



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2.45pm Tuesday 26 June 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.

'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 J Mark	Town 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
Ms J Albany	Planning Officer
Mrs K Skinner	Executive Secretary
Mrs C MacLean	Administration Officer
Ms C Delmage	Administration Officer

There were no 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

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

Moved Cr M Skinner, seconded Cr J Cameron:

That the Minutes of the Ordinary Meeting of the Council held 12 June 2007 be confirmed subject to:

Page 12 – Item 9.2.1 – The words ‘of Point 1.4 (b)’ be inserted before the word ‘be’ in the lapsed Amendment.

CARRIED (9/0)

No. 218/07

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 16.06.07 – Cr Forbes and his wife attended the Lions Club Changeover Dinner.
- 18.06.07 – Cr Forbes, Cr D Williss – Deputy Shire President and Mr Bartlett – Manager Works and Services attended a Main Roads WA Workshop covering ‘Purpose Permits’.
- 19.06.07 – Cr Forbes attended Public Draft Budget Meeting.
- 22.06.07 – Cr Forbes, with assistance from Mrs Kaye Skinner – Executive Secretary, conducted six (6) naturalisation ceremonies with Mr Terry Redman in attendance.
- 22.06.07 – Mr Stewart – Chief Executive Officer and Ms Selesnew met with the Mount Barker Turf Club to discuss further extension.
- 24.06.07 – Cr Forbes and his wife attended the Rotary Changeover dinner and noted that Cr Bill Hollingworth is now the Rotary President.
- 26.06.07 – The annual thank you for bush fire brigade volunteers is being held in the Council Chambers.
- 27.06.07 – The Audit Committee meeting will be held.
- 27.06.07 – The Great Southern Development Commission Awards night will be held in Albany.
- 28.06.07 – Cr Forbes, Ms Selesnew and Mr Stewart will attend a meeting will be held with the Mount Barker Baptist Church.
- 29.06.07 – Mount Barker Wine Producers Association Dinner.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 EXECUTIVE SERVICES REPORTS

9.1.1 COMMITTEE MINUTES

Location / Address: N / A
Attachments: (2) Committee Minutes
Name of Applicant: N / A
File Reference: CA/103/1; WM/103/2
Author: Cherie Delmage - Administration Officer
Authorised By: John Fathers - Deputy Chief Executive Officer
Date of Report: 19 June 2007

Purpose

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

- Great Southern Regional Cattle Saleyards Committee Meeting – 12 June 2007
- Waste Management Committee Meeting – 12 June 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 / COUNCIL DECISION

Moved Cr K Hart, seconded Cr D Williss:

That the following Committee Minutes be received:

- Great Southern Regional Cattle Saleyards Committee Meeting – 12 June 2007
- Waste Management Committee Meeting – 12 June 2007

CARRIED (9/0)

No. 219/07

9.2 CORPORATE SERVICES REPORTS

9.2.1 LIST OF PAYMENTS – MAY 2007

Location / Address:	N / A
Attachments: (1)	List of Payments – May 2007
Name of Applicant:	N / A
File Reference:	FM/65/3
Author:	Rayona Evans - Accounts Officer
Authorised By:	John Fathers – Deputy Chief Executive Officer
Date of Report:	14 June 2007

Purpose

The purpose of this report is to present the list of payments that were made during the month of May 2007.

Statutory Environment

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

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr B Hollingworth:

That the payment of accounts for the month of May 2007 covering electronic payments, cheques 36900 to 37039, totalling \$976,865.18 and trust cheque 166 to 172 totalling \$1,503.45, be noted.

CARRIED (9/0)

No. 220/07

9.2.2 FINANCIAL STATEMENTS – MAY 2007

Location / Address:	N / A
Attachments:	Financial Statements – May 2007
Name of Applicant:	N / A
File Reference:	FM/65/1
Author:	Ross MacDonald - Accountant
Authorised By:	John Fathers – Deputy Chief Executive Officer
Date of Report:	15 June 2007

Purpose

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 May 2007.

Statutory Environment

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

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

The statement is to be accompanied by:

- (a) explanation of the composition of net current assets, less committed assets and restricted assets;
- (b) explanation of the material variances; and
- (c) such other information considered relevant by the local government.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr J Mark:

That the financial statements for the month ending 31 May 2007 be received.

CARRIED (9/0)

No. 221/07

9.2.3 DENBARKER ROAD - RENAMING

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/107/1
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	John Fathers - Deputy Chief Executive Officer
Date of Report:	7 June 2007

Purpose

The purpose of this report is to consider the submissions received during the advertising period for the renaming of Denbarker Road to Old Pile Road.

Background

At its ordinary meeting held 8 May 2007, the Council considered a proposal made by Mr Darrel Drage and Mr Len Handasyde to change the name of Denbarker Road to Old Pile Road. It was resolved:

'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.'*

During the advertising period six (6) submissions were received in opposition to the name change. Submissions were received from:

- Barry and Debbie Drage;
- Aaron Drage;
- Clive and Jean Drage;
- Helen Pavlovich;
- Basil and Lorna Drage; and
- Phillip Drage.

The basis of all the submissions received was that Denbarker Road has existed as it is for the last fifty years and changing the name to Old Pile Road would have no relevance to the residents. It was also raised that the Denbarker War Memorial is on Denbarker Road.

Several submissions believed that extra signage stating that the Denmark-Mount Barker Road turnoff is 15 kilometres further on at the intersection of Denbarker Road and Muirs Highway would overcome any confusion between Denbarker Road and Denmark-Mount Barker Road.

Statutory Environment

The Land Administration Act 1997 governs the road naming process.

Denbarker Road – Renaming (Cont.)**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.

Public consultation was also sought during the advertising period.

Policy Implications

There are no policy implications for this report.

Financial Implications

In addition to advertising costs, there may be costs associated with additional signage.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Given the number of submissions received from residents of Denbarker Road it is being recommended that the Council not proceed with the renaming.

It is also suggested that the Council seek approval from Main Roads WA to add additional signage along Muirs Highway.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Hollingworth:

THAT:

- (1) The proposal to change the name of Denbarker Road to Old Pile Road not proceed due to the number of opposing submissions received by the Council.**
- (2) Approval be sought from Main Roads WA to erect additional signage on Muirs Highway that more clearly identifies the location of the Denmark-Mount Barker Road.**

CARRIED (9/0)

No. 222/07

9.3 COMMUNITY SERVICES REPORTS

9.3.1 ANNUAL FIREBREAK NOTICE - 2007 / 2008

Location / Address:	N / A
Attachments: (1)	Annual Firebreak Notice – 2007 / 2008
Name of Applicant:	N / A
File Reference:	LE/108/1
Author:	Nicole Selesnew - Manager Community Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	14 June 2007

Purpose

The purpose of this report is to endorse the Annual Firebreak Notice - 2007 / 2008 for gazettal, publication and distribution to owners of land within the Shire of Plantagenet.

