



ORDINARY MINUTES

ORDINARY Meeting
of the Council held:

DATE: Tuesday, 11 March 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

Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute the Council's decision until considered by the Council.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1
3	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
4	PUBLIC QUESTION TIME.....	2
5	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
6	DISCLOSURE OF INTEREST	4
7	APPLICATIONS FOR LEAVE OF ABSENCE	4
	7.1 APPLICANT: CR B HOLLINGWORTH.....	5
8	CONFIRMATION OF MINUTES.....	5
9	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	5
10	REPORTS OF COMMITTEES AND OFFICERS.....	7
	10.1 DEVELOPMENT SERVICES REPORTS.....	7
	10.1.1 LOTS 2150 AND 6045 SPRING ROAD, PORONGURUP - AMENDMENT NO. 39 REZONING FROM RURAL TO RURAL RESIDENTIAL - MODIFICATIONS	7
	10.1.2 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 49 - PORONGURUP RURAL VILLAGE	11
	10.1.3 LOT 9 (17) HAESE STREET, MOUNT BARKER - PROPOSED OVERSIZE OUTBUILDING.....	15
	10.1.4 LOT 5731 OLD COACH ROAD, NARRIKUP - APPLICATION TO APPLY SEWAGE BIOSOLIDS TO AGRICULTURAL LAND	17
	10.2 WORKS AND SERVICES REPORTS.....	21
	10.3 COMMUNITY SERVICES REPORTS	22
	10.4 CORPORATE SERVICES REPORTS	23

- 10.4.1 MINUTES - ANNUAL GENERAL MEETING OF ELECTORS -
2006 / 2007..... 23
- 10.5 EXECUTIVE SERVICES REPORTS..... 25
- 11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 26
- 12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF THE MEETING..... 26
 - 12.1 SOUTH MOUNT BARKER FOOTBALL CLUB 26
- 13 CONFIDENTIAL..... 29
- 14 CLOSURE OF MEETING..... 29

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.46PM 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 S Grylls
Cr J Mark
Cr J Moir
Cr D Nye-Chart
Cr M Skinner

Previously Approved Leave of Absence

Cr A Budrikis 11 March to 16 March 2008 (inclusive)

In Attendance:

Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mr Ian Bartlett	Manager Works and Services
Mrs K Skinner	Executive Secretary

There were eleven (11) members of the public in attendance.
There were no members of the media in attendance.

4 PUBLIC QUESTION TIME

Section 5.24 Local Government Act 1995

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONSMr Scott Drummond – President Mount Barker Tourist Bureau

Mr Drummond advised that the Visitor Centre is stable and progressing well.

New Visitor Centre Manager Mr Rob Olver is presently attending the Caravan and Camping Show in Perth and promoting Mount Barker.

A new display will also be opening shortly in the Visitor Centre. Mr Drummond advised that they will be approaching the Wine Industry to try and organise Tastings in the Centre.

Artists are being sought to display work for a short period of time. It is hoped that this will continue for the next 12 months.

Membership of the Tourist Bureau is down on the previous year and Mr Drummond gave Councillors a copy of their budget for the next twelve months.

Mr Roy Winslow representing Harley Hedderwick and Webber – Item 10.1.2

Mr Winslow asked the Council if they had any questions in relation to item 10.1.2 and thanked Mr Peter Duncan for assisting them on all requirements needed.

Mr Ian Reynolds – Spencer Road Narrikup – Chicken Composting Facility.

Mr Reynolds presented the Council with a record of odour submitted from the Chicken Composting facility since 2007. Unfortunately, the winds in the area are predominantly east – south easterly through the spring and summer.

Obviously the facility's odour is at its worst in the spring and summer and the winds then flow over the facility straight towards his property. He advised that the odour has worsened since the hardstand was constructed. Mr Reynolds also presented a record of odour submitted from the Howard residence. Mr Terence Stephens will also be submitting his record shortly to the Council.

Ms Delma Baesjou of Ayton Taylor Burrell

Ms Baesjou representing the proponents of Amendment No 39, Item 10.1.1 to rezone Lots 2150 and 6045 to enable the creating of thirty five 2-4ha rural lifestyle lots.

