



# ORDINARY MINUTES

Ordinary Meeting  
of the Council held:

**DATE:** Tuesday, 12 February 2008

**TIME:** 2.45pm

**VENUE:** Council Chambers

Rob Stewart  
CHIEF EXECUTIVE OFFICER

## **MEMBERSHIP – Quorum (5)**

### **Members:**

Cr K Forbes - Rocky Gully / West Ward - Shire President  
Cr B Hollingworth - Town Ward - Deputy Shire President  
Cr K Clements - Town Ward  
Cr J Mark - Town Ward  
Cr J Moir - South Ward  
Cr M Skinner - East Ward  
Cr D Nye-Chart - East Ward  
Cr S Grylls - Rocky Gully / West Ward  
Cr A Budrikis - Kendenup Ward

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3.00pm The Presiding Member declared the meeting open.

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

## 2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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

Members Present:

Cr K Forbes  
Cr B Hollingworth  
Cr K Clements  
Cr J Moir  
Cr J Mark  
Cr M Skinner  
Cr D Nye-Chart  
Cr S Grylls  
Cr A Budrikis

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In Attendance:

Mr R Stewart	Chief Executive Officer
Mrs K Skinner	Executive Secretary
Mr P Duncan	Manager Development Services
Mr J Fathers	Deputy Chief Executive Officer
Ms N Selesnew	Manager Community Services

**4 PUBLIC QUESTION TIME****Section 5.24 Local Government Act 1995**

Name of person asking question: Brian McInness - Disabled Bays  
Brief description of question: Would the Council please paint the disabled parking bays blue with white stripes so that they stand out and could the Ranger please patrol the area on a regular basis and issue infringement notices. He stated that in a period of two hours seven (7) cars parked illegally. Mr McInness also believed that the signs were too small.

The Chief Executive Officer  
Advised that all signage is set at the Australian Standard and are the right size, colour and wording, but that he would look into painting the bays blue with white stripes, look at improving the signage and ask the Ranger to patrol Disabled Parking Bays.

**5 PETITIONS / DEPUTATIONS / PRESENTATIONS**

Ms Delma Baesjou of Ayton Taylor Burrell representing the proponents of Amendment 46, to rezone Lots 2 and 752 Warburton Road Mount Barker from Rural to Rural Residential (Item 10.1.2).

The proposal is consistent with the Mount Barker Rural Strategy of 1997.

The Special Provisions address matters raised in the Scheme Amendment Request.

An optional staging plan provided for information only. Spoke on the creekline and advised a foreshore management plan will be prepared at the time of subdivision. The creekline will remain in private ownership as there is no single authority to accept the vesting. Measures will be initiated and implemented by the original developer and then become the responsibility of individual landowners.

The proposal accords with the Council's planning for the area.

## 6 DISCLOSURE OF INTEREST

### Part 5 Administration Division 6 Disclosure of Financial Interests Local Government Act 1995

Nil

## 7 APPLICATIONS FOR LEAVE OF ABSENCE

### Section 2.25 Local Government Act 1995

#### 7.1 APPLICANT: CR K FORBES

Cr K Forbes requested Leave of Absence from 04 March 2008 to 10 March 2008 inclusive.

#### 7.2 APPLICANT: CR B HOLLINGWORTH

Cr B Hollingworth requested Leave of Absence from 13 February 2008 to 25 February 2008 inclusive.

#### 7.3 APPLICANT: CR D NYE-CHART

Cr D Nye-Chart requested Leave of Absence from 03 October 2008 to 20 October 2008 inclusive.

#### 7.4 APPLICANT: CR J MARK

Cr J Mark requested Leave of Absence from 27 February 2008 to 13 March 2008 inclusive.

**Moved Cr J Moir, seconded Cr K Clements**

**That:**

- (a) Cr K Forbes 04 March 2008 to 10 March 2008 (inclusive);
- (b) Cr B Hollingworth 13 February 2008 to 25 February 2008 (inclusive);
- (c) Cr D Nye-Chart 03 October 2008 to 20 October 2008 (inclusive); and
- (d) Cr J Mark 27 February 2008 to 13 March 2008 (inclusive).

**be granted Leave of Absence as set out.**

**CARRIED (9/0)**

**NO. 09/08**



## 8 CONFIRMATION OF MINUTES

*Moved Cr B Hollingworth, seconded Cr J Moir*

***THAT the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 11 December 2007 as circulated, be taken as read and adopted as a correct record.***

**CARRIED (9/0)**

**NO. 10/08**

*Moved Cr J Mark, seconded Cr M Skinner*

***THAT the Minutes of the Special Meeting of the Shire of Plantagenet, held on 17 January 2008 as circulated, be taken as read and adopted as a correct record.***

**CARRIED (9/0)**

**NO. 11/08**

## 9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 25 January 2008 - Crs Forbes and Hollingworth attended a Fire & Emergency Services Authority review of Plantation Fire Breaks Meeting in Bunbury.
- 29 January 2008 - Crs Forbes and Mr Fathers took part in the Great Southern Zone teleconference in Mount Barker.
- 15 February 2008 – Cr Forbes and Mr L Handasyde will be attending a meeting to be held with Department of Environment and Conservation (DEC) and Western Australian Local Government Association (WALGA) in Perth to discuss a Memorandum of Understanding (MOU).
- 27 February 2008 – Cr Forbes will be attending a Saleyards Strategy Meeting in Perth with Minister Chance, and a Valuer has been appointed to value the Great Southern Regional Cattle Saleyards for the Meat Industry Authority.
- 28 February 2008 – Cr Forbes and Mr Stewart will be attending the Systemic Sustainability Study Draft Report Release in Perth.
- 4-5 March 2008 – Cr Hollingworth and Mr Stewart will be representing the Council at the State Cabinet Luncheon to be held in Albany.

## 10 REPORTS OF COMMITTEES AND OFFICERS

### 10.1 DEVELOPMENT SERVICES REPORTS

#### 10.1.1 TOWN PLANNING SCHEME POLICY NO. 17 - SEA CONTAINERS - SUBMISSIONS

**File No:** LP/120/19  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Peter Duncan  
Manager Development Services  
**Proposed Meeting Date:** 12 February 2008

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#### **Purpose**

The purpose of this report is to consider submissions received on Draft Town Planning Scheme Policy No. 17 Sea Containers during the public advertising.

#### **Background**

At its meeting held on 11 December 2007 the Council resolved at Resolution 408/07:

*'THAT:*

- (1) Draft Town Planning Scheme Policy No. 17 - Sea Containers, as follows, be advertised in accordance with Clause 7.6.2(a) of Town Planning Scheme No. 3 for a period of twenty-one days.*

*Town Planning Scheme No. 3*

*Draft Town Planning Scheme Policy No. 17*

*SEA CONTAINERS*

*Objective*

*OBJECTIVE: To regulate the use of sea containers to ensure they do not detract from the visual amenity of the locality.*

*In considering any application for approval to place a sea container(s) on a lot, the criteria below will be considered.*

*Policy Criteria:*

- (i) This policy applies to the whole district of the Shire of Plantagenet excluding Crown Reserves. It applies to all zoned land.*

- (ii) *Applications for planning consent and a building licence are required to be lodged prior to siting a sea container on a property. That application will include:*
- (a) *A completed application for planning consent and a building licence and the appropriate fees.*
  - (b) *A scaled site plan showing the proposed location of the sea container and detailing setbacks to boundaries. The site plan shall also include other buildings, accessways, watercourses and vegetation on the property.*
  - (c) *The proposed size and use of the sea container.*
  - (d) *Evidence that the sea container will be adequately screened from view and shall not be easily seen from nearby roads, other public places, or adjoining properties.*
  - (e) *If a sea container can be seen from nearby roads, other public places, or adjoining properties, then details of any upgrading and/or colour to be painted shall be provided.*
- (iii) *Sea containers may be approved in the Commercial, Service Industrial, Industrial, Special Industrial and Rural (outside Townsites) zones, subject to them not being located within the front boundary setback area or in areas designated for car parking or landscaping. Sea containers must be stored in neat rows (not stacked) and shall be screened by landscaping, fencing or other means acceptable to the Council.*
- (iv) *In all zones, a sea container may be temporarily placed on a property to store building materials while construction of a house, commercial or industrial building is being carried out on the property, without requiring town planning approval or a building licence. A sea container must not be placed on the property prior to the issue of a building licence for the proposed permanent building and must be removed upon completion of construction or expiry of the building licence.*
- (v) *A sea container shall be deemed to be an outbuilding and is subject to Town Planning Scheme Policy 16 - Outbuildings.*
- (vi) *Sea containers are not permitted on any land zoned Residential, Rural Residential, Rural Smallholding and Landscape Protection other than as detailed at (4) above in a temporary situation during construction of an approved building.*
- (vii) *Sea containers are not to be used for habitable purposes.*
- (viii) *Sea containers cannot be located within front boundary setbacks as required by Town Planning Scheme No. 3.*

- (ix) *Sea containers must be in good repair with no visible rust marks, a uniform colour to compliment the building to which it is ancillary and be appropriately screened where considered necessary.*
- (x) *The Council may require the exterior of the sea container to be upgraded to blend with the surrounding development or landscape in terms of colour, finish and appearance.*
- (xi) *Where a sea container is to be place on site permanently in accordance with (3) above, the application required by (2) above shall include certification from a professional engineer as to the method of providing structural tie down.*

(2) *At the conclusion of the advertising period a further report be prepared for consideration of the Council no later than its meeting to be held 12 February 2008.'*

The Council was advised at that meeting that there is a growing awareness of persons placing sea containers on properties and to convert these containers into houses. Three such containers have been placed on a site in Hassell Street and they are gradually being converted into a house. A building licence was issued for this structure as when completed it will meet the Building Code of Australia standards for a Class 1A dwelling. Staff have received several adverse comments about the appearance of these containers. Another building licence has been issued for a single container to be used as a home in Booth Street.

The draft policy was advertised pursuant to the resolution.

### **Statutory Environment**

Planning and Development Act 2005

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

Building Codes of Australia

### **Consultation**

In accordance with TPS3 Clause 7.6.2, the Council is required to advertise a draft policy once a week for two (2) consecutive weeks within a newspaper circulating within the area. The advertisement is to contain details of where the draft policy may be inspected and in what form submissions can be made during a period of not less than twenty-one (21) days.

At the close of the submission period no submissions had been received.

### **Financial Implications**

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

### **Policy Implications**

This is a new Town Planning Scheme Policy.

**Strategic Implications**

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

**Officer Comment**

That draft Town Planning Scheme Policy No. 17 was prepared to provide guidance and direction when considering proposals to erect sea containers in particular zones.

In recent years there has been an increased use of sea containers as sheds and storage facilities on properties throughout various zones within the Shire. They serve a useful purpose but can have a significant adverse visual impact on the amenity of the district and the visual character of streets and neighbourhoods depending upon their location, use and the length of time they are on site.

This draft Town Planning Scheme Policy No. 17 will apply to all land zoned in the Shire and is to be read in conjunction with the existing Town Planning Scheme Policy No. 16 – Outbuildings. The draft does not apply to transportable houses, relocated houses, railway carriages or transportable offices.