Background

The content of the Annual Firebreak Notice (AFN) has been reviewed by members of the Bush Fire Advisory Committee (BFAC) over the past twelve months. Members of the Annual Firebreak Notice Review group considered the recommendations from the BFAC and reviewed the content of the AFN on 4 April 2007.

The Firebreak Notice is distributed with rates notices annually and is also provided to new Shire residents in 'New Resident Packs'. Copies are also placed with local real estate agents.

Statutory Environment

Bush Fires Act 1954

Oaths, Affidavits and Statutory Declarations Act 2005

Town Planning and Development Act 1928

Western Australian Planning Commission Policy Development Control 3.7 Fire Planning - Bush Fire Protection (FESA 2001)

Consultation

Consultation has occurred with members of the BFAC and the Annual Firebreak Notice Review Group which is comprised of the following:

- David Burcham - Chief Bush Fire Control Officer;
- Len Handasyde - Deputy Chief Bush Fire Control Officer;
- John Russell - Captain - Porongurup Bush Fire Brigade;
- Cr Kevin Forbes - Shire President;
- Cr Keith Hart - Chair - Bush Fire Advisory Committee;
- Cr David Williss - Deputy Chair - Bush Fire Advisory Committee;
- Nicole Selesnew – Manager Community Services; and
- Ray Parry – Ranger Services.

Policy Implications

There are no policy implications for this report.

Financial Implications

Funds have been allocated in the annual budget to facilitate the printing and distribution of the AFN. Printing costs will be in the order of \$4,900.00.

Strategic Implications

The Shire of Plantagenet Strategic Bush Fire Management Plan highlights the AFN as an opportunity to inform all landowners about their obligation to implement fire prevention and hazard reduction measures throughout the Shire.

Officer Comment

Three (3) significant changes have been made to the AFN following concerns raised from the BFAC and the Annual Firebreak Notice review group:

- The dates for firebreaks to be installed around plantations have been amended. The new dates are the same as rural land firebreak dates for the Eastern and Western portions (15 November to 29 March and 1 December to 12 April respectively).

The reason for the change was based on concerns that the current deadline for firebreaks in the Eastern Portion (1 December) is too far into the dry season to have machinery moving about paddocks, establishing firebreaks or clearing land.

- The exclusion of swathing canola crops from the list of operations that require a mobile fire fighting unit to be stationed on site, when swathing is occurring during the Restricted or Prohibited Burning Time.
- The inclusion of a condition that stipulates that when a mobile fire fighting unit is required for an operation to occur, the mobile fire fighting unit must be stationed within one (1) kilometre of an operating machine.

The reason for the change was that an operating machine may be several kilometres away from a fire fighting unit which is acceptable within the current requirements of an AFN, but ineffectual if a fire fighting unit is required but takes a considerable amount of time to locate.

Other minor alterations have been made to the notice, namely the picture on the cover, amendments to the dates and updated contact details on the 'Brigade and Shire Contact Details' tab.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr M Skinner:

THAT:

- (1) The Annual Firebreak Notice - 2007 / 2008 as detailed in Attachment One be endorsed.**
- (2) The Annual Firebreak Notice - 2007 / 2008 be published in the Government Gazette and advertised in a newspaper circulating within the district of the Shire of Plantagenet.**
- (3) The Annual Firebreak Notice - 2007 / 2008 be printed and distributed throughout the Plantagenet community.**

CARRIED (9/0)

No. 223/07

9.4 TECHNICAL SERVICES REPORTS**9.4.1 POLICY REVIEW – RS/G/1 - GATE PERMITS / OUTSIDE / BOUNDARY FENCES**

Before the meeting a memorandum was given to all Councillors advising that this item would be withdrawn from the Agenda to enable further investigation and that an updated report would be presented to the Council.

9.4.2 FEES AND CHARGES – COMMERCIAL WASTE - 2007 / 2008

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	FM/64/5
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	13 June 2007

Purpose

The purpose of this report is to consider fees and charges for commercial waste at the Mount Barker Landfill Site and the Kendenup Transfer Station.

Background

The Waste Management Committee (the Committee) had initially considered charging all users of the sites for waste disposal however, at its meeting held 10 April 2007 the Committee agreed that only commercial users should be charged.

At its meeting held 22 May 2007, the Council further discussed the matter of charging fees for waste disposal at the Mount Barker and Kendenup refuse sites.

Statutory Environment

Section 6.15 to 6.19 of the Local Government Act 1995 governs the imposition of fees and charges for Local Government Authorities.

Fees and charges for 2007 / 2008 will be formally adopted at the budget adoption meeting to be held on 24 July 2007.

Consultation

Consultation has occurred between members of the Committee and officers of the Works and Services Department.

Policy Implications

There are no policy implications for this report.

Financial Implications

The commencement of fees and charges for commercial waste at the Mount Barker and Kendenup refuse sites would provide income for the Shire of Plantagenet eg: approximately \$2,300.00 for asbestos disposal during 2006 / 2007.

Strategic Implications

The Council's Strategic Plan Key Results Area 2 – Infrastructure provides as an aim to:

'Protect the community's health by managing waste in a timely, effective, economic and environmentally safe manner.'

Officer Comment

It is considered that the proposed fees and charges are a fair reflection of what commercial users should pay for use of the sites. These amounts are less than other

Fees & Charges – Commercial Waste – 2007 / 2008 (Cont.)

Shires in the area however, it is hoped that keeping the charges lower will encourage residents to do the right thing and discourage illegal dumping of waste.

