE - LOT 55 MUIRS HIGHWAY, ROCKY GULLY

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RV/182/3841
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	11 December 2006

Purpose

The purpose of this report is to consider the offer of sale for Lot 55 Muirs Highway, Rocky Gully.

Background

At its ordinary meeting held 12 September 2006, the Council resolved that:

- (1) *Pursuant to Section 3.58 of the Local Government Act 1995, the Council advertise its intent to dispose of by sale:*
- (a) *Lot 66 Westfield Street, Rocky Gully to Mr Wayne Robert Dymock and Ms Carol Joy Dymock for \$11,600.00;*
 - (b) *Lot 61 Batemen Street, Rocky Gully to Mr Brett Gillespie for \$12,000.00; and*
 - (c) *Lot 55 Muirs Highway, Rocky Gully to Mr Joseph Williams for \$10,000.00.*
- (2) *Any submissions received during the advertising period be considered by the Council prior to accepting the Offers of Sale.*
- (3) *The Chief Executive Officer be delegated the authority to finalise the sale of the above blocks subject to no submissions being received at the conclusion of the advertising period.'*

As no submissions were received during the advertising period the contracts of sale were authorised.

Lot 66 Westfield Street and Lot 61 Bateman Street settled as per the contract of sale settlement deadline.

The offer of sale for Lot 55 Muirs Highway by Mr Joseph Williams was subject to the sale of his business. Although Mr William's business was sold he was not able to finance the sale.

Additional offers were made by the unsuccessful applicants from the first time the property was listed. The details of these offers are below:

- Mr Luke Gillespie - \$11,000.00 cash offer; and
- Mr Wayne and Mrs Carol Dymock - \$10,600.00 cash offer.

Both offers are above the listed sale price of \$10,500.00.

Offer Of Sale – Lot 55 Muirs Highway, Rocky Gully (Cont.)

Statutory Environment

Section 3.58 of the Local Government Act 1995 and the Local Government (Function and General) Regulations govern the disposal of land by a local government.

Consultation

Consultation has occurred with Mr Michael Scott, Sales Representative with Ray White Mount Barker.

Policy Implications

There are no policy implications for this report.

Financial Implications

Any proceeds from the sale of this property, will be in addition to budgeted funds.

The Real Estate Agent's selling fee is 15% of the actual selling price.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

THAT:

- (1) Pursuant to Section 3.58 of the Local Government Act 1995, the Council advertise its intent to dispose of by sale, Lot 55 Muirs Highway, Rocky Gully to Mr Luke Gillespie.**
- (2) Any submissions received during the advertising period be considered by the Council prior to accepting the Offers of Sale.**
- (3) The Chief Executive Officer be delegated the authority to finalise the sale of the above blocks subject to no submissions being received at the conclusion of the advertising period.**

CARRIED (9/0)

No. 451/06

(Absolute Majority)

11.3 HOME AND COMMUNITY CARE BUILDING

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CS/151/1
Author:	Nicole Selesnew - Manager of Community Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	11 December 2006

Purpose

The purpose of this report is to seek support for the construction of additional facilities for Plantagenet Cranbrook Health Service Home and Community Care (HACC), on Lot 48 Albany Highway, Mount Barker, and to confirm the Council's financial contribution towards the construction of the additional facilities.

Background

On 10 October 2006 the Council participated in a workshop to review the construction of HACC facilities (comprising an activity room, office space, reception and ablutions). A quote was presented from Fleetwood, a modular building construction company, which amounted to \$418,000.00 (excluding various site costs, including GST). The State Government funding available for the construction is \$273,573.23.

The consensus from the Council workshop was that the construction project should continue, however the building plans should be revised to see if any opportunities to decrease construction costs existed.

On 12 October 2006 a meeting was held with Mr Paul Seats - Acting Regional Director Western Australian Country Health Service, Ms Sue Millar - HACC Project Officer, Ms Annette Wieske - HACC Co-ordinator, Ms Alison Crofts - HACC Day Co-ordinator, Mr Rob Stewart - Chief Executive Officer and Ms Nicole Selesnew - Manager of Community Services.

The meeting echoed the Council workshop outcome and building plans were re-drawn from a 21m x 14.4m sized building to a 13.2m x 12m sized building, with a 2.4m verandah surround.