This document is a Town Planning Scheme Policy and as such the Council is to have regard to the document. There may be instances where the Council considers a departure or variance from the policy is justified and this can be considered by the Council.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

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

**That Town Planning Scheme Policy No. 17 - Sea Containers, as follows:**

**Town Planning Scheme No. 3****Town Planning Scheme Policy No. 17****SEA CONTAINERS****Objective**

**OBJECTIVE: To regulate the use of sea containers to ensure they do not detract from the visual amenity of the locality.**

**In considering any application for approval to place a sea container(s) on a lot, the criteria below will be considered.**

**Policy Criteria:**

- (i) This policy applies to the whole district of the Shire of Plantagenet excluding Crown Reserves. It applies to all zoned land.**

- (ii) Applications for planning consent and a building licence are required to be lodged prior to siting a sea container on a property. That application will include:

  - (a) A completed application for planning consent and a building licence and the appropriate fees.
  - (b) A scaled site plan showing the proposed location of the sea container and detailing setbacks to boundaries. The site plan shall also include other buildings, accessways, watercourses and vegetation on the property.
  - (c) The proposed size and use of the sea container.
  - (d) Evidence that the sea container will be adequately screened from view and shall not be easily seen from nearby roads, other public places, or adjoining properties.
  - (e) If a sea container can be seen from nearby roads, other public places, or adjoining properties, then details of any upgrading and/or colour to be painted shall be provided.
- (iii) Sea containers may be approved in the Commercial, Service Industrial, Industrial, Special Industrial and Rural (outside Townsites) zones, subject to them not being located within the front boundary setback area or in areas designated for car parking or landscaping. Sea containers must be stored in neat rows (not stacked) and shall be screened by landscaping, fencing or other means acceptable to the Council.
- (iv) In all zones, a sea container may be temporarily placed on a property to store building materials while construction of a house, commercial or industrial building is being carried out on the property, without requiring town planning approval or a building licence. A sea container must not be placed on the property prior to the issue of a building licence for the proposed permanent building and must be removed upon completion of construction or expiry of the building licence.
- (v) A sea container shall be deemed to be an outbuilding and is subject to Town Planning Scheme Policy 16 - Outbuildings.
- (vi) Sea containers are not permitted on any land zoned Residential, Rural Residential, Rural Smallholding and Landscape Protection other than as detailed at (iv) above in a temporary situation during construction of an approved building.
- (vii) Sea containers are not to be used for habitable purposes.
- (viii) Sea containers cannot be located within front boundary setbacks as required by Town Planning Scheme No. 3.

- (ix) Sea containers must be in good repair with no visible rust marks, a uniform colour to compliment the building to which it is ancillary and be appropriately screened where considered necessary.
- (xi) The Council may require the exterior of the sea container to be upgraded to blend with the surrounding development or landscape in terms of colour, finish and appearance.
- (xii) Where a sea container is to be place on site permanently in accordance with (iii) above, the application required by (ii) above shall include certification from a professional engineer as to the method of providing structural tie down.

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

**CARRIED (9/0)**

**NO. 12/08**

**10.1.2 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 46 - LOTS 752 AND 2 WARBURTON ROAD, MOUNT BARKER**

**File No:** LP/181/46

**Attachments:** [Location Plan](#)  
[Subdivision Guide Plan](#)  
Full copy of Amendment (separate attachment)

**Responsible Officer:** Rob Stewart  
Chief Executive Officer

**Author:** Peter Duncan  
Manager Development Services

**Proposed Meeting Date:** 12 February 2008

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**Purpose**

The purpose of this report is to consider a proposed Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) to rezone Lots 752 and 2 Warburton Road from Rural to Rural Residential and to include appropriate provisions to control development in Schedule 5 of the Scheme.

**Background**

The Mount Barker Rural Strategy of 1997 refers to land on the south side of Warburton Road as being 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.

A Scheme Amendment Request (SAR) was submitted in March 2007 and in accordance with Council Policy No. TP/SDC/6 copies were forwarded to the Department for Planning and Infrastructure (DPI), Department of Water (DOW) and Department of Environment and Conservation (DEC) for comment.

On 8 May 2007 a report on the SAR was considered by the Council and Resolution 169/07 was as follows:

*'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.'*

At the close of the public advertising the SAR was considered by the Council on 14 August 2007 where at Resolution 280/07 it was resolved:

*'That the submissions received on the Scheme Amendment Request for Lot 752 and 2 Warburton Road be noted and:*

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- (1) *The proponents be advised that the Council will be prepared to consider formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3.*
- (2) *This support is subject to various matters raised in the submissions, including: policy issues, environmental (including creek line protection and effluent disposal), servicing, fire management plan, design requirements on subsequent development, size and number of properties to be developed, density of development and sustainable forms of development etc, being addressed and the owners of Lot 2 Warburton Road being consulted in the preparation process.'*

Shire records indicate the owners of the subject land as being:  
Lot 752 Warburton Road – Keith and Marie Comer  
Lot 2 Warburton Road – Warren and Linda Sheard

### **Statutory Environment**

Planning and Development Act 2005

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

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

### **Consultation**

The SAR was advertised for comment for sixty (60) days prior to it being considered by the Council in August 2007.

If initiated by the Council and authorised by the EPA this Amendment will be advertised for forty-two (42) days by way of newspaper notice, letters to neighbours and Government agencies, a notice on the Council's notice board and a sign on site.

### **Financial Implications**

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

### **Policy Implications**

This proposal conforms with the proposals in the 1997 Mount Barker Rural Strategy.

### **Strategic Implications**

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

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

This land is within Precinct 5 of the 1997 Mount Barker Rural Strategy. That Strategy proposes that the Precinct could form a natural extension of rural residential lots located within the townsite. The major constraint is the creek line and detailed consideration is needed to minimise any impact. Lot sizes should be subject to detailed assessment, however, proximity to the townsite and possibility of connection to reticulated water suggest lot size 1ha and larger may be acceptable. This proposal, following the detailed assessment, has proposed lot sizes ranging from over 4000m<sup>2</sup> to over 1.2ha. Given the close proximity to the urban areas of Mount Barker no difficulty is seen to this variety in lot sizes based on the detailed land capability.

### **Officer Comment**

Of importance when the SAR was considered by the Council in August 2007 was the need for support from the owner of Lot 2 Warburton Road to the Amendment. In this instance a letter of support has been provided by the owner of Lot 2 in favour of this Amendment proposal.

The Amendment documentation includes detailed land capability work and a fire management plan. The creekline is proposed to be protected by way of a development exclusion area and a prohibition on the erection of fencing in that area. It was not proposed to create a foreshore reserve over the creek area as this land would end up being the responsibility of the Council to maintain as relevant government agencies such as the DOW and DEC have been refusing to accept responsibility for such waterway areas in recent years. The Council does not have the resources to take on the responsibility of foreshore reserves.

The Amendment is considered to be in an acceptable format for initiation by the Council so that EPA referral and then public advertising can be carried out.

### **Voting Requirements**

Simple Majority

### **OFFICER RECOMMENDATION**

That:

1. Amendment No. 46 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.
2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of forty-two (42) days to enable comment to be made.

3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 13 May 2008.

**Moved Cr J Moir, seconded Cr A Budrikis**

**That:**

1. Amendment No. 46 to Town Planning Scheme No. 3 be initiated subject to the document being modified in the text and the Subdivision Guide Plan to show the creekline protection and tree planting area as forming part of one lot linked to another with a building envelope to allow one landowner to be responsible for the complete implementation of the foreshore management plan.
2. Once modified the Amendment be referred to the Environmental Protection Authority in accordance with legislative requirements.
3. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of forty-two (42) days to enable comment to be made.
4. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 13 May 2008.

**AMENDMENT:**

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

**That in Part 1:**

1. Delete the words:
  - (a) 'one lot' and replace with the words 'three lots';
  - (b) 'one landowner' and replace with the words 'three landowners'.
2. After the words 'management plan' add the words 'and possible Aerobic Treatment Unit (ATU) being added to three lots (marked with an asterisk on the plan) adjoining the creek to the east, west and south east'

**CARRIED (7/2)**

**NO. 13/08**

**COUNCIL DECISION**

**That:**

1. Amendment No. 46 to Town Planning Scheme No. 3 be initiated subject to the document being modified in the text and the Subdivision Guide Plan to show the creekline protection and tree planting area as forming part of three lots linked to another with a building envelope to allow three landowners to be responsible for the complete implementation of the
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foreshore management plan and possible Aerobic Treatment Unit (ATU) being added to three lots (marked with an asterisk on the plan) adjoining the creek to the east, west and south east.

2. Once modified the Amendment be referred to the Environmental Protection Authority in accordance with legislative requirements.
3. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of forty-two (42) days to enable comment to be made.
4. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 13 May 2008.

**CARRIED**

**NO. 14/08**

Reason for Change

Councillors believed that fewer landowners should be responsible for the complete implementation of the foreshore management plan.

**10.1.3 LOT 2 OATLANDS ROAD, CORNER FELLOWS STREET, MOUNT BARKER – EIGHT (8) LOT SUBDIVISION – (WAPC 136728)**

**File No:** LP158/136728, RV182/1541  
**Attachments:** [Location Plan](#)  
[Subdivision Plan](#)  
[Subdivision Concept Plan](#)  
**Responsible Officer:** Peter Duncan  
Manager Development Services  
**Author:** Juliet Albany  
Planning Officer  
**Proposed Meeting Date:** 12 February 2008

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**Purpose**

The purpose of this report is to consider an eight (8) lot subdivision proposed for Lot 2 Oatlands Road, corner Fellows Street, Mount Barker.

**Background**

The subject Lot 2 Oatlands Road, zoned Residential (R20) is the south west portion of the Subdivision Concept Plan, forming part of Amendment No. 42 for the precinct bounded by Booth, Martin and Fellows Streets, and Oatlands Road, Mount Barker. The purpose of the amendment was to rezone the land to higher densities of residential development. The proposal complies with the Subdivision Concept Plan.

**Statutory Environment**

Planning and Development Act 2005  
Shire of Plantagenet Town Planning Scheme No 3 (TPS3) – Zoned Residential (R20)

**Consultation**

No consultation has occurred.

**Financial Implications**

There are no financial implications for this report.

**Policy Implications**

There are no policy implications for this report.

**Strategic Implications**

The Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 Development Services includes an aim to support sustainable and managed growth within existing urban settlements in the Shire and encourage the development of a variety of housing opportunities.

**Officer Comment**

The proposed subdivision is for eight (8) lots, six (6) of which face Fellows Street (ranging from 720-1226sqm in size), one (1) lot faces Oatlands Road (720sqm) and

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the remnant lot 7122sqm proposed Lot A faces both the constructed Fellows Street, a constructed road and an unmade, un-gazetted road proposed as an extension of Parsons Street along the north boundary.

The Subdivision Concept Plan shows dual use paths on Fellows Street and on Oatlands Road and the applicant will be expected to construct the paths as a condition of subdivision.

The subdivision complies with the approved Subdivision Concept Plan in Amendment 42 and is acceptable subject to the imposition of appropriate conditions which will include the construction of dual use paths on Fellows Street and Oatlands Road, according to the Subdivision Concept Plan and to contribute to the upgrade of Fellows Street.

### **Voting Requirements**

Simple Majority

### **OFFICER RECOMMENDATION / COUNCIL DECISION**

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

**That the proposal for an eight (8) lot subdivision at Lot 2 Oatlands Road, corner Fellows Street, Mount Barker be supported subject to:**

- 1. A stormwater drainage plan shall be prepared and submitted for approval of the Manager Works and Services prior to the commencement of any site works. This may involve the setting of the verge at a particular gradient.**
- 2. All 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.**
- 3. All cleared vegetation shall remain on site to be processed (mulched) and respread over disturbed areas within the site.**
- 4. Land being filled and or drained at the subdivider's cost and any easements and/or reserves necessary for the implementation thereof being granted free of cost.**
- 5. The subdivider providing street trees in accordance with the species list and specifications set out in the Mount Barker Townscape Review.**
- 6. The subdivider to provide dual use paths to Fellows Street and Oatlands Road in accordance with the Subdivision Concept Plan.**
- 7. The subdivider to contribute to the upgrade of Fellows Street and Oatlands Road and this may involve the widening of the seal, provision of mountable kerbing on the east side of Fellows Street and north side of Oatlands Road and drainage to the satisfaction of the Manager Works and Services.**
- 8. Connection of all lots to the reticulated sewerage and water systems.**

9. Decommissioning of any existing on site effluent disposal system in accordance with Council requirements.
10. All buildings having the necessary clearance from lot boundaries.
11. The provision of cash in lieu of 10% public open space in accordance with the provisions of the Planning and Development Act 2005.
12. The fencing to the north side of Lot A being relocated to be on the boundary.
13. The provision of a crossover to Lot H on Oatlands Road to the satisfaction of the Manager Works and Services.
14. Verge trees in Fellows Street to be retained wherever possible.
15. The applicant being advised when the subdivision of adjoining lots 337 Oatlands Road and 359 Fellows Street are carried out in accordance with the Subdivision Concept Plan and Lot A is subdivided at a later date then the subdivider of Lot A will be required to contribute to the road construction of roads abutting Lot A in accordance with the provisions of the Planning and Development Act 2005.

