



## **ORDINARY COUNCIL MEETING**

# **MINUTES**

Ordinary Meeting of the Council  
held in the Council Chambers  
2.45pm Tuesday 8 May 2007

**John Fathers**  
**ACTING CHIEF EXECUTIVE OFFICER**

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.49pm The Presiding Member declared the meeting open.

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

Mr Fathers 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
Cr M Skinner	East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr J Mark	Town Ward
Cr K Clements	Town Ward
Cr B Hollingworth	Town Ward
Mr J Fathers	Acting Chief Executive Officer
Mr I Bartlett	Manager Works and Services
Ms N Selesnew	Manager Community Services
Ms J Albany	Planning Officer
Mrs K Skinner	Executive Secretary
Mrs J MacLean	Administration Officer
Ms C Delmage	Administration Officer

Apologies

Cr J Moir                      South Ward

Previously Approved Leave Of Absence

Cr K Hart                      Kendenup Ward

There were six (6) members of the public present.

There were no members of the media present.

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

Nil

### **4      PUBLIC QUESTION TIME**

Nil

### **5      PETITIONS / DEPUTATIONS / PRESENTATIONS**

#### **5.1    LOT 4815 O'NEILL ROAD, MOUNT BARKER – SCHEME AMENDMENT REQUEST – PRECINCT 6 – MOUNT BARKER RURAL STRATEGY (LP/181/20)**

Mr Russell Parham — Alta Property Group Pty Ltd – Item 9.5.5

Mr Parham spoke on behalf the Alta Property Group Pty Ltd and presented the meeting with a proposal for a 'Mount Barker Golf Club Estate'. (Attached)

#### **5.2    LOCATION 4853 MOUNT BARKER-PORONGURUP ROAD, PORONGURUP – DWELLING, CELLAR SALES AND RESTAURANT (RV/182/729)**

Mr Nick Ayton – Ayton Taylor Burrell – Item 9.5.1

Mr Ayton spoke in favour of the recommendation to delete the requirement for his client to seal the carpark and restaurant access and noted that twenty parking bays was considered fairly small for this type of business.

Mr Ayton further noted that his client may give consideration to sealing these areas in the future but by not having to do so immediately, the business would be given an opportunity to establish without unnecessary expenditure.

#### **5.3    LOT 752 & 2 WARBURTON ROAD, MOUNT BARKER - SCHEME AMENDMENT REQUEST (LP/181/17)**

Mr Nick Ayton – Ayton Taylor Burrell – Item 9.5.4

Mr Ayton asked the Council to consider reducing the sixty (60) day advertising period for Item 9.5.4 as the requirement was considered onerous for a Scheme Amendment Request (SAR). Mr Ayton advised the Council that, according to regulations, the SAR would need a further forty-two days advertising once it was initiated by the Council. Mr Ayton noted that the twenty-one day advertising period was considered more appropriate.

**Question: Cr K Clements**

Cr Clements asked Mr Ayton whether many of the proposed blocks had a creek and / or wetlands running through them and if so, how would such areas be protected from degradation?

Mr Nick Ayton – Ayton Taylor Burrell – Item 9.5.2

Mr Ayton noted that the blocks would require a minimum 50m setback from defined creek or wetland areas and that the final plan would address these issues. Mr Ayton further noted that any lots would need to be large enough to allow these setbacks to be maintained and to assist with revegetation.

**Question: Mr John Fathers – Acting Chief Executive Officer**

Mr Fathers asked Mr Ayton where the ownership of such creeks or wetlands would fall.

Mr Nick Ayton – Ayton Taylor Burrell – Item 9.5.2

Mr Ayton advised that the issue of ownership would be up for discussion but that the majority of Councils preferred such areas to be in public rather than private ownership. This would result in the Council being responsible for ongoing management of the area.

Mr Ayton further advised that past experience suggested that such areas may work better under private ownership but whatever option chosen, it was important that the management of such areas be clearly defined and the area adequately fenced and revegetated to minimise management requirements.

Mr Ayton noted that onsite landowners may be better placed to supervise and / or maintain such areas.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 CONFIRMATION OF MINUTES**

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

**That the Minutes of the Ordinary Meeting of the Council held 24 April 2007 be confirmed subject to:**

**Page 7: The words ‘Regional Road Group’ being deleted and replaced with the words ‘Main Roads Term Contracts’ in the Announcements By Presiding Member Without Discussion.**

**CARRIED (7/0)**

**No. 153/07**

## 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 25.04.07 – Cr K Forbes – Shire President noted that the ANZAC Day Service was well attended and thanked the Councillors and Mr Rob Stewart – Chief Executive Officer for their attendance.
- 26.04.07 – Cr Forbes attended the Fire and Emergency Services Authority (FESA) Capital Grants meeting and noted that we were successful in obtaining further equipment and building grants for the 2007 / 2008 year.

Cr Forbes was able to spend twenty minutes with Mr John Marmion –Main Roads Western Australia (MRWA) and raised the matter of funding for the proposed Spencer Road Narrikup Bypass and noted that Mr Marmion is a strong ally for this project. Cr Forbes noted that he was hopeful of getting a positive announcement soon regarding future funding for the Narrikup Bypass.

Cr Forbes further noted that he was also able to discuss the issue of the Carbarup Road Rail Crossing and that so far, information received appeared to be conflicting.

Cr Forbes noted that during discussion on Heavy Haulage Permits the issue of 'Purpose Permits' on minor roads with a speed limit was raised and it appeared that serious consideration was being given to local government concerns.

- 27.04.07 – Cr Forbes attended the Albany Port function to celebrate the maiden voyage of a 50,000 tonne woodchip vessel specifically made to suit the Albany Port. The vessel is the largest of its type able to enter the Port.

Cr Forbes also utilised his time by meeting with the Hon Alannah MacTiernan to discuss the issue of Timber Industry Road Evaluation Strategy (TIRES) funding as well as Muirs Highway, the proposed Narrikup Bypass, Lowood Road crossing and local government sustainability. Cr Forbes noted that it was an interesting meeting that covered several areas.

Cr Forbes also noted that the Minister had undertaken to make enquiries on the Shire's behalf regarding the Lowood Road crosswalk and that changes may be made on the issue in the future.

- 01.05.07 – The Council's Annual Road Inspection was held and all who attended found it quite useful. Several discussions on roads, sustainability and future plans are useful in assisting the Manager Works and Services in preparing future Works Programs.
- 03.05.07 – Cr Forbes, Cr Savage – Shire of Gnowangerup, Mr Paul Robertson and representatives of the Regional Roads Group attended a MRWA Workshop in Perth regarding Main Roads Term Contracts and the options available for local government to be involved.

Cr Forbes noted that MRWA are not looking at a single Council taking on major works but rather Regional Councils being set up to do major roadworks.

Local government representatives noted that this would need to be on a cost plus basis and also with a guarantee of ten (10) years funding to

ensure continuity. MRWA appeared to accept these ideas quite readily. The matter will now be further progressed by MRWA and the Western Australian Local Government Association.

- 04.05.07 – Cr Forbes met with Mr Greg Broomehall and Mr Terry Mayer of the Department of Environment and Conservation (DEC) to finalise the Minutes from the Porongurup Fire Wash-up Meeting and also the action items to be progressed.

Mr Broomehall in a news brief noted that a Twelve Point Plan had been created to assist in working with local governments and volunteers in the future.

- 04.05.07 – Cr Forbes attended a Civic Reception held for the Hon Michael Jeffery - Governor General and his wife Marlena at the Albany Golf Club. Cr Forbes noted that approximately seventy attended with five (5) Shire Presidents and three (3) CEO's and / or their representatives in attendance. A good social evening.
- 07.05.07 – Cr Forbes, Mr John Fathers – Acting Chief Executive Officer and Mr Ian Bartlett – Manager Works and Services met with the outside staff regarding the Enterprise Bargaining Agreement (EBA).

Cr Forbes noted that he had discussed the meeting outcome with Councillors and he was hoping to bring something to the Council shortly that would be acceptable to both parties.

- 10.05.07 – Cr Forbes, Cr David Williss – Deputy Shire President, Ms Nicole Selesnew – Manager Community Services and Mr Len Handasyde – Deputy Bush Fire Control Officer will be meeting with FESA representatives to discuss the Resource To Risk Plan which will involve planning for future needs. Cr Forbes noted that at the moment the Capital Grants Committee are 'flying blind' in regards to the needs of our Shire and that we need to get a genuine replacement plan in place to confirm vehicle, building and equipment needs for future years.
- 10.05.07 – Cr Forbes, Cr Joan Cameron and Mrs Kaye Skinner – Executive Secretary will attend a meeting of the Rainbow Coast Regional Council in Denmark.
- 11.05.07 – Cr Forbes and Mr Fathers will attend the State Budget Breakfast in Albany hosted by the Hon Kim Chance MLC - Minister for Great Southern and Agriculture.
- 11.05.07 - Cr Williss and Mr Bartlett will attend a One Community One College Traffic Management meeting to discuss the issues of access, egress and parking.
- 14.05.07 – Cr Forbes will make a presentation on behalf of the TIRES for a transport forum hosted by the Shire of Cranbrook.
- 16.05.07 – Mr Ron Penny – Executive Officer of the NSW Saleyard Association will be in Mount Barker to visit the Great Southern Regional Cattle Saleyards. Cr Forbes has asked the GSRCS Committee and Mr Fathers to attend a dinner with Mr Penny for a social evening.



## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 EXECUTIVE SERVICES REPORTS

#### 9.1.1 DELEGATIONS - ANNUAL REVIEW

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (1)</b>	<b>Delegations</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>CM / 142 / 1</b>
<b>Author:</b>	<b>Kaye Skinner – Executive Secretary</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>18 April 2007</b>

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#### **Purpose**

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

#### **Background**

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

Delegations were generally endorsed by the Council at its meeting held on 9 May 2006 and updated 12 September 2006.

#### **Statutory Environment**

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

The Act also provides, at Section 5.43, a number of powers or duties that cannot be delegated. Furthermore, pursuant to Section 5.44 of the Act, the CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under the Act other than the power of delegation. Such delegation must be in writing.

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

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

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

#### **Policy Implications**

There are no policy implications for this report.

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**Delegations – Annual Review (Cont.)****Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

Councillors have recently questioned (during the Chief Executive Officer's Future Planning presentation on 10 April 2007) the use of some (Town Planning) delegations utilised to approve subdivisions to commence advertising.

The concern of Councillors is noted and the notification required when a delegation is used will be more comprehensive in future.

**Voting Requirements**

Absolute Majority

**OFFICER'S RECOMMENDATION**

**Moved Cr K Clements, seconded Cr M Skinner:**

**That Delegations LG 001 to LG 003, LG 005 to LG 011, LG 013 to LG031, LG 033, LG 035 to LG 038, LG 040 to LG 043 be adopted.**

**AMENDMENT**

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

**That the words 'up to five (5) lots' be inserted after the words 'subdivisional proposals' in Part (11) of Delegation No. LG 043.**

**CARRIED (6/1)**

**No. 154/07**

**FURTHER AMENDMENT**

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

**That the amount of '\$50,000' be deleted and replaced with the amount of \$99,999 in Delegation No. LG 014.**

**CARRIED (7/0)**

**No. 155/07**

**COUNCIL DECISION**

**That Delegations LG 001 to LG 003, LG 005 to LG 011, LG 013 to LG031, LG 033, LG 035 to LG 038, LG 040 to LG 043 be adopted subject to:**

- (1) The words 'up to five (5) lots' being inserted after the words 'subdivisional proposals' in Part (11) of Delegation No. LG 043.**
- (2) The amount of '\$50,000' being deleted and replaced with the amount of \$99,999 in Delegation No. LG 014.**

**CARRIED (7/0)**

**No. 156/07**

**9.1.2 LOCAL GOVERNMENT CONVENTION 2007 - ATTENDEES**

**Location / Address:** N / A  
**Name of Applicant:** N / A  
**File Reference:** ED/62/2  
**Author:** Kaye Skinner - Executive Secretary  
**Authorised By:** Rob Stewart - Chief Executive Officer  
**Date of Report:** 18 April 2007

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**Purpose**

The purpose of this report is to endorse Councillors' and the Chief Executive Officer's attendance at the Western Australian Local Government Association's (WALGA) Local Government Convention to be held from Friday 3 August to Monday 6 August 2007 inclusive.

**Background**

The theme this year is 'Connecting Communities'.

**Policy Implications**

Council Policy No. CE/CS/1 – 'Elected Members Expenses To be Reimbursed' applies.

**Financial Implications**

Tentative accommodation bookings have been made at the Perth Ambassador, but enquiries are being made to find alternative accommodation.

**Strategic Implications**

There are no strategic implications for this report.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That the Chief Executive Officer be granted authority to make appropriate arrangements for the registration of Councillors for attendance at the Western Australian Local Government Association's Local Government Convention, Friday 3 August 2007 to Tuesday 7 August 2007 and that the associated costs be charged to GL. 410.1.207 Councillor Training and Conference Expenses and GL. 420.1.44 – Staff Training.**

**CARRIED (7/0)**

**No. 157/07**

**9.1.3 LOCAL GOVERNMENT CONVENTION 2007 - VOTING DELEGATES**

**Location / Address:** N / A  
**Name of Applicant:** N / A  
**File Reference:** ED/62/5  
**Author:** Kaye Skinner - Executive Secretary  
**Authorised By:** Rob Stewart - Chief Executive Officer  
**Date of Report:** 18 April 2007

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**Purpose**

The purpose of this report is to endorse voting delegates for the Western Australian Local Government Association (WALGA) Annual General Meeting scheduled for Sunday 5 August 2007.

**Background**

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

**Policy Implications**

Council Policy No. CE/CS/1 applies.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

It will be necessary to endorse two (2) voting delegates. Closing dates for submission of motions is Friday 15 June 2007. Any motions proposing alterations or amendments to the Association's Constitution must be received by 6 June 2007 in order to satisfy the sixty day notice requirements.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That the Shire President and Deputy Shire President be endorsed as the Council's voting delegates for the Annual General Meeting of the Western Australian Local Government Association to be held on Sunday 5 August 2007 during the Local Government Convention from Friday 3 August to Monday 6 August 2007.**

**CARRIED (7/0)**

**No. 158/07**

**9.1.4 WEST MOUNT BARKER LAND CONSERVATION DISTRICT COMMITTEE - PROPOSED WINDING UP**

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>EM/125/16</b>
<b>Author:</b>	<b>Kaye Skinner - Executive Secretary</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>23 April 2007</b>

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**Purpose**

The purpose of this report is to consider the proposed winding up of the West Mount Barker Land Conservation District Committee.

**Background**

Correspondence has been received from Mr Mike Lanigan of the West Mount Barker Land Conservation District Committee seeking the Council's comment regarding the proposal to wind up the Committee.

**Statutory Environment**

Soil and Land Conservation Act 1945

**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 Committee advises that there are other agencies doing the same work and volunteers to carry out the ground work are few and far between.

As the Committee is seeking the Council's support for its own winding up, no objections are raised.

The West Mount Barker Land Conservation District Committee also placed a public notice in the Albany Advertiser on Tuesday 14 November 2006 to allow members of the public an opportunity to comment on the proposal.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That the West Mount Barker Land Conservation District Committee be advised that the Shire of Plantagenet raises no objections to the winding up of the Committee.**

**CARRIED (7/0)**

**No. 159/07**

**9.2 COMMUNITY SERVICES REPORTS**

Nil

### 9.3 CORPORATE SERVICES REPORTS

#### 9.3.1 DENBARKER ROAD - RENAMING

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (1)</b>	<b>Map of Denbarker Road</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>Ro/107/1</b>
<b>Author:</b>	<b>Donna Stevens - Senior Administration / Human Resources Officer</b>
<b>Authorised By:</b>	<b>John Fathers - Acting Chief Executive Officer</b>
<b>Date of Report:</b>	<b>1 May 2007</b>

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#### **Purpose**

The purpose of this report is to consider changing the name of 'Denbarker Road' to 'Old Pile Road'.

#### **Background**

At the recent public meeting held on 29 March 2007 at the Forest Hill Hall, residents requested that the 'Denbarker Road' be renamed 'Old Pile Road'.

A map showing the location of the Denbarker Road is attached.

The historical background pertaining to the renaming has been provided to the Council by Mr Daryl Drage and Mr Len Handasyde, a summary for which is below:

- (1) In the 1880's timber (for the piles) was carted from around Amarillup Swamp to Albany for the building of the jetty. The track they used was named 'The Pile Track'.
- (2) In 1909 'The Pile Track' was used to cart wire to fence newly formed blocks located around Amarillup Swamp.
- (3) In 1917-18 'Clear Hills' was taken up by Mr Arthur Crane and in later years he used 'The Pile Track' to access his block.
- (4) In 1926 'The Pile Track' was the only access that Mr Frank Belfield had to his 'Woonanup' block.
- (5) In 1938 a timber mill was started at Amarillup Swamp with the only access being 'The Pile Track'.
- (6) In 1942 the Duckett family built a timber mill at 'Yale Flat' and used 'The Pile Track' for access. 'Yale Flat' is situated about two (2) kilometres north east of Amarillup Swamp.
- (7) In 1948 the War Service Land Settlement Scheme began surveying blocks along the southern edge of Forest Hill and clearing of the blocks started in 1952. At this time a road was surveyed that followed the 'The Pile Track' to Muirs Highway. This road was named the Denbarker Access Road and was later shortened to Denbarker Road.



