



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2.45pm Tuesday 13 March 2007

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.47pm 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 M Skinner	East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr J Moir	South Ward
Cr K Hart	Kendenup Ward
Cr K Clements	Town Ward
Cr B Hollingworth	Town Ward
Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Mr I Bartlett	Manager Works and Services
Ms N Selesnew	Manager Community Services
Mr P Duncan	Manager Development Services
Ms J Albany	Planning Officer

Mrs K Skinner Executive Secretary
Ms C Delmage Administration Officer

Previously Approved Leave Of Absence

Cr J Mark 28 February to 16 March 2007

There were fifteen (15) members of the public present.
There was one (1) member of the media present.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Steve Mortimer – Item 9.5.5 – RV/182/3797

Mr Mortimer noted that he had only read the Agenda during the last half hour and had considered the objections raised in the Report. Mr Mortimer noted that he believes he can satisfactorily address those objections.

Mr Mortimer also noted that they were now planning to drop the ‘aquaculture’ side of the proposal ie: marron farm and were planning to proceed only with the ‘horticulture’ side of the proposal. Mr Mortimer noted that they would still need to provide one (1) dam for water purposes.

Mr Mortimer addressed the matter of pesticides and noted that his plans were for a ‘passive development’ ie: plants that do not need spraying. Mr Mortimer noted that when planting trees for truffles you do not want to add any pollutants to the area.

Mr Mortimer noted that they would only be using trickle irrigation to water their trees.

Mr Mortimer thanked the Council for its time.

Marcus McPharlin– RV/182/1530

Mr McPharlin addressed the Council in regards to an Item previously considered by Council at its meeting held 12 December 2006 (Resolution No. 435/06).

Mr McPharlin noted that they had moved a duplex from Booth Street, Mount Barker to Osborne Road, Mount Barker and that the duplex had been separated so as to create two (2) separate dwellings. Mr McPharlin further noted that they had removed the roof asbestos and also added insulation.

Mr McPharlin wanted to know if they could possibly leave the asbestos walls and simply re clad rather than replace.

Response By: Mr Peter Duncan – Manager Development Services

Mr Duncan noted that the Council was quite specific regarding asbestos wall sheeting ie: wall sheeting – removed & re clad. The option of cladding over the top would mean that the asbestos remains as part of the existing building.

Tom Bateman – RV/182/1530

Mr Bateman noted that the asbestos on the roofs had been removed and dealt with appropriately. Mr Bateman also noted that they would remove any broken wall sheets of asbestos but are hoping to gain Council approval to cover the remaining sheets.

Response By: Cr K Forbes – Shire President

Cr Forbes noted that the Council Resolution clearly stated that the walls needed to be reclad. Cr Forbes further noted that if the proponents wanted to make any changes to the resolution that they needed to approach the Council in writing before the matter could be considered.

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Bruce MacMahon – EM/120/3

Mr MacMahon noted that he had been picking seeds for many years and wanted to briefly speak to the Council regarding Item 9.5.9 – Policy – Collection Of Native Flora.

Mr MacMahon noted that he did not believe the Policy was adequate as it would not leave enough area to pick the required amount of seeds. Mr MacMahon further noted that the seeds of native flora are only able to be picked from a limited amount of places

6 APPLICATIONS FOR LEAVE OF ABSENCE

Cr D Williss applied for Leave of Absence for the period 5 April 2007 to 10 April 2007 inclusive.

Moved Cr M Skinner, seconded Cr K Hart:

That Cr Williss be granted leave of absence for the period 5 April to 10 April 2007 inclusive.

CARRIED (8/0)

No. 83/07

7 CONFIRMATION OF MINUTES

Moved Cr M Skinner, seconded Cr K Hart:

That the Minutes of the Ordinary Meeting of the Council held 27 February 2007 be confirmed subject to:

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All words of Dot Point 3 being deleted and replaced with the words 'Speeds being limited to 60kmh on unsealed roads, 80kmh on sealed roads without pavement markings, 90kmh on sealed roads with pavement markings and 10kmh lower than the posted speed limit of roads under 80kmh or whichever is the lesser.'

CARRIED (8/0)

No. 84/07

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- A 'wash-up' meeting was held following the recent Porongurup fire to discuss matters of concern. Representatives from all brigades who attended the fire were present.
- Four (4) representatives from the Shire attended a meeting in Albany with representatives of Fire and Emergency Services Authority (FESA) and the plantation industry regarding the proposed Plantation Fire Policy.

Both members of Local Government and the plantation industry believe that the Policy requires some minor amendments to complete the Policy.

- 02.03.07 – Several Councillors and Mr R Stewart – Chief Executive Officer, attended a meeting of the Great Southern Area Consultative Committee which was held in the Council Chambers.
- 02.03.07 - Cr K Forbes and Cr D Williss – Deputy Shire President attended the 'turning of the sod' at the Northern Bypass to announce the commencement of work.
- 04.03.07 – Cr K Forbes and his wife attended the Porongurup Wine Festival Sponsor's Dinner. Cr Forbes, along with other Councillors attended the Festival.
- 06.03.07 – Cr Forbes, Cr Moir and Mr Peter Duncan – Manager Development Services attended a meeting with members of the Narrikup community at the Narrikup Hall to discuss issues affecting their town. Matters discussed included traffic and future development plans.
- Cr Forbes and Cr Williss attended a Crime and Corruption Commission presentation in Albany.
- 08.03.07 – Six (6) representatives from the Shire including two (2) Councillors, attended a fire 'wash-up' in Albany. Many Department of Environment and Conservation (DEC) representatives from all over the southern half of the state attended.

Plantagenet representatives expressed their unhappiness with the handling of recent fires.

Cr Forbes noted that the idea of a Memorandum of Understanding (MOU) to recommence forming a working relationship with the local government was being seriously considered and that they were waiting for feedback.

- 12.03.07 – Cr Forbes noted that the recent Plantation Industry Ministry Advisory Committee meeting was cancelled at short notice so Cr Forbes utilised his time in Perth to spend a useful hour with staff from the Hon MacTiernan's office.

Cr Forbes spoke with Mr Giles and Mr Potter regarding transport issues around Mount Barker and the surrounding areas. Cr Forbes again encouraged them to assist with funding for the Narrikup Bypass and also the reinstatement of McDonald Avenue once the Northern Bypass is completed.

Cr Forbes also noted the need to keep working through Main Roads WA (MRWA) to come up with funding for Spencer Road, Narrikup.

- 20.03.07 – A Training Session for Councillors will be held in the Council Chambers commencing at 9.00am.
- 26.03.07 – A meeting of the Regional Roads Group will be held.
- 26.03.07 – The Annual General Meeting of Electors will be held in the Council Chambers.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 EXECUTIVE SERVICES REPORTS

9.1.1 LOCALITY BOUNDARIES – KENDENUP / MOUNT BARKER

Cr Forbes disclosed a Financial Interest for Item 9.1.1

Nature Of Interest: Owner of land in an affected area

3.07pm Cr Forbes withdrew from the meeting and Cr Williss assumed the Chair.

Location / Address:	N / A
Attachments: (2)	Map Address List
Name of Applicant:	N / A
File Reference:	RO/107/4
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	2 March 2007

Purpose

The purpose of this report is to advise of the result of consultation regarding locality boundaries of Kendenup and Mount Barker.

Background

At its meeting held on 9 April 2002 the Council resolved:

'That a request be forwarded to the Geographic Names Committee to vary the localities within the Shire of Plantagenet by extending Narrikup to include all of Yellanup and portions of Porongurup, Mount Barker and St Werburghs and including the balance of St Werburghs into Mount Barker, as shown on the Locality Plan dated 2 April 2002.'

With the introduction of Rural Numbering, the changes to locality boundaries were brought to the attention of people residing within the Shire, thereby highlighting the need for some change. Subsequently, and at its meeting held on 13 June 2006, the Council resolved:

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

- (1) *Contact Australia Post seeking their concurrence to leaving postal runs in Plantagenet unchanged.*
- (2) *Contact the Department of Land Information (DLI) requesting that:*
 - (a) *DLI leave the locality map as adopted by the Council in April 2002 unchanged;*
 - (b) *DLI delay the implementation of address changes; and*

Locality Boundaries - Kendenup / Mount Barker (Cont.)

(c) *Advise that not all affected landowners have received their Rural Road Number letters.*

(3) *Continue with the Rural Road Numbering Program.*

(4) *Liaise with Terry Redman MLA regarding Points (1) to (3) above.'*

At the meeting of the Council held on 22 August 2006 a petition signed by 63 residents and rate payers of Plantagenet was received by the Council. In receiving this petition the Council resolved:

'That the petition be received and that the Chief Executive Officer prepare a report on locality boundaries of the Kendenup / Mount Barker area for the Council meeting to be held on 12 September 2006.'

At its meeting held on 12 September 2006 Council resolved:

'That the Department of Land Information be requested to reassess locality boundaries between Mount Barker and Kendenup.'

By letter dated 11 July 2006, the Department of Land Information advised that:

'The locality names and boundaries as adopted by the Council April 2002 have been and will continue to be used in conjunction with the new rural addresses for your Shire, until such time as a change is made by council request.

As the Shire of Plantagenet along with 54 other local government authorities has elected to support rural addressing, then it follows that the gazetted localities form an integral part of the rural address.'

The letter also notes that:

'If sufficient ratepayers approach your council with...requests to change locality names or boundaries with valid reasons for such changes, then (the) Council can...discuss the procedure (with the Geographic Names Section). If an acceptable solution can be found by moving the locality boundaries and thus placing some properties into a different postcode, Department of Land Information is here to provide any assistance necessary.'

As a result of that request survey forms were sent out to residents and ratepayers affected by the proposed change.

Eighty-seven questionnaires were sent and fifty-two were returned. Thirty-nine agreed and six (6) disagreed while seven (7) did not indicate.

The suggested amendments to the locality boundaries is as shown on the map attached to the report.

The effect of the changes would be that many people affected by the boundary changes and who were previously using Mount Barker as an address would formally have their address changed to Mount Barker rather than Kendenup.

Many of the survey forms returned had comments such as: *'We want to remain as Mount Barker and not changed to Kendenup.'* *'I really want to see this address as Mount Barker and not Kendenup. All correspondence to me is Mount Barker.'* *'I want to be known as Craddock Road Mount Barker.'* *'I would prefer to remain as Mount Barker. When my late husband and I bought this land it was called Mount Barker. Please keep it this way.'* *'We bought this property titled Mount Barker. We would go as far as participating in law suit / class action to ensure that this is the case.'* *'My preference would be to change the area to Narpanup.'* Many unsolicited comments, some friendly and some not so friendly were given.