**CARRIED (9/0)**

**NO. 15/08**

**10.1.4 LOT 211 PUGH STREET, CORNER LOWOOD AND MORPETH ROADS,  
MOUNT BARKER – SEVENTEEN (17) LOT SUBDIVISION (WAPC 136712)**

**File No:** LP158/136712, RV/182/1183  
**Attachments:** [Location Plan](#)  
[Subdivision Plan](#)  
**Responsible Officer:** Peter Duncan  
Manager Development Services  
**Author:** Juliet Albany  
Planning Officer  
**Proposed Meeting Date:** 12 February 2008

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**Purpose**

The purpose of this report is to consider a seventeen (17) lot subdivision proposal on Lot 211 Pugh Street, corner Lowood and Morpeth Roads, Mount Barker. A 2 lot subdivision of Lot 211, to excise the existing dwelling from land to be further subdivided (the subject of this report), is currently with the Western Australian Planning Commission (WAPC) and has, under delegated authority, been supported by the Shire.

**Background**

The subject land and adjacent lots are zoned Residential (R2/15). Lot 155 Lowood Road to the west of the subject lot is zoned Residential (R5/15) and is proposed for subdivision and Lot 138 Lowood Road to the south west of the subject lot is proposed for rezoning from Rural to Residential (R15) following a Scheme Amendment Request supported by the Council.

The original total Lot 211 has an area of 2.71ha. The portion of Lot 211 the subject of this report is 1.7ha.

Pugh Street and Lowood Road are constructed to sealed standard and Pugh Street has street lighting. Morpeth Road to the south is partially constructed to sealed standard to allow access to Lot 218 to the south.

This subdivision application proposes a road linking Pugh Street and Morpeth Road with 16 (666m<sup>2</sup>) lots. The 4,000m<sup>2</sup> lot on the corner of Morpeth Street and Lowood Road is to provide for drainage and public open space (POS).

The land has a number of old fruit trees, but for the most part is cleared with the exception of the south west corner which is quite densely vegetated in association with the drainage line.

**Statutory Environment**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Residential (R2/15)

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**Consultation**

There has been no consultation with this report

**Financial Implications**

There are no financial implications in this report.

**Strategic Implications**

Shire of Plantagenet Strategic Plan 2003 Key Result Area 4 Development Services aims to encourage and guide development in accordance with the Strategic Plan and the TPS3.

**Officer Comment**

The site is low lying and a semi perennial natural drainage line runs across the south west corner of the lot in a south easterly direction. The land is wet at times and the Mount Barker Townsite Strategy 2002 (never finalised) identifies the soils on the subject land as S2-likely to be poorly drained and unsuitable for on site effluent disposal.

The proposal is for seventeen (17) lots of which sixteen (16) are at R15 density where the minimum lot size is 580m<sup>2</sup> (666m<sup>2</sup> provided) and an average of 666m<sup>2</sup> (862m<sup>2</sup> provided). A lot of 4,000m<sup>2</sup>, comprising 23.5% of the 1.7ha lot is proposed for drainage/public open space.

The applicant proposes a drainage study as a condition of approval. Reticulated water is available and reticulated sewerage can be provided as a condition of subdivision approval.

A 16m wide road between Pugh and Morpeth Streets provides access to 16 lots. The Council's Subdivision Development Policy Standards Specification 1997 requires a carriageway width of 7.4m. The length of the proposed accessway is only 136m and as such speed will not be an issue and it is recommended that the sealed carriageway width be reduced to 6m and the road reserve width be reduced to 14m in keeping with WAPC Policy on Access Ways.

Stormwater will need to be managed adequately and contained within the natural drainage features onsite. A plan will be required and should include attention to revegetation of the creekline and nutrient stripping/sediment retention drainage management. The proposed POS will require appropriate design and treatment to enable its use as a passive recreational resource for the adjacent lots.

The unconstructed section of Morpeth Road crosses a semi permanent creekline that drains south east toward Pwakkenbak Creek. The area requires careful management of water in line with Water Sensitive Urban Design best practices.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

Moved Cr J Moir, seconded Cr J Mark

That the proposal for a seventeen (17) lot subdivision at Lot 211 Pugh Street corner Lowood and Morpeth Roads, Mount Barker be supported subject to:

1. The preparation of a nutrient stripping sediment retention drainage management plan to ensure the general objectives of water sensitive urban design and total water cycle management are met. This will include the issue of drainage from the new subdivisional road.
2. The preparation of a detailed landscape and maintenance plan for the proposed drainage/public open space area, including riparian re-vegetation and/or weed control, sediment settlement areas and facilities that provide for the passive recreation and enjoyment of the area by residents including footpaths, with boardwalk where wet areas are encountered and fencing where necessary, and subject to the satisfaction of the Council. This will need to ensure at least 10% of the total area of lot 211 is available as useable public open space.
3. A soil capability study is required so that drainage aspects may be evaluated to ensure that inundation is minimised. This may be included in the detailed drainage management plan in condition 1 above.
4. All stormwater shall be contained onsite, however overflow can be directed to the district drainage system to the satisfaction of the Council in accordance with the drainage management plan in condition 1 above.
5. All lots being provided with frontage to a sealed public road designed, constructed and drained at the subdivider's cost to the specifications and satisfaction of the Manager Works and Services. The design, drainage, construction and lighting of the new subdivisional road to include a road reserve width of 14m with a 6m sealed carriageway, between Pugh Street and Morpeth Road to the satisfaction of the Manager Works and Services.
6. Morpeth Road being designed, constructed, sealed and drained to the western boundary of proposed lot 8.
7. Lowood Road being upgraded to the satisfaction of the Council including widening of the seal, mountable kerbing and drainage.
8. Pugh Street being upgraded to the satisfaction of the Council including mountable kerbing and drainage.
9. Land being filled and/or drained at the subdivider's cost and any easements and or reserves necessary for the implementation thereof, being granted free of cost.
10. The subdivider providing street trees in accordance with the species list and specifications set out in the Mount Barker Townscape Review (2002).

11. Construction is not to commence until the Council has approved detailed engineering plans and specifications of works, including earthworks, roads and paths, drainage, clearing, landscaping rehabilitation and soil stabilisation measures, both during and after construction.
12. All lots being connected to reticulated sewerage and water.
13. Any existing on site effluent disposal systems being decommissioned to the satisfaction of the Council.
14. All buildings having the necessary clearance from lot boundaries.
15. Truncations to all corner lots are to be provided.

CARRIED (9/0)

NO. 16/08

**10.1.5 LOT 201 WEBSTER STREET, MOUNT BARKER – THREE (3) GROUPED DWELLINGS**

**File No:** RV/182/1143  
**Attachments:** [Location Plan](#)  
[Site Plan](#)  
[Elevations of Units A, B and C](#)  
**Responsible Officer:** Peter Duncan  
Manager Development Services  
**Author:** Juliet Albany  
Planning Officer  
**Proposed Meeting Date:** 12 February 2008

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**Purpose**

The purpose of this report is to consider an application for three (3) grouped dwellings at Lot 201, 15 Webster Street Mount Barker.

**Background**

Lot 201 is 1568m<sup>2</sup>, generally flat but slopes slightly up to the west side and rear (north) boundaries.

**Statutory Environment**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Residential (R10/20). Grouped dwellings are an 'SA' use in the Residential zone and require public advertising before a decision is made.

Residential Design Codes 2002 (R Codes)

**Consultation**

Neighbouring landowners have been consulted including the Department of Housing and Works. An advertisement has been placed in the Albany Advertiser and the Plantagenet News and a sign erected on site.

Public advertising of this proposal closed on 29 January 2008 and one submission has been received from adjoining owners who raised no objection and stated 'the units appear to be tastefully done'.

**Policy Implications**

There are no policy implications for this proposal.

**Financial Implications**

The application fee of \$1,035 has been paid.

**Strategic Implications**

Shire of Plantagenet Strategic Plan 2003 Key Result Area 4 Development Services – ‘Support sustainable and managed growth within existing urban settlements in the Shire and encourage the development of a variety of housing opportunities.’

**Officer Comment**

As the development is to be connected to reticulated sewer, the R20 standards of the R Codes will apply. The proposal exceeds the minimum and average lot size requirements of the R20 code and meets other requirements such as enclosed storage areas.

The driveway is shown as 3.4m wide whereas it should be 4m wide when constructed to accord with the R codes. Fencing and landscaping should reflect this increased width. Lot sizes so adjusted still comply with the R code minimum requirements.

No bin storage areas are indicated on the plans and a condition of approval will be required to address this.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr J Mark seconded Cr J Moir**

**That planning consent be granted for the proposed three (3) grouped dwellings at Lot 201 Webster Street, Mount Barker in accordance with the site plan dated 22 November 2008 and other plans dated 7 November 2008 subject to:**

- 1. The plans being adjusted to provide a 4m wide common driveway that is to be constructed to a sealed and drained standard to the satisfaction of the Manager Works and Services.**
- 2. Fencing and landscaping being adjusted to reflect the 4m wide driveway.**
- 3. A communal bin storage area being provided at the front of Lot C, accessible to residents, adequate in area for the bins and screened from view from the street.**
- 4. Both crossovers and driveway to Lot C shall be constructed sealed and drained to the satisfaction of the Manager Works and Services.**
- 5. 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.**
- 6. Connection of all dwellings to reticulated sewerage.**
- 7. Maximum fence height for the front of all dwellings is to be 1.2m and no screen walls to the front of the dwellings will be permitted.**

8. The internal boundaries being truncated over the driveway at Lot B where it meets Lot A and at Lot C where it meets Webster Street.
9. The provision of a landscape plan for the site, including the provision of street trees in accordance with the species list and specifications set out in the Mount Barker Townscape Review.
10. Should it be proposed to subdivide this development by way of freehold or strata title in the future then a 10% public open space contribution will apply in accordance with the Planning and Development Act 2005.

**CARRIED (9/0)**

**NO. 17/08**

**10.1.6 LOTS 5208, 3 AND 4 JACKSON ROAD AND LOT 2 OLD COACH ROAD,  
NARRIKUP - AQUACULTURE PROPOSAL, YABBY HARVESTING FROM  
FARM DAMS**

**File No:** RV/182/493

**Attachments:** [Locality Plan](#) (coloured locality plan attached individually)  
[Site Plan](#) (coloured site plan attached individually)  
[Summary of Submissions](#)

**Responsible Officer:** Peter Duncan  
Manager Development Services

**Author:** Juliet Albany  
Planning Officer

**Proposed Meeting Date:** 12 February 2008

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**Purpose**

The purpose of this report is to consider a proposal for Aquaculture (yabby harvesting) from farm dams on Lots 5208, 3 and 4 Jackson Road and Lot 2 Old Coach Road, Narrikup.