Quotes were again sought from Fleetwood and Ausco Building Systems. Ausco Building Systems have returned a quote of \$368,892.70 (including GST) which does not include various site costs, for example earthworks, termite treatment, surveying, removal and replacement of unsuitable material on the site, connection to water supply and sewerage systems if the connections exceed fifteen metres. It is estimated the site costs would amount to \$35,000.00.

Fleetwood has not provided a quote as yet.

Ms Millar is preparing a business plan for the State Government, seeking an additional \$35,000.00 for site costs.

The shortfall for the building construction is \$95,319.47 (provided the application for \$35,000.00 for site costs is successful).

Home & Community Care Building (Cont.)**Statutory Environment**

The construction of the extended HACC facilities will require the land to be leased to the Western Australian Country Health Service and is therefore a disposition of land pursuant to Section 3.58 of the Local Government Act 1995.

Consultation

Consultation has taken place with Mr Paul Seats - Acting Regional Director Western Australian Country Health Service, Ms Sue Millar - HACC Project Officer, Ms Annette Wieske – HACC Co-ordinator, Ms Alison Crofts – HACC Day Co-ordinator, Mr Rob Stewart – Chief Executive Officer and Mr Alan Watkins - Principal Building Surveyor.

Policy Implications

There are no policy implications for this report.

Financial Implications

If the construction of the HACC building is to proceed, the Council will be expected to contribute \$95,319.47. 'Unplanned' costs relevant to the construction may also be incurred, for example soil testing, site works if the building were to be constructed level with the ground (requiring a hole to be dug) and other incidentals.

Discussions with Ausco Building Systems representatives have identified some minor possible cost savings to the building design, for example replacing timber decking around the building with paving.

The Council has also agreed to undertake minor renovations in the Lesser Hall in which the existing HACC services take place. These include alterations to the kitchen to comply with health requirements and replacing the carpet in the dining area with vinyl. These costs have been estimated at approximately \$20,000.00.

Strategic Implications

The Council's Strategic Plan details the following Community Service aim:

'Deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural wellbeing of the community.'

Officer Comment

The review of HACC building plans has decreased the cost of constructing a new facility to the Council, from \$144,426.77 to \$95,319.47.

The State Government funding of \$273,573.23 is for the construction of an Activity Centre for HACC, with \$40,000 of this amount to be allocated to office space. If the building plans are scaled down further from 13.2m x 12m then the activity space is too small for some HACC activities (for example carpet bowls, indoor volleyball and hockey, ball games and exercise programs) and the office sizes are too small for staff requirements.

The Council's contribution for the HACC facilities is unbudgeted, however if the project does not occur during the 2006 / 2007 financial year our advice is that the State Government funding will be withdrawn.

Further, construction costs are continuing to escalate. Ausco provided an indicative building cost in August 2005 for a 13.2m x 12m building, with verandah and air conditioning, of \$210,320.00. This is a 57% increase over a sixteen month period.

Home & Community Care Building (Cont.)

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Moir:

THAT:

- (1) Support for the construction of a new Home and Community Care building on Lot 48 Albany Highway, Mount Barker be confirmed.**
- (2) An unbudgeted financial contribution of \$95,319.47 be allocated towards the construction of the facilities referred to in Part (1) above.**

CARRIED (9/0)

No. 452/06

(Absolute Majority)

11.4 SALEYARDS – DE-SLUDGING OF PONDS

A Financial Interest was disclosed by Cr K Forbes for Item 11.4

Extent Of Interest: Financial

Nature Of Interest: Cattle Producer – 240 head of mixed cattle

A Financial Interest was disclosed by Cr M Skinner for Item 11.4

Extent Of Interest: Financial

Nature Of Interest: Cattle Producer – 400 head

A Financial Interest was disclosed by Cr J Cameron for Item 11.4

Extent Of Interest: Financial

Nature Of Interest: Part Owner Of Cattle

A Proximity Interest was disclosed by Cr B Hollingworth for Item 11.4

Extent Of Interest: Financial

Nature Of Interest: Adjoining Landowner

A Financial Interest was disclosed by Cr J Moir for Item 11.4

Extent Of Interest: Financial

Nature Of Interest: Casual Employee Of Elders – Cattle Farmer

Authority To Participate Pursuant Section 5.62 (E) Local Government Act 1995

Approval has been received from the Department of Local Government and Regional Development via letter dated 24 November 2006, 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 the next general local government elections held in 2007.

The Chief Executive Officer – Mr Rob Stewart read aloud the attached letter dated 24 November 2006 from the Department of Local Government and Regional Development.