Statutory Environment

Schedule 3.1 – Powers Under Notices To Owners Or Occupiers of Land – of the Local Government Act 1995 provides at part 2 that a Council may require an owner or occupier of land to:

‘place in a prominent position on the land a number to indicate the address.’

Consultation

Letters were sent to canvas residents of the area, a copy of the address list is attached.

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**Voting Requirements**

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr K Clements, seconded Cr M Skinner:

That the Department of Planning and Infrastructure be advised that after consultation with members of the community affected by locality boundary changes, a majority would prefer to have their postal addresses as ‘Mount Barker’, as noted on the attached map.

AMENDMENT

Moved Cr J Moir, seconded Cr J Cameron:

That the words ‘their postal addresses as “Mount Barker”,’ be deleted and replaced with the words ‘the Kendenup / Mount Barker locality boundary changed’.

CARRIED (7/0)

No. 85/07

COUNCIL DECISION

That the Department of Planning and Infrastructure be advised that after consultation with members of the community affected by locality boundary changes, a majority would prefer to have the Kendenup / Mount Barker locality boundary changed as noted on the attached map.

CARRIED (7/0)

No. 86/07

3.11pm Cr Forbes returned to the meeting and resumed the Chair.

9.1.2 LOCALITY BOUNDARIES - DENBARKER / FOREST HILL

Location / Address:	N / A
Attachments: (1)	Map
Name of Applicant:	N / A
File Reference:	RO/107/4
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	2 March 2007

Purpose

The purpose of this report is to advise of the result of consultation with ratepayers and residents of Denbarker / Forest Hill with relation to locality boundaries.

Background

At its meeting held on 9 April 2002 the Council resolved:

'That a request be forwarded to the Geographic Names Committee to vary the localities within the Shire of Plantagenet by extending Narrikup to include all of Yellanup and portions of Porongurup, Mount Barker and St Werburghs and including the balance of St Werburghs into Mount Barker, as shown on the Locality Plan dated 2 April 2002.'

With the introduction of Rural Numbering, the changes to locality boundaries were brought to the attention of people residing within the Shire, thereby highlighting the need for some change. Subsequently, and at its meeting held on 13 June 2006, the Council resolved:

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

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

At its meeting held on 22 August 2006 the Council resolved:

'That the Department of Land Administration be requested to reassess locality boundaries in the western part of the Shire of Plantagenet to reflect those boundaries

Localities Boundaries – Denbarker / Forest Hill (Cont.)

already recorded on brigade maps, especially in relation to Forest Hill and Denbarker.'

The matter was then referred to the Department of Land Information (now absorbed into the Department of Planning and Infrastructure) which indicated that it was not prepared to progress the matter until such time as the Council could indicate that those affected had been canvassed with regard to their opinions.

As a result of that request, letters were sent to:

- Claire Atkins;
- Hillboi Nominees Pty Ltd;
- E & B Lynch;
- T & V Allison;
- T & E Pavlovich;
- Mr and Mrs Drage;
- B & L Drage;
- Acalinovich Superannuation Fund;
- BG & DJ Drage;
- PM Drage;
- P & H Pavlovich;
- Darryl and Valerie Drage;
- Pardelup Prison Farm; and
- Len Handasyde.

in November 2006.

Of the fourteen letters sent out, ten (10) were returned with seven (7) of those agreeing to the proposal two (2) not agreeing to the proposal and one (1) failing to indicate.

Statutory Environment

Schedule 3.1 – Powers Under Notices To Owners Or Occupiers of Land – of the Local Government Act 1995 provides at part 2 that a Council may require an owner or occupier of land to:

'place in a prominent position on the land a number to indicate the address.'

Consultation

Letters were sent to canvass residents of the area.

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

Although 70% of those surveys returned agreed with the proposal, some comments were placed on the forms that were returned. For example, the following quote has

Localities Boundaries – Denbarker / Forest Hill (Cont.)

been recorded: *'I believe there should be a public meeting to discuss the whole area and make changes. I believe that unless we can include Denbarker and Forest Hill as one, the life of Forest Hill Hall is doomed and we will lose the hall through lack of support from the whole area. Why should this decision be left to those living between the Muir Highway and the Fire Brigade boundary.'*

A further comment was: *'We wish to indicate not to agree or disagree but would certainly like to remain in the Perillup locality.'*

A further comment was: *'Could we hold off until January and have a public meeting in the Forest Hill Hall to discuss the above,'*

Although the proposal to endorse brigade boundaries came from those residents affected by the locality change, it would appear now that there is a desire to have a public meeting to discuss the matter further and this course of action is recommended.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr M Skinner:

That with regard to boundary adjustments of the localities of Forest Hill and Denbarker, the Chief Executive Officer be authorised to hold a public meeting at a date to be determined at the Forest Hill Hall in order that the question of locality boundary adjustments can be canvassed with those affected.

CARRIED (8/0)

No. 87/07

9.1.3 COMMITTEE MINUTES

Location / Address: N / A
Attachments: (1) Committee Minutes
Name of Applicant: N / A
File Reference: WM/103/3
Author: Cherie Delmage - Administration Officer
Authorised By: John Fathers - Deputy Chief Executive Officer
Date of Report: 7 March 2007

Purpose

The purpose of this report is to receive the Minutes of the Chillinup Landfill Site Management Committee meeting held 2 March 2007.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

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

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr B Hollingworth, seconded Cr K Hart:

That the Minutes of the Chillinup Landfill Site Management Committee meeting held 2 March 2007 be received.

CARRIED (8/0)

No. 88/07

9.2 CORPORATE SERVICES REPORTS

Nil

9.3 COMMUNITY SERVICES REPORTS

Nil

9.4 TECHNICAL SERVICES REPORTS

Nil

9.5 DEVELOPMENT SERVICES REPORTS

9.5.1 TOWN PLANNING SCHEME NO. 3 – AMENDMENT NO. 38 – PUBLIC PURPOSE RESERVE TO RESIDENTIAL (R20) – ORMOND ROAD, OSBORNE ROAD / HASSELL STREET, MOUNT BARKER

Location / Address:	Lots 1, 3 and 4 Ormond Road and Lot 172 Osborne Road / Hassell Street, Mount Barker
Attachments: (1)	Amendment No. 38 - Document
Name of Applicant:	SJB Town Planning & Urban Design for Department of Education and Training
File Reference:	LP/181/10
Author:	Peter Duncan – Management Development Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	28 February 2007

Purpose

The purpose of this report is to consider a proposed Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) to rezone Lots 1, 3 and 4 Ormond Road and Lot 172 Osborne Road/Hassell Street from a Public Purpose Scheme Reserve to the Residential (R20) Zone.

Background

This proposal to amend TPS3 originated from a request from the Department of Education and Training to rezone Lot 4 from Public Purpose to Residential (R20). Lot 4 is developed with a now disused Kindergarten surplus to the Department's requirements. Rather than rezone Lot 4 in isolation the amendment also includes Lot 1 Ormond Road (owned by the Mount Barker Aboriginal Progress Association) and Lots 3 and 172 Ormond Road, Osborne Road and Hassell Street (owned by the Baptist Church). Lot 3 has a new church residence on it and Lot 172 contains church buildings and an older residence. Lot 1 is vacant.

Recently a proposal to subdivide Lot 172 into two lots (WAPC 133415) was conditionally approved by the Western Australian Planning Commission.

The four lots involved are within a Public Purpose Scheme Reserve under TPS3 and a Residential zoning is considered more appropriate for this locality. The surrounding land is all zoned Residential with either R10/20 or R12.5/20 coding.

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967 – these have set procedures for Amending a Town Planning Scheme including once initiated by the Council, referral to the Environmental Protection Authority (EPA) for twenty-eight (28) days. Once cleared by the EPA a forty-two (42) day advertising period applies. Once advertised the Council must consider any submissions lodged within forty-two (42) days and refer its recommendation to the Western Australian Planning Commission and the Minister within twenty-eight (28) days.

Town Planning Scheme No. 3 – Amendment No. 38 – Public Purpose Reserve To Residential (R20) –
Ormond Road, Osborne Road / Hassell Street, Mount Barker (Cont.)

Consultation

Staff have been liaising with SJB planners in respect to the Amending document. The Baptist Church is aware of the proposed Amendment and supports it.

Policy Implications

There are no policy implications for this report.

Financial Implications

The required fee of \$3,300.00 has been paid.

Strategic Implications

Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 aims to:

‘Supporting sustainable and managed growth within existing urban settlements in the Shire and encourage the development of a variety of housing opportunities.’

Officer Comment

The zoning of this land Residential (R20) will allow for residential use of all of the properties. The church use can continue in the Residential zone. The Public Purpose Reservation under TPS3 restricts the land use and development that can take place.

Services such as power, reticulated water and reticulated sewer are all available to the land. As the area is sewered there is no need to consider a dual coding of R10/20 as new R20 development will attract a reticulated sewer condition.

If initiated by the Council and authorised by the EPA, the Amendment will be advertised by way of a notice in the press, a sign on site, letters to government agencies and letters to neighbours.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

THAT:

- (1) Pursuant to the Town Planning Regulations 1967, Amendment No. 38 to the Shire of Plantagenet Town Planning Scheme No. 3 be initiated; and**
 - (a) Referred to the Environmental Protection Authority.**
 - (b) Upon authorisation from the Environmental Protection Authority, it be advertised for a period of forty-two days to enable comment to be made.**
- (2) After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held 14 August 2007.**

CARRIED (8/0)

No. 89/07

9.5.2 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 40 – WINDFARM – SUBMISSIONS

Location / Address:	Lot 1 Albany Highway, north of Mount Barker
Attachments: (2)	Location Plan Summary of Submissions
Name of Applicant:	SkyFarming Pty Ltd
File Reference:	LP/181/11
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	1 March 2007

Purpose

The purpose of this report is to consider submissions received on a proposal to amend Town Planning Scheme No. 3 to include Lot 1 Albany Highway in Schedule 2 – Additional Uses to allow a wind farm consisting of three (3) turbines.

Background

SkyFarming Pty Ltd has made presentations to the Council on three (3) occasions from September 2005 on the concept of establishing a wind farm on appropriate land near Mount Barker.

When the Council initially considered this proposed Amendment at its meeting held on 14 November 2006 it was resolved at Resolution 390/06:

‘THAT:

- (1) Pursuant to the Town Planning Regulations 1967, Amendment No. 40 to the Shire of Plantagenet Town Planning Scheme No. 3 be initiated; and
 - (a) Referred to the Environmental Protection Authority.*
 - (b) Upon authorisation from the Environmental Protection Authority, be advertised for a period of forty-two (42) days to enable comment to be made.**
- (2) After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held 10 April 2007.*
- (3) The proponent be advised that the Council is not prepared to waive the required fee for the Scheme Amendment application.*
- (4) An ex gratia donation of \$1,000.00 be granted to the applicants subject to reallocation from the next budget review, to show the Shire’s support for measures that decrease greenhouse emissions.’*

The Environmental Protection Authority (EPA) cleared the Amendment to proceed to advertising in a letter received on 21 December 2006.