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**Denbarker Road – Renaming (Cont.)**

It was also suggested that a number of motorists not familiar with the area become lost due to the similarity between the names of the Denbarker Road and the Mount Barker-Denmark Road.

**Statutory Environment**

There are no statutory requirements for this report.

**Consultation**

Consultation has occurred between Mr Rob Stewart - Chief Executive Officer and the residents who attended the Forest Hill public meeting on 29 March 2007.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

To advertise the renaming for public consultation and again when approved, will cost approximately three hundred dollars (\$300.00).

**Strategic Implications**

There are no strategic implications for this report.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr J Cameron, seconded Cr B Hollingworth:

**THAT:**

- (1) The renaming of 'Denbarker Road' to 'Old Pile Road' be advertised for public comment.
- (2) Subject to no objections being received during the advertising period, the proposal to rename 'Denbarker Road' to 'Old Pile Road' being forwarded to the Geographic Names Committee for endorsement.

**CARRIED (7/0)**

**No. 160/07**

**9.3.2 LOT 106 MITCHELL STREET, MOUNT BARKER - LICENCE**

<b>Location / Address:</b>	<b>N / A</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>RV/182/4882</b>
<b>Author:</b>	<b>Donna Stevens - Senior Administration / Human Resources Officer</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>20 April 2007</b>

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**Purpose**

The purpose of this report is to consider the disposal by lease of Lot 106 Mitchell Street, Mount Barker.

**Background**

The Shire of Plantagenet recently purchased Lot 106 Mitchell Street, Mount Barker for the new cemetery development.

It has been scheduled to begin works such as fencing and landscaping from August 2007. The extent of the works undertaken will be dependant on the funds allocated within the 2007 / 2008 budget.

In the meantime, the Council has received a proposal from Mr Colin Wardle to permit him to utilise the land for his stock.

Permitting stock on the land until such time as works takes place will assist in reducing the fuel load on the land.

**Statutory Environment**

Section 3.58 of the Local Government Act governs the disposal of property. This section does not apply to any disposition that is excluded by regulation. Under the Functions and General Regulations:

*'A disposition of land is an exempt disposition, and is excluded from the application of section 3.58, if –*

- *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land.'*

**Consultation**

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

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

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**Officer Comment**

This report proposes a flexible agreement be implemented for one (1) year with further option of renewal. A Clause will also be inserted into the agreement that requires the licensee to remove any stock from the land with two (2) weeks written notice from the Council, for the period specified by the Council. This will ensure the land is available at such times that the Council wishes to undertake works.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That Mr Colin Wardle be offered a licence over Lot 106 Mitchell Street, Mount Barker for a period of one (1) year from the date of this resolution for the purpose of running stock to reduce fuel load subject to:**

- (1) The land being available to the Council during the period of the licence for works associated with the land being developed for cemetery purposes.**
- (2) A licence fee of \$10.00 per annum being paid to the Council in advance;**
- (3) An option to renew for a maximum period of one (1) year being at the absolute discretion of the Council; and**
- (4) Repairs of existing fencing being the responsibility of the licensee.**

**CARRIED (7/0)**

**No. 161/07**

## 9.4 TECHNICAL SERVICES REPORTS

### 9.4.1 PLANT REPLACEMENT PROGRAM 2007 - 2012

<b>Location / Address:</b>	<b>N / A</b>
<b>Attachments: (1)</b>	<b>Plant Replacement Program 2007 - 2012</b>
<b>Name of Applicant:</b>	<b>N / A</b>
<b>File Reference:</b>	<b>PS/4/6</b>
<b>Author:</b>	<b>Ian Bartlett - Manager Works and Services</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>26 April 2007</b>

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#### **Purpose**

The purpose of this report is to endorse the five (5) year plant replacement program for the period 2007 to 2012.

#### **Background**

Each year the Council reviews its plant replacement program in order to maximise effectiveness of the plant being acquired to undertake works and maintenance programs.

The proposed program for 2007 to 2012 has been prepared with a focus on the 2007 / 2008 financial year.

#### **Statutory Environment**

There are no statutory implications for this report.

#### **Consultation**

Consultation has occurred between Mr Ian Bartlett – Manager Works and Services, Mr Wayne Griffiths – Works Supervisor, Mr Michael Seaman – Workshop Supervisor and Miss Megan Sounness – Administration Officer who have responsibility for this area.

#### **Policy Implications**

Council Policy No. I/PM/1 –Plant – General Policy applies to this report.

#### **Financial Implications**

The Plant Replacement Program details the proposed expenditure for each budget during the five (5) year period from 2007 / 2008 to 2011 / 2012.

#### **Strategic Implications**

The development of a five (5) year Plant Replacement Program is consistent with Key Result Area 2 – Infrastructure which states the Council will undertake 'Development of asset management and information systems to more effectively utilise scarce resources.'

#### **Officer Comment**

It is noted that in the past a ten (10) year Plant Replacement Program has been developed and reviewed, however it is believed that a (5) year program provides a

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**Plant Replacement Program 2007 – 2012 (Cont.)**

more relevant view of the coming year's budget while also providing a view of the near future. It is believed that there is no need to extrapolate as far as ten (10) years.

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

Prices for light / passenger vehicles have not been included as Officers are still awaiting quotes. A full plant replacement program including this information will be submitted in conjunction with further budget deliberations.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That the five (5) year Plant Replacement Program, as attached, be recommended for inclusion in the 2007 / 2008 Draft Annual Budget and Plan for the Future.**

**CARRIED (7/0)**

**No. 162/07**

### 9.4.2 POLICY REVIEW - I/DS/1 - LAND DRAINAGE - LANDHOLDERS RESPONSIBILITY

A Financial Interest was disclosed by Cr M Skinner for Item 9.4.2  
Extent of Interest: Land Drainage Culverts on Pearce and Woogenellup Roads

3.37pm Cr M Skinner withdrew from the meeting.

**Location / Address:** N / A  
**Name of Applicant:** N / A  
**File Reference:** RO/120/17  
**Author:** Ian Bartlett - Manager Works and Services  
**Authorised By:** John Fathers - Acting Chief Executive Officer  
**Date of Report:** 30 April 2007

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#### Purpose

The purpose of this report is to review Council Policy No. I/DS/1 – Land Drainage – Landholders Responsibility.

#### Background

Council Policy No. I/DS/1 – Land Drainage – Landholders Responsibility reads as follows:

*POLICY: That to ensure that consideration has been given to the impact of land drainage on downstream landowners Council will only support the installation of drainage structures to accommodate drainage schemes at the request of Agriculture WA.*

*Council will not assist owners undertaking land drainage without consultation and support from Local Land Conservation District Committees and Agriculture WA where the effect upon downstream properties is unknown.*

*Landowners proceeding with unauthorized land drainage may be liable for expenses incurred by Council to repair damaged roads and drainage structures and eventual upgrading costs.*

*That the use of table drains for land drainage purposes be opposed.*

*That continuing support be given to land drainage projects approved through Agriculture Western Australia.'*

#### Statutory Environment

Soil and Land Conservation Act 1945

#### Consultation

Consultation has occurred between Mr Ian Bartlett – Manager Works and Services, Mr Jim Robertson – Engineering Technical Officer, Mr Anthony Svanberg – Cadet Engineer and Ms Megan Souness – Administration Officer who have responsibility for this area. Consultation has also occurred with other Councils and the Department of Agriculture and Food.

### **Policy Implications**

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

### **Financial Implications**

There are no immediate financial implications for this report; however it can be seen that the proposed changes to the policy will result in the Council spending less money to maintain the culverts and roads affected by drainage, as this is the responsibility of the land owner. Also any maintenance work that is carried out by the Shire due to the drainage will be charged back to the land owner.

### **Strategic Implications**

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

'1.4 Ensure the administrative systems 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, standards and legislation.'

### **Officer Comment**

It is considered that the current policy does not accurately reflect the position of the Shire of Plantagenet in relation to land drainage. The policy does not provide sufficient guidance as to what is required and does not clearly identify responsibility in regards to the associated costs of the drainage. The policy has therefore been amended to resolve these inadequacies and provide clear guidance to Council staff and land owners in relation to what is required (the standard) and who is liable for the associated costs and long term maintenance of land drainage within the Shire of Plantagenet.

### **Voting Requirements**

Simple Majority

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

Moved Cr D Williss, seconded Cr J Mark:

That amended Council Policy No. I/DS/1 – Land Drainage – Landholders Responsibility as follows:

**OBJECTIVE:** To provide clear guidelines to Council staff and Shire of Plantagenet landowners in relation to the installation, maintenance and associated costs of land drainage on road reserves.