**Background**

The subject lots are zoned Rural. Aquaculture is an 'SA' use, meaning that the Council at its discretion may permit the use once notice of application has been advertised.

The lots are on low lying land that appears almost flat when viewed from the road. Maps show the drainage to be generally in a south east direction. The current land use, which it is proposed to continue, is Mungrup horse stud.

**Statutory Environment**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural.  
Aquaculture is an 'SA' use in the Rural zone

Agriculture and Veterinary Chemicals (Western Australia) Act 1995

Health Act 1911

Department of Water 'Water Quality Protection Notes' (WQPN) Aquaculture WQPN  
02 July 2006

Department of Water 'Irrigation with Nutrient Rich Wastewater' WQPN 22 July 2006

**Consultation**

Consultation has taken place with the Department of Fisheries (DOF), Department of Environment and Conservation (DEC), Department of Water (DOW) and the neighbouring land owners and advertisements were posted in local papers, on site and on the Administration Building notice board. The submission period closed on 21 December 2007.

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The DOF has advised that the applicant requires a licence to purge yabbies on site. Should they choose to sell yabbies direct to a licensed yabby harvester then no licence is required.

A summary of the four (4) submissions is attached. The submissions note a concern that the susceptibility of yabbies to chemicals and/or aerial sprays may provoke requests for restrictions upon neighbouring land uses.

### **Financial Implications**

The fee of \$100.00 has been paid.

Apart from advertising costs met from the Town Planning Advertising Budget there are no financial implications for this application.

### **Strategic Implications**

The Shire of Plantagenet Strategic Plan 2003 Key Result Area 4 Development Services seeks to 'encourage new businesses that will create long term sustainable local employment'. This proposal appears to support this aim.

### **Officer Comment**

The applicant proposes to utilise existing farm dams on Mungrup Stud for a yabby harvesting enterprise as live stock, with a long term view of eventually processing yabbies and selling at the 'farm gate'. The old dairy with access off Jackson Road is proposed as a purging shed.

The applicant proposes to utilise existing stock and develop brood stock and cropping stock in different existing dams. Stock will be given a 30 grams per litre salt bath to remove fouling organisms, and then placed in 0.2 tonne holding tanks for 48hrs minimum.

Water supply will be seasonal run off, as now, and supplemented or refilled from a bore or transferred from another dam. The applicant believes the 'careful management' of the equine industry has resulted in run off water that is relatively free from contamination.

Purging water will be sourced from a bore on Lot 5208, held on a weekly basis or per batch depending upon demand and stock and dumped on fallow land (which is not indicated on the plan). The applicant proposes to follow the Western Australian Yabby Growers Association Code of Practice Guidelines for the purging shed and harvesting activities.

Disease Management will be achieved by restricting stock movement between dams and new crops will only be taken from brood stock on the property. Purging tanks will be cleaned with chlorine and rinsed after use. Waste will be dumped on a refuse site (not indicated on plan).

Submissions demonstrate a general acceptance of the proposal by neighbours and agencies alike. There is a concern however regarding the susceptibility of yabbies to pollutions and sprays from neighbouring properties and a general concern (see consultation) exists that the application of fertilisers and pesticides may need to be restricted on neighbouring properties as a direct result of the proposed enterprise.



The proposal is to trap stock from existing dams. If losses of yabbies were to occur it could lead to a general tightening of compliance with standards for the use of sprays and chemicals in the vicinity. The applicant states that 'all neighbouring properties (including nearby tree farms) have been restricted from using 'harsh' fertilisers, herbicides and harmful pesticides. There is no evidence of this restriction. Normal farm practice is to work with neighbours and to avoid impacting on neighbours at all times.

The applicant does not detail the disposal of the purging saline solution nor has he indicated on a plan where purging water is to be discharged. Both matters should accord with the Department of Water 'Water Quality Protection Notes' (WQPN) Aquaculture WQPN 02 July 2006 and Irrigation with Nutrient Rich Wastewater WQPN 22 July 2006.

The DOF has developed a computer model to predict aquaculture waste outputs and has guidelines for assessing and licensing aquaculture activities.

### **Voting Requirements**

Simple Majority

### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr J Moir, seconded Cr M Skinner**

**That the application for Aquaculture (yabby harvesting) on farm dams, at Lots 5208, 3 and 4 Jackson Road and Lot 2 Old Coach Road, Narrikup be approved subject to:**

- 1. Development being in accordance with Department of Fisheries licensing requirements and the Management Plan with the plans dated 14 September 2007 and received 16 October 2007;**
- 2. The applicant acknowledging in writing to the Council that broadacre farming and plantation activities are carried out and will continue to be carried out on adjoining and neighbouring properties;**
- 3. All waste water being processed in compliance with the Department of Water 'Water Quality Protection Notes', particularly WQPN 02 Aquaculture and where applicable WQPN 39 Ponds for Stabilising Organic Matter and WQPN 22 Irrigation with Nutrient Rich Waste Water.**
- 4. All saline and/or nutrient rich waste waters being retained within the subject lots' external boundaries and to have no adverse impacts upon the environment, groundwater and surrounding seasonal waterways, either on the subject land or adjoining/nearby properties; and**
- 5. The applicant advising the Shire when it is proposed to begin processing yabbies on site and/or expanding the enterprise in any way.**

**CARRIED (9/0)**

**NO.18/07**

**10.1.7 LOT 200 CHAUVEL ROAD CORNER DE GARIS STREET, KENDENUP -  
APPLICATION FOR OVERSIZED OUTBUILDING**

**File No:** RV/182/3282  
**Attachments:** [Location Plan](#)  
[Application Plans](#)  
[Letter of Justification](#)  
**Responsible Officer:** Peter Duncan  
Manager Development Services  
**Author:** Juliet Albany  
Planning Officer  
**Proposed Meeting Date:** 12 February 2008

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**Purpose**

The purpose of this report is to consider an application for an oversized outbuilding on Lot 200 Chauvel Road corner De Garis Street, Kendenup.

**Background**

The proposal is for an oversized outbuilding of 196m<sup>2</sup> comprising three garage spaces (including a caravan / trailer space and a wider garage for disabled access (92m<sup>2</sup>), a garden tools space suitable for wheelchair use (24m<sup>2</sup>) and a 'shed' (80m<sup>2</sup>). The walls are 3m high with a 4m roof ridgeline.

Town Planning Scheme Policy No. 16 (Outbuildings) sets a maximum wall height of 3m and a maximum cumulative total floor area for outbuildings in residential areas at 80m<sup>2</sup>. Outbuildings for Rural zones are not limited in respect to wall height or cumulative floor area.

Although the land is zoned Rural, residential setbacks (R10 density) of the Residential Design Codes apply in the Kendenup settlement area (village). This was applied to the area through Amendment 43 to Town Planning Scheme No3 (TPS3) due to the urban nature of the settlement.

**Statutory Environment**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) – zoned Rural however R10 boundary setbacks apply

Clause 7.6.4 states 'that a Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.'

Residential Design Codes 2002 (R Codes)

**Consultation**

Consultation has occurred between the applicant and staff members and justification for the oversized outbuildings has been provided (copy attached).

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**Policy Implications**

Town Planning Scheme Policy No 16 (PP 16) - sets limits for sizes of outbuildings.

**Financial Implications**

There are no financial implications for this application.

**Strategic Implications**

Shire of Plantagenet Strategic Plan 2003 at Key Result Area 4 contains an aim to encourage and guide local development in accordance with the Strategic Plan and the Town Planning Scheme No.3. The future proposed development of Kendenup as a rural village with future residential development adhering to the R Codes is proposed in the draft Local Planning Strategy, and proposals approved today should contribute positively to future development of the village.

**Officer Comment**

Under R10 requirements a building must be set back 7.5m from the primary street, 3m from the secondary street and 6m from the rear boundary. The proposed outbuilding is located on the rear boundary approximately 57m from the front boundary. A 3m setback is provided to De Garis Street the secondary street, however the outbuilding is set on the rear boundary with 0m setback.

Under Town Planning Scheme Policy 16 (Outbuildings) the Council will consider the visual amenity of residential areas and the safety of pedestrians when determining approvals for outbuildings to be located on a lot boundary. The policy also states that for outbuildings proposed in 'Residential' zoned land the rear setback can be determined in accordance with the side boundary requirements. Although this land is zoned Rural, the setbacks now applied are as per R10 standards. With this in mind a 24.5m long building should be setback 1.5m from the rear boundary which in this case is a Right of Way (ROW).

The outbuilding is proposed on the boundary of the ROW, it is suggested that for future use of the ROW it be set back 1.5m to allow ease of entry / exit from the outbuilding to the ROW should it be required.

The proposal is considered to be acceptable, given the location adjacent to a ROW, the use of residential setbacks and the precedents within Kendenup of large outbuildings.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr A Budrikis**

**That:**

- 1. The proposed oversized outbuilding at Lot 200 Chauvel Road, Kendenup in accordance with the plans dated 3 January 2008 be approved subject to the outbuilding:**
  - a) Being setback 1.5m from the rear boundary on the right of way.**
  - b) Not being used for human habitation.**

2. The applicant is advised that the Council has no plans to construct De Garis Street at this point in time.

CARRIED (9/0)

NO. 19/08

**10.1.8 LOT 303 LOWOOD ROAD, MOUNT BARKER – PROPOSED WORKSHOP / OFFICE / SHOWROOM DEVELOPMENT**

**File No:** RV/182/2272

**Attachments:** [Location Plan](#)  
[Site Plan](#)  
[Elevations](#)  
[Applicant's reasons for 0m Rear Setback](#)  
[Applicant's reasons for Departure from Standards](#)

**Responsible Officer:** Peter Duncan  
Manager Development Services

**Author:** Juliet Albany  
Planning Officer

**Proposed Meeting Date:** 12 February 2008

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**Purpose**

The purpose of this report is to consider a proposal for a workshop, office and showroom on Lot 303 Lowood Road, Mount Barker, with no setback from the rear boundary and a higher plot ratio.

**Background**

Plantagenet Sheds is a commercial enterprise established with Council approval in 1998 on the adjoining Lot 301 Lowood Road, Mount Barker. The subject lot, Lot 303 is presently vacant. Following the consideration by staff of initial plans submitted, the proponent met with staff on 25 January 2008 and possible revisions to the plan were discussed.

**Statutory Environment**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) – zoned Service Industrial A workshop and showroom are permitted uses. An office is an 'AA' use, permitted at the discretion of the Council and as it is incidental to the main use of workshop / showroom it is considered acceptable.

Schedule 4 Zone Development Table Requires:

The maximum plot ratio for Service Industrial development is 0.5. The total lot area is 1133m<sup>2</sup>, thus a 566.5m<sup>2</sup> maximum plot ratio is required. However the proposed building is 588.5m<sup>2</sup> in area which is 21.7m<sup>2</sup> over the maximum plot ratio area of 566.5m<sup>2</sup>.

A 9m front setback is required (9.2m provided), 5m rear setback is required (nil provided) and 5m is required on one side (6m provided on one side).

The landscaping requirement is 20% of the lot area (226.8m<sup>2</sup> required – 142.74m<sup>2</sup> provided). The proposal is for landscaping to the front of the lot with a limestone retaining wall.

Six car parking bays are required and six have been provided, four to the rear facing the west boundary and two to the front parallel to the front boundary.

A maximum of 5m<sup>2</sup> for signs on lots in Service Industrial Zones and a 7.8m<sup>2</sup> is proposed on the Lowood Road frontage.

Clause 5.2 enables the Council to modify development standards where:

- 'a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality;
- c) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.'