Location / Address: N / A

Name of Applicant: N / A

File Reference: GS/125/11

Author: John Fathers - Deputy Chief Executive Officer

Authorised By: John Fathers - Deputy Chief Executive Officer

Date of Report: 12 December 2006

Purpose

The purpose of this report is to approve a quotation for the de-sludging of ponds at the Great Southern Regional Cattle Saleyards (Saleyards) and to charge the expenditure to Environmental Loan Funds.

Background

The de-sludging of the ponds at the Saleyards is an issue that the Council has been aware would be required at some point. It has also been raised by the Department of Environment as an action that needs to be carried out in the near future. ATA Consultants have been investigating the options and seeking quotations for this work as a part of the other environmental improvement works at the Saleyards.

Saleyards – De-Sludging Of Ponds (Cont.)

A presentation was made by ATA Environmental Engineer, Kate McCormack to the Great Southern Regional Cattle Saleyards Committee (GSRCS) at its meeting held on 12 December 2006. The Committee resolved to recommend to the Council that:

- (1) The lowest quotation, being that submitted by Aquasol, to de-sludge the Saleyards ponds, at a cost of \$24,000.00, be accepted.
- (2) The expenditure in part 1 above be charged to Environmental Loan Funds.
- (3) The administration put in place all contingencies to enable the work in part 1 above to be carried out.

Statutory Environment

There are no statutory implications for this report.

Consultation

There has been consultation with the GSRCS Committee and Mr Warren Lloyd - Saleyards Manager.

Policy Implications

There are no policy implications for this report.

Financial Implications

The costs associated with this work have not been included in the current operating budget. If the work is to be done in this financial year, it will need to be charged to the Environmental Loan Funds or be the subject of a re-allocation of funds. This type of work is considered to be operational as far as the Regional Infrastructure Funding Program grant is concerned and can therefore not be charged to that.

Strategic Implications

There are no strategic implications to this report.

Officer Comment

ATA Consultants advise that they have received two quotes for this work. One from Aquasol at a cost of \$24,000.00 and the other from Abco Water Systems, at a cost of approximately \$100,000.00. The Aquasol quote is recommended, and it is suggested that the work be done starting in late January and run for six weeks. The proposal uses a float dredge with two solids concentrators / polymer rig / skip bin vacuum drying system.

This proposal will require the Shire to provide or hire a suitable vehicle to lift the bins and transfer sludge to the hard stand on site. Alternatively, it would require potential buyers to remove the sludge as work progresses.

ATA Consultants will firm up the details, with Aquasol, however an urgent decision is sought on the decision to do the work and the funding source, due to the Council recess.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr M Skinner:

THAT:

- (1) The lowest quotation, being that submitted by Aquasol, to de-sludge the Saleyards ponds, at a cost of \$24,000.00, be accepted.**
- (2) The expenditure in part 1 above be charged to Environmental Loan Funds.**
- (3) The administration put in place all contingencies to enable the work in Part (1) above to be carried out.**

CARRIED (9/0)

No. 453/06

12 CONFIDENTIAL**12.1 CEMETERY EXPANSION - PURCHASE OF LAND**

Location / Address: Part Lot 1963 Mitchell Street, Mount Barker
Name of Applicant: N / A
File Reference: N / A
Author: Rob Stewart - Chief Executive Officer
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 11 December 2006

Purpose

The purpose of this report is to advise the Council that a response has been received from the Vendors of Part Lot 1963 Mitchell Street, Mount Barker regarding the purchase price of that land.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr J Cameron, seconded Cr J Moir:

6.41pm That the meeting proceed behind closed doors.

CARRIED (9/0)
No. 454/06

MOTION TO PROCEED IN PUBLIC

Cr D Williss, seconded Cr K Hart

6.46pm That the meeting proceed in public.

CARRIED (9/0)
No. 455/06

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr K Clements:

That the intention of the Chief Executive Officer to:

- (1) Attempt to finalise the purchase of Part Lot 1963 Mitchell Street Mount Barker in accordance with the Council's resolution of 14 November 2006.**
- (2) Seek legal advice regarding the enforceability of the Contract of Sale for the purchase by the Council of Part Lot 1963 Mitchell Street Mount Barker to be used as a cemetery in the event that Part (1) above is unsuccessful.**

be noted.

CARRIED (9/0)

No. 456/06

13 CLOSURE OF MEETING

6.48pm The Presiding Member declared the meeting closed.

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