Furthermore, an expected increase in the amount of transportable houses and recladding as well as an increase in building rubble, this could be seen to justify the implementation of fees and charges to help offset the running costs of these refuse sites.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr K Clements:

That the proposed fees and charges as follows:

Proposed Fees and Charges for Commercial Waste Disposal

Effective Monday 3 September 2007

Mount Barker Landfill Site

Ute / 6x4 Trailer	\$ 10.00
Small Truck, Large Tandem Trailer (less than 4 tonne)	\$ 30.00
Medium Truck (4-6 tonne)	\$ 40.00
Truck (6-8 tonne)	\$ 60.00
Truck (8 plus tonne, single axle)	\$ 80.00
Truck (8 plus tonne, dual axle)	\$100.00
Truck (semi-trailer 20m ³ capacity)	\$200.00
Bulk Bin (3m ³ or less)	\$ 30.00
Bulk Bin (3m ³ - 6m ³)	\$ 40.00
Bulk Bin (6m ³ - 10m ³)	\$ 60.00
Bulk Bin (exceeding 10m ³)	\$100.00
Asbestos (per m ³) – minimum charge	\$ 40.00
Clean Fill	Free
Green Waste (uncontaminated)	Free

Green Waste (contaminated) - full charges apply

Kendenu Transfer Station

Ute / 6x4 Trailer	\$ 10.00
Small Truck, Large Tandem Trailer (less than 4 tonne)	\$ 30.00
Bulk Bin (3m ³ or less)	\$ 30.00
Green Waste (uncontaminated)	Free

Green Waste (contaminated) – full charges apply

be considered for inclusion in the 2007 / 2008 Annual Budget.

CARRIED (8/1)

No. 224/07

9.4.3 MOUNT BARKER WASTE MANAGEMENT FACILITY - FUTURE LANDFILL OPPORTUNITIES

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	WM/151/5
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	13 June 2007

Purpose

The purpose of this report is to seek endorsement for recommendations relating to future landfill opportunities for the Mount Barker Waste Management Facility.

Background

The Shire of Plantagenet commissioned ATA Environmental to conduct an investigation into the future opportunities available for land filling at the O'Neill Road site. A report was compiled and a copy was forwarded to the Department of Environment and Conservation (DEC), the Department of Water and also to all Councillors.

The outcome of the report emphasises the urgency with which the Shire of Plantagenet needs to locate a new landfill site. Progress towards achieving this has already commenced with Waste Management Committee members using screening criteria to identify any potential sites within the Shire. Ongoing talks with neighbouring Councils are also continuing with the aim of sharing resources.

Statutory Environment

Environmental Protection Act 1986

Consultation

Consultation has occurred between members of the Shire of Plantagenet Waste Management Committee. This matter was discussed at the Waste Management Committee meeting held 12 June 2007.

Consultation has also occurred between Mr Ian Bartlett – Manager Works and Services and Ms Kate McCormack - ATA Environmental.

Mr Bartlett has also had discussions with Mr Eric Howard – Environmental Health Officer, Mr Rob Whooley – Shire of Denmark and Mr Dominic Le Cerf – Shire of Cranbrook.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no immediate financial implications for this report however; a further report will be presented to the Council once estimated costs for the establishment of a new landfill site are obtained.

Mount Barker Waste Management Facility – Future Landfill Opportunities (Cont.)

Strategic Implications

The Council's Strategic Plan Key Results Area 2 – Infrastructure provides as an aim to:

'Protect the community's health by managing waste in a timely, effective, economic and environmentally safe manner.'

Officer Comment

It is evident that the current Mount Barker Waste Management Facility on O'Neill Road will not be capable of servicing the Shire of Plantagenet in the long term future due to lack of space. The Waste Management Committee therefore seeks approval from the Council to further investigate options relating to a new landfill site for the Shire of Plantagenet. This investigation would also include cooperation with neighbouring Shires Cranbrook and Denmark.

Furthermore, the DEC has indicated that the Shire of Plantagenet should close the sullage disposal facility at the Mount Barker Waste Management Facility. This may then result in the DEC reducing the buffer zone required at the site, which will enable the Shire to gain a much needed 1.9ha of available area for waste at the site.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

THAT:

- (1) The Council support cooperation with the Shire of Cranbrook and the Shire of Denmark in regard to the establishment of a new landfill site.
- (2) The Council commit to the establishment of a new landfill site to service the long term needs of the Shire.
- (3) An action plan on how this is going to be achieved and a schedule providing time frames be agreed with all relevant parties.
- (4) A breakdown be provided to the Council of the estimated cost of establishing a new landfill site.
- (5) The septage waste pit at the Mount Barker Waste Management Facility be closed.
- (6) Provision of an alternative septage waste pit be investigated.

be endorsed.

COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Cameron:

THAT:

- (1) The Council support cooperation with the Shire of Cranbrook and the Shire of Denmark in regard to the establishment of a new landfill site.**
- (2) The Council commit to the establishment of a new landfill site to service the long term needs of the Shire.**

Mount Barker Waste Management Facility – Future Landfill Opportunities (Cont.)

- (3) An action plan on how this is going to be achieved and a schedule providing time frames be agreed with all relevant parties.**
 - (4) A breakdown be provided to the Council of the estimated cost of establishing a new landfill site.**
 - (5) Provision of an alternative septage disposal site be investigated.**
- be endorsed.**

AMENDMENT

Cr B Hollingworth, seconded Cr J Mark:

That the words ‘and developed by 30 June 2008’ be added after the word ‘investigated’ in Part (5) of the Motion.

CARRIED (9/0)

No. 225/07

COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Cameron:

THAT:

- (1) The Council support cooperation with the Shire of Cranbrook and the Shire of Denmark in regard to the establishment of a new landfill site.**
- (2) The Council commit to the establishment of a new landfill site to service the long term needs of the Shire.**
- (3) An action plan on how this is going to be achieved and a schedule providing time frames be agreed with all relevant parties.**
- (4) A breakdown be provided to the Council of the estimated cost of establishing a new landfill site.**
- (5) Provision of an alternative septage disposal site be investigated and developed by 30 June 2008.**

CARRIED (9/0)

No. 226/07

Reason For Change

Councillors agreed that the original Part (5) was not required and that it would be more appropriate to replace the word ‘pit’ with the words ‘disposal site’ for the original Part (6).

9.4.4 POLICY REVIEW - I/OA/1 - STAND PIPE LOCATION AND REGULATION OF WATER SUPPLY TO USERS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	WS/120/4
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	8 June 2007

Purpose

The purpose of this report is to review Council Policy No. I/OA/1 – Stand Pipe Location and Regulation of Water Supply to Users.

Background

Council Policy No. I/OA/1 – Stand Pipe Location and Regulation of Water Supply to Users reads as follows:

OBJECTIVE: *That Council develop appropriate policy with regard to stand pipe location and regulation of water supply to users TO BE DEVELOPED.*

POLICY: *Council Policy for standpipes to be provided:*

- *At Rocky Gully, Kendenup, Mt Barker, Narrikup and Porongurup;*
- *At full cost recovery inclusive of water charges, standpipe maintenance and administration expenses.'*

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 Jim Robertson – Engineering Technical Officer, Mr Anthony Svanberg – Cadet Engineer and Ms Megan Sounness – Administration Officer.

Policy Implications

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

Financial Implications

There are no financial implications for this report.