Clause 5.9 Urban Design, reads as follows: 'where in the opinion of the Council the amenity of a place or locality relates significantly to the architecture or physical character of existing buildings and landscape, the Council shall ensure that the appearance of any proposed development will not impair the amenity of place, street or locality in question and will maintain the harmony in the exterior designs of buildings. In making a determination the Council shall seek expert advice and shall have regard for such advice.'

Building Code of Australia

### **Consultation**

Shire staff have consulted with the applicant.

### **Financial Implications**

The application fee of \$575 has been paid.

### **Policy Implications**

There are no policy implications for this report.

### **Strategic Implications**

The Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 Development Services aims include 'Retain local business and encourage new businesses that will create long-term sustainable local employment.'

### **Officer Comment**

To the west and rear of the subject land is Lot 302, Mondurup Street which is zoned Service Industrial and has small storage units set back from the boundary, with an approximate wall height of 2.4m and a roofridge of around 3m. To the south on the side boundary, Lot 304 Lowood Road is also zoned Service Industrial, and is occupied by Mount Barker Electrics, (a 4-5m high roof ridgeline development). Lot

303 is approximately 500mm higher than Lot 302 and is supported by a retaining wall.

The visual impact of the proposal on the surrounding area and the streetscape, should be considered. An attempt has been made by varying roof lines and heights to make the front façade more interesting. The proposed front of the building facing Lowood Road varies from 5.5m to 7.5m in height. The existing shed on Lot 301 is 9m in height but it is set back further and the front office area is in the vicinity of 3m high and is screened by trees.

Landscaping with trees can assist with ensuring that urban amenity is enhanced and protected as opposed to beautification. Four existing mature gums that line the front boundary and are a distinctive and important part of the amenity of the area. The use of large, shade trees has many purposes including: the provision of shade for parked vehicles and working environments, climate amelioration and therefore less energy use in buildings; greater sense of privacy and enhancement of the towns general amenity, provision of a sense of scale which will assist with reducing the impact of this proposal.

Further to discussions with Shire staff the applicant provided a letter advising that they need to remove the existing trees as the larger ones are already within 2-3m of the proposed canopy and will have to be removed in future as they will become more of a hazard. It is also requested that Council consider varying the 20% landscaping requirement for this proposal. Copy of the letter is attached.

Development within Mount Barker Townsite is required to provide for street trees where no trees exist in accordance with the Mount Barker Townsite Review.

The site is a significant one visually upon entering the town from the south and the building could be visible and dominant on the landscape.

In discussions with staff the applicant was asked to consider shade trees on the rear (western) boundary which would effectively break the dominance of the rear view of the shed and provide green and shade to the subject lot and parking areas. This would also increase the amount of landscaping provided to closer to the required 20% by another 10m<sup>2</sup>. The applicant has not agreed to this.

The applicant proposes to remove the four (4) established trees that are on the front boundary.

In order to protect the existing amenity of the area and offset the excessive plot ratio, the nil setback on the rear boundary and to enhance the important town entry for the future the application could be approved subject to conditions that require more landscaping and tree retention.

### **Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Cr B Hollingworth, seconded Cr D Nye-Chart

That in accordance with clause 5.2 of the Town Planning Scheme No. 3 the Council agrees to vary the landscaping, setback and plot ratio standards and that planning consent be granted for a workshop, office and showroom at Lot 303 Lowood Road Mount Barker, subject to the following conditions:

1. Development being in accordance with the plans dated 16 January 2008 and the revised site plan dated 29 January 2008.
2. Provision of a one (1) metre wide reticulated landscape strip on the western rear boundary behind the four (4) car parking spaces and two (2) trees being included in this strip and tree species to be taken from the Mount Barker Townscape Review list of plant species.
3. Retention of two (2) of the four (4) existing mature eucalypts along the eastern Lowood Road boundary. This may involve a redesign of the proposed limestone wall.
4. The crossover shall be constructed, sealed and drained to the satisfaction of the Manager Works and Services.
5. 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.
6. All carparking spaces shall be a minimum of 2.5m x 5.5m with a 6m manoeuvring space, sealed and line marked.
7. Advertising signage being limited to 5m<sup>2</sup> in accordance with Schedule 4 of Town Planning Scheme No. 3.

**AMENDMENT:**

Moved Cr K Clements, seconded Cr J Mark

That condition (3) be deleted and replaced with the following:

- '3. To offset the removal of the four existing mature eucalypts the proponents be required to replace them with at least four (4) advanced trees of a suitable species in a suitable location.'

**CARRIED (9/0)**

**NO. 20/08**



**COUNCIL DECISION**

That in accordance with clause 5.2 of the Town Planning Scheme No. 3 the Council agrees to vary the landscaping, setback and plot ratio standards and that planning consent be granted for a workshop, office and showroom at Lot 303 Lowood Road Mount Barker, subject to the following conditions:

1. Development being in accordance with the plans dated 16 January 2008 and the revised site plan dated 29 January 2008.
2. Provision of a one (1) metre wide reticulated landscape strip on the western rear boundary behind the four (4) car parking spaces and two (2) trees being included in this strip and tree species to be taken from the Mount Barker Townscape Review list of plant species.
3. To offset the removal of the four existing mature eucalypts the proponents be required to replace them with at least four (4) advanced trees of a suitable species in a suitable location.
4. The crossover shall be constructed, sealed and drained to the satisfaction of the Manager Works and Services.
5. 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.
6. All carparking spaces shall be a minimum of 2.5m x 5.5m with a 6m manoeuvring space, sealed and line marked.
7. Advertising signage being limited to 5m<sup>2</sup> in accordance with Schedule 4 of Town Planning Scheme No. 3.

**CARRIED (9/0)**

**NO. 21/08**

**10.1.9 LOT 874 BOYUP ROAD, MOUNT BARKER - APPLICATION FOR TEMPORARY ACCOMMODATION**

**File No:** RV/182/2210  
**Attachments:** [Location Plan](#)  
**Responsible Officer:** Peter Duncan  
Manager Development Services  
**Author:** Cobie MacLean  
Administration Officer Planning  
**Proposed Meeting Date:** 12 February 2008

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**Purpose**

The purpose of this report is to consider an application from J and B Price for temporary accommodation at Lot 874 Boyup Road, Mount Barker.

**Background**

An application has been received from the owners of Lot 874 Boyup Road, Mount Barker seeking approval to occupy a caravan to be located in a shed on that lot for a period of twelve (12) months during the construction of the Class 1a dwelling on the land.

A building licence has been issued for a Class 1a dwelling (building licence no. 2874/2008). The applicants intend to reside within a caravan to be located in a shed on the property. Ablution facilities are connected to the shed.

**Statutory Environment**

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

- (2) Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —
- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;
  - (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or
  - (c) despite paragraph (b), by the local government of the district where the land is situated —
    - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and
    - (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.
-

**Consultation**

There has been no consultation with this report.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

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

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

It is expected that the dwelling will be constructed to a habitable standard within twelve (12) months and therefore temporary accommodation will be required for a period of between six (6) and twelve (12) months.

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

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

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

**That approval be granted to J and B Price to occupy temporary accommodation at Lot 874 Boyup Road, Mount Barker for a maximum period of twelve (12) months from 12 February 2008, subject to:**

- 1. Approval to commence occupation of the temporary accommodation is subject to inspection and certification by the Council's Environmental Health Officer that the facility meets all health and safety standards.**
- 2. Satisfactory progress being achieved with the construction of the Class 1a dwelling.**
- 3. The approval to occupy temporary accommodation may be revoked at any time within the twelve (12) month approval period.**

**CARRIED (9/0)**

**No. 22/08**

## 10.2 WORKS AND SERVICES REPORTS

### 10.2.1 CASTLE ROCK ROAD, PORONGURUP – PROPOSED PERMANENT PARTIAL ROAD CLOSURE

<b>File No:</b>	RO/144/1
<b>Attachments:</b>	<a href="#">Castle Rock Road Reserve – Permanent Partial Closure - Map A</a> <a href="#">Castle Rock Road Reserve - Permanent Partial Closure - Map B</a>
<b>Responsible Officer:</b>	Rob Stewart Chief Executive Officer
<b>Author:</b>	Megan Sounness Administration Officer Works and Services
<b>Proposed Meeting Date:</b>	12 February 2008

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#### **Purpose**

The purpose of this report is to present a proposition which would result in the permanent closure of a section of the Castle Rock Road Reserve south of Lot 580 (Mount Trio Winery) to the old Castle Rock car park, Porongurup.

#### **Background**

Correspondence received from the Department of Environment and Conservation on 18 July 2007 requested that a section of the Castle Rock Road Reserve south of Lot 580 (Mount Trio Winery) to the old Castle Rock car park, be permanently closed and downgraded to 'management track' status. The reason for this request was that this section of the Castle Rock Road Reserve will no longer be required due to the completion of a new day use site.

In order to fulfil this request, closure of the abovementioned section of the Castle Rock Road Reserve is required, with amalgamation into the surrounding National Park, if possible.

#### **Statutory Environment**

Section 58 of the Land Administration Act 1997 relates to the permanent closure of roads.

#### **Consultation**

Prior to requesting the Minister to close a road pursuant to Section 58, the Council must give local public notice, and give written notice to certain persons and organisations as set out in the regulations. These persons include adjacent occupiers, utility providers, emergency service providers and owners.

A period of 35 days is required for advertising.

**Policy Implications**

There are no policy implications for this report.

**Financial Implications**

There are no financial implications for this report.

**Asset Management Implications**

The permanent closure of the proposed section of the Castle Rock Road Reserve will result in a decreased amount of gravel roads potentially requiring maintenance within the Shire of Plantagenet.

**Strategic Implications**

The Shire of Plantagenet's Strategic Plan, Key Result Area 2 – Infrastructure, states the following

*'Infrastructure Aims to:*

- *Maximise the benefit to the community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and buildings infrastructure within the financial resources of the Shire...'*

**Officer Comment**

The attached map (A) shows the proposed section of the Castle Rock Road Reserve to be closed.

Lots 7905, 7570 and 909, as shown on the attached map (B), surround the proposed section of the Castle Rock Road Reserve to be closed. These lots are all Porongurup National Park. Therefore the portion of Road Reserve, once closed, will be amalgamated into the National Park.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

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

**That:**

- 1. Pursuant to Section 58 of the Land Administration Act 1997 local public notice be given of the proposal to permanently close the section of the Castle Rock Road Reserve, Porongurup, south of Lot 580 (Mt Trio Winery) to the old Castle Rock car park, as shown on the attached map and that each person who is prescribed for the purposes of Section 58 be given written notice of the proposal and that submissions be invited.**
- 2. A further report be prepared for the Council's consideration at the conclusion of advertising and no later than 25 March 2008.**

**CARRIED (9/0)**

**NO. 23/08**

**10.2.2 SIXTH AVENUE, KENDENUP - PROPOSED PERMANENT PARTIAL ROAD CLOSURE**

**File No:** RO/144/1  
**Attachments:** [Map - Location of Proposed Closure](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Megan Sounness  
Administration Officer Works and Services  
**Proposed Meeting Date:** 12 February 2008

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**Purpose**

The purpose of this report is to present a proposition which would result in the permanent closure of a section of the Sixth Avenue Road Reserve between Newman Street and Austin Street, Kendenup.

**Background**

Correspondence received from the Oyster Harbour Catchment Group on 8 January 2008 requested that the road reserve between Lot 976 and Lot 6198 (i.e. the road reserve between Austin Street and Newman Street) be incorporated into Lot 976 (Walton Rowe Reserve). The reason for the request was in relation to conservation and preservation of the Walton Rowe Nature Reserve, Kendenup.

In order to fulfil this request, closure of the Sixth Avenue Road Reserve between Newman Street and Austin Street is required, with amalgamation into Lot 976, if possible.

**Statutory Environment**

Section 58 of the Land Administration Act 1997 relates to the permanent closure of roads.