**POLICY:** THAT:

- (1) Council and other relevant agency/s approval must be sought for any proposed drainage works (deep drainage

- crossing road reserves or shallow drainage) before commencing works.
- (2) Landowners proceeding with unauthorised land drainage may be liable for expenses incurred by the Council to repair damaged roads and drainage structures and eventual upgrading costs.
- (3) The following applies to deep drainage crossing road reserves:
- (a) All pipes to be Class 4 concrete pipe;
  - (b) Pipes to have a minimum of 150mm coverage compacted gravel;
  - (c) Soil in the drain is to be removed from the reserve and only gravel to be used as replacement fill;
  - (d) The minimum pipe diameter for drains over 1m deep to be 600mm;
  - (e) Pipes not meant for local water to be a minimum length of 9.7m;
  - (f) Endwalls to be installed at each end of the pipe, including concrete floor and toe wall;
  - (g) The minimum length of pipe crossing to be 9.7m. The Council will fund the cost of piping greater than 14.0m where the Council deems such piping necessary;
  - (h) All traffic management plans to be the responsibility of the landowner and approved by Manager Works and Services;
  - (i) Work to have twelve month guarantee against washouts and slumps. All work carried out by the Shire within this period to be at the landowner's cost;
  - (j) All works carried out by the Shire will be done as private works and charged accordingly;
  - (k) If the landowner is seeking assistance in undertaking drainage works, an application must be made to the Chief Executive Officer.
  - (l) No applications for assistance will be considered if works are commenced prior to approval.
- (4) The following applies to shallow drainage:
- (a) Where drains are seen as advantageous to the Shire, the Shire is to provide the pipes and the landowner is to undertake the work;
  - (b) No applications for assistance will be considered if works are commenced prior to approval.
  - (c) All signage and works to be the responsibility of the landowner, works to be completed in the same day, in daylight hours only; and
  - (d) Headwalls to be constructed to Shire standards.'



**be endorsed.**

**CARRIED (6/0)**

**No. 163/07**

3.44pm Cr M Skinner returned to the meeting.

## 9.5 DEVELOPMENT SERVICES REPORTS

### 9.5.1 LOCATION 4853 MOUNT BARKER-PORONGURUP ROAD, PORONGURUP – DWELLING, CELLAR SALES AND RESTAURANT

<b>Location / Address:</b>	<b>Location 4853 Mount Barker-Porongurup Road, Porongurup</b>
<b>Attachments: (2)</b>	<b>Locality Map Site Plan</b>
<b>Name of Applicant:</b>	<b>Ayton Taylor Burrell on behalf of Gene and Mary Harma</b>
<b>File Reference:</b>	<b>RV/182/729</b>
<b>Author:</b>	<b>Cobie MacLean - Administration Assistant</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>24 April 2007</b>

#### **Purpose**

The purpose of this report is to reconsider Conditions 10 and 11 of Development Consent issued on 22 March 2007 under delegated authority for a Development Application for Dwelling, Cellar Sales and Restaurant at Location 4853 Mount Barker-Porongurup Road, Porongurup.

#### **Background**

On 19 December 2006, a development application was received from WA Country Builders on behalf of Gene and Mary Harma for the development of Cellar Sales and Restaurant on Location 4853 Mount Barker-Porongurup Road, Porongurup.

Further information was requested and received on 8 March 2007.

The application was processed by Mr Peter Duncan - Manager Development Services and:

*'In accordance with the Council Delegation LG043 (Clause 7.7 of Town Planning Scheme No. 3), that planning consent be granted for a house, Cellar Sales and Restaurant at Location 4853 Mount Barker-Porongurup Road, Porongurup subject to:*

- (1) Development being in accordance with the plans dated 19 December 2006 and 9 March 2007.*
- (2) Compliance with the requirements of Special Site No. 18 in Schedule 3 of Town Planning Scheme No. 3.*
- (3) Water tanks being suitably coloured and screened from view.*
- (4) Provision of adequate fitting to all water tanks to enable access by local fire brigades for fire fighting purposes.*
- (5) Low fuel buffers of 20m being maintained around all buildings.*
- (6) Construction and maintenance of strategic fire breaks are to be suitable for all year round access by heavy duty fire appliances.*
- (7) Effluent disposal to be to the satisfaction of Council.*
- (8) Stormwater disposal to be to the satisfaction of the Manager Works and Services.*

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**Location 4853 Mount Barker-Porongurup Road, Porongurup – Dwelling, Cellar Sales & Restaurant (Cont.)**

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- (9) *Redundant crossover to be decommissioned to the satisfaction of the Manager Works and Services.*
- (10) *The new crossover being constructed, drained and sealed to the satisfaction of the Manager Works and Services.*
- (11) *Carparking areas being constructed, drained and sealed to the satisfaction of the Manager Works and Services.*
- (12) *Carparking bays are to be 2.7m x 5.5m with a 6.5m manoeuvring aisle.*
- (13) *Consider including allowance in parking area and driveway design for the provision to park and manoeuvre tourist coaches to the satisfaction of the Manager Works and Services.*
- (14) *An external water spray system for fire prevention is recommended for both the house and the restaurant/cellar sales buildings.*

On 16 April 2007 a request was received from Ayton Taylor and Burrell 'respectfully requesting' that the word 'sealed' be deleted from Conditions 10 and 11 of the Planning Consent.

**Statutory Environment**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No 3 (TPS3)

**Consultation**

There has been consultation with Ms Delma Baesjou - Ayton Taylor Burrell, Mr Rob Stewart – Chief Executive Officer, Mr Ian Bartlett – Manager Works and Services and Mrs Cobie MacLean – Administration Assistant regarding Conditions 10 and 11.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

The required fee for Development Application of \$1,020.00 has been paid.

**Strategic Implications**

This application is consistent with the Shire of Plantagenet's Strategic Plan. The Strategic Plan aims to:

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

**Officer Comment**

Planning consent for Location 4853 Mount Barker-Porongurup Road, Porongurup was granted on 22 March 2007. The applicant is asking the Council to reconsider Conditions 10 and 11 and remove the word 'sealed' as they consider the condition to seal the carparking as 'onerous' and quote two (2) other local venues – one approved some time ago – as not having had to comply with this Condition.

Several Cellar Sales within the Shire have sealed parking and others have unsealed parking. It has been a choice of the developer as to whether they have sealed the parking areas.

As the restaurant facility has the capacity to seat seventeen tables of four (4) there is a possibility of seventeen patron vehicles as well as additional staff parking, possibly leading to a minimum of twenty bays. It is appropriate in this instance for the Council to require the carparking area to be sealed for such a high level development

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Location 4853 Mount Barker-Porongurup Road, Porongurup – Dwelling, Cellar Sales & Restaurant (Cont.)

however, in the absence of a development standard it is difficult for the Council to justify applying the Condition in this instance.

Ms Delma Baesjou noted that the applicant may consider sealing the carpark at a later date.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION**

Moved Cr J Cameron, seconded Cr B Hollingworth:

**THAT:**

- (1) Conditions No. 10 and 11 of Application No. 59/06 for the development of a house, Cellar Sales and Restaurant at Location 4853 Mount Barker-Porongurup Road, Porongurup be amended to read:  
*'(10) The new crossover being constructed and drained to the satisfaction of the Manager Works and Services.*  
*(11) Carparking areas being constructed and drained to the satisfaction of the Manager Works and Services.'*
- (2) The applicant be advised of Part (1) above.

### **AMENDMENT**

Moved Cr K Clements, seconded Cr B Hollingworth:

**THAT:**

- (1) The words 'Conditions No. 10 and' be deleted and replaced with the words 'Condition No.'; and
- (2) The following amended condition be removed from the Motion:  
*'(10) The new crossover being constructed and drained to the satisfaction of the Manager Works and Services.'*

**CARRIED (7/0)**

**No. 164/07**

### **COUNCIL DECISION**

**THAT:**

- (1) Condition No. 11 of Application No. 59/06 for the development of a house, Cellar Sales and Restaurant at Location 4853 Mount Barker-Porongurup Road, Porongurup be amended to read:  
*'(11) Carparking areas being constructed and drained to the satisfaction of the Manager Works and Services.'*
- (2) The applicant be advised of Part (1) above.

**CARRIED (7/0)**

**No. 165/07**

**9.5.2 LOT 177 MARMION STREET, MOUNT BARKER - SUBDIVISION INTO THIRTEEN LOTS**

<b>Location / Address:</b>	<b>Lot 177 Marmion Street, Mount Barker</b>
<b>Attachments: (2)</b>	<b>Subdivision Plan Locality Map</b>
<b>Name of Applicant:</b>	<b>John Kinnear and Associates on behalf of G Storey, I Wilkerson, M &amp; G Wilkerson</b>
<b>File Reference:</b>	<b>LP/158/86, RV/182/1168</b>
<b>Author:</b>	<b>Juliet Albany – Planning Officer Cobie MacLean – Administration Assistant</b>
<b>Authorised By:</b>	<b>John Fathers – Acting Chief Executive Officer</b>
<b>Date of Report:</b>	<b>1 May 2007</b>

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**Purpose**

The purpose of this report is to consider a request from the Western Australian Planning Commission (WAPC) for comment on a proposed thirteen lot residential subdivision at Lot 177 Marmion Street, Mount Barker.