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.

Policy Review – I/OA/1 – Standpipe Location & Regulation Of Water Supply To Users (Cont.)

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

Consideration has been given to the most appropriate and cost effective way of ensuring that use of standpipes within the Shire of Plantagenet is carried out in such a way that is fair and equitable. This has been developed into a policy that attempts to cover all aspects of use including cost recovery, maintenance and emergency services.

Whilst this policy still relies on the 'honesty system' in terms of water consumption / recording, it is believed that it is still the most cost effective way of handling standpipes within the Shire of Plantagenet. Research has recently been conducted into the cost of setting up a system such as Avdata to monitor and charge standpipe users, however it was concluded that the costs of setting up the system greatly outweighed the lost income from dishonest customers.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr B Hollingworth:

That Council Policy No. I/OA/1 – Standpipe Location and Regulation of Water Supply to Users as follows:

OBJECTIVE: To provide clear guidelines to the Council, its officers and Shire of Plantagenet rate payers regarding the facilitation, monitoring and management of water extraction from mains by hydrant standpipes in order to:

- (1) Introduce a fair and equitable system for measuring and charging hydrant water use, thereby encouraging better water management practices in the Shire of Plantagenet;
- (2) Provide guidance and service to customers who wish to use metered standpipes for extraction of water from mains;
- (3) Monitor and review water consumption patterns and assist in the planning of water supply infrastructure;
- (4) Maximise cost recovery; and
- (5) Eliminate water theft.

POLICY: THAT:

- (1) The Shire of Plantagenet provide water stand pipes for public use in the following locations:
 - (a) Kendenup – corner of Jutland Road and Carbarup Road;
 - (b) Rocky Gully – Bateman Street outside the town hall;

Policy Review – I/OA/1 – Standpipe Location & Regulation Of Water Supply To Users (Cont.)

- (c) **Narrikup – corner of Spencer Road and Hannan Way;
and**
- (d) **Mount Barker – Marmion Street.**
- (2) **Billing is to be carried out on a quarterly basis.**
- (3) **Pricing per kilolitre is to be set annually and included in the Council's fees and charges. Pricing shall be fixed for the full financial year and is to be reviewed annually.**
- (4) **Fire / Emergency Services are permitted to un-metered use of standpipes for the provision of emergency services only.**
- (5) **Standpipe stations are to be left in a tidy condition after usage.**
- (6) **All unit failures and leaking outlets shall be reported to the Shire of Plantagenet as soon as possible.'**

be endorsed.

CARRIED (9/0)

No. 227/07

9.4.5 POLICY REVIEW - I/R/12 - THOROUGHFARES AND PUBLIC PLACES TRADING LOCAL LAWS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/120/21
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	8 June 2007

Purpose

The purpose of this report is to review Council Policy No. I/R/12 – Thoroughfares and Public Places Trading Local Laws.

Background

Council Policy No. I/R/12 – Thoroughfares and Public Places Trading Local Laws reads as follows:

POLICY: *The Council will with respect to Section 2.13 of the Activities in Thoroughfares and Public Places Trading Local Law it be policy to restore verge treatments of an approved type to an appropriately similar condition when disturbed by the activities of Council.'*

Statutory Environment

Local Law – Activities in Thoroughfares and Public Places and Trading.

Consultation

Consultation has occurred between Mr Ian Bartlett – Manager Works and Services, Mr Wayne Griffiths – Works Supervisor, Mr Jim Robertson – Engineering Technical Officer, Mr Anthony Svanberg – Cadet Engineer and Ms Megan Sounness – Administration Officer.

Policy Implications

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

Financial Implications

There are no financial implications for this report.

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.'*

Policy Review – I/R/12 – Thoroughfares & Public Places Trading Local Laws (Cont.)**Officer Comment**

Due to the existence of a Local Law regarding Activities in Thoroughfares and Public Places and Trading, it is considered that there is no need for the Council to also hold a policy on the matter. It is recommended that Council Policy No. I/R/12 – Thoroughfares and Public Places Trading Local Laws be revoked.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Hollingworth:

That Council Policy No. I/R/12 – Thoroughfares and Public Places Trading Local Laws as follows:

POLICY: The Council will with respect to Section 2.13 of the Activities in Thoroughfares and Public Places Trading Local Law it be policy to restore verge treatments of an approved type to an appropriately similar condition when disturbed by the activities of Council.'

be revoked.

CARRIED (9/0)

No. 228/07

9.4.6 POLICY REVIEW – I/R/8 - ROADSIDE CONSERVATION IN ROAD CONSTRUCTION AND ROAD MAINTENANCE / ROADSIDE MANAGEMENT PLAN & ROADSIDE MANAGEMENT POLICY

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/120/18
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	8 June 2007

Purpose

The purpose of this report is to review Council Policy No. I/R/8 – Roadside Conservation in Road Construction and Road Maintenance / Roadside Management Plan and Roadside Management Policy.

Background

Council Policy No. I/R/8 – Roadside Conservation in Road Construction and Road Maintenance / Roadside Management Plan and Roadside Management Policy reads as follows:

‘That: Council adopt the Code of Practise for Roadside Conservation in Road Construction and Road Maintenance and the Roadside Management Plant and Roadside Management Policies.’

Statutory Environment

Local Law – Activities in Thoroughfares and Public Places and Trading
Code of Practice for Roadside Conservation and Road Maintenance

Consultation

Consultation has occurred between Mr Ian Bartlett - Manager Works and Services, Mr Jim Robertson - Engineering Technical Officer, Mr Wayne Griffiths – Works Supervisor, Mr Anthony Svanberg - Cadet Engineer and Ms Megan Sounness - Administration Officer.

Policy Implications

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

Financial Implications

There are no financial implications for this report.

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:

Policy Review – I/R/8 – Roadside Conservation In Road Construction & Road Maintenance / Roadside Management Plan & Roadside Management Policy (Cont.)

- *Revise all policies, procedures and delegations to ensure internal consistency and convergence; and*
- *Promote and provide access to policies, standards and legislation.'*

Officer Comment

Due to the existence of the Local Law – Activities in Thoroughfares and Public Places and Trading which includes a section on Roadside Conservation, it is considered that this policy is not required and should be revoked.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr D Williss:

That Council Policy No. I/R/8 – Roadside Conservation in Road Construction and Road Maintenance / Roadside Management Plan and Roadside Management Policy

'That: Council adopt the Code of Practise for Roadside Conservation in Road Construction and Road Maintenance and the Roadside Management Plant and Roadside Management Policies.'

be revoked.