Statutory Environment

Planning and Development Act 2005

Town Planning Scheme No. 3 – Amendment No. 40 – Windfarm – Submissions (Cont.)

Town Planning Regulations 1967 – these set the procedure for amending a Town Planning Scheme including referral to the Environmental Protection Authority (EPA) for twenty-eight days and then public advertising for forty-two days. Once advertised the Council must consider any submissions lodged within forty-two days and refer its recommendation to the Western Australian Planning Commission and the Minister within twenty-eight days.

Town Planning Scheme No. 3 (TPS3) – Lot 1 is zoned Rural.

Consultation

The Amendment document explained the level of consultation carried out by the proponent.

The EPA cleared the Amendment to proceed to advertising and the 42 day advertising period ended on 21 February 2007. Advertising was by way of a newspaper notice, a sign on site, letters to neighbours and various Government Agencies.

At the close of the advertising period a total of forty-seven (47) submissions and three (3) late submissions had been received (see Summary of Submissions attached).

Policy Implications

There are no policy implications for this report.

Financial Implications

The cost of advertising was met by the Town Planning Advertising Budget. If finalised, the cost of publishing a notice in the Government Gazette will be met by the Town Planning Advertising Budget.

Strategic Implications

This Amendment, should it reach finalisation, will lead to the development of a wind farm that will generate a similar amount of electricity to that consumed by Mount Barker.

Officer Comment

A full copy of the Amendment was provided for each Councillor with the 14 November 2006 agenda.

The intention of the Amendment is to include the subject land within Schedule 2 (Additional Uses) to allow for the facility and to set development standards and conditions. The Amendment also proposes to introduce the Western Australian Planning Commission standard definition of 'wind farm or wind energy facility' into Schedule 1 (Interpretations).

With the additional use listing of the property, the current Rural zoning of the land will remain in place.

The actual development which will result once the Amendment is finalised will consist of three turbines accessed off a 4m wide roadway within the property with access to Albany Highway. The vehicular entry point will need to be to the satisfaction of Main Roads Western Australia. The three turbine sites are located in cleared parts of the site. The turbines will be linked to the 22kV power line on the southern boundary of the site.

Town Planning Scheme No. 3 – Amendment No. 40 – Windfarm – Submissions (Cont.)

The Western Australian Planning Commission released a Planning Bulletin (No. 67) entitled 'Guidelines for Wind Farm Development' in May 2004. That Bulletin provides guidance on the particular issues that need to be addressed in considering wind farms. The Amendment document does address those factors.

The submissions received are all supportive of the Amendment and no modifications are required.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr D Williss, seconded Cr B Hollingworth:

THAT:

- (1) The submissions lodged on Amendment No. 40 to Town Planning Scheme No. 3 be noted.
- (2) Amendment No. 40 to Town Planning Scheme No. 3 be adopted without modification and forwarded to the Western Australian Planning Commission for the final approval of the Honourable Minister for Planning and Infrastructure.
- (3) Authority be granted to the Shire President and the Chief Executive Officer to execute the documentation and affix the Common Seal of the Council to Amendment No. 40 once approved by the Honourable Minister.

AMENDMENT

Moved Cr J Moir, seconded Cr J Cameron:

That the words 'within the forty-two day advertising period' be included after the word 'lodged' in Part (1) of the Motion.

EQUALITY (4/4)

CASTING OF SECOND VOTE

Pursuant to Section 5.2.1 (3) of the Local Government Act 1995, the Presiding Member exercised the discretion to cast a second vote, such vote being cast in the negative.

LOST (4/5)

No. 90/07

COUNCIL DECISION

THAT:

- (1) The submissions lodged on Amendment No. 40 to Town Planning Scheme No. 3 be noted.**
- (2) Amendment No. 40 to Town Planning Scheme No. 3 be adopted without modification and forwarded to the Western Australian Planning Commission for the final approval of the Honourable Minister for Planning and Infrastructure.**
- (3) Authority be granted to the Shire President and the Chief Executive Officer to execute the documentation and affix the Common Seal of the Council to Amendment No. 40 once approved by the Honourable Minister.**

CARRIED (8/0)

No. 91/07

9.5.3 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 43 - HOUSE SETBACKS - KENDENUP SETTLEMENT

Location / Address:	Kendenup Settlement
Attachments: (1)	Amendment No. 43 - Document
Name of Applicant:	N / A
File Reference:	LP/181/18
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	20 February 2007

Purpose

The purpose of this report is to consider a proposed Amendment to Town Planning Scheme No 3 to alter boundary setbacks applicable in the settlement of Kendenup.

Background

The settlement of Kendenup bounded by Pennifold Street, Chauvel Road, Beverley Road, First Avenue (south of Beverley Road) and Hassell Avenue consists of a range of lots generally of 1000m² and 2000m². The majority of that area is zoned Rural under Town Planning Scheme No 3 (TPS3) and as such, the boundary setback requirements for a single house are:

- Front boundary 10m;
- Rear boundary 10m; and
- Side boundary 5m.

In particular the side boundary setback of 5m from each side creates a practical problem for 1000m² lots which are generally 20m wide. This tends to create pressure for 10m wide houses. In a conventional Residential zoned lot, the side boundary setbacks are in the order of 1.5m from each side boundary.

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967 – these have set procedures for Amending a Town Planning Scheme including once initiated by the Council, referral to the Environmental Protection Authority (EPA) for twenty-eight days. Once cleared by the EPA a forty-two day advertising period applies. The Council must consider any submissions lodged within forty-two days and refer its recommendations to the Western Australian Planning Commission and the Minister within twenty-eight days.

Consultation

The matter of setback conflict has been discussed with various persons wishing to build homes in this particular area.

The Regional Manager of the Department for Planning and Infrastructure Albany has been consulted.

If initiated by the Council and authorised by the EPA, the Amendment will be advertised for forty-two days by way of a newspaper notice, letters to Government

agencies, a notice on the Council's notice board and a notice on the Kendenup Shop notice board.

Policy Implications

This proposed Amendment to TPS3 has no policy implications.

Financial Implications

Should the Council agree to initiate the Amendment and should the EPA authorise it to proceed, there will be the cost of advertising and if finalised, the cost of publishing a notice in the Government Gazette.

Strategic Implications

The Local Planning Strategy (LPS) will provide long term guidance in the future of the Kendenup settlement.

Officer Comment

The Amendment to TPS3 is proposed as a means of applying residential setback standards to the 'urban' area of the Kendenup settlement. The present Rural zone setback standards are not practical for lots particularly of 1000m² in area with a 20m wide frontage.

The LPS will determine the long term appropriate standards for the settlement of Kendenup but in the interim, the fact that many 1000m² and 2000m² lots exist in the area, cannot be ignored. The level of building licence applications in Kendenup in recent times means that the Zone Development Table (Schedule 4) requires alteration to apply R10 setback standards, particularly the 1.5m side boundary setback.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr D Williss:

THAT:

- (1) Amendment No. 43 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.**
- (2) Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of forty-two days to enable comment to be made.**
- (3) After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held 14 August 2007.**

CARRIED (8/0)

No. 92/07

9.5.4 TOWN PLANNING SCHEME NO. 3 – AMENDMENT NO. 44 – PART LOT 756 AND LOTS 1233 AND 1234 ALBANY HIGHWAY, MOUNT BARKER – RURAL TO RESIDENTIAL

Location / Address:	Part Lot 756 and Lots 1233 and 1234 Albany Highway, Mount Barker
Attachments: (2)	Location Plan Amendment No. 44 - Document (Separate Attachment) Schedule of Modifications
Name of Applicant:	Yaran Pty Ltd
File Reference:	LP/181/21
Author:	Peter Duncan – Management Development Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	2 March 2007

Purpose

The purpose of this report is to consider a proposed Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) to rezone Pt Lot 756 and Lots 1233 and 1234 Albany Highway from the Rural zone to the Residential (R20) zone.

Background

At its meeting held on 11 July 2006 the Council considered a preliminary proposal for the rezoning of the subject land from Rural to Residential. At that meeting the Council resolved at Resolution No. 214/06:

‘That the proponents of a Scheme Amendment to rezone Pt Lots 756, 1233 and 1234 Albany Highway, Mount Barker from ‘Rural’ to ‘Residential’ be advised that the Shire of Plantagenet is prepared to receive a submission in accordance with Statement of Planning Policy No. 1, Statement of Planning Policy No. 3 and Development Control Policy Guidelines for the Preparation of Local Structure Plans for Urban Release Areas as published by the Western Australian Planning Commission.’

In support of that earlier request the applicant offered the following:

- *‘Less fragmented landownership;*
- *Capable of being serviced with infrastructure for subdivision;*
- *Directly opposite the education/recreation node which shall include the High School, Primary School, TAFE campus and Community Recreation Centre;*
- *Logical northward extension of the townsite, the same distance from the town centre as residential zoned land to the south;*
- *Would provide northern entry statement to the Mount Barker townsite;*
- *Adjoining existing 60kmh zone on Albany Highway; and*
- *Limited existing viability for rural purposes.’*

The applicant provided preliminary indications of proposed lot sizes of 2,000m² for the July 2006 proposal.

The total area of land occupied by the three properties is approximately 72ha.

Town Planning Scheme No. 3 – Amendment No. 44 – Part Lot 756 & Lots 1233 & 1234 Albany Highway, Mount Barker – Rural To Residential (Cont.)

The 60kmh speed zone changes to 80kmh in front of Southern Haulage transport yard and as such where these subject lots front the highway the speed limit is 80kmh which then increases to 110kmh adjacent to this land.

The land to the south and west is occupied by the Valley View Farm tree plantation and strata scheme which is zoned Special Site referred to as R13 in Schedule 3 of the Council's TPS3. Lot 1 to the north is the subject of Amendment No. 40 to TPS3 which if finalised will allow for a three turbine wind farm to be developed.

Land to the east is a Public Purpose (High School) Reserve under TPS3 and is occupied by the Mount Barker High School and farm with access off Woogenellup Road and the Recreation Centre with access off Albany Highway.

Unconstructed road reserves adjoin the northern and western boundaries of the subject land.

Shire records indicate the owner is Mr Harry Cyril Reeves.