**Background**

It is proposed to subdivide Lot 177 into thirteen Residential lots ranging in area from 500m<sup>2</sup> to 692m<sup>2</sup>. Lot 177 is 9281m<sup>2</sup>. The lot is zoned R10/20.

Shire records indicate the owners to be G Storey, I Wilkerson, G Wilkerson and M Wilkerson.

**Statutory Environment**

Planning and Development Act 2005

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

Western Australian Planning Commission Policies include:

- *Policy No. DC 1.1 Subdivision of Land – General Principles*
- *Policy No. DC 1.4 Functional Road Classification for Planning*
- *Policy No. DC 2.2 Residential Subdivision*

**Consultation**

Consultation has occurred with Department for Planning and Infrastructure and Ms Jennifer Dowling - Consultant Planning Officer – Thompson McRobert Edgeloe (TME).

**Policy Implications**

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

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

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**Officer Comment**

The proposal is for a thirteen lot subdivision with a road reserve constructed as a cul-de-sac that precludes connectivity to adjoining lots.

The application is for the larger portion of a lot created in an old subdivision. It forms the major part of one quarter of an existing street block within the town.

The adjacent Lot on the Eastern boundary, Lot 18 Menston Street, is as yet undeveloped. It is in the interests of the orderly and proper planning, retention of rural urban amenity and the traditional grid layout of Mount Barker that the two (2) lot owners be encouraged to design subdivisions that are in keeping with the town's existing layout. Cul-de-sacs in this instance are considered unnecessary, even counter productive and against the objectives of planning for pedestrian amenity, convenience and permeable townscapes.

Additionally it is in the interests of minimising the Council's future costs regarding service provision – particularly rubbish collection to ensure large lot subdivisions achieve good connections with surrounding existing streets.

The proposal although supplying lot sizes consistent with the RCodes (R10/20) has an excessive use of battle axe legs which combined with the lack of connectivity to the east is not in the interest of good orderly planning of the locality.

Officer investigation into the proposal has shown that it may be possible for the same lot yield to be achieved with a road to the eastern boundary providing for future connectivity. It is therefore proposed that the road on the proposed subdivision will extend to the eastern (rear) boundary of the lot. Lot boundaries are to be adjusted to enable all lots to have direct road frontage.

Any existing onsite effluent disposal systems at the site will require decommissioning to Council's satisfaction and standard conditions of subdivision including a Public Open Space contribution and road construction will be required.

The matter has been discussed with DPI Officers who have advised that the Council's concerns may be valid and that the Council should respond to WAPC by advising that the Council does not support the proposed subbdivision design as submitted however, the Council would be supportive of a subdivision design to the R10/20 density which details the road reserve being continued from the western boundary with Marmion Street to the eastern boundary with Lot 18 Menston Street which will provide for the future connectivity of development at the two (2) adjoining lots in specific Lot 18 Menston Street .

By advising the WAPC of the Council's concerns however also the desire to see this property fully developed, it gives the Council a chance to seek all relevant conditions normally required of this form of subdivision.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

Moved Cr M Skinner, seconded Cr D Williss:

**THAT:**

- (1) The Western Australian Planning Commission be advised that the Council is not prepared to support the subdivision proposal as submitted however, the Council would be supportive of a subdivision design to the R10/20 coded density which details the road reserve being continued from the western boundary with Marmion Street to the eastern boundary with Lot 18 Menston Street which will provide for the future connectivity of development at the two (2) adjoining lots.
- (2) In supporting a revised plan of subdivision, the Council would seek the following conditions be applied to the subdivision:
  - (a) All new lots being provided with a minimum frontage of 10m to a road.
  - (b) The road being constructed, drained and sealed to the satisfaction of the Manager Works and Services.
  - (c) Marmion Street being constructed, drained and sealed to the satisfaction of the Manager Works and Services.
  - (d) A cul-de-sac head being constructed to the satisfaction of the Manager Works and Services to provide adequate turnaround until such time as Lot 18 Menston Street to the east is developed in the future.
  - (e) A landscaping plan being submitted detailing the appropriate planting and timing of planting of street trees to the satisfaction of the Council.
  - (f) The provision of reticulated water to all lots.
  - (g) The connection of all lots to reticulated sewer.
  - (h) All new lots being provided with underground power.
  - (i) A nutrient stripping / sediment retention and stormwater drainage plan being submitted to the Council for approval prior to the commencement of any site works.
  - (j) An area of 10% of the total site area being contributed for Public Open Space and the applicant being advised that the Council may be amenable to a cash-in-lieu payment in preference to the applicant giving up land for the purpose of Public Open Space in this instance.
  - (k) All buildings having the necessary clearance from new lot boundaries.
  - (l) All green waste being managed and disposed of onsite to the satisfaction of the Manager Works and Services.

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Lot 177 Marmion Street, Mount Barker – Subdivision Into Thirteen Lots (Cont.)

- (m) Installation of appropriate fire safety measures including but not limited to, below ground fire hydrants to the satisfaction of the Council and the Fire Emergency Services Authority.
- (n) The lots being filled and drained to the Council's standards.
- (o) Stormwater to be disposed of to the satisfaction of the Manager Works and Services.
- (p) Decommissioning of any existing onsite effluent disposal systems being carried out to the Council's Environmental Health Officer's satisfaction.

#### ADVICE NOTES:

- (i) In regard to (2)(a) the landscaping plan should detail the identification and retention of any remnant vegetation at the site worthy of protection. The applicant is to liaise with Council Officers regarding this issue.
- (ii) In regard to (2)(i) the applicant is to note that this may require the ceding, free of cost to the Crown, a portion of land for drainage purposes.

#### AMENDMENT

Cr B Hollingworth, seconded Cr J Mark

That in Part (1) of the Motion the word 'would' be deleted and replaced with the word 'may'.

CARRIED (7/0)

No. 166/07

#### COUNCIL DECISION

##### THAT:

- (1) The Western Australian Planning Commission be advised that the Council is not prepared to support the subdivision proposal as submitted however, the Council may be supportive of a subdivision design to the R10/20 coded density which details the road reserve being continued from the western boundary with Marmion Street to the eastern boundary with Lot 18 Menston Street which will provide for the future connectivity of development at the two (2) adjoining lots.
- (2) In supporting a revised plan of subdivision, the Council would seek the following conditions be applied to the subdivision:
  - (a) All new lots being provided with a minimum frontage of 10m to a road.
  - (b) The road being constructed, drained and sealed to the satisfaction of the Manager Works and Services.
  - (c) Marmion Street being constructed, drained and sealed to the satisfaction of the Manager Works and Services.



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Lot 177 Marmion Street, Mount Barker – Subdivision Into Thirteen Lots (Cont.)

- (d) A cul-de-sac head being constructed to the satisfaction of the Manager Works and Services to provide adequate turnaround until such time as Lot 18 Menston Street to the east is developed in the future.
- (e) A landscaping plan being submitted detailing the appropriate planting and timing of planting of street trees to the satisfaction of the Council.
- (f) The provision of reticulated water to all lots.
- (g) The connection of all lots to reticulated sewer.
- (h) All new lots being provided with underground power.
- (i) A nutrient stripping / sediment retention and stormwater drainage plan being submitted to the Council for approval prior to the commencement of any site works.
- (j) An area of 10% of the total site area being contributed for Public Open Space and the applicant being advised that the Council may be amenable to a cash-in-lieu payment in preference to the applicant giving up land for the purpose of Public Open Space in this instance.
- (k) All buildings having the necessary clearance from new lot boundaries.
- (l) All green waste being managed and disposed of onsite to the satisfaction of the Manager Works and Services.
- (m) Installation of appropriate fire safety measures including but not limited to, below ground fire hydrants to the satisfaction of the Council and the Fire Emergency Services Authority.
- (n) The lots being filled and drained to the Council's standards.
- (o) Stormwater to be disposed of to the satisfaction of the Manager Works and Services.
- (p) Decommissioning of any existing onsite effluent disposal systems being carried out to the Council's Environmental Health Officer's satisfaction.

**ADVICE NOTES:**

- (i) In regard to (2)(a) the landscaping plan should detail the identification and retention of any remnant vegetation at the site worthy of protection. The applicant is to liaise with Council Officers regarding this issue.
- (ii) In regard to (2)(i) the applicant is to note that this may require the ceding, free of cost to the Crown, a portion of land for drainage purposes.