CARRIED (9/0)

No. 229/07

9.5 DEVELOPMENT SERVICES REPORTS

9.5.1 LOTS 183-187, 194-196, 2100, 2023 & 2036 ALBANY HIGHWAY, KENDENUP - ELEVEN TO NINE LOT SUBDIVISION - BOUNDARY REALIGNMENT - WAPC NO. 134792

Location / Address:	Lots 183-187, 194-196, 2100, 2023 & 2036 Albany Highway, Kendenup
Attachments: (2)	Locality Plan Site Plan
Name of Applicant:	John Kinnear & Associates on behalf of Arrowlake PL
File Reference:	LP/158/95, RV/182/171
Author:	Juliet Albany - Planning Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	14 June 2007

Purpose

The purpose of this report is to consider a boundary realignment proposal received by Western Australian Planning Commission (WAPC) that reduces eleven (11) lots to nine (9) in order to rationalise boundaries between bushland and farming land.

Background

The land, zoned rural, is situated east of Albany Highway in the Kendenup locality. The lots are in two (2) parcels with one (1) north and the other south of Jellicoe Road. Lots 194-196 front Smuts Road and contain two (2) very small lots; 2036 and 2100 (a lot that has no direct access to a road other than over another lot ie: known as a helicopter lot); while the remaining lots straddle the land between Jellicoe and Beattie Roads.

The proposal amalgamates the three (3) very small lots into the surrounding larger lots and then proposes to subdivide bush Lot 194 facing Albany Highway into two (2) proposed lots A and B (9ha each), to amalgamate Lots 195 and 196 as Lot C; and proposes to expand Lot 183 westwards to incorporate most of the cleared land on Lot 187 as Lot I, the remaining bush (of 187) is then proposed as three (3) new lots F, G and H (5–6ha) of which F and G are battleaxe lots from Beattie Road. Lots 185 and 186 are proposed as one Lot D.

Shire records show registered owner to be Arrowlake Pty Ltd.

Statutory Environment

Planning and Development Act 2005
WAPC State Policy (SP) 2.5 Agriculture and Rural Land use Planning
WAPC Development Control (DC) 3.4 Subdivision of Rural Land
Shire of Plantagenet Town Planning Scheme No.3 (TPS3)

Consultation

There has been no consultation for this report.

Lots 183-187, 194-196, 2100, 2023 & 2036 Albany Highway, Kendenup – Eleven To Nine Lot Subdivision – Boundary Realignment – WAPC No. 134792 (Cont.)

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

WAPC DC 3.4 s3.2(e) supports subdivision of rural land for the relocation of boundaries where:

- i. the new boundaries reflect good environmental and land management practices;*
- ii. no additional dwelling entitlements are created or where the dwelling entitlements are removed or reduced; and*
- iii. the proposal is intended to facilitate the ongoing agricultural usage on all of the lots.'*

However this proposal is a subdivision rather than a boundary re-alignment and will create de facto Rural Residential lots with sizes varying from 5–9ha within the remnant bushland and where there is no strategic or statutory planning framework to support the creation of rural residential lots.

The proposal is therefore contrary to WAPC DC 3.4 which contains a general presumption against subdivision of rural land unless it is specifically provided for in a town planning scheme, an endorsed local planning strategy or an endorsed local rural strategy.

'WAPC SP 2.5 S4 POLICY OBJECTIVES:

- 1. Protect agricultural land resources wherever possible by:
 - (a) discouraging land uses unrelated to agriculture from locating on agricultural land;*
 - (b) minimising the ad hoc fragmentation of rural land; and*
 - (c) improving resource and investment security for agricultural and allied industry production.**
- 2. Plan and provide for rural settlement where it can:
 - (a) benefit and support existing communities; and*
 - (b) have access to appropriate community services and infrastructure.**
- 3. Minimise the potential for land use conflict by:
 - (a) providing adequate separation distance between potential conflicting land uses;*
 - (b) introducing management requirements that protect existing agricultural land uses;*
 - (c) identify areas that are suitable and capable for intensive agricultural pursuits as agricultural priority areas; and**

Lots 183-187, 194-196, 2100, 2023 & 2036 Albany Highway, Kendenup – Eleven To Nine Lot Subdivision – Boundary Realignment – WAPC No. 134792 (Cont.)

- (d) *avoid locating new rural settlements in areas that are likely to create conflict with established or proposed agricultural priority areas.*
4. *Carefully manage natural resources by:*
- (a) *discouraging development and / or subdivision that may result in land or environmental degradation;*
 - (b) *integrating land, catchment and water resource management requirements with land use planning controls;*
 - (c) *assisting in the wise use of resources including energy, minerals and basic raw materials;*
 - (d) *preventing land and environmental degradation during the extraction of minerals and basic raw materials; and*
 - (e) *incorporating land management standards and sequential land use change in the land use planning and development process.'*

The proposal will fragment rural land, does not have appropriate access to services and will increase the potential for land use conflict by introducing primarily residential uses into a locality where agricultural uses are already established on adjoining land.

This proposal is contrary to the intentions of WAPC SP2.5 and WAPC DC 3.4 quoted above for the following reasons:

It represents an ad hoc attempt to reduce agricultural land holdings to the size of rural residential holdings. The area is unlikely to be identified in the proposed Local Planning Strategy (LPS) as an area for future rural residential use.

The sale of the bush lots would lead to housing requirements and associated clearing.

The proposed lots could then require additional services and facilities not currently proposed for this area.

There is a good supply of smaller lots within the Kendenup district and as yet no shortage of Rural Residential or Smallholding land in Kendenup.

The use of battleaxe legs (two (2) in this case) is generally seen as a less desirable means of providing lots for development.

The proposal is counter to the orderly and proper planning for this rural area and the Council's aspirations expressed in the Strategic Plan to '*Protect existing rural land from inappropriate land uses.*'

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That the Western Australian Planning Commission (WAPC) be advised that the Council does not support subdivision - boundary realignment of Lots 183-187, 194-196, 2100, 2023 and 2036 Albany Highway, Kendenup as it fails to comply with WAPC State Policy 2.5 Agriculture and Rural Land use Planning and WAPC Development Control 3.4 Subdivision of Rural Land and the Shire of Plantagenet Town Planning Scheme No. 3 for the following reasons:

Lots 183-187, 194-196, 2100, 2023 & 2036 Albany Highway, Kendenup – Eleven To Nine Lot Subdivision – Boundary Realignment – WAPC No. 134792 (Cont.)