**Consultation**

Prior to requesting the Minister to close a road pursuant to Section 58, the Council must give local public notice, and give written notice to certain persons and organisations as set out in the regulations. These persons include adjacent occupiers, utility providers, emergency service providers and owners.

A period of 35 days is required for advertising.

**Financial Implications**

There are no financial implications for this report.

**Asset Management Implications**

The permanent closure of the proposed section of the Sixth Avenue Road Reserve will result in a decreased amount of gravel roads potentially requiring maintenance within the Shire of Plantagenet.

### **Strategic Implications**

The Shire of Plantagenet's Strategic Plan, Key Result Area 2 – Infrastructure, states the following:

*'Infrastructure Aims to:*

- *Maximise the benefit to the community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and buildings infrastructure within the financial resources of the Shire...'*

### **Officer Comment**

The attached map shows the proposed section of the Sixth Avenue Road Reserve to be closed.

Lot 976 is owned by the Shire. The land was given to the Shire in 1997 'with a view to its preservation for original purpose'. The Oyster Harbour Catchment Group, by letter dated 7 November 2007 advises that the land was purchased by Messrs Colin Gorton and Robert F Allen 'for the Kendenup Community for their enjoyment and education with the intent that it never be cleared' before being given to the Shire.

As Lot 976 is owned in fee simple, Landgate may require it to be purchased prior to amalgamation. If this is the case, it could simply be left as reserve for Parks and Recreation in the local Planning Strategy, as is Lot 976.

### **Voting Requirements**

Simple Majority

### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr A Budrikis, seconded Cr M Skinner**

**That:**

- 1. Pursuant to Section 58 of the Land Administration Act 1997 local public notice be given of the proposal to permanently close the section of the Sixth Avenue Road Reserve, Kendenup, between Newman Street and Austin Street, as shown on the attached map and that each person who is prescribed for the purposes of Section 58 be given written notice of the proposal and that submissions be invited.**
- 2. A further report be prepared for the Council's consideration at the conclusion of advertising and no later than 25 March 2008.**

**CARRIED (9/0)**

**NO. 24/08**

## 10.3 COMMUNITY SERVICES REPORTS

### 10.3.1 TENDER C17-0607 HOME AND COMMUNITY CARE CENTRE

**File No:** CP/50/7  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Nicole Selesnew  
Manager Community Services  
**Proposed Meeting Date:** 12 February 2008

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#### **Purpose**

The purpose of this report is to consider the outcome of Tender C17 – 0607 – construction of a new Home and Community Care (HACC) Centre at the rear of the Plantagenet District Hall.

#### **Background**

On 10 October 2006 the Council participated in a workshop to review the construction of the HACC Centre, comprising an activity room, office space, reception and ablutions over a 21m x 14.4m area. An indicative quote had been received from Fleetwood, a modular building company, which exceeded the amount of funding provided by the Western Australian Country Health Service (WACHS) by \$144,426.77.

The consensus from the workshop was that the construction project should continue, however the building plans needed to be revised to identify opportunities to decrease the construction cost.

Following the workshop, Council Officers met with representatives from the Health Department and revised the building plans. The scale of the project was reduced from 21m x 14.4m to 13.2m x 12m with a 2.4m verandah surround. Despite the reduction in building size, HACC activities such as carpet bowls, indoor volleyball and hockey, ball games and exercise programs could still occur.

Indicative quotes were again sourced from Fleetwood and Ausco Building Systems (Ausco). Ausco provided a quote of \$368,892.70 (inc GST) which excluded numerous site costs, for example connection to services, surveying and removal and replacement of unsuitable materials on site. Fleetwood declined to quote.

Ms Millar of the WACHS prepared a business plan for the State Government, seeking an additional \$35,000 to contribute to site costs, which was successful. The shortfall for the building construction was therefore \$95,319.47.

At the ordinary meeting of the Council held on 12 December 2006, the Council resolved:

*That:*

- (1) *Support for the construction of a new Home and Community Care building on Lot 48 Albany Highway, Mount Barker be confirmed.*



- (2) *An unbudgeted financial contribution of \$95,319.47 be allocated towards the construction of the facilities referred to in Part (1) above.'*

On 23 January 2007 the Council resolved to allocate \$95,319.47 for the construction of the HACC building. The \$95,319.47 was funded from restricted capital funds set aside by the Council from the sale of the Old Station House.

Following the Council decision to support the construction of the HACC building, Richard Currie was appointed to prepare plans and tender documents. Tender C17 – 0607 was advertised on 2 June 2007, with tenders closing on Tuesday 19 June 2007.

One Tender was received from Ausco which provided two costs:

- To build on a concrete base frame - \$421,050 (ex GST); and
- To building on a steel frame - \$414,805 (ex GST).

The total amount of funds available to construct the building was \$420,403.62, comprised of a WACHS grant of \$290,084.15, the additional WACHS grant of \$35,000 and the Shire's \$95,319.47 contribution.

The Council discussed the tender provided by Ausco at a workshop held on 5 July 2007 and supported the following:

- The concrete base frame option was preferred as the building floor level would be slightly above ground level. The steel frame building would result in a floor level at least 350mm above ground level which would result in the need for ramps and steps to be constructed by each door way;
- Additional costs such as connection to power, engineer design fees for power upgrades, architectural fees, surveyor fees and sewer headworks needed to be considered, all of which were excluded from the tender provided by Ausco. An indicative sum of \$47,996 would cover additional costs; and
- The Shire could co-ordinate the landscaping around the building, consisting mainly of paving, at a cost considerably less than Ausco's fees. Ausco had tendered \$18,000 for landscaping and quotes sourced from local contractors amounted to \$2,882.04.

The HACC building budget shortfall, taking a concrete base frame, additional costs and savings from the landscaping into consideration, amounted to \$29,928.04. No consideration had been given to incidental costs that may be incurred during the construction of the building. The project architect recommended an allocation of 10% of the project cost (which amounts to \$42,105).

The recommendation from the workshop was:

*'That at the time of adoption of the 2007 / 2008 Budget:*

- (1) *An additional unbudgeted financial contribution of \$29,928.04 be allocated towards the construction of the Home and Community Care building at Lot 48 Albany Highway.*
- (2) *Any incidental costs that may be incurred during the construction of the Home and Community Care building at Lot 48 Albany Highway be funded by the Shire, to a maximum of \$42,105.*

The workshop recommendations have been incorporated in the 2007 / 2008 HACC budget allocation.

Since the workshop and as the project has progressed, more accurate figures have been obtained in relation to the 'additional costs'. Savings of up to \$10,000 should be made in relation to the power upgrade and the sewer headworks fees.

Development approval for the HACC building, based on the plans for a concrete base frame, was provided on 11 September 2007.

### **Statutory Environment**

The construction of the HACC building will require the land to be leased to the Western Australian Country Health Service and is therefore a disposition of land pursuant to Section 3.58 of the Local Government Act 1995. However, pursuant to Regulation 30 of the Local Government (Functions and General) Regulations, 1996, the disposition is exempt as the land will be disposed of to the Crown in right of the State and object of the disposition is benevolent.

### **Consultation**

Consultation has taken place with Mr Paul Seats – Acting Regional Director Western Australian Country Health Service, Ms Sue Millar – HACC Project Officer, Ms Annette Wieske – HACC Co-ordinator, Ms Ruth York – Plantagenet Cranbrook Health Service, Mr Richard Currie – Architect, Mr Norm Burren – Mount Barker Electrics, Mr Ray Potter – Western Power, Ms Vicki Etheridge – Water Corporation, Mr Murray Hammond – Plumber, Ms Gordana Simic – Ausco Building Systems, Mr Rob Stewart – Chief Executive Officer and Mr Alan Watkins – Principal Building Surveyor.

### **Financial Implications**

The total funds available to construct the HACC building, comprised of WACHS and Shire funding, is \$501,352.

The tendered sum provided by Ausco is \$421,050. If the Council undertakes the Landscaping at its own cost, the tendered sum will reduce to \$405,932.

Additional costs that will be incurred during the construction of the HACC building (including power and sewer connections, engineer design fees, architect and surveyor fees) have been estimated at \$37,996.

The addition of an 'incidental' budget of 10% of the project cost is \$42,105.

Therefore, the total HACC building project cost will amount to \$486,033.

The WACHS has advised that no additional money is available for the HACC building project beyond the \$299,000 (interest accruing) and \$35,000 grants.

Various funding programs have been investigated, however the provision of HACC services by the WACHS renders the project ineligible for funding through many of the State and Federal Government programs.

### **Policy Implications**

There are no policy implications for this report.

**Strategic Implications**

The Council's Strategic Plan details the following Community Service aim:

*'Deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural wellbeing of the community'.*

**Officer Comment**

The development of the HACC building has been supported by the Council from October 2006.

Once the building Tender has been endorsed, any necessary variations to the building plans may be negotiated. Once drawing approval has occurred, Ausco has indicated a 120 day period to building delivery.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

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

**That the tender from Ausco Building Systems to supply and deliver a 12x17m single storey transportable building on a concrete base frame, for use as the Home and Community Care Centre and based on the requirements detailed in the Tender C17-0607 contract, for \$421,050.00 (ex GST) to be erected on Lot 48 Albany Highway Mount Barker (at the rear of the Town Hall), be accepted.**

**CARRIED (9/0)**

**NO. 25/08**

## 10.4 CORPORATE SERVICES REPORTS

### 10.4.1 ANNUAL REPORT – YEAR ENDING 30 JUNE 2007

<b>File No:</b>	<b>FM/103/1</b>
<b>Attachments:</b>	<b>Draft 2006/2007 Annual Report</b>
<b>Responsible Officer:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>1 February 2008</b>

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#### **Purpose**

The purpose of this report is to receive the Shire of Plantagenet's 2006 / 2007 Annual Report.

#### **Background**

The annual financial audit has now been conducted by representatives of the Council's auditors, Mr D Tomasi and Mr W Chai of UHY Haines Norton.

#### **Statutory Environment**

Section 5.54 of the Local Government Act 1995 governs the acceptance of annual reports.

Section 5.54 (1) states '*subject to Subsection (2) the Annual Report for a financial year is to be accepted by the local government no later than 31 December after that financial year.*' (Absolute Majority required)

Due to the timing of the audit and the difficulties in finalising the annual financial report again this year, the audit report was not completed by Haines Norton until late January 2008. A special dispensation was received from the Department of Local Government and Regional Development for this.

#### **Consultation**

Officers across the organisation have provided input into the Annual Report of the operations of the organisation during 2006 / 2007. The Council's auditors consulted with staff during their on-site audit in November 2007 and since then.

#### **Financial Implications**

There are no financial implications for this report.

#### **Policy Implications**

There are no policy implications for this report.

#### **Strategic Implications**

There are no strategic implications for this report.

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**Officer Comment**

The draft Annual Report notes that 2006/07 was a very busy year with quite a few major projects in progress and issues for consideration, including:

- Cemetery Expansion - Mount Barker.
- Great Southern Regional Cattle Saleyards - Environmental initiatives.
- Proposed sale of the Library Building.
- Proposed subdivision of Lot 337 Martin Street.
- New Medical Centre.
- Northern by-pass.
- Sale of the Old Station House.
- Town Planning Scheme Review.
- Development of a new Signs Policy.
- Visitor Centre / Library - Proposed Co-location.
- Lowood Road Redevelopment.
- New HACC Building.
- Investigations for a new waste disposal facility.
- Souness Park – South Mount Barker Football Club negotiations.