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967 – these have set procedures for Amending a Town Planning Scheme including once initiated by the Council, referral to the Environmental Protection Authority (EPA) for twenty-eight days. Once cleared by the EPA a forty-two day advertising period applies. The Council can, if it considers it appropriate, refer the Amendment to the Western Australian Planning Commission (WAPC) for approval to advertise. This is used in instances where a proposal does not appear to conform to Local, Regional or State strategies and policies. The Council must consider any submissions lodged within forty-two days of the close of formal advertising and refer its recommendation to the WAPC and the Minister within twenty-eight days.

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

Western Australian Planning Commission (WAPC) documents of relevance:

- Statement of Planning Policy No. 1 (SPP1) – 'State Planning Framework Policy';
- Statement of Planning Policy No. 3 (SPP3) – 'Urban Growth and Settlement';
- 'Development Control Policy Guidelines for the Preparation of Local Structure Plans for Urban Release Areas'.

Consultation

If initiated by the Council and authorised by the EPA and if necessary the WAPC, the amendment will be advertised for forty-two days by way of newspaper notice, letters to neighbours and Government agencies, a notice on the Council's notice board and a sign on site.

Policy Implications

The Mount Barker Townsite Strategy and the Mount Barker Local Rural Strategy do not identify the subject lots for potential urban or rural-residential development. The applicant will need to satisfy the Council that urban development should be permitted on the subject lots.

Town Planning Scheme No. 3 – Amendment No. 44 – Part Lot 756 & Lots 1233 & 1234 Albany Highway,
Mount Barker – Rural To Residential (Cont.)

Financial Implications

The fee of \$3,300.00 has been paid.

Strategic Implications

Shire of Plantagenet Strategic Plan, under Key Result Area 4 – Development Services, aims to:

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

As stated under policy implications above, this land is not identified in any current Council strategic planning documents.

Officer Comment

There is a significant amount of urban land within the Mount Barker Townsite whereby consolidation is a reasonable direction. The two (2) current strategic documents do not identify expansion to the north. The proponent has undertaken research and prepared this Amendment which attempts to address this.

The documents applicable in this instance are SSP1, SPP3 and Development Control Policy Guidelines for the Preparation of Local Structure Plans for Urban Release Areas. There are other regional and strategic documents of relevance, such as the Lower Great Southern Strategy, State Sustainability Strategy, and Housing Strategy of WA.

SPP1 sets out the broad state planning framework whereby there are five (5) elements:

- Environment;
- Community;
- Economy;
- Infrastructure; and
- Regional Development.

The objectives of SPP3 are:

- *‘To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.*
- *To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.*
- *To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.*
- *To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand while ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.*
- *To coordinate new development with the efficient, economic and timely provision of infrastructure and services.’*

Town Planning Scheme No. 3 – Amendment No. 44 – Part Lot 756 & Lots 1233 & 1234 Albany Highway, Mount Barker – Rural To Residential (Cont.)

It is important to acknowledge that SPP3 'Urban Growth and Settlement' also states, '*Speculative proposals for new urban subdivision and development in areas not identified in regional and local planning strategies and land release plans will not generally be supported.*'

The proponent in the submission of this Amendment to TPS3 considers the above standards and requirements have been addressed.

Of key concern is the fact that the Council's Local Planning Strategy (LPS) has not been prepared and that is the kind of document that is needed to provide guidance in terms of the long term growth of the Mount Barker urban area and associated impacts on the surrounding rural land. The LPS should be completed in draft form towards the end of 2007 for the consideration of the Council and the WAPC before advertising.

The Mount Barker urban area is experiencing pressure for growth both in terms of subdivisions and various forms of housing development. It is clear there will not be enough Residential zoned land to allow for sustained growth over the next 20 to 30 years. Preliminary investigations in respect to the future growth prospects for Mount Barker indicate that conventional urban development cannot expand to the south or west due to existing rural residential development or extensive areas of Crown reserves. Land to the east is not considered appropriate for urban development due to its low lying nature. This only leaves land to the north which includes the subject land and the land currently occupied by the Valley View Farm strata tree plantation.

That land to the north does have issues that need to be considered and these include:

- Albany Highway – noise, traffic volumes;
- Separation from School complex – children would need to cross Albany Highway;
- Separation from town by the Northern Bypass – may create a sense of isolation from town.
- Transport yard – Southern Haulage yard located on Albany Highway – noise, truck movements, dust;
- Windfarm – 3 wind turbines proposed on lot to the north – separation distances for noise attenuation;
- Fire Risk – dense vegetation particularly to the north west and plantation to the south.

The Amendment now being considered contains quite a deal of research into numerous issues above. It contains a land capability report and a feasibility study by Opus.

There are some areas where the document will need adjustment which can be done before the document is referred formally to the EPA if the Council agrees to initiate the Amendment. The changes are listed in the Schedule of Modifications attached.

As part of the legislative process, if initiated by the Council and the Amendment is referred to the EPA for its authorisation to proceed, a copy is referred to the Department for Planning and Infrastructure (DPI). If the DPI consider it warranted it can through the WAPC determine that the Commission's approval is required to advertise the Amendment. In other words the WAPC has a 'call in' power if it feels an

Town Planning Scheme No. 3 – Amendment No. 44 – Part Lot 756 & Lots 1233 & 1234 Albany Highway,
Mount Barker – Rural To Residential (Cont.)

Amendment is too much of a departure from established policy. Alternatively the Council can resolve to refer the Amendment to the WAPC for approval to advertise once the EPA has authorised it to proceed.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr D Williss:

THAT:

- (1) Amendment No. 44 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements once the modifications in the attached Schedule of Modifications have been carried out.**
- (2) Once authorised by the Environmental Protection Authority, the Amendment be referred to the Western Australian Planning Commission for its approval to advertise for a period of forty-two days to enable comment to be made.**
- (3) After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held 11 December 2007.**

CARRIED (8/0)

No. 93/07

9.5.5 LOT 283 SOUTH MARMION STREET, MOUNT BARKER - AQUACULTURE AND HORTICULTURE – SUBMISSIONS

Location / Address:	Lot 283 South Marmion Street, Mount Barker
Attachments: (3)	Location plan Site Plan Summary of Submissions
Name of Applicant:	SJ & SP Mortimore
File Reference:	RV/182/3797
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	22 February 2007

Purpose

The purpose of this report is to consider submissions received on an application for aquaculture and horticulture at Lot 283 South Marmion Street, Mount Barker.

Background

The site is zoned Rural Residential and a range of activities and uses are permitted at the discretion of the Council ('AA') and these include horticulture and aquaculture.

Shire records show the owners to be Stephen and Shirley Mortimore of Albany.

The proposal was initially considered by the Council at its meeting held on 23 January 2007 where it was resolved at Resolution No. 25/07:

'THAT:

- (1) The application for aquaculture and horticulture at Lot 283 South Marmion Street be advertised to adjoining / nearby property owners by way of letters inviting comment within twenty-one days.*
- (2) At the conclusion of the advertising a further report be prepared for the consideration of the Council at its meeting to be held on 13 March 2007.'*

The necessary advertising was carried out and at the close of the advertising period on 19 February 2007, three (3) submissions had been received (see Summary of Submissions attached).

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural Residential (Mount Barker Hill) where aquaculture and horticulture are permitted at the discretion of the Council.

Consultation

Initial consultation with the Department of Water (DoW) was undertaken. The DoW responded and indicated support subject to adherence with water quality guidelines in a Water Quality Protection Note – Aquaculture.

As this proposal is quite extensive and the land is close to Residential (R2) land to the north, the Council considered it appropriate to write to nearby landowners to enable them to comment before the Council makes a decision on the proposal.

Neighbours were written to and their comments are contained in the Summary of Submissions attached.

Policy Implications

Town Planning Scheme Policy No. 16 (Outbuildings) sets a maximum cumulative area for outbuildings in the Rural Residential zone at 150m². There is already one shed on the property at 200m² in area and a small shed of some 9m² in area.

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).'

Draft Shire of Plantagenet Mount Barker Townsite Strategy (2002) – the land to the north of this site is within a precinct identified as the Pearce Street Precinct where some closer residential subdivision may be possible. This draft Strategy has not been adopted by the Council.

Officer Comment

The proposal involves a 3,325m² netted area for hazelnut trees with a maximum netting height of 5m, a 3,000m² netted area for blueberry bushes with a maximum netting height of 4m, a 150m² purging shed and three (3) 2m deep dams for the marron.

The objective of this Rural Residential zone is 'to provide for rural residential living and small scale rural and tourist uses providing they do not impact detrimentally on the environment or the amenity of adjoining property'.

Clause 4.4 of the Rural Residential zone provisions requires approval of the Council for all dams and it states all dams are to be sited and designed to avoid visual impact from surrounding roads. From the site plan submitted (copy attached) it can be seen that the three dams are away from the road however they are located on the boundary with Lot 282 to the south as this is the wet portion of the property where there is an existing dam.

Clause 4.6 of the zone requires outbuildings to be designed and constructed of materials to allow them to blend in with the landscape of the site. The clause also states the Council shall refuse walls and roofs constructed of reflective materials such as unpainted zincalume and off white colour. No details have been provided of external materials for the 150m² purging shed. Town Planning Scheme Policy 16 (Outbuildings) also sets a maximum cumulative floor area of outbuildings in Rural Residential zones at 150m². There is already a large outbuilding (grey colourbond) on this site of 200m² in area and a small one of some 9m² in area and as such, the new outbuilding would take the total to approximately 360m² which is well in excess of the Policy figure.

Lot 283 South Marmion Street, Mount Barker – Aquaculture & Horticulture – Submissions (Cont.)

There is no house on the property and as such management of the operation will be from off site which could cause some concern to nearby residents judging by the submissions received.

Clause 6.0 of the zone relates to horticultural activities and requires a management plan to be submitted detailing fertiliser and spray use and prohibits the use of gas guns. The proposals are not to involve excessive use of nutrients. No management plan was submitted.

With the lack of detail provided with the application the neighbour concern and the size of the operation proposed it does not meet the requirements of the Rural Residential zone. The cumulative floor areas of the existing and proposed outbuildings of 359m² is well in excess of the Council's Town Planning Scheme Policy No. 16 requirements of 150m² for a Rural Residential zone. The proposal as submitted is not supported.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr J Moir, seconded Cr D Williss:

That planning consent for application number 58/06 for horticulture and aquaculture at Lot 283 South Marmion Street, Mount Barker be refused for the following reasons:

- (1) 6,300m² of netting over the horticulture combined with aquaculture on this Rural Residential zone property is considered too large and contrary to the objective of this particular zone.**
- (2) A total area of the outbuildings of 359m² is considered too excessive in the light of the Council's Town Planning Scheme Policy No. 16 (Outbuildings) which limits cumulative floor area in such zones to 150m².**
- (3) Clause 6.0 of this Rural Residential zone requires a management plan to be submitted and no such management plan was submitted.**
- (4) The proposal is considered to be contrary to the orderly and proper planning and amenity of the locality.**

MOTION TO ADJOURN THE QUESTION

Moved Cr M Skinner, seconded Cr J Cameron:

That the question be adjourned to allow the proponent to supply an appropriate Management Plan and revised development plans.