- (1) It represents an ad hoc attempt to reduce agricultural land holdings to the size of rural residential holdings.
- (2) The area is unlikely to be identified in the proposed Local Planning Strategy as an area for future rural residential use.
- (3) The sale of the bush lots would lead to housing requirements and associated clearing.
- (4) The proposed lots would then require additional services and facilities not currently proposed for this area.
- (5) There is a good supply of smaller lots within the Kendenup district and as yet no shortage of Rural Residential or Smallholding land in Kendenup.
- (6) The use of battleaxe legs (two (2) in this case) is generally seen as a less desirable means of providing lots for development.
- (7) The proposal is counter to the orderly and proper planning for this rural area and the aspirations expressed in the Shire of Plantagenet Strategic Plan to *'Protect existing rural land from inappropriate land uses.'*
- (8) The proposed lot sizes increased the risk of the land being used for a primarily residential purpose, increasing the potential for conflicts of land use with existing agricultural enterprises in the area.
- (9) Approval of the application will set an undesirable precedent for future subdivisions and / or boundary realignments in the locality which propose creation of de facto rural residential lots.

MOTION TO SUSPEND STANDING ORDERS

Moved Cr B Hollingworth, seconded Cr D Williss:

3.40pm 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 (9/0)

No. 230/07

MOTION TO RESUME STANDING ORDERS

Moved Cr J Moir, seconded Cr B Hollingworth:

4.12pm That Standing Orders be resumed.

CARRIED (9/0)

No. 231/07

Lots 183-187, 194-196, 2100, 2023 & 2036 Albany Highway, Kendenup – Eleven To Nine Lot Subdivision – Boundary Realignment – WAPC No. 134792 (Cont.)

ALTERNATIVE RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr D Williss:

That boundary realignment (subdivision) of Lots 905-912, 2103, 2105 & 107 Webb Road Kendenup creating eleven (11) to nine (9) lots is supported subject to the following conditions:

- (1) That a notification be placed upon the title of each lot advising:
 - (a) The lack of services provided at this location and that lots are beyond the range of normal service provision by the Shire for the foreseeable future.
 - (b) The surrounding land is zoned rural and normal farming practices may impact these lots.
- (2) The battleaxe access being shown as a public road and that road is to be designed, constructed and drained to the satisfaction of the Manager Works and Services at the subdivider's cost.

CARRIED (9/0)

No. 232/07

Reason For Change

Councillors agreed that increasing the size of the rural lots and reducing their number from eleven to nine was an appropriate plan of direction for the area.

Councillors further agreed that it was important to ensure that any future purchasers of the lots were aware of the lack of services available both now and in the foreseeable future.

Councillors also wanted to ensure that any future access to these lots would be on a road that would meet the Council's standards.

9.5.2 LOTS 905-912, 2103, 2105 & 2107 WEBB ROAD, KENDENUP - ELEVEN TO SEVEN LOT SUBDIVISION - BOUNDARY REALIGNMENT - WAPC NO. 134795

An Impartial Interest was disclosed by Cr J Moir for Item 9.5.2

Nature Of Interest: Works with a family member of the applicant.

A Financial Interest was disclosed by Cr M Skinner for Item 9.5.2

Nature Of Interest: Subject property is next door to the family farm

4.13pm Cr M Skinner withdrew from the meeting.

Location / Address: Lots 905-912, 2103, 2105 & 2107 Webb Road, Kendenup

Attachments: (2) Locality Plan
Site Plan

Name of Applicant: John Kinnear and Associates on behalf of NJ Skinner

File Reference: LP/158/96, RV/182/145

Author: Juliet Albany - Town Planner

Authorised By: Rob Stewart - Chief Executive Officer

Date of Report: 14 June 2007

Purpose

The purpose of this report is to consider a boundary realignment proposal received by Western Australian Planning Commission (WAPC) that reduces eleven lots to seven (7).

Background

The subject land, zoned rural, is more than 10kms east of Kendenup townsite in an old subdivision. The existing eight (8) large lots are approximately 35ha each with three (3) small lots that appear to be homestead lots set within them.

The applicant argues that the proposal reduces the number of lots; the new lots reflect good environmental and land management practices and that the adjustment will result in new lots on high land with road frontage encompassing mostly vegetated areas.

Shire records show registered owner to be Noel Joseph Skinner.

Statutory Environment

Planning and Development Act 2005

WAPC State Policy (SP) 2.5 - Agriculture & Rural Land use Planning

WAPC Development Control (DC) 3.4 - Subdivision of Rural Land

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

Consultation

There has been no consultation for this report.

Policy Implications

There are no policy implications for this report.

Lots 905-912, 2103, 2105 & 2107 Webb Road, Kendenup – Eleven To Seven Lot Subdivision – Boundary Realignment – WAPC No. 134875 (Cont.)

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

WAPC DC 3.4 s3.2(e) supports subdivision of rural land for the relocation of boundaries where:

- i. the new boundaries reflect good environmental and land management practices;*
- ii. no additional dwelling entitlements are created or where the dwelling entitlements are removed or reduced; and*
- iii. the proposal is intended to facilitate the ongoing agricultural usage on all of the lots.'*

However, this proposal is a subdivision rather than a boundary re-alignment and will create de facto Rural Residential lots of 8ha including much of the remnant bushland and where there is no strategic or statutory planning framework to support the creation of rural residential lots.

The proposal is therefore contrary to DC 3.4 which contains a general presumption against subdivision of rural land unless it is specifically provided for in a town planning scheme, an endorsed local planning strategy or an endorsed local rural strategy.

'WAPC SP 2.5 S4 POLICY OBJECTIVES:

- 1. Protect agricultural land resources wherever possible by:
 - (a) discouraging land uses unrelated to agriculture from locating on agricultural land;*
 - (b) minimizing the ad hoc fragmentation of rural land; and*
 - (c) improving resource and investment security for agricultural and allied industry production.**
- 2. Plan and provide for rural settlement where it can:
 - (a) benefit and support existing communities; and*
 - (b) have access to appropriate community services and infrastructure.**
- 3. Minimise the potential for land use conflict by:
 - (a) providing adequate separation distance between potential conflicting land uses;*
 - (b) introducing management requirements that protect existing agricultural land uses;*
 - (c) identify areas that are suitable and capable for intensive agricultural pursuits as agricultural priority areas; and*
 - (d) avoid locating new rural settlements in areas that are likely to create conflict with established or proposed agricultural priority areas.**
- 4. Carefully manage natural resources by:*

Lots 905-912, 2103, 2105 & 2107 Webb Road, Kendenup – Eleven To Seven Lot Subdivision – Boundary Realignment – WAPC No. 134875 (Cont.)