**CARRIED (7/0)**

**No. 167/07**

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**9.5.3 LOT 6 BOYUP ROAD, MOUNT BARKER - RECLASSIFICATION TO CELLAR SALES**

<b>Location / Address:</b>	<b>Lot 6 Boyup Road, Mount Barker</b>
<b>Attachments: (1)</b>	<b>Locality Map</b>
<b>Name of Applicant:</b>	<b>Trappers Gully Wines - T &amp; E Lester</b>
<b>File Reference:</b>	<b>RV/182/3413</b>
<b>Author:</b>	<b>Juliet Albany - Planning Officer</b>
<b>Authorised By:</b>	<b>John Fathers - Acting Chief Executive Officer</b>
<b>Date of Report:</b>	<b>30 April 2007</b>

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**Purpose**

The purpose of this report is to request the initiation of public consultation for a period of twenty-one days regarding an application for re-classification of Trappers Gully Wines to facilitate Wine Production and Cellar Door Sales.

**Background**

Currently under TPS No.3, Cellar Door Sales is a Use Not Listed within the zoning table. Thus this proposal requires the Council's consideration and a period of public advertising.

Trappers Gully was formally reclassified by the Council in July 2002 to a Wine Storage and sales facility. Currently the owners seek to 'move forward and reclassify the 'Shed Facility' to incorporate Wine Production and Cellar Door Sales Activity'.

The applicant has advised that food preparation will be minor to complement wine tasting and therefore food preparation classification is Class 3 Food Premises. The internal fit-out is consistent with Class 3 food premises, this classification severely restricts the type of food that may be prepared and sold.

Current toilet facilities are sufficient for no more than twenty patrons. The Applicant will require Section 39 and 40 Certificates for reclassification, Section 39 will require a minimum of two (2) toilets.

The premises and operation of food business are to comply with the provisions of the Health (Food and Hygiene) Regulations 1993 and the Australian New Zealand Food Standards Code 2002.

Detailed floor plans and site plan shall be submitted to Fire and Emergency Services Authority (FESA) showing exact area to be used and accessible to patrons to enable exact calculations as to the requirements.

The Wine Tasting area is classified Class 6 and the Laboratory Area a Class 8, the building is already a Class 8 but will now need a 6/8 Classification and a Class 3 Food Premises.

**Statutory Environment**

Building Codes of Australia  
HEALTH (Food and Hygiene) Regulations 1993  
Australia New Zealand Food Standard Code  
Shire of Plantagenet Town Planning Scheme No. 3

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Lot 6 Boyup Road, Mount Barker – Reclassification To Cellar Sales (Cont.)

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

Advertising costs will be met from the Development Services Advertising budget.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

This application as an unlisted activity requires public consultation prior to the Council's consideration. There are no carparking requirements under TPS No. 3.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

Moved Cr K Clements, seconded Cr B Hollingworth:

**THAT:**

- (1) The application for re-classification from Trappers Gully Wines to facilitate Wine Production and Cellar Door Sales including food preparation be advertised for twenty-one days.
- (2) At the conclusion of advertising a further report be prepared for the consideration of the Council at a meeting to be held no later than 12 June 2007.

**CARRIED (7/0)**

**No. 168/07**

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**9.5.4 LOTS 752 AND 2 WARBURTON ROAD, MOUNT BARKER - SCHEME AMENDMENT REQUEST**

<b>Location / Address:</b>	<b>Lots 752 &amp; 2 Warburton Road, Mount Barker</b>
<b>Attachments: (1)</b>	<b>Copy Scheme Amendment Request</b>
<b>Name of Applicant:</b>	<b>Ayton Taylor Burrell</b>
<b>File Reference:</b>	<b>LP/181/17</b>
<b>Author:</b>	<b>Cobie MacLean - Administration Assistant</b>
<b>Authorised By:</b>	<b>John Fathers - Acting Chief Executive Officer</b>
<b>Date of Report:</b>	<b>30 April 2007</b>

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**Purpose**

The purpose of this report is to consider a Scheme Amendment Request (SAR) to rezone Lots 752 and 2 Warburton Road, Mount Barker from Rural to Rural Residential.

**Background**

The Mount Barker Local Rural Strategy of August 1997 refers to Lots 752 and 2 Warburton Road, included in Precinct 5. The Precinct abuts the south eastern corner of the Mount Barker Townsite and is bounded by Reserve 16447 to the north and east and the Golf Course to the south.

The SAR was initially submitted in March 2007 and in accordance with Council Policy No. TP/SDC/6 copies were forwarded to the Department for Planning and Infrastructure, Department of Water and Department of Environment and Conservation for comment.

Only one (1) agency has provided comments on the SAR.

The Department for Planning and Infrastructure (DPI) offered the following comments:

*'a) the land is within Precinct 5 of the Mt Barker Local Rural Strategy which envisages rural residential lots a minimum of 1ha connected to reticulated potable water;*

*b) the SAR proposes lots to a min of 4000m<sup>2</sup> (Special Residential) to 1.8ha (Rural residential);*

*As such the DPI would not support a scheme amendment or subdivision guide plan that included Special Residential sized lots.'*

**Statutory Environment**

Planning and Development Act 2005

Town Planning Regulations 1967 – set the procedure for Amending a Town Planning Scheme.

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

**Consultation**

The SAR has been referred to the three government agencies in accordance with the Council's SAR Policy to obtain early feedback.

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**Policy Implications**

Council Policy No. TP/SDC/6 – Scheme Amendment Requests applies.

**Financial Implications**

The fee of \$550.00 has been paid.

**Strategic Implications**

This proposal is not in accordance with the principles of the Mount Barker Local Rural Strategy of 1997.

**Officer Comment**

It is clear from the comments provided by the DPI that there are still issues requiring attention. These issues will need to be addressed by the proponents' consultants as part of the rezoning process.

The report states that the proposal is for subdivision into a range of rural residential lots of predominantly 4000m<sup>2</sup> and 1ha. It is proposed to retain and protect the creekline vegetation and to extend mains water, power, telecommunications and roads to the subdivision.

In accordance with Council Policy No. TP/SDC/6, the Council can decide to seek community feedback on the SAR if the application warrants it. In this case as the concept is significant it is considered worthwhile to advertise the proposal to gain input before the Council makes a decision on whether the proposal proceeds to the detailed Scheme Amendment stage or not. A sixty day advertising period is appropriate and notification should involve letters to adjoining property owners, a sign erected in a prominent location and notices in the press and on the Council's notice board.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**THAT:**

- (1) The Scheme Amendment Request for Lots 752 and 2 Warburton Road, Mount Barker be advertised to seek public feedback for a period of sixty days.**
- (2) At the conclusion of advertising a further report be prepared for the consideration of the Council at a meeting to be held no later than 24 July 2007.**

**CARRIED (7/0)**

**No. 169/07**

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**9.5.5 LOT 4815 O'NEILL ROAD, MOUNT BARKER - SCHEME AMENDMENT REQUEST - PRECINCT 6 - MOUNT BARKER RURAL STRATEGY**

<b>Location / Address:</b>	<b>Lot 4815 O'Neill Road, Mount Barker</b>
<b>Attachments: (2)</b>	<b>Scheme Amendment Request Copy of Precinct 6 – Mount Barker Local Rural Strategy</b>
<b>Name of Applicant:</b>	<b>Ayton Taylor Burrell</b>
<b>File Reference:</b>	<b>LP/181/20</b>
<b>Author:</b>	<b>Cobie MacLean – Administration Assistant</b>
<b>Authorised By:</b>	<b>John Fathers – Acting Chief Executive Officer</b>
<b>Date of Report:</b>	<b>24 April 2007</b>

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**Purpose**

The purpose of this report is to consider a Scheme Amendment Request (SAR) to rezone the southern portion of Lot 4815 Albany Highway / O'Neill Road, Mount Barker from Rural to Rural Residential.

**Background**

The Mount Barker Local Rural Strategy adopted by the Council in September 1997 refers to the southern portion of the Golf Course, included in Precinct 6 as possibly developing for rural retreat lots. In view of the desire to retain remnant vegetation, only limited development, concentrated within existing cleared areas is recommended.

The SAR was initially submitted in February 2007 and in accordance with Council Policy No. TP/SDC/6 copies were forwarded to the Department for Planning and Infrastructure, Department of Water and Department of Environment and Conservation for comment.

All three (3) agencies have provided their comments on the SAR.

The Department for Planning and Infrastructure offered the following comments:

- 1. The site is located in Precinct 6 of the Mt Barker Local Rural Strategy;*
- 2. The site is indicated as suited to Rural Retreats.*
- 3. Precinct 5 to the north suggests lot sizes not less than 1ha;*
- 4. We would expect Rural Retreats to be larger than 1ha, more likely around the same for Rural Small Holdings i.e. 4ha min.*
- 5. The site is not identified as suitable for Special Residential lots sizes (min 2000m<sup>2</sup>) as proposed in the SAR.*

*Therefore DPI would NOT support a scheme amendment based on the SAR as proposed.'*

The Department of Water offered the following comments:

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Lot 4815 O'Neill Road, Mount Barker – Scheme Amendment Request – Precinct 6 – Mount Barker Rural Strategy (Cont.)