The Shire of Plantagenet's 2006/07 Income Statement shows a net result (increase in equity) of \$481,770.00, which is \$1,355,908.00 less than budgeted due to a number of reasons. Whilst actual operating revenue was only \$68,640.00 less than budget, actual operating expenditure was \$1,291,070.00 more than budget. This shows up clearly in 'Other Property and Services' where there was an unbudgeted sum of \$721,819.00 in private works mainly done on behalf of Main Roads WA). There was also an under allocation in plant costs (\$91,368.00) and depreciation (\$155,983.00) and a greater than budgeted loss on disposal of plant.

The Shire's debt service ratio is stable at 6.9%. The outstanding rates ratio has reduced from 9.9% in 2005/06 to 7.3% in 2006/07. However, the Shire has experienced a marked downward trend in both the Current Ratio and the Untied Cash to Trade Creditors Ratio. These ratios are measures of the Shire's ability to meet its short term liabilities and whether the Shire has untied cash in excess of its immediate obligations to creditors. The Current Ratio has moved from 1.671 to 0.77 and the Untied Cash to Trade Creditors Ratio has moved from 53.6% to 0.9%.

A key influencing factor on the Shire's financial position and audit comments relate to staffing in the Financial Services area. Our auditors have emphasised in their report that some positions are critical to the Council's operations, especially finance staff. Difficulties in attracting suitably qualified staff have been addressed, but an unfortunate legacy has been inherited, identified by the auditors, that has left the Council in a position where opening and closing balances have been inadvertently misstated.

**Voting Requirements**

Absolute Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

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

**That the Shire of Plantagenet's 2006 / 2007 Annual Report be accepted.**

**CARRIED (9/0)**

**NO. 26/08**

**(Absolute Majority)**

**10.4.2 AUDIT REPORT – YEAR ENDING 30 JUNE 2007**

<b>File No:</b>	<b>FM/103/1</b>
<b>Attachments:</b>	<b>Letter from UHY Haines Norton Management Report Appendix 1</b>
<b>Responsible Officer:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>1 February 2008</b>

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**Purpose**

The purpose of this report is to present the Annual Financial Audit and Management Report for the year ending 30 June 2007.

**Background**

The Annual Financial Audit was performed on 6 and 7 November 2007 by Mr W Chai of the Council's appointed auditors, UHY Haines Norton. The audit was finalised in January 2008 with the assistance of UHY Haines Norton's manager of remote services.

It should be noted that the audit is designed primarily to enable the auditors to form an opinion on the financial statements and therefore does not extend to all of the Council's systems and procedures.

**Statutory Environment**

Section 7.12A (3) and (4) of the Local Government Act (1995) states the following:

- (3) *A local Government is to examine the report of the auditor prepared under section 7.9 (1), and any report prepared under section 7.9(3) forwarded to it, and is to –*
- (a) *determine if any matters raised by the report, or reports require action to be taken by the local government; and*
  - (b) *ensure that appropriate action is taken in respect of those matters.*
- (4) *A local government is to –*
- (a) *prepare a report on any actions taken under subsection (3) in respect of an audit conducted in respect of a financial year; and*
  - (b) *forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.*

**Consultation**

There has been consultation with the Shire's auditors in regard to this report.

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**Financial Implications**

The Management Report issued by UHY Haines Norton notes that rates debtors decreased from \$321,829.00 (9.9%) in 2006 to \$283,970 (7.5%), which is pleasing. However, the Shire has experienced a marked downward trend in both the Current Ratio and the Untied Cash to Trade Creditors Ratio. These ratios are measures of the Shire's ability to meet its short term liabilities and whether the Shire has untied cash in excess of its immediate obligations to creditors.

**Policy Implications**

There are no policy implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

The Council has been aware for some time of the problems with regard to the Shire's financial management over the 2006/07 year. The problems have been predominantly staff related but also, the implementation of Civica without any additional resources exacerbated the situation. These problems have manifested themselves in a number of areas. The problems placed pressure on staff who were and still are relatively inexperienced and unqualified to perform the specialised accounting role. Comments in relation to specific points raised by the auditors are dealt with below, but in the main stem from these issues.

**Financial Position.**

Comments have been made in the Financial Implications section of this report. The administration accepts that there was a breakdown in some proper accounting processes, particularly regular and accurate bank reconciliations. The formulation of the budget was also problematic with a number of errors contained within the budget, most notably the opening balance being some \$285,487 lower than anticipated. This will certainly have an impact on the Council's budget deliberations for the 2008/09 financial year. It will also be recommended that the 2008/09 budget be adopted on 1 July 2008 with a view to raising rates as soon as possible.

The issues experienced in 2006/07 have somewhat been resolved, with several staffing changes within the financial services team. Nevertheless, some key staff members are still relatively inexperienced. Management has and will continue to focus on this area to ensure that there is not a recurrence of these problems and that the proper processes are maintained. Whilst a lot has been learnt over the last six months, it is likely that we will continue to require specialised accounting support to finalise the 2007/08 financial accounts.

In accordance with the Auditors' recommendations, a full budget review will be done in February 2008. The Auditors also recommend that urgent action be taken to alleviate the staffing problem experienced in the key finance role currently designated as 'Accountant'. In response, the Shire's new Accountant has recently attended the Finance Professionals Conference, she has undertaken UHY Haines Norton's Nuts and Bolts Accounting workshop and recently attended the City of Armadale to gain some additional exposure to financial processes at a Civica site. We will continue to



provide whatever support and training is required to enable the Accountant to perform the role in an appropriate and professional manner.

#### Bank Reconciliations

This was a matter of concern during the interim audit and was supposed to be rectified. There were a number of factors complicating the ability to reconcile the bank reconciliations, arising out of the 2005/06 financial year. There is no doubt that this was done very badly during the year and had to be completely re-done after year end. This is now a major focus although there has been some problems getting the Civica Authority automated bank reconciliation to work properly. As a result, they are still being done manually and being signed off by the deputy CEO on a monthly basis.

#### Month End Procedures

We have attempted to focus on the following month end reconciliations:

- Payroll.
- Rates debtors and rates valuation amendments.
- Debtors and Creditors.

Most of these have been done on a regular basis, however the rates reconciliations were more sporadic due in part to Civica implementations pressures. The correct process and sign-off has been reinstated.

#### Depreciation of Infrastructure

The auditors have suggested that the current method of recording and depreciating road infrastructure be reviewed with a view to implementing a system that will allow each road to be dissected into its component parts. Essentially they consider that the ROMAN system should be used as a basis for providing depreciation information. This issue will require further investigation in terms of the extent of detail and accuracy of current data in that system.

#### Fire and Emergency Services Authority (FESA) Liability

The reconciliation of FESA liability has not previously been raised as an audit query in the recent past. This has been found to be quite difficult and time consuming to undertake. As noted in the audit report, staff have liaised with FESA to ascertain the current actual outstanding balance.

#### Provision for Staff Entitlements – Annual Leave and Long Service Leave

There were minor deficiencies with the spreadsheets used to calculate these provisions. These have now been corrected.

#### Plan for the Future

The Council would be aware that it has not yet formalised a new Plan for the Future. The version adopted in the 2006/07 budget was a simple extrapolation of budget figures. Following adopted of the budget, local public notice was not given in accordance with Section 19D(1) of the Local Government (Administration) Regulations.

#### **Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr J Moir, seconded Cr B Hollingworth**

**That the Annual Financial Audit and Management Report for the year ending 30 June 2007 as issued by Mr David Tomasi of UHY Haines Norton be received.**

**CARRIED (9/0)**

**NO. 27/08**

**10.4.3 FINANCIAL STATEMENTS - NOVEMBER AND DECEMBER 2007**

**File No:** FM/65/1  
**Attachments:** November 2007, December 2007  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Kaye Skinner  
Executive Secretary  
**Proposed Meeting Date:** 12 February 2008

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**Purpose**

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 30 November and 31 December 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 amount 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 (i.e. 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 RECOMMENDATION / COUNCIL DECISION**

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

**That the Financial Statements for 30 November and 31 December 2007 be received.**

**CARRIED (9/0)**

**NO. 28/08**

**10.4.4 LIST OF ACCOUNTS - NOVEMBER AND DECEMBER 2007**

**File No:** FM/65/3  
**Attachments:** List of Accounts  
**Responsible Officer:** Cherie Delmage  
Accountant  
**Author:** Donna Jo Fawcett  
Accounts Officer  
**Proposed Meeting Date:** 12 February 2008

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**Purpose**

The purpose of this report is to present the list of payments that were made during the months of November and December 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.

**Financial Implications**

There are no financial implications for this report.

**Policy Implications**

There are no policy implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr K Clements, seconded Cr D Nye-Chart**

**That the payment of accounts for the months of November and December 2007 covering electronic payments and cheques 38189 to 38403, totalling \$1,406,492.28, Trust cheques 202 to 213 and totalling \$12,547.70 be approved.**

**CARRIED (9/0)**

**NO. 29/08**

**10.4.5 ROAD NAMING - LOT 155 MOUNT BARKER ROAD - ORCHARD HILL ESTATE SUBDIVISION**

4.45pm Cr Skinner withdrew from the meeting.

**File No:** RO/107/1  
**Attachments:** [Road Name Proposal Map](#)  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Donna Stevens  
Senior Administration Human Resource Officer  
**Proposed Meeting Date:** 12 February 2008

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**Purpose**

The purpose of this report is to consider a road naming and renaming proposal for the roads within the Lot 155 Mount Barker Road, Orchard Hill Estate Subdivision.

**Background**

A request was received from the Project Manager of Orchard Hill Estate, Mr Henry Dykstra to consider the following:

- Rename the unconstructed portion of Morpeth Street, Orchard Road; and
- Apply the names 'Hill' and 'Adams' to the newly constructed roads within the subdivision.

The names 'Hill' and 'Orchard' were selected in recognition of the current landowner, Maureen Hill, who has operated a small orchard on the land for many years.

The name 'Adams' was taken from the Council's Road Name Register.

A diagram illustrating their proposal is attached.

Should the names 'Hill' and 'Orchard' not be preferred by the Council then the following names from the Council's Road Name Register have also been selected:

- Chester Rise;
- Harris Drive;
- Mead Way/Drive; and
- Preston Drive/Rise.

**Statutory Environment**

The Land Administration Act 1997 governs the road naming process.

**Consultation**

Consultation has occurred with the Shire's Engineering Technical Officer, Jim Robertson and the Shire's Administration Officer Cobie MacLean.

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**Policy Implications**

This report considers names from Council Policy I/RR/1 – Future Street and Reserve Names.

**Financial Implications**

All costs associated with advertising and signage are the responsibility of the Developer.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

The Shire's Road Inventory Register shows Morpeth Street being the road reserve from Albany Highway to Marmion Street.

The development application for Orchard Hill Estate requires the Developers to construct a portion of Morpeth Street from Lowood Road to 40 metres past the proposed 'Adams Drive'.

Given that the road renaming request is only for the portion of Morpeth Road between Lowood Road and Mount Barker Road and that only a portion of this road is being constructed as part of the development application it is being recommended that Morpeth Street not be renamed.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

That:

1. The proposal to apply the names Adams Drive and Hill View within the subdivision of Lot 155 Mount Barker Road as shown in the attached plan be advertised for public comment.
2. The proposal to rename a portion of Morpeth Street to Orchard Road be denied.
3. Subject to no objections being received during the advertising period the road naming proposal for Lot 155 Mount Barker Road be forwarded to the Geographic Names Committee for endorsement.

**COUNCIL DECISION****Moved Cr K Clements, seconded Cr J Moir****That:**

- 1. The proposal to apply the names Adams Drive and Hockley View within the subdivision of Lot 155 Mount Barker Road as shown in the attached plan be advertised for public comment.**
- 2. The proposal to rename a portion of Morpeth Street to Orchard Road be denied.**
- 3. Subject to no objections being received during the advertising period the road naming proposal for Lot 155 Mount Barker Road be forwarded to the Geographic Names Committee for endorsement.**

**CARRIED (8/0)****NO. 30/08**Reason for Change

Councillors believed that the name 'Hockley' was more suitable to the area as the Hockley Family had established the property many years ago and the applicant's grandfather also owned the Mount Barker Newsagency.