CARRIED (8/0)

No. 94/07

9.5.6 LOT 36 EATON AVENUE AND LOT 66 LANGTON ROAD, MOUNT BARKER - PROPOSED GROUP DWELLINGS (EIGHTEEN)

Cr Skinner disclosed a Financial Interest for Item 9.5.6

Nature Of Interest: Owner Of Adjoining Land

3.47pm

Cr Skinner withdrew from the meeting.

Location / Address: Lot 36 Eaton Avenue and Lot 66 Langton Road, Mount Barker

Attachments: (3) Location Plan
Development Application Plans (Various)
Submission received from neighbour

Name of Applicant: Yaran Pty Ltd

File Reference: RV/182/1166

Author: Peter Duncan - Management Development Services

Authorised By: Rob Stewart - Chief Executive Officer

Date of Report: 13 February 2007

Purpose

The purpose of this report is to consider an application for eighteen (18) grouped dwellings at Lot 36 Eaton Avenue and Lot 66 Langton Road following public advertising.

Background

The subject land is presently vacant with Lot 66 being a privately owned Right-of-Way (RoW) which was purchased by the proponents in October 2006. The actual development of the grouped dwellings will take place on Lot 36. Lot 36 is 6402m² in area and Lot 66 (RoW) is 328m² in area. Lot 66 (RoW) will be incorporated into the common property lot (driveway) as part of a survey strata subdivision. The development consists of 15 x 2 storey dwellings and 3 x 1storey dwellings.

Zoning	Residential Lot 36 Unzoned Lot 66 (RoW)
Density	R30
Lot size	6730m ²
Units – possible	21 (proposed 18)
Dwelling type	Grouped Dwellings
Average Lot size (R30)	300m ² (proposal 375m ²)
Minimum lot size (R30)	270m ² (proposal 270m ²)

The Council may at its discretion approve the development once the application has been advertised to seek public comment.

In accordance with Delegation LG043 the proposal was advertised for comment for twenty-one days by way of newspaper notice, a sign on site and letters to neighbours. At the close of the advertising period one (1) submission had been received from the owners of No. 11 (Lot 16) Eaton Avenue who are concerned about loss of views, two (2) storey structures, density of development and a city style gated

Lot 36 Eaton Avenue & Lot 66 Langton Road, Mount Barker – Proposed Group Dwellings (Eighteen)
(Cont.)

community out of step with rural community environment. A copy of the submission is attached.

The application submitted complies with the majority of the standards required for this sort of R30 development set by the Residential Design Codes.

Council records show the registered owners of Lot 36 and Lot 66 are Yaran Pty Ltd.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No 3 (TPS3)

Residential Design Codes of WA (2002) (RCodes)

Consultation

The proposal was advertised for a period of twenty-one days and at the close of the submission period one submission had been received.

Policy Implications

There are no policy implications for this report.

Financial Implications

The required application fee has been 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. The Strategic Plan advocates:

‘Supporting sustainable and managed growth within existing urban settlements in the Shire and encourage the development of a variety of housing opportunities. The Shire also seeks to plan a safe and healthy living environment.’

Officer Comment

Shire officers have studied the plans and have suggested some matters which would need to be addressed as conditions of approval.

As stated earlier the drawings submitted comply with most of the requirements of the RCodes for this R30 coded land. Areas where alterations are required are as follows:

- (1) The 4m² storage sheds on all lots are located on rear and / or side boundaries where the minimum setback should be at least 1.0m. Incorporation of these sheds into the main building design should be considered.
- (2) Lots 12, 13 and 14 have enclosed garages fronting Eaton Avenue and the dwellings are to the rear of the garages. The RCodes state garages can only occupy a maximum of 50% of the frontage for each dwelling and for these three dwellings the garages occupy 6m of an 11.5m frontage. These dwellings on Lots 12, 13 and 14 should be redesigned to pull some of the dwelling forward to reduce the impact of the garage and improve the streetscape. The units must have habitable rooms fronting the street.
- (3) A landscaping plan is required to be submitted.
- (4) A drainage management plan needs to be submitted.

Lot 36 Eaton Avenue & Lot 66 Langton Road, Mount Barker – Proposed Group Dwellings (Eighteen)
(Cont.)

Other areas where alterations are considered appropriate are:

- (1) Delete the security gates to Eaton Avenue. The one to the RoW (Lot 66) can be retained as its location will still allow access to the rear of the shops on Langton Road.
- (2) Provide adequate signage to direct visitors to the visitor parking area.
- (3) Provide 3m x 3m truncations where the private driveway meets Eaton Avenue and Lot 18 near the vehicle turning area.
- (4) Flip the design of the dwelling at Lot 14 to ensure the garage is separated from the adjoining Lot 35 Eaton Avenue.
- (5) Redesign dwellings on Lots 5, 6, 8 and 9 to provide habitable room frontage / exposure to the private roadway.

The proponents intend to subdivide the dwellings by way of survey strata subdivision and this will attract a 10% public open space contribution. The proponents advise they will be requesting approval to pay cash in lieu of providing the land. This can be addressed at the subdivision stage and is considered more appropriate rather than requiring the provision of an area of 673m² for public open space.

The approach to drainage will be the same methodology as proposed for Lot 97 Montem Street where post-development run-off will be the same as pre-development run-off.

The dwellings will be constructed on site of a variety of materials and claddings and a varied colour scheme has been supplied to provide variety in the overall development.

The two (2) storey dwellings comply with the privacy, overlooking and over shadowing requirements of the RCodes.

The Manager Works and Services has confirmed the internal driveway and the turning area / reversing bay near the visitor parking area is adequate for the rubbish truck to enter from Eaton Avenue service the dwellings and leave via Eaton Avenue.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr B Hollingworth:

That planning consent be granted for Application No. 60/06 for eighteen grouped dwellings at Lot 36 Eaton Avenue and Lot 66 Langton Road Mount Barker subject to:

- (1) **Development being generally in accordance with the plans dated 15 December 2006.**
- (2) **The 4m² storage sheds being relocated off rear and / or side boundaries to ensure a 1.0m setback or alternatively the facilities being incorporated into the dwelling design.**

Lot 36 Eaton Avenue & Lot 66 Langton Road, Mount Barker – Proposed Group Dwellings (Eighteen)
(Cont.)

- (3) Redesign the dwellings numbered 12, 13 and 14 to ensure habitable rooms front the street and to bring the dwellings forward to reduce the impact of the garages on the streetscape.
- (4) The submission and approval of a landscape plan.
- (5) The submission by the proponents and approval by the Manager Works and Services of a drainage management plan.
- (6) Delete security gates to Eaton Avenue entry.
- (7) Provision of adequate signage to direct visitors to the visitor parking area.
- (8) Provision of 3m x 3m truncations on Lots 1 and 11 where they meet Eaton Avenue and Lot 18 adjacent to the visitor parking area.
- (9) Invert the plan for the dwelling at Lot 14 to ensure the garage is separated from the adjoining Lot 35 Eaton Avenue.
- (10) Redesign dwellings on Lots 5, 6 8 and 9 to provide habitable room frontage / exposure to the private roadway.
- (11) Construct, drain and seal the private driveway and Lot 66 (RoW) from Eaton Avenue through to Langton Road to the satisfaction of the Manager Works and Services.
- (12) Construct, drain and seal all crossovers to the satisfaction of the Manager Works and Services.
- (13) No garage doors are to be installed on any of the lots except for those already shown on Lots 12, 13 and 14.
- (14) Fencing in front of the building setback line to be a maximum of 1.2m in height.
- (15) Lot 66 (RoW) common property driveways to be made available for public use for the owners and customers of the businesses on Lots 7,8 and 22 Langton Road.
- (16) Connection of all dwellings to reticulated sewer and water. This will include the provision of fire hydrants.
- (17) Eventual survey strata submission of the development will require the provision of 10% public open space and the proponents intention to provide cash-in-lieu of the land is supported.
- (18) Amalgamation of Lot 36 Eaton Avenue and Lot 66 Langton Road, to one (1) Lot whilst maintaining the rights for Lots 7, 8 and 22 Langton Road to utilise the northern access to Langton Road.
- (19) Street trees being provided in accordance with the species list and specifications set out in the Mount Barker Townscape Review for Eaton Avenue.
- (20) External clothes drying facilities being provided for each dwelling in accordance with the RCodes ensuring clothes drying areas are screened from view from any primary street or public area.

Lot 36 Eaton Avenue & Lot 66 Langton Road, Mount Barker – Proposed Group Dwellings (Eighteen)
(Cont.)

ADVICE NOTES

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

CARRIED (5/2)

No. 95/07

3.54pm Cr Skinner returned to the meeting.

9.5.7 LOTS 14 AND 15 LOWOOD ROAD / LANGTON ROAD, MOUNT BARKER – VERANDAH REPLACEMENT

Location / Address:	Lots 14 and 15 Lowood Road / Langton Road, Mount Barker
Attachments: (3)	Site Plan Floor Plan Section Detail
Name of Applicant:	Hobbs Smith & Holmes / Tectonics Construction Group Pty Ltd on behalf of Naoumis Christos and Vasiliki Vellios
File Reference:	RV/182/1381
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	25 February 2007

Purpose

The purpose of this report is to consider a proposal to replace portion of an existing verandah at the Mount Barker Hotel at Lots 14 and 15 Lowood Road, corner Langton Road, Mount Barker.

Background

The proposal applied for is to remove an existing verandah which wraps around the corner of the hotel building and replace it with a new bull nose verandah. A second later stage of the development will be the renovations of the two level verandah which fronts Lowood Road. The second stage will not change the appearance of the verandah but rather strengthen and renovate it.

This current proposal will change the appearance by the removal of the box type verandah and its replacement with a bull nose verandah. The intention of the bull nose is to replicate the verandah roof over the existing two level verandah.

Shire records show the owners to be Naoumis Christos and Vasiliki Vellios.

Statutory Environment

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Commercial. The hotel is not listed in Schedule 11 (Places of Heritage Value).

Land Administration Act – Government Land Bulletin No. 2 (2001) – this requires new structures over footpaths to have the approval of Department for Planning and Infrastructure. Replacement of existing structures such as this is exempt from the Bulletin requirements.

Consultation

The proposal has been discussed with the architect who is a heritage architect in respect to the appearance of the verandah.

Policy Implications

The hotel is listed in the Council's Municipal Heritage Inventory (MHI) of 1996 but it has not been assigned a management category. The MHI is not a statutory document but Council should have regard to it in proposals such as this one under consideration. The bull nose verandah will be in keeping with the appearance of the building.