- (a) *discouraging development and/or subdivision that may result in land or environmental degradation;*
- (b) *integrating land, catchment and water resource management requirements with land use planning controls;*
- (c) *assisting in the wise use of resources including energy, minerals and basic raw materials;*
- (d) *preventing land and environmental degradation during the extraction of minerals and basic raw materials; and*
- (e) *incorporating land management standards and sequential land use change in the land use planning and development process.'*

The proposal will fragment rural land, does not have appropriate access to appropriate services and will increase the potential for land use conflict by introducing primarily residential uses into a locality where agricultural uses are already established on adjoining land.

This proposal is contrary to the intentions of WAPC SP2.5 and Policy DC 3.4 quoted above for the following reasons:

It represents an ad hoc attempt to reduce agricultural land holdings to the size of rural residential holdings, while maintaining only the one 'rural' lot. The area is unlikely to be identified in the proposed LPS as an area for future rural residential use.

The sale of the bush lots would lead to housing requirements and associated clearing.

The owners of the proposed lots would then require additional services and facilities not currently proposed for this area.

There is a good supply of smaller lots within the Kendenup district and as yet no shortage of Rural Residential or Smallholding land in Kendenup.

The proposal is counter to the orderly and proper planning for this rural area and the Council's aspirations expressed in the Strategic Plan to '*Protect existing rural land from inappropriate land uses.*'

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That the Western Australian Planning Commission (WAPC) be advised that the Council does not support the subdivision - boundary realignment of Lots 905-912, 2103, 2105 and 2107 Webb Road, Kendenup as it fails to comply with WAPC State Policy 2.5 Agriculture and Rural Land Use Planning and WAPC Development Control 3.4 Subdivision of Rural Land and the Shire of Plantagenet Town Planning Scheme No. 3 for the following reasons:

- (1) It represents an ad hoc attempt to reduce agricultural land holdings to the size of rural residential holdings.
- (2) The area is unlikely to be identified in the proposed Local Planning Strategy as an area for future rural residential use.

Lots 905-912, 2103, 2105 & 2107 Webb Road, Kendenup – Eleven To Seven Lot Subdivision – Boundary Realignment – WAPC No. 134875 (Cont.)

- (3) The sale of the bush lots proposed would lead to housing requirements and associated clearing.
- (4) The proposed lots would require additional services and facilities not currently proposed for this area.
- (5) There is an adequate supply of smaller lots within the Kendenup district and no shortage of Rural Residential or Smallholding land in Kendenup.
- (6) The proposal is counter to the orderly and proper planning for this rural area and the aspirations expressed in the Shire of Plantagenet Strategic Plan to '*Protect existing rural land from inappropriate land uses.*'
- (7) The proposed lot sizes increase the risk of the land being used for a primarily residential purpose. This increases the potential for conflicts of land use with existing agricultural enterprises in the area.
- (8) Approval of the application will set an undesirable precedent for future subdivisions and / or boundary re-alignments in the locality which propose creation of de facto rural residential lots.

ALTERNATIVE RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Cameron:

That the boundary realignment (subdivision) of Lots 183-187, 194-196, 2100, 2023 and 2036 Albany Highway, Kendenup creating nine (9) lots from eleven (11) lots is supported subject to the following:

- (1) **That a notification be placed upon the title of each lot advising:**
 - (a) **The lack of services provided at this location and that lots are beyond the range of normal service provision by the Shire for the foreseeable future.**
 - (b) **The surrounding land is zoned rural and normal farming practices may impact these lots.**

CARRIED (9/0)

No. 233/07

Reason For Change

Councillors agreed that increasing the size of the rural lots and reducing their number from eleven to seven was an appropriate plan of direction for the area.

Councillors further agreed that it was important to ensure that any future purchasers of the lots were aware of the lack of services available both now and in the foreseeable future.

4.15pm Cr M Skinner returned to the meeting.

9.5.3 LOT 96 MARION STREET, MOUNT BARKER - SEVEN LOT SUBDIVISION - WAPC NO. 134875

Location / Address:	Lot 96 Marion Street, Mount Barker
Name of Applicant:	Denmark Survey and Mapping on behalf of LD Kelly-Stodhart
File Reference:	LP/158/98, RV/182/2068
Author:	Juliet Albany - Town Planner
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	14 June 2007

Purpose

The purpose of this report is to consider a proposed staged (3 stages) subdivision of Lot 96 Marion Street, Mount Barker into seventeen lots varying in size from 450m² to 1,084m². The first stage, the subject of this report, consists of seven (7) lots facing Montem Street and on the corner of Montem and Marion Streets including the remnant balance of the lot (9,460m²) which will be the subject of further subdivision within an anticipated four (4) years time frame.

Background

The land is within the Mount Barker townsite and zoned R10/20 under which only a single house to the standard of R10 may be provided unless reticulated sewers are provided. Under the dual coding it is possible with the advantage of reticulated sewers to provide a variety of lot sizes. Lot size variety assists with providing for a variety of domestic situations and lifestyles.

Lot 96 Marion Street is directly adjacent to Lot 97 on its eastern boundary. Lot 97 recently received Council approval for a twenty-six lot subdivision. The subdivision of Lot 97 provided no opportunities for inter-lot connectivity between Lots 96 and 97. Lot 96 has provided for four (4) battleaxe lots to maximise the land's potential with a shared access leg to minimise the number of crossovers to the footpath.

Lot 96 fronts Marion, Menston and Montem Streets and was created some years ago.

This proposal is for seven (7) lots (Stage 1) within a staged development that will ultimately (within an anticipated four (4) years) be the southern most portion of a seventeen lot subdivision. This proposal includes two (2) of the proposed four (4) battleaxe lots (540m² required and 1,084m² provided) and two (2) lots of the minimum size possible under R20 (450m²) which both more than meet the minimum lot frontage requirements of 10m (14m + 16m on the corner lot and 22m provided).

Reticulated sewers are available from Marion Street north of this street block and to the south east on Montem Street. It is the developer's responsibility to connect to the sewers.

Shire records show the registered owner to be Lynn Dorothy Kelly.

Statutory Environment

Planning and Development Act 2005

Western Australian Planning Commission (WAPC) Residential Design Codes Development Control (DC) 2.1

WAPC Residential Subdivision DC 2.2

Western Australian Planning Commission Public Open Space in Residential Subdivision DC 2.3

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

Consultation

A meeting was held on site with the land owners – Mr Greg Stodhart and Mrs Lynn Kelly-Stodhart, representatives of Wood and Grieve Engineers and Mr Ian Bartlett – Manager Works and 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 proposed subdivision was initially discussed with Mr Peter Duncan – Manager Development Services and the applicant has since had discussions with other Officers. In addition, the applicant requested and received a comment paper from Ms Jennifer Dowling - Consultant Planner, which supports the application and argues that the approval of this application would support the introduction of a variety of lot sizes within easy walking distance of the town centre and other community services along with providing fully serviced lots in an area identified for residential development.