**10.4.6 ROAD NAMING - UNNAMED ROAD LOCATED SOUTH OFF WRAGG ROAD, DENBARKER**

**File No:** RO/107/1  
**Attachments:** Location  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Donna Stevens  
Senior Administration Human Resource Officer  
**Proposed Meeting Date:** 12 February 2007

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**Purpose**

The purpose of this report is to consider naming the road reserve located south off Wragg Road, Denbarker.

**Background**

As shown on the attached map the unnamed road reserve provides access to Locations 933 and 694.

The Council's rating system currently shows incorrect road details for these properties, which has prevented the allocation of rural street numbers.

**Statutory Environment**

The Land Administration Act 1997 governs the road naming process.

**Consultation**

Consultation occurred between the Chief Executive Officer, Rob Stewart and Wragg Road resident Mrs Pam Sounness. It was suggested by Mrs Sounness that the road be named Wragg Road South.

**Policy Implications**

Council Policy I/RR/1 – Future Street and Reserve Names provides a list of Council approved names. Wragg Road South is not on this register.

**Financial Implications**

All costs associated with advertising and signage will be the responsibility of the Shire. It is estimated that this will cost approximately \$500.00.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

Given the importance of rural road addresses for emergency service purposes this report is recommending that the unnamed road reserve located off Wragg Road be named Wragg Road South.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr B Hollingworth, seconded Cr S Grylls**

**That:**

- 1. The proposal to apply the name Wragg Road South to the unnamed road reserve located south off Wragg Road as shown in the attached plan be advertised for public comment.**
- 2. Subject to no objections being received during the advertising period the road naming proposal for Wragg Road South be forwarded to the Geographic Names Committee for endorsement.**

**CARRIED (8/0)**

**NO. 31/08**

**10.4.7 ROAD NAMING – PORTION OF ROAD BETWEEN OSBORNE ROAD AND ALBANY HIGHWAY**

**File No:** RO/107/1  
**Attachments:** [Map - Portion of Road between Albany Hwy & Osborne Road](#)  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Donna Stevens  
Senior Administration Human Resource Officer  
**Proposed Meeting Date:** 12 February 2008

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**Purpose**

The purpose of this report is to consider naming a portion of road between Osborne Road and Albany Highway, unofficially called Narpund Road.

**Background**

A request was received from Landgate to determine the correct naming of the portion of road that runs adjacent to the Mount Barker Swimming Pool between Albany Highway and Osborne Road.

The portion of road in question is highlighted on the attached map.

Landgate's official records show the road as unnamed, however the Shire's Road Inventory shows the road as an extension of Narpund Road. As can be seen on the (attached) map this road is a separate road, with Osborne Road extending to the corner of the other portion of Narpund Road.

**Statutory Environment**

The Land Administration Act 1997 governs the road naming process.

**Consultation**

Consultation has occurred with the Shire's Engineering Technical Officer, Jim Robertson and Engineering Cadet, Anthony Svanberg.

**Financial Implications**

All advertising and new signage costs will need to be met by the Council. These costs will be approximately five hundred dollars (\$500.00).

**Policy Implications**

This report considers names from Council Policy I/RR/1 – Future Street and Reserve Names.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

This report requires the Council to select a road name from its list made under the Future Street and Reserve Names Policy. Names that have a specific link to certain localities have that locality shown:

- |                        |                           |
|------------------------|---------------------------|
| 1. Adams;              | 2. Baesjou;               |
| 3. Beech;              | 4. Burnell;               |
| 5. Chester;            | 6. Clothier;              |
| 7. Crofts;             | 8. Douglas (Kendenup);    |
| 9. Duff (Kendenup)     | 10. Dufty;                |
| 11. Enright;           | 12. Hambley;              |
| 13. Harris (Narrikup); | 14. Herbert;              |
| 15. Hicks;             | 16. Hotchin (Perillup);   |
| 17. Iffla;             | 18. McClure;              |
| 19. Mead;              | 20. Phipps (Rocky Gully); |
| 21. Pickles;           | 22. Preston;              |
| 23. Reeves;            | 24. Roberts;              |
| 25. Squire; and        | 26. Thorn.                |

Given the nature of the road the street type selected may either be described as a road, street or way.

Attached at Appendix 1 is a Memo in relation to the above.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

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

**That:**

- 1. The proposal to name the road located between Albany Highway and Osborne Road as shown on the attached map, 'Mead Street' be advertised for public comment;**
- 2. Subject to no objections being received during the advertising period the road name be forwarded to the Geographic Names Committee for endorsement.**

**CARRIED (8/0)**

**NO. 32/08**

**10.5 EXECUTIVE SERVICES REPORTS****10.5.1 COMMITTEE MINUTES - AUDIT COMMITTEE - 7 DECEMBER 2007**

**File No:** FM/103/1  
**Attachments:** Minutes  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Kaye Skinner  
Executive Secretary  
**Proposed Meeting Date:** 12 February 2008

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**Purpose**

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

- Audit Committee – 7 December 2007

**Financial Implications**

There are no financial implications for this report.

**Policy Implications**

There are no policy implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

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

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr J Mark, seconded Cr B Hollingworth**

**That the Committee Minutes of the Audit Committee held on 7 December 2007 be received.**

**CARRIED (8/0)**

**NO. 33/08**

**10.5.2 KENT RIVER LAND CONSERVATION DISTRICT COMMITTEE - COUNCIL REPRESENTATIVE**

**File No:** I45258  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Kaye Skinner  
Executive Secretary  
**Proposed Meeting Date:** 12 February 2008

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**Purpose**

The purpose of this report is to inform the Council that the Department of Agriculture and Food has advised that the term of appointment for the members of the Kent River Land Conservation District is due to expire on 29 February 2008.

**Background**

A Land Conservation District Committee (LCDC) is a statutory bodies formed under section 23 of the Soil and Land Conservation Act 1945. Membership of an LCDC must include one or more persons appointed by the Commissioner of Soil and Land Conservation on the nomination of the local government of each district what is wholly or in part comprised within the land conservation district.

**Statutory Environment**

Soil and Land Conservation Act 1945

**Financial Implications**

There are no financial implications for this report.

**Policy Implications**

There are no policy implications for this report.

**Strategic Implications**

There are no strategic implications for this report.

**Officer Comment**

Local government representation on a LCDC is mandatory. To ensure the continuation of the committee, a representative should be sought and a nomination put forward to the Department of Agriculture and Food.

The nominee does not have to be a Councillor or employee of the Shire, as it may be any person that a local government wishes to represent it at LCDC meetings.

Historically the Council's nominee has been a representative from the Rocky Gully / West Ward, and is presently Joan Cameron, who retired as a Councillor in October 2007.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr J Mark, seconded Cr A Budrikis**

**That Cr Grylls be nominated as the Council's representative on the Kent River Land Conservation District Committee.**

**CARRIED (8/0)**

**NO. 34/08**

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

Nil

**12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**

Moved Cr B Hollingworth, seconded Cr J Mark

That new business of an urgent nature, namely:

- Lot 501 Chillinup Road – Chillinup – Lease of land

be introduced to the meeting.

CARRIED (7/1)

NO. 35/08

**12.1 LOT 501 CHILLINUP ROAD - CHILLINUP - LEASE OF LAND**

**File No:** RV/182/3955  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 12 February 2008

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**Purpose**

The purpose of this report is to seek authority to lease Lot 501 Chillinup Road Chillinup.

**Background**

At its meeting held on 11 December 2007 the Council resolved:

*THAT:*

*(1) The Shires of Cranbrook, Denmark, Gnowangerup and the City of Albany be advised that although it is still the opinion of the Shire of Plantagenet that the land comprising the former Chillinup Landfill Site should be sold, it will delay such action until an alternative landfill site has been located, acquired and works approval received.*

*(2) At such time as the sale is to proceed, the Shire of Plantagenet, as trustee of the land, will undertake to ensure that a reserve price is placed on the land satisfactory to each owner.*

*(3) The Shire of Plantagenet proposes to take immediate steps to advertise the land*

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*for lease pursuant to Section 3.58 of the Local Government Act for a fixed period of one (1) year.*

In accordance with that resolution the proposed lease of the land was advertised in the Albany Advertiser published on 22 January 2008 and the Plantagenet News.

### **Statutory Environment**

The land is offered for lease pursuant to Section 3.58 of the Local Government Act 1995.

### **Consultation**

All owner Councils were advised of the Council's resolution.

### **Financial Implications**

See Officer comment.

### **Policy Implications**

There are no policy implications for this report.

### **Strategic Implications**

There are no strategic implications for this report.

### **Officer Comment**

At the conclusion of the advertising three submissions were received. These were:

M Wiehl       \$71,500.00

D Stevens     \$26,500.00

M Williss     \$98 per hectare (equivalent to approximately \$39,200.00 at 400ha useable).

The existing lessee is Mr Williss who has been occupying the land on a month to month basis since the extended lease expired. Present lease payments are \$20,250 (ex GST) annually.

It is recommended that the offer from Mr Wiehl at \$71,500.00 inclusive of GST be accepted.

### **Voting Requirements**

Simple Majority

### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr S Grylls, seconded Cr J Mark**

**That:**

- 1. The offer from Mr M Wiehl to lease Lot 501 Chillinup Road Chillinup from the Shire of Plantagenet as trustee for the City of Albany and the Shires of Cranbrook, Denmark, Gnowangerup and Plantagenet be accepted for a period of one (1) year and that the Chief Executive Officer be authorised to enter into a lease with Mr Wiehl.**

2. The unsuccessful tenderers be advised of the outcome.
3. The City of Albany and the Shires of Cranbrook, Denmark and Gnowangerup be advised in the terms of 1 and 2 above.

**CARRIED (8/0)**

**NO. 36/08**

5.00pm Cr M Skinner returned to the meeting.

**13 CONFIDENTIAL****13.1 PLANTAGENET DAY CARE CENTRE MOUNT BARKER**

**File No:** CS/151/2  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Date of Preparation:** 4 February 2008

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**Purpose**

The purpose of this report is to seek formal authority from the Council to actively pursue an alternative licensed organisation to sponsor the Plantagenet Day Care Centre.

**COUNCIL DECISION****MOTION TO PROCEED BEHIND CLOSED DOORS**

Moved Cr B Hollingworth, seconded Cr D Nye-Chart

**4.50pm** That the meeting move into Confidential Session to consider this item under the terms of the Local Government Act 1995 Section 5.23(2) as follows:

- (a) a matter affecting an employee or employees;
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

**CARRIED (9/0)**

**NO. 37/08**

**MOTION TO PROCEED IN PUBLIC**

Moved Cr J Moir, seconded Cr B Hollingworth

**5.06pm** That the meeting proceed in public.

**CARRIED (9/0)**

**NO. 38/08**

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**COUNCIL DECISION**

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

**That the Chief Executive Officer be authorised to undertake formal discussions regarding the Mount Barker Child Care Centre being run by another suitably experienced and licensed organisation and that such discussions take into account :**

- 1. The interest of staff members employed at the Mount Barker Child Care Centre should be protected as a matter of priority.**
- 2. The Council would need assurances that service levels at the Child Care Centre would not decrease.**
- 3. The Council would accept the negotiation of a peppercorn lease for the premises in Marmion Street should the service be run by a non-profit organisation.**

**CARRIED (9/0)**

**NO. 39/08**

**14 CLOSURE OF MEETING**

5.07pm The Presiding member declared the meeting closed.

**CONFIRMED: CHAIRPERSON-----DATE: ...../...../.....**