Financial Implications

There are no financial implications in this report.

Strategic Implications

The proposal is consistent with the Shire of Plantagenet Strategic Plan. The Strategic Plan advocates recognising and protection of heritage places.

Officer Comment

This proposed replacement of the existing verandah with a bull nose verandah is considered to be in keeping with the design of the hotel as it will match the upper storey roof over the two level verandah. The steel posts proposed to support the verandah are only 75mm x 75mm whereas the existing timber posts in the two level section are at least 100mm x 100mm and as such the new posts should be of a dimension to match the existing timber ones.

The longer term proposal involves the renovation of the two level section of the verandah and this is supported as it would retain the external appearance but make the verandah sound.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr K Clements, seconded Cr B Hollingworth:

That planning consent be granted for Development Application 05/07 for a replacement verandah at Lots 14 and 15 Lowood Road / Langton Road, Mount Barker, subject to:

- (1) The development being in accordance with the plans dated 15 February 2007.**
- (2) The verandah posts being increased in size and coloured the same to match the existing timber ones to Lowood Road.**
- (3) Stormwater disposal being to the satisfaction of the Manager Works and Services.**
- (4) Structural engineer's certification of the structure.**
- (5) Unauthorised signage on the footpath adjacent to the hotel to be removed immediately.**

ADVICE NOTES:

- (i) A demolition licence will be required for the removal of the existing verandah.**

Lots 14 & 15 Lowood Road / Langton Road, Mount Barker – Verandah Replacement (Cont.)

- (ii) During construction the footpath area will need to be secured for the safety of the public to the satisfaction of the Manager Works and Services.

AMDENDMENT

Moved Cr J Cameron, seconded Cr D Williss:

That Part (5) of the Motion be deleted.

CARRIED (8/0)

No. 96/07

COUNCIL DECISION

That planning consent be granted for Development Application 05/07 for a replacement verandah at Lots 14 and 15 Lowood Road / Langton Road, Mount Barker, subject to:

- (1) The development being in accordance with the plans dated 15 February 2007.
- (2) The verandah posts being increased in size and coloured the same to match the existing timber ones to Lowood Road.
- (3) Stormwater disposal being to the satisfaction of the Manager Works and Services.
- (4) Structural engineer's certification of the structure.

ADVICE NOTES:

- (i) A demolition licence will be required for the removal of the existing verandah.
- (ii) During construction the footpath area will need to be secured for the safety of the public to the satisfaction of the Manager Works and Services.

CARRIED (8/0)

No. 97/07

9.5.8 POLICY REVIEW – CONTROL OF TREES FOR PROTECTION OF PROPERTY

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	LP/120/17
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	12 February 2007

Purpose

The purpose of this report is to review Council Policy No. NRM/C/1 – ‘Control Of Trees For Protection Of Property’.

Background

Council Policy No. NRM/C/1 – ‘Control Of Trees For Protection Of Property’ reads as follows:

‘These existing policies will be incorporated into a new policy for control of trees for protection of property.

It is not anticipated that a complete policy will be achieved at the first attempt. The following is offered as the basis for development:

That Council be responsible for areas actively managed by Council as broadly outlined in the comments section above.

In July 2000 Council resolved to permit a 2 metre wide clearing outside of boundary fences.

That landowners be responsible for the control of trees and associated expenses on all properties adjoining Council managed reserves:

- *In all rural areas subject to compliance with statutory requirements and Council policy;*
- *In all urban areas subject to the approval of Council and compliance with statutory requirements and Council policy.*

Requirements would include:

- *Maximum cleared width of 2 metres outside of the boundary;*
- *Removal from the reserve and disposal of cleared waste in an appropriate approved manner;*
- *No commercial gain from cleared vegetation;*
- *No damaged to declared rare flora;*
- *Compliance with relevant legislation and approval from other agencies where applicable e.g. Agwest;*
- *Inspection and support from a qualified arborist or tree surgeon where large trees in townsites are involved’*
- *Notification of intent to council prior to proceeding in rural areas where clearing is less than 1000m²;*

Policy Review – Control Of Trees For Protection Of Property (Cont.)

- *Approval from Council prior to proceeding in townsites and where clearing is in excess of 1000m² in rural areas.'*

This policy was last reviewed by the Council on 22 August 2000.

Statutory Environment

Local Government Act 1995

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2001 – Division 5

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

Land Administration Act 1997

Consultation

This Policy has been discussed with Mr Ian Bartlett – Manager Works and Services and Ms Nicole Selesnew – Manager Community Services.

Policy Implications

This policy review is presented to the Council as part of the ongoing Council policy review cycle.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Strategic Plan Key Result Area 1, New Initiative 1.4 provides the following:

'1.4 Ensure the Administrative system and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

Revise all policies, procedures and delegations to ensure internal consistency and convergence; and

Promote and provide access to policies, procedures, standards and legislation.'

Officer Comment

The intention of this policy is to set some standards for landowners wishing to clear vegetation in reserves adjoining private property particularly for features such as fencelines and for fire safety.

The Policy is relevant and should be retained however, the wording needs to be adjusted to delete some irrelevant wording such as the first four (4) paragraphs and to adjust the wording of the title to refer to vegetation rather than just trees.

The Clearing of Native Vegetation Regulations restrict the area able to be cleared to a maximum width of 1.5m without further approvals and as such, the Policy needs to be adjusted to refer to 1.5m.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr B Hollingworth, seconded Cr K Hart:

That amended Council Policy No. NRM/C/1 – 'Control of Vegetation For Protection Of Property' as follows:

OBJECTIVE:

To set standards for landowners wishing to clear vegetation in Council controlled reserves adjoining private property.

POLICY:

Landowners will be responsible for the control of vegetation and trees and associated expenses on all properties adjoining Council managed reserves in all rural and urban areas subject to compliance with statutory requirements, this Council Policy and the Council's Activities in Thoroughfares and Public Places and Trading Local Law.

Policy requirements for vegetation in reserves are:

- (i) Maximum cleared width of 1.5 metres outside of the boundary;
- (ii) Removal of cleared material from the reserve and disposal of cleared material in an appropriate approved manner;
- (iii) No commercial gain from cleared vegetation;
- (iv) No damage to declared rare flora;
- (v) Compliance with relevant legislation and approval from other agencies where applicable (eg: Environmental Protection Authority, Department of Environment and Conservation);
- (vi) Inspection and support from a qualified arborist or tree surgeon where large trees in townsites are involved;
- (vii) Notification of intent to the Council prior to proceeding in rural areas where clearing is less than 1000m²; and
- (viii) Approval from the Council prior to proceeding in townsites and also where clearing is in excess of 1000m² in the rural areas.'

be endorsed.

AMENDMENT

Moved Cr J Cameron, seconded Cr D Williss:

That a Point (ix) be added to the Motion as follows:

- (ix) Licensed seed collectors will be permitted to access the 1.5m cleared area in accordance with the provisions of Council Policy NRM/C/2 - 'Native Flora Collection'.

CARRIED (8/0)

No. 98/07

AMENDMENT

Moved Cr J Cameron,

That Points (vii) and (viii) be deleted from the Motion.

AMENDMENT LAPSED FOR WANT OF A SECONDER

MOTION TO ADJOURN THE QUESTION

Moved Cr K Hart, seconded Cr K Clements:

That the question be adjourned pending further investigation and that the matter be brought before the Council at its meeting to be held 10 April 2007.

CARRIED (8/0)

No. 99/07

9.5.9 POLICY REVIEW – NATIVE FLORA COLLECTION

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	EM/120/3
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	12 February 2007

Purpose

The purpose of this report is to review Council Policy No. NRM/C/2 – ‘Native Flora Collection’.

Background

Council Policy No. NRM/C/2 – ‘Native Flora Collection’ reads as follows:

‘That the Shire of Plantagenet permits the collection of seed or other native flora from road and other reserves controlled by the Council for commercial purposes by licensed operators conditional upon:

- *The obtaining of written approval from the Council on an annual basis. Collection being restricted to areas subject to clearing for roadworks, fence lines, service authorities or other activities as specifically approved by Council.*
- *The licensed and Council approved operators advising Council in writing of the intended collection site not less than 2 days nor more than 14 days in advance of the collection taking place.*
- *Agreement by the licensed collector that where Council requires materials collected they will be available for purchase by Council at an agreed price as a first option.*

That Council seeks expressions of interest from licensed collectors for the commercial harvesting from reserves vested in Council, of:

- *Timber for fence posts, saw longs and firewood*
- *Native seed*
- *Leaf mulch and chippings.*

That the collection of wildflowers not be permitted within reserves controlled by the Shire of Plantagenet unless for the purpose of specimen collection approved by the Department of C.A.L.M.

That the number of licensed collectors approved by Council to operate on Shire of Plantagenet managed reserves be limited to:

- *Seed collection 4*
- *Mulch and woodchips 4*
- *Sawmill timber, fence posts and firewood 4’*

This policy was last reviewed in June 2000.

Statutory Environment

Local Government Act 1995

Policy Review – Native Flora Collection (Cont.)

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2001 – Division 8

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

Consultation

This Policy has been discussed with Mr Ian Bartlett – Manager Works and Services.

Policy Implications

This policy review is presented to the Council as part of the ongoing Council policy review cycle.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Strategic Plan Key Result Area 1, New Initiative 1.4 provides the following:

'1.4 Ensure the Administrative system and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

Revise all policies, procedures and delegations to ensure internal consistency and convergence; and

Promote and provide access to policies, procedures, standards and legislation.'

Officer Comment

This Policy is considered relevant and should be retained but it needs some minor editorial work to introduce an objective and to delete reference to the Department of CALM. The Policy provides guidance for the relevant Division 8 (Commercial Wildflower Harvesting On Thoroughfares) in the Council's Activities in Thoroughfares and Public Places and Trading Local Law.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Hollingworth:

That amended Council Policy No. NRM/C/2 – 'Native Flora Collection' as follows:

OBJECTIVE:

To set standards for persons wishing to collect flora from roads and other reserves controlled by the Council.

POLICY:

Policy Review – Native Flora Collection (Cont.)