*'The Department of Water (DoW) does not have any concerns about the rezoning of the above land from Rural to Rural Residential but provides the following advice in relation to this matter.*

*Land Capability Assessment*

*The DoW suggests that a land capability assessment of the subject area be undertaken and the resulting report to accompany the amendment proposal document to ensure appropriate on-site effluent disposal.*

*Drainage Management*

*While the proposal states that a detailed nutrient stripping, sediment retention and drainage management plan will be provided at the subdivision stage, the DoW expects that stormwater provisions referring to water sensitive design principles to the satisfaction of the Shire of Plantagenet and the Department of Water will apply.'*

The Department of Environment and Conservation offered the following comments:

*'Environmental Considerations*

*This proposal is not adjacent to any DEC land managed for nature conservation but is located 2km approximately to the west of A-Class reserve 10003 which is set aside for the purpose of Conservation of Flora and Fauna. It is considered that the proposed development will not have any environmental impact on nature conservation values in this reserve. It would however be of value if future landowners or occupiers were advised of the existence of this reserve, its purpose and the need to ensure it remains undisturbed.*

*The intention of the proponent to retain the remnant vegetation on the property is pleasing, particularly with the siting of building envelopes within cleared land. Future subdivision of the land into smaller individual lots should include an objective to either avoid or to minimize clearing of native vegetation to establish boundary fences.*

*It is also suggested that to further protect the integrity of the remnant vegetation an integrated fire management plan should treat the subdivided lots as a single fire management unit. This should include the continued maintenance of a boundary firebreak corresponding to the existing boundary of Lot 4815 on the western, southern and eastern boundary of the subject land and reliance on the existing golf course fairways to assist as strategic breaks on the northern aspect of the proposed subdivision.*

*The proposal has addressed the management of the generation of an increased stormwater volume in a relatively general manner and refers to sensitive design principles. These should be elaborated upon in more detail in a stormwater and waste water management plan that should be prepared at an early stage. The management of waste water generated from households is not addressed in the amendment proposal and it can only be assumed that this will be incorporated in the above mentioned plan. If individual waste water processing units are envisaged in each future allotment these should be an approved environmentally efficient design.*

*Visual Impacts*

*It would be preferable for building envelopes to be located in a way to enable housing sites to blend into the natural environment. Similarly, building materials should have textures, surfaces and colours that are sympathetic with the natural environment.'*

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Lot 4815 O'Neill Road, Mount Barker – Scheme Amendment Request – Precinct 6 – Mount Barker Rural Strategy (Cont.)

### **Statutory Environment**

Planning and Development Act 2005

Town Planning Regulations 1967 – set the procedure for Amending a Town Planning Scheme.

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

### **Consultation**

The SAR has been referred to the three government agencies in accordance with the Council's SAR Policy to obtain early feedback. The applicant has had discussions with Shire Officers requesting a reduction of advertising from sixty to twenty-one days.

### **Policy Implications**

Council Policy No. TP/SDC/6 – Scheme Amendment Requests applies.

### **Financial Implications**

The fee of \$550.00 has been paid.

### **Strategic Implications**

Mount Barker Local Rural Strategy - 1997

### **Officer Comment**

It is clear from the comments provided by the government agencies that there are still issues requiring attention. These issues will need to be addressed by the proponents' consultants as part of the rezoning process.

The report states that the proposal is for a 'cluster' of lots with a minimum size of 2,000m<sup>2</sup> and with larger lots to the west to ensure protection of vegetation and achieve adequate fire hazard separation.

Rural Residential are generally 10,000m<sup>2</sup> to 40,000m<sup>2</sup> and above. It is not obvious from the proponents plans how these lots differ from standard residential subdivision, there is no recognisable 'cluster' from any design point of view.

In accordance with Council Policy No. TP/SDC/6, the Council can decide to seek community feedback on the SAR if the application warrants it. In this case as the concept represents a significant variation from the rural strategy objectives it is considered worthwhile to advertise the proposal to gain input before the Council makes a decision on whether the proposal proceeds to the detailed Scheme Amendment stage or not.

A sixty day advertising period is generally applied, although due the specific inclusion of a future subdivision in the rural strategy, Mr Rob Stewart - Chief Executive Officer, undertook to recommend a twenty-one day advertising period. The advice from the Shire's planning staff recommends a sixty day advertising period as the current proposal is somewhat different to that envisaged in the rural strategy.

Notification should also involve letters to adjoining property owners, a sign erected in a prominent location and notices in the press and on the Council's notice board.

### **Voting Requirements**

Simple Majority



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Lot 4815 O'Neill Road, Mount Barker – Scheme Amendment Request – Precinct 6 – Mount Barker Rural Strategy (Cont.)

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**THAT:**

- (1) The Scheme Amendment Request for Lot 4815 Albany Highway / O'Neill Road, Mount Barker be advertised to seek public feedback for a period of twenty-one days.**
- (2) At the conclusion of advertising a further report be prepared for the consideration of the Council at a meeting to be held no later than 10 July 2007.**

**CARRIED (7/0)**

**No. 170/07**

**9.5.6 UNALLOCATED CROWN LAND ADJOINING LOT 594 BOURKE STREET, MOUNT BARKER - REQUEST TO PURCHASE**

<b>Location / Address:</b>	<b>Unallocated Crown Land adjoining Lot 594 Bourke Street, Mount Barker</b>
<b>Attachment: (1)</b>	<b>Locality Map</b>
<b>Name of Applicant:</b>	<b>Department of Planning and Infrastructure - State Land Services</b>
<b>File Reference:</b>	<b>RV/182/1542</b>
<b>Author:</b>	<b>Cobie MacLean - Administration Assistant</b>
<b>Authorised By:</b>	<b>Rob Stewart - Chief Executive Officer</b>
<b>Date of Report:</b>	<b>24 April 2007</b>

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**Purpose**

The purpose of this report is to consider a request for comment from the Department of Planning and Infrastructure (DPI) – State Land Services regarding approximately 8,070m<sup>2</sup> of Unallocated Crown Land (UCL) adjoining Lot 594 Bourke Street, Mount Barker. The total area of this UCL is 2.8014ha. The DPI is now seeking the Council's comment on this proposal and any matters that are considered relevant to the disposal of this land.

**Background**

DPI has advised that a request has been received regarding the purchase of UCL adjoining Lot 594 Bourke Street, Mount Barker.

The lot contains remnant vegetation and it will be necessary for DPI to confer with the Department of Environment in regard to removal of vegetation and compliance with the Environmental Protection Act (1986).

The site is an area of approximately 8,070m<sup>2</sup> located with frontage to the partially constructed, unsealed Bourke Street.

The UCL is zoned 'Industrial' under Town Planning Scheme No. 3.

**Statutory Environment**

Planning and Development Act 2005  
Town Planning Scheme No. 3 (as amended)

**Consultation**

The matter has been discussed with Mr Rob Stewart - Chief Executive Officer, Mrs Jennifer Dowling – Senior Planner TME, Mr Ian Bartlett – Manager Works and Services, Ms Juliet Albany – Planning Officer and Mrs Cobie MacLean – Administration Assistant.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

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**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).*

**Officer Comment**

The Water Corporation has been contacted and advised that there is no reticulated water available to the site and that the nearest access would be either via an easement through the properties to the north (Lots 589 and 581 McDonald Avenue) or from Marmion Street to the east along the Bourke Street Road Reserve. There does not appear to be any imminent plans to upgrade this alignment to service these lots within Water Corporation Plans.

A formal search has not been undertaken to ascertain power constraints / availability to the site, however it is assumed that power connection would be available to the lots subject to any potential developer paying infrastructure to connect into the three phase electricity supply available from McDonald Avenue.

There are no constraints within the Town Planning Scheme No. 3 to the development of Industrial zoned land other than that contained within the Zoning table as there are no Town Planning Scheme Policies relating to the development of Industrial zoned land.

A contribution for the upgrade of the road can be requested under Council Policy No. I/R/7 – Roads – Unconstructed Roads and would be appropriate in this instance.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

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

**That the Department for Planning and Infrastructure be advised that the Council supports the release of the portion of Unallocated Crown Land adjoining Lot 594 Bourke Street, Mount Barker subject to the following conditions and advices:**

- (1) The prospective purchaser of the land be advised that the site is zoned 'Industrial' under the Shire of Plantagenet Town Planning Scheme No. 3 and is subject to all provisions and land use controls relating to an Industrial Zoned site within the Scheme.**
- (2) The Council has no immediate intention for the upgrading of Bourke Street.**
- (3) Any development at the site will be subject to a contribution to the upgrade of Bourke Street under Council Policy No. I/R/7 – Roads – Unconstructed Road, to support the increased traffic generated by that development.**
- (4) Connection of the site to reticulated water to ensure that adequate services and fire safety measures can be implemented for any development proposed at the site.**

- (5) The applicant being advised that there is no sewer connection available at the site and therefore effluent disposal methods will be required to meet with Health Department of WA requirements for onsite disposal and this may preclude some forms of development.