The proposal is well thought out and provides choice and variety in residential lots ie: large, medium and small within walking distance of the town centre and will allow for adequate infrastructure to be in place to accommodate subsequent stages, facilitating the measured release of lot gradually onto the local market.

A cash in lieu contribution for Public Open Space (POS) should be sought from the applicant as an area of 1,437m² is required but has not been provided. In view of the proximity to the town centre and that Lot 96 is a portion of an old townsite subdivision, the proposed POS cash in lieu is seen as acceptable.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr M Skinner, seconded Cr J Mark:

That the Western Australian Planning Commission be advised that the proposed Stage One (7 lots) of a subdivision of Lot 96 Marion Street into 17 lots by way of a staged subdivision of three stages, is supported subject to the following conditions:

- (1) Cash in lieu for a 1437sqm of Public Open Space not provided for in the subdivision, to be paid to the Shire.**

- (2) Reticulated sewer is to be connected to all lots at the developers cost.
- (3) Underground power and reticulated water is to be provided to all lots at the developers cost.
- (4) All cleared vegetation shall remain on site to be processed (mulched) and respread over disturbed areas within the site. The relatively undisturbed nature of the existing vegetation provides aesthetic relief in the town. Where practical trees should be retained and protected to enhance the site and locality aesthetically. Clearing of Lot 96 should be undertaken in stages, with only the relevant portions cleared with each stage. Lot 96 should not be cleared in its entirety at this stage.
- (5) Installation of a below ground hydrant to Water Corporation specifications.
- (6) Street Trees to the Montem Street Frontage are to be provided to the satisfaction of the Manager Works and Services and in accord with the Townscape species list.
- (7) A 1.2m wide concrete footpath is to be provided to all lots facing Montem Street.
- (8) All crossovers are to be constructed to the satisfaction of the Manager Works and Services.
- (9) The battleaxe leg is to be sealed (4m wide - shared) in brick, bitumen, insitu concrete or pavers and kerbed.
- (10) Construction is not to commence until the detailed engineering plans and specifications for all works including earthworks, paths, drainage, clearing, landscaping, rehabilitation if any, and soil stabilisation measures have been approved by the Council.
- (11) All stormwater shall be disposed of the satisfaction of the Manger Works and Services.
- (12) Stormwater shall be contained on site, however, overflow can be directed to the district drainage system to the satisfaction of the Manager Works and Services.
- (13) A stormwater drainage plan shall be prepared and submitted for approval by the Manager Works and Services prior to the issue of a building licence and commencement of any site works. This may involve setting of the verge at a particular gradient.

AMENDMENT

Moved Cr J Cameron, seconded Cr D Williss:

That Parts 4 and 10 be deleted from the Motion.

LOST (2/7)

AMENDMENT

Moved Cr B Hollingworth, seconded Cr J Moir:

That in Part (4) of the Motion the words:

‘The relatively undisturbed nature of the existing vegetation provides aesthetic relief in the town. Where practical trees should be retained and protected to enhance the site and locality aesthetically.’

be deleted and replaced with the words

‘Where practical trees may be retained subject to Fire and Emergency Services Authority guidelines.’

CARRIED (8/1)

No. 234/07

FURTHER AMENDMENT

Moved Cr K Clements, seconded Cr B Hollingworth:

That Part (9) of the Motion be deleted and replaced with the following:

- (9) No battleaxe legs are to be created. Battleaxe legs are to be replaced by a minimum of 6 metres sealed and kerbed connecting road from Montem Street to Marion Street. Lot sizes and lot yield are to be adjusted accordingly to suit R20 to the Council’s satisfaction.

CARRIED (7/2)

No. 235/07

COUNCIL DECISION

That the proposed Stage One (seven (7) lots) of a subdivision of Lot 96 Marion Street, Mount Barker into seventeen lots by way of a staged subdivision of three (3) stages be supported subject to the following conditions:

- (1) Cash in lieu being paid for 1,437m² of Public Open Space not provided for in the subdivision.
- (2) Reticulated sewer being connected to all lots at the developers cost.
- (3) Underground power and reticulated water being provided to all lots at the developers cost.
- (4) All cleared vegetation remaining on site to be processed (mulched) and respread over disturbed areas within the site. Where practical trees may be retained subject to Fire and Emergency Services Authority guidelines.
Clearing of Lot 96 should be undertaken in stages, with only the relevant portions cleared with each stage.
Lot 96 should not be cleared in its entirety at this stage.
- (5) Installation of a below ground hydrant to Water Corporation specifications.

- (6) Street trees to the Montem Street frontage being provided to the satisfaction of the Manager Works and Services and in accord with the Townscape species list.
- (7) A 1.2m wide concrete footpath being provided to all lots facing Montem Street.
- (8) All crossovers being constructed to the satisfaction of the Manager Works and Services.
- (9) No battleaxe legs are to be created. Battleaxe legs are to be replaced by a minimum of 6 metres sealed and kerbed connecting road from Montem Street to Marion Street. Lot sizes and lot yield are to be adjusted accordingly to suit R20 to the Council's satisfaction.
- (9) Construction not commencing until detailed engineering plans and specifications for all works including earthworks, paths, drainage, clearing, landscaping, rehabilitation if any, and soil stabilisation measures have been approved of by the Manager Works and Services.
- (10) All stormwater being disposed of to the satisfaction of the Manger Works and Services.
- (11) Stormwater being contained onsite however, overflow can be directed to the district drainage system to the satisfaction of the Manager Works and Services.
- (12) A stormwater drainage plan being prepared and submitted for approval by the Manager Works and Services prior to the issue of a building licence and commencement of any site works. This may involve setting of the verge at a particular gradient.

CARRIED (6/3)

No. 236/07

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 B Hollingworth:

That new business of an urgent nature namely;

- Lot 640 (Reserve 10338) – Vacant Building

be introduced into the meeting.

CARRIED (8/1)

No. 237/07

11.1 Lot 640 (Reserve 10338) – Vacant Building

Moved Cr Mark, seconded Cr B Hollingworth:

That the Chief Executive Officer be authorised to immediately arrange a demolition order for the vacant building located on Westrail owned land at Lot 640 (Reserve 10338) and that the demolition order be presented to Westrail.

CARRIED (9/0)

No. 238/07

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

4.59pm The Presiding Member declared the meeting closed.

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