- (1) The Council will permit the collection of seed or other native flora from road and other reserves controlled by the Council for commercial purposes by licensed operators conditional upon:**
 - (i) The obtaining of a permit from the Council on an annual basis.**
 - (ii) Collection being restricted to areas subject to clearing for road works, fence lines, service authorities or other activities as specifically approved by the Council.**
 - (iii) The licensed and Council approved operators advising the Council in writing of the intended collection site not less than two (2) days nor more than fourteen days in advance of the collection taking place.**
 - (iv) Agreement by the licensed collector that where the Council requires materials collected they will be available for purchase by the Council at an agreed price as a first option.**
- (2) The Council may seek expressions of interest from licensed collectors for the commercial harvesting from reserves vested in the Council of:**
 - (i) Timber for fence posts, saw logs and firewood.**
 - (ii) Native seed.**
 - (iii) Mulch and chippings.**
- (3) The collection of wildflowers not be permitted within reserves controlled by the Council unless for the purpose of specimen collection approved by the Department of Environment and Conservation.**
- (4) The number of licensed collectors approved by the Council to operate on the Council managed reserves is limited to:**
 - (i) Seed collection – four (4)**
 - (ii) Mulch and woodchips – four (4)**
 - (iii) Sawlogs, fence posts and firewood – four (4)**

be endorsed.

CARRIED (8/0)

No. 100/07

9.5.10 POLICY REVIEW – ROADSIDE MARKING OF SPECIAL ENVIRONMENTAL AREAS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/120/16
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	12 February 2007

Purpose

The purpose of this report is to review Council Policy No. NRM/C/3 – ‘Roadside Marking Of Special Environmental Areas’.

Background

Council Policy No. NRM/C/3 reads as follows:

‘TO BE DEVELOPED

The Council adopt a policy of marking and signing man made , flora and historical sites of special environmental interest on road verges within the Shire.’

Statutory Environment

Local Government Act 1995

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2001

Consultation

There has been no consultation in this report.

Policy Implications

This policy review is presented to the Council as part of the ongoing Council policy review cycle.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council’s Strategic Plan Key Result Area 1, New Initiative 1.4 provides the following:

‘1.4 Ensure the Administrative system and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

Revise all polices, procedures and delegations to ensure internal consistency and convergence; and

Promote and provide access to policies, procedures, standards and legislation.’

Policy Review – Roadside Marking Of Special Environmental Areas (Cont.)**Officer Comment**

The intention of this Policy was to ensure particular features and areas of interest in road verges were marked and signed to bring their existence to the attention of the community. The Council's Activities in Thoroughfares and Public Places and Trading Local Law (LL) does enable the Council to declare a thoroughfare as a flora road where there is high quality vegetation. The LL also permits the sign posting of such areas. The LL enables the Council to designate and mark a thoroughfare or part of a thoroughfare where the Council considers the area has environmental, aesthetic or cultural significance.

It is considered the present Policy is not needed.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr B Hollingworth:

That Council Policy No. NRM/C/3 as follows:

'TO BE DEVELOPED

The Council adopt a policy of marking and signing man made, flora and historical sites of special environmental interest on road verges within the Shire.'

be revoked.

CARRIED (8/0)

No. 101/07

9.5.11 POLICY REVIEW – PIGGERIES – EXTENSIVE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	LP/120/16
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	12 February 2007

Purpose

The purpose of this report is to review Council Policy No. STP/TPS/1 – ‘Piggeries - Extensive’.

Background

Council Policy No. STP/TPS/1 – ‘Piggeries - Extensive’ reads as follows:

‘That application for extensive piggeries be dealt with within the provisions of Section 6.2.3 of the Shire of Plantagenet Town Planning Scheme No 3 as an “SA” use, additional to the accepted requirements for piggery development and any other special conditions council may wish to apply to the issuing of a license.’

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) Clause 6.2.3 of TPS3 describes how twenty-one (21) day advertising is to be carried out.

Health Act 1911

Shire of Plantagenet Health Local Laws 1997

Consultation

Mr Eric Howard – Environmental Health Officer has been consulted.

Policy Implications

This policy review is presented to the Council as part of the ongoing Council policy review cycle.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council’s Strategic Plan Key Result Area 1, New Initiative 1.4 provides the following:

‘1.4 Ensure the Administrative system and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

Revise all policies, procedures and delegations to ensure internal consistency and convergence; and

Policy Review – Piggeries Extensive (Cont.)

Promote and provide access to policies, procedures, standards and legislation.'

Officer Comment

This policy is saying that extensive piggeries will be treated as an 'SA' use and advertised for public comment and the Council may impose conditions on any subsequent approval.

The interpretation of 'Rural Use' in TPS3 includes reference to the keeping of pigs and requires such a land use to be approved by the Council. Other facets of a 'Rural Use' are permitted in the Rural zone as of right but activities such as piggeries and feedlots require Council approval.

In respect to the Health Act 1911 and the Shire of Plantagenet Health Local Laws 1997, piggeries fall into the category of an offensive trade and require a permit to be issued under the Local Law.

The Policy wording is somewhat confusing and it is appropriate to modify it to make it easier to understand and to include reference to the Local Law.

The heading should be changed to delete the word 'Extensive' as both TPS3 and the Local Law refer to 'piggeries' which would include both intensive and extensive.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Moir:

That amended Council Policy No. STP/TPS/1 – 'Piggeries' as follows:

OBJECTIVE:

To clarify which approvals are required for a proposal to commence a piggery.

POLICY:

That applications to commence a piggery require:

- (1) Approval and a licence as an offensive trade under the Shire of Plantagenet Health Local Laws 1997 and the Health Act 1911.
- (2) Planning Consent of the Council under Town Planning Scheme No. 3 and prior to the Council considering such a proposal, staff will advertise the application in accordance with Clause 6.2 of that Scheme.'

be endorsed.

CARRIED (8/0)

No. 102/07

9.5.12 POLICY REVIEW – CONTROL OF SIGNS WITHIN THE SHIRE OF PLANTAGENET

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	LP/120/15
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	12 February 2007

Purpose

The purpose of this report is to review Council Policy No. TP/SDC/2 – ‘Control of Signs Within The Shire Of Plantagenet’.

Background

Council Policy No. TP/SDC/2 – ‘Control Of Signs Within The Shire Of Plantagenet’ reads as follows:

‘CONTROL OF ADVERTISEMENTS’

Council’s objective in the control of advertising is to secure the orderly and proper planning and the amenity of the Scheme Area through the control of advertisements by the examination and determination of advertising signs in the light of:

- * The impact of new advertisements upon residential, rural and recreational areas;*
- * The potential of any proposed advertisement to enhance or detract from the visual amenity and character of an area; and*
- * The potential for the rationalisation, consolidation or removal of existing advertisements where amenity is already impaired by poor, excessive or derelict advertising.*

Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed including its historic or landscape significance and traffic safety, and the amenity of adjacent areas, which may be affected.

With the above in mind a policy dealing with advertising signs, temporary signs, guide signs and signs in general has been drafted.

Focus will be for tourist passing through the town, which require services from a tourist establishment.

DEFINITIONS

Tourist establishment – a commercially operated establishment catering for tourists, and for which a change may or may not be made, (museum, fauna park, historical home, tourist farms, winery, craft centre, pottery, overnight accommodation, caravan park etc)

GUIDE SIGNS

Policy Review – Control Of Signs Within The Shire Of Plantagenet (Cont.)

To inform and advise road users of directions, routes, distances, destinations, the location of services for road users and points of interest. Not to be in the form of advertising.

All guide sign along main roads are subject to MRWA Approval.

A PROPOSED ADVERTISING SIGN MUST SATISFY THE FOLLOWING

Sign to be within 2 km of the business or within 2kms of a townsite to which the business is situated;

Tourist establishment only;

Permission granted from property owners;

Not to be placed in the Road reserve;

All signs in the vicinity of a main road must comply with the Main roads (Control of Advertisements) Regulations;

Professionally written by a commercial sign writer; and

Maximum of two signs with the position of the signs to Councils satisfaction.

SIGNS – GENERAL

That all signs are required to have all wording professionally written, by a commercial signwriter and must be in accordance with the Shire of Plantagenet Town Planning Scheme.

Display of unofficial and non-essential information signs should not be permitted.

COMMERCIAL BUSINESS

An advertising sign for a commercial/business will not be permitted on the vicinity of roads unless in compliance with the Town Planning scheme (e.g. Home Occupation advertising on own property maximum area of sign 0.2m² and industrial landuse permitted a maximum 4 signs but with conditions)

TOURIST ESTABLISHMENT

Be permitted to locate one guide sign indicating name and distance of the establishment using standard terms (e.g. B & B 15km).

TEMPORARY ROADSIDE SIGNS

That Council permit, non-business community groups to advertise community functions, to be held on a “one-off” event only.

Signs subject to –

The maximum size to be 1.0m²;

The sign is to be non-offensive;

Council has the right to remove any sign at any time for reasonable cause and fee as set by Council each year and included in its Schedule of Fees and Charges will be charge for its return.

All signs must be located a minimum of 1.5m from the nearest vehicle carriageway.

The sign is to be removed within one (1) day after the advertising event.

Placement of signs to be maximum of ten (1) days before event.’

Policy Review – Control Of Signs Within The Shire Of Plantagenet (Cont.)

The Policy was last reviewed on 27 January 1998.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – 5.6 (Control Of Advertisements)

Main Roads (Control Of Advertisements) Regulations

Consultation

This Policy has been discussed with Mr Rob Stewart – Chief Executive Officer.

Policy Implications

This policy review is presented to the Council as part of the ongoing Council policy review cycle.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Strategic Plan Key Result Area 1, New Initiative 1.4 provides the following:

'1.4 Ensure the Administrative system and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

Revise all policies, procedures and delegations to ensure internal consistency and convergence; and

Promote and provide access to policies, procedures, standards and legislation.'

Officer Comment

This policy is based on the provisions of TPS3 and has a focus on tourist signs and provides some guidance and standards for tourist establishment signs. The document does require some work but it is considered more appropriate to consider the policy as part of developing a comprehensive signs policy. Councillors will recall in a memorandum included in the Councillor Information Bulletin of February 2007 the Manager Development Services advised that work on the signage matter in Albany Highway Mount Barker was placed on hold until the vacant planning officer position had been filled and the Manager Development Services had returned from leave.

What is needed is a comprehensive signage policy for the overall Shire and this will ensure a coordinated approach to signage. Work on a new signage policy will be commenced once Development Services resources are back to normal and the signs policy can be programmed in with the Local Planning Strategy preparation. The work carried out to date on the Albany Highway signage matter will be very useful in the preparation of an overall signage policy.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr K Hart:

That Council Policy No. TP/SDC/2 – 'Control Of Signs Within The Shire Of Plantagenet' as follows:

'CONTROL OF ADVERTISEMENTS

The Council's objective in the control of advertising is to secure the orderly and proper planning and the amenity of the Scheme Area through the control of advertisements by the examination and determination of advertising signs in the light of:

- The impact of new advertisements upon residential, rural and recreational areas;
- The potential of any proposed advertisement to enhance or detract from the visual amenity and character of an area; and
- The potential for the rationalisation, consolidation or removal of existing advertisements where amenity is already impaired by poor, excessive or derelict advertising.

The Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed including its historic or landscape significance and traffic safety, and the amenity of adjacent areas, which may be affected.

With the above in mind a Policy dealing with advertising signs, temporary signs, guide signs and signs in general has been drafted.

Focus will be for tourist passing through the town, which require services from a tourist establishment.

DEFINITIONS

Tourist establishment – a commercially operated establishment catering for tourists, and for which a charge may or may not be made, (museum, fauna park, historical home, tourist farms, winery, craft centre, pottery, overnight accommodation, caravan park etc)

GUIDE SIGNS

To inform and advise road users of directions, routes, distances, destinations, the location of services for road users and points of interest. Not to be in the form of advertising.

All guide sign along main roads are subject to MRWA Approval.

A PROPOSED ADVERTISING SIGN MUST SATISFY THE FOLLOWING

- Sign to be within 2km of the business or within 2kms of a townsite to which the business is situated;
- Tourist establishment only;
- Permission granted from property owners;
- Not to be placed in the Road reserve;

Policy Review – Control Of Signs Within The Shire Of Plantagenet (Cont.)

- All signs in the vicinity of a main road must comply with the Main roads (Control of Advertisements) Regulations;
- Professionally written by a commercial sign writer; and
- Maximum of two (2) signs with the position of the signs to the Council's satisfaction.

SIGNS – GENERAL

That all signs are required to have all wording professionally written, by a commercial sign-writer and must be in accordance with the Shire of Plantagenet Town Planning Scheme.

Display of unofficial and non-essential information signs should not be permitted.

COMMERCIAL BUSINESS

An advertising sign for a commercial / business will not be permitted on the vicinity of roads unless in compliance with the Town Planning scheme (eg: Home Occupation advertising on own property maximum area of sign 0.2m² and industrial land-use permitted a maximum four (4) signs but with conditions)

TOURIST ESTABLISHMENT

Be permitted to locate one guide sign indicating name and distance of the establishment using standard terms (eg: B & B 15km).

TEMPORARY ROADSIDE SIGNS

That Council permit, non-business community groups to advertise community functions, to be held on a 'one-off' event only.

Signs subject to –

- The maximum size to be 1.0m²;
- The sign is to be non-offensive;
- The Council has the right to remove any sign at any time for reasonable cause and fee as set by the Council each year and included in its Schedule of Fees and Charges will be charge for its return.
- All signs must be located a minimum of 1.5m from the nearest vehicle carriageway.
- The sign is to be removed within one (1) day after the advertising event.
- Placement of signs to be a maximum of ten (10) days before event.

be endorsed unaltered.

MOTION TO ADJOURN THE QUESTION

Moved Cr K Clements, seconded Cr J Cameron:

That the question be adjourned to allow a further review of the Control of Signs Policy and that a further report be presented to the Council at its meeting to be held 11 September 2007.

CARRIED (8/0)

No. 103/07

9.5.13 LOT 112 HASSELL STREET, MOUNT BARKER - APPLICATION FOR TEMPORARY ACCOMMODATION

Location / Address:	Lot 112 Hassell Street, Mount Barker
Attachments: (1)	Location map
Name of Applicant:	R Taylor
File Reference:	RV/182/1768
Author:	Eric Howard - Environmental Health Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	22 February 2007

Purpose

The purpose of this report is to consider an application for Temporary Accommodation at Lot 112 Hassell Street, Mount Barker.

Background

An application has been received from the owner of Lot 112 Hassell Street, Mount Barker seeking approval to occupy a mobile home (caravan) located on Lot 112 Hassell Street for a period of twelve (12) months during the construction of the Class 1a dwelling, also located on the Lot.

A Building Licence has been issued for a Class 1a dwelling (Building Licence No. 2683). The applicant has commenced building activities and has installed toilet, bathroom and laundry facilities within the dwelling currently under construction to enable his occupation within the mobile home located on the property. A licensed plumber has recently installed and connected the above mentioned ablution facilities to the effluent disposal system approved for use with the dwelling.

Statutory Environment

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

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

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

Consultation

This application has been discussed with Mr Peter Duncan - Manager Development Services.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The applicant has formally agreed to comply with the provisions and conditions expressed in the 'Application for Temporary Accommodation' document.

The applicant wishes to reside on site during the construction of the dwelling to maintain site security and to expedite the building project.

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

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

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

That approval be granted to Mr R Taylor to occupy temporary accommodation at Lot 112 Hassell Street, Mount Barker for a maximum period of twelve (12) months from the 13 March 2007, subject to:

- (1) Inspection and certification by the Council's Environmental Health Officer that the facility meets all health and safety standards.**
- (2) Satisfactory progress being achieved with the construction of the Class 1a dwelling.**
- (3) The approval to occupy temporary accommodation may be revoked at any time within the twelve month approval period.**

CARRIED (8/0)

No. 104/07

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

'That the Western Australian Local Government Association (WALGA) instigate pre-election training for all people seeking election to Council.

- (1) *People seeking election to Council should be required to attend a minimum 50% of Council meetings three (3) months prior to the elections.*
- (2) *The training to consist of a two (2) day seminar covering rules, regulations, obligations and any other aspect of what an elected Councillor may or may not do.'*

Reason For Motion

- (a) If prospective Councillors cannot find the time to attend the seminars and meetings prior to election, this may suggest they would not have the time required to be an effective Councillor.
- (b) People must be made aware of how much time is committed during and outside formal meetings on Council business.
- (c) If new Councillors attended meetings prior to election they would gain an independent idea of what important issues are under discussion and enable them to contribute constructively.
- (d) People contemplating taking on the role of Councillor should have knowledge of the role and responsibilities of a Councillor.
- (e) People believe Councillors have a lot more authority and power than they really have.
- (f) Not so many years ago it was roads, rates and rubbish. Today's Councillor must be conversant with the technical and legal aspects of a variety of subjects.

COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Moir:

That the Western Australian Local Government Association (WALGA) instigate pre-election training for all people seeking election to Council.

- (1) **People seeking election to Council should be required to attend a minimum 50% of Council meetings three (3) months prior to the elections.**
- (2) **The training to consist of a two (2) day seminar covering rules, regulations, obligations and any other aspect of what an elected Councillor may or may not do.**

CARRIED (8/0)

No. 105/07

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

Moved Cr B Hollingworth, seconded Cr K Hart:

That business of an urgent nature namely:

- Mount Barker Tourist Bureau

be introduced into the meeting:

CARRIED (8/0)

No. 106/07

11.1 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:	6 March 2007

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 last 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.*

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

- (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.

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. A final amount of \$9,167.00 can now be released.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The Mount Barker Tourist Bureau is busy preparing a Business Plan. It is reasonable to support the new Board.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, 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 (8/0)

No. 107/07

(Absolute Majority)

MOTION TO ADJOURN THE MEETING**Moved Cr B Hollingworth, seconded Cr K Hart:****4.40pm That the meeting be adjourned to resume at 4.50pm****CARRIED (8/0)****No. 108/07****RESUMPTION****4.50pm The meeting resumed.****Present**

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Williss	Deputy Shire President - East Ward
Cr M Skinner	East Ward
Cr J Cameron	Rocky Gully / West Ward (Arrived 4.51pm)
Cr J Moir	South Ward
Cr K Hart	Kendenup Ward
Cr K Clements	Town Ward
Cr B Hollingworth	Town Ward
Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Mr I Bartlett	Manager Works and Services
Ms N Selesnew	Manager Community Services
Mrs K Skinner	Executive Secretary
Ms C Delmage	Administration Officer

MOTION TO PROCEED BEHIND CLOSED DOORS**Moved Cr J Moir, seconded Cr B Hollingworth:****4.51pm Cr J Cameron returned****4.52pm That the meeting proceed behind closed doors.****CARRIED (8/0)****No. 109/07****MOTION TO PROCEED IN PUBLIC****Moved Cr B Hollingworth, seconded Cr J Cameron:****5.00pm That the meeting proceed in public.****CARRIED (8/0)****No. 110/07**

12 CONFIDENTIAL**12.1 EXECUTIVE SERVICES REPORTS****12.1.1 RATE EXEMPTION REQUEST - WALITJ ABORIGINAL CORPORATION**

Location / Address: N / A
Name of Applicant: N / A
File Reference: RV/182/484
Author: Rob Stewart - Chief Executive Officer
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 4 March 2007

Purpose

The purpose of this report is to present legal advice received regarding the request from the Walitj Aboriginal Corporation (WAC) to exempt the land that the corporation owns at 1210 Hay River Road Redmond from rates.

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

That the Walitj Aboriginal Corporation be advised that the Council is not inclined to grant the organisation non rateable status for the land owned by the organisation and known as 1210 Hay River Road, Redmond.

CARRIED (8/0)

No. 111/07

12.1.2 SOUTH MOUNT BARKER FOOTBALL CLUB

Location / Address: N / A
Name of Applicant: N / A
File Reference: FM/48/2
Author: Rob Stewart - Chief Executive Officer
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 2 March 2007

Purpose

The purpose of this report is to advise of the most current state of affairs with regard to the South Mount Barker Football Club.

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr D Williss:

That the Chief Executive Officer's report regarding the South Mount Barker Football Club and the State Administrative Tribunal be received.

CARRIED (8/0)

No. 112/07

12.1.3 CHILLINUP LANDFILL SITE

An Impartiality Interest was disclosed by Cr D Williss for Item 12.1.3
Nature Of Interest: Cr Williss is a 'first cousin' of the current Lessee.

Location / Address: N / A
Name of Applicant: N / A
File Reference: WM/103/3
Author: Rob Stewart - Chief Executive Officer
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 4 March 2007

Purpose

The purpose of this report is to recommend that the land purchased for the original waste management facility in Chillinup Road be sold.

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr K Hart:

THAT:

- (1) Arrangements be undertaken for the land known as Lot 501 Chillinup Road, Takalarup within the Shire of Plantagenet to be sold by Auction pursuant to Section 3.58 of the Local Government Act 1995 in January 2008.
- (2) The lease of the land be extended to 31 January 2008 and this extension be advertised pursuant to Section 3.58 seeking submissions.

CARRIED (8/0)

No. 113/07

MOTION TO SUSPEND STANDING ORDERS

Moved Cr K Clements, seconded Cr J Cameron:

5.02pm That those Sections of Standing Orders that would prevent any Councillor from speaking twice to a motion or which would prevent a Councillor speaking when no motion was before the Chair be suspended.

CARRIED (8/0)

No. 114/07

MOTION TO RESUME STANDING ORDERS

Moved Cr J Cameron, seconded Cr J Moir:

5.18pm That Standing Orders be resumed.

CARRIED (8/0)

No. 115/07

13 CLOSURE OF MEETING

5.19pm The Presiding Member declared the meeting closed.

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