**ADVICE NOTE:**

The Department for Planning and Infrastructure are to confirm with the Department of Environment and Conservation regarding the need for approval for clearing of vegetation on the currently uncleared heavily vegetated site.

**CARRIED (7/0)**

**No. 171/07**

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

Nil

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

Moved Cr K Clements, seconded Cr D Williss:

That new business of an urgent nature namely:

- Replacement Of Boontech Scanner – Great Southern Regional Cattle Saleyards
- Community Centre – Mount Barker Baptist Church – Proposal (Confidential)
- Electoral Boundaries

be introduced into the meeting.

CARRIED (7/0)

No. 172/07

## MOTION TO ADJOURN THE MEETING

Moved Cr K Clements, seconded Cr B Hollingworth:

4.08pm That the meeting be adjourned until 4.13pm.

## RESUMPTION

4.13pm The meeting resumed.

### Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Williss	Deputy Shire President – East
Cr M Skinner	East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr J Mark	Town Ward
Cr K Clements	Town Ward
Cr B Hollingworth	Town Ward
Mr J Fathers	Acting Chief Executive Officer
Mr I Bartlett	Manager Works and Services
Ms N Selesnew	Manager Community Services
Ms J Albany	Planning Officer
Mrs K Skinner	Executive Secretary
Mrs J McLean	Administration Officer
Ms C Delmage	Administration Officer

**11.1 REPLACEMENT OF BOONTECH SCANNER - SALEYARDS**

**Location / Address:** N / A  
**Name of Applicant:** N / A  
**File Reference:** CA/126/1  
**Author:** John Fathers – Deputy Chief Executive Officer  
**Authorised By:** John Fathers – Deputy Chief Executive Officer  
**Date of Report:** 7 May 2007

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A Financial Interest was disclosed by Cr K Forbes for Item 11.1  
Nature of Interest: Cattle Producer

A Financial Interest was disclosed by Cr M Skinner for Item 11.1  
Nature of Interest: Cattle Producer

A Financial Interest was disclosed by Cr J Cameron for Item 11.1  
Nature of Interest: Cattle Producer

A Financial Interest was disclosed by Cr B Hollingworth for Item 11.1  
Nature Of Interest: Adjacent Landholder

**LOSS OF QUORUM**

The Acting Chief Executive Officer advised that as a quorum was no longer present pursuant to Paragraph 6.2 (1) (a) (ii) of Standing Orders, the matter would stand adjourned until such time that the Minister allowed disclosing members to participate in discussions and decision making procedures relating to the matter under Section 5.69 of the Act.

The meeting would therefore proceed to the next business.

**12 CONFIDENTIAL****12.1 COMMUNITY CENTRE - MOUNT BARKER BAPTIST CHURCH - PROPOSAL**

**Location / Address:** Lot 53 Lowood Road  
**Name of Applicant:** Mount Barker Baptist Church  
**File Reference:** CS/150/2  
**Author:** Nicole Selesnew – Manager Community Services  
**Authorised By:** John Fathers – Acting Chief Executive Officer  
**Date of Report:** 4 May 2007

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**Purpose**

The purpose of this report is to consider a proposal from the Mount Barker Baptist Church (MBBC) to lease Lot 53 Lowood Road, Mount Barker. The Mount Barker Baptist Church proposes to renovate and extend the Mount Barker Library building to accommodate the Mount Barker Baptist Church Community Centre (to be managed by the Mount Barker Baptist Church) and the Mount Barker Library.

**MOTION TO PROCEED BEHIND CLOSED DOORS**

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

**4.15pm** That the meeting proceed behind closed doors.

**CARRIED (7/0)**  
**No. 173/07**

**MOTION TO PROCEED IN PUBLIC**

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

**4.34pm** That the meeting proceed in public.

**CARRIED (7/0)**  
**No. 174/07**



**OFFICER'S RECOMMENDATION**

Moved Cr J Mark, seconded Cr B Hollingworth:

**THAT:**

- (1) The Mount Barker Baptist Church be advised that the Council is prepared to engage in a lease for Lot 53 Lowood Road, Mount Barker for a period of fifty-five years, comprised of thirty years with an additional twenty-five year option, for the purpose of establishing the Mount Barker Baptist Church Community Centre.
- (2) The Chief Executive Officer and Shire President be given authority to negotiate the terms of the lease for Lot 53 Lowood Road, Mount Barker with the Baptist Union of Western Australia and the Mount Barker Baptist Church.
- (3) The Mount Barker Baptist Church be advised that the Council is supportive of the necessary renovations and extensions required to the building located on Lot 53 Lowood Road, Mount Barker to accommodate the requirements of both the Mount Barker Baptist Church Community Centre and the Mount Barker Library, provided the Mount Barker Baptist Church finance all necessary changes and appropriate planning and development approvals are sought.
- (4) The Chief Executive Officer and Shire President be given authority to negotiate a Memorandum of Understanding (MOU) between the Mount Barker Baptist Church and the Shire of Plantagenet, including but not limited to the collocation of the Mount Barker Library on Lot 53 Lowood Road, Mount Barker, the use of adjoining Sounness Park Oval, the exemption of rates for Lot 53 Lowood Road, Mount Barker, security provisions, library costs, zoning requirements and the composition of a Management Board for the Community Centre.
- (5) The Council agrees to be a co-signatory to the Mount Barker Baptist Church's application for funding to the Regional Partnerships Program, seeking financial assistance to construct the Mount Barker Baptist Church Community Centre.

**AMENDMENT**

Moved Cr K Clements, seconded Cr D Williss:

That a Part (6) be added to the Motion as follows:

'A public meeting be held at the discretion of the Shire President to discuss the Mount Barker Baptist Church Community Centre development and the Mount Barker Library collocation proposal.'

**CARRIED (7/0)**

**No. 175/07**

**COUNCIL DECISION****THAT:**

- (1) The Mount Barker Baptist Church be advised that the Council is prepared to engage in a lease for Lot 53 Lowood Road, Mount Barker for a period of fifty-five years, comprised of thirty years with an additional twenty-five year option, for the purpose of establishing the Mount Barker Baptist Church Community Centre.**
- (2) The Chief Executive Officer and Shire President be given authority to negotiate the terms of the lease for Lot 53 Lowood Road, Mount Barker with the Baptist Union of Western Australia and the Mount Barker Baptist Church.**
- (3) The Mount Barker Baptist Church be advised that the Council is supportive of the necessary renovations and extensions required to the building located on Lot 53 Lowood Road, Mount Barker to accommodate the requirements of both the Mount Barker Baptist Church Community Centre and the Mount Barker Library, provided the Mount Barker Baptist Church finance all necessary changes and appropriate planning and development approvals are sought.**
- (4) The Chief Executive Officer and Shire President be given authority to negotiate a Memorandum of Understanding (MOU) between the Mount Barker Baptist Church and the Shire of Plantagenet, including but not limited to the collocation of the Mount Barker Library on Lot 53 Lowood Road, Mount Barker, the use of adjoining Sounness Park Oval, the exemption of rates for Lot 53 Lowood Road, Mount Barker, security provisions, library costs, zoning requirements and the composition of a Management Board for the Community Centre.**
- (5) The Council agrees to be a co-signatory to the Mount Barker Baptist Church's application for funding to the Regional Partnerships Program, seeking financial assistance to construct the Mount Barker Baptist Church Community Centre.**
- (6) A public meeting be held at the discretion of the Shire President to discuss the Mount Barker Baptist Church Community Centre development and the Mount Barker Library collocation proposal.**

**CARRIED (6/1)****No. 176/07**

**MOTION TO SUSPEND STANDING ORDERS**

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

**4.36pm** 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 (7/0)**

**No. 177/07**

**MOTION TO RESUME STANDING ORDERS**

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

**4.44pm** That Standing Orders be resumed.

**CARRIED (7/0)**

**No. 178/07**

## **13 OTHER BUSINESS / MATTERS ARISING**

### **13.1 2007 ELECTORAL DISTRIBUTION SUBMISSIONS**

#### **COUNCIL DECISION**

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

**That the 2007 Electoral Distribution Committee be advised that the Council supports the State Boundary Redistribution Submission incorporating the Shires of Manjimup, Boyup Brook, Kojonup, Broomehill, Tambellup, Cranbrook, Plantagenet, Denmark, Gnowangerup and Jerramungup.**

**CARRIED (7/0)**

**No. 179/07**

**14 CLOSURE OF MEETING**

4.45pm The Presiding Member declared the meeting closed.

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