Ms Baesjou gave an outline of the thirty modifications that the Council requested at its meeting held in October 2007 and believed that given the time that has lapsed since the rezoning proposal and the considerable refinements to the Plan she respectfully requested that the Council move and adopt the Officer's recommendation.

Mr Laurie Sawyer also spoke in support of the officer's recommendation for item 10.1.1.

Mr David Williamson representing the Kendenup Skate Park Steering Committee

Mr Williamson advised that at a meeting of the Council in November 2007, the Council agreed to support the submission of an application to the Department of Sport and Recreation for a contribution to the development of a Skate Park in Kendenup at a cost of \$180,000 (excluding GST and cost increases). The Skate Park was identified as the first stage of a Recreational Precinct for Kendenup. We appreciated this decision given the work we had put into preparing the draft of the proposal for the Shire. One of the conditions applied to the development was that a Recreational Plan be established to show what future capital investment might be required in the Shire to support recreational activities. Obviously, the development of the plan would need to have high priority to avoid considerable time delay in proceeding toward any work on existing or new recreational facilities in the Shire.

As we had not been advised of action to prepare the Recreation Plan, we wrote to the CEO, Rob Stewart, at the end of January 2008. The letter asked about the establishment of a committee to prepare the plan, and 7 other questions including questions about the membership and objectives of the committee, and the time line for the preparation of the plan. We were advised at the meeting of electors on 21 February that the reply to our letter was in the mail. The letter was received on 7 March.

We were advised that a request for quotation from consultants had been issued with closing date of 3 March 2008, and we were provided with a copy of the consultant's brief. What was most disturbing to us was that the consultant brief was for a needs assessment and feasibility study of active sporting reserves in the Shire. In the accompanying letter the CEO indicated, and I quote, 'no committee of the Council has been established to prepare the

Recreational Plan'. We took this to be Council-speak for 'there is no intention for Council to prepare a Recreation Plan in the foreseeable future'.

The key point is that the consultant is not being engaged to prepare a Recreational Plan. In the brief provided to potential consultants 8 sports were recognised. However the list did not include tennis, lawn bowls, golf, basketball, netball, badminton, squash, equestrian or athletics nor did it include skateboarding. Incidentally, Kendenup has 2 state champions in skateboarding. The consultant was not asked to investigate sports which might be established if facilities could be developed.

This is a totally unsatisfactory situation that cannot go unchallenged. The true recreational needs of the community must go beyond the established team-sport facilities which are the subject of the feasibility study, and are fairly well catered for already. The request to the consultant appears to deliberately exclude any consideration of skate parks in the shire, or facilities for general community recreation such as walking tracks, children's playgrounds, or picnic areas.

We ask the question: Are the elected Council members aware that they will not receive a report from the consultant that provides the basis for the development of a recreational plan for the Shire? Prior to receiving the CEO's letter, the Kendenup Skate Park Steering Committee planned for a community meeting on Thursday 13 March 2008 at 7.30pm to allow the 20 or so recreational clubs to put forward their ideas for the development of recreational needs in Kendenup. Councillors will have received invitations to attend.

Ms Sue Mills from the Water Corporation - Item 10.1.4

Ms Mills advised that approximately 155 cubic metres of biosolids would be spread out over the week. There will be no odour and that the spreading of biosolids is beneficial to the land. Biosolids had previously been spread out over in vineyard in Redmond, Katanning and the wheatbelt.

6 DISCLOSURE OF INTEREST

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

There were no declarations of pecuniary interest.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

7.1 APPLICANT: CR B HOLLINGWORTH

Moved Cr J Mark, seconded Cr M Skinner

That Cr B Hollingworth be granted Leave of Absence from 30 March to 7 April 2008 inclusive.

CARRIED (8/0)

NO. 40/08

8 CONFIRMATION OF MINUTES

Moved Cr B Hollingworth, seconded Cr D Nye-Chart

THAT the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 26 February 2008 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 41/08

9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 27 February 2008 – Attended a Saleyards Industry Meeting with Minister Chance to discuss issues of State Saleyards Strategy development by the State Government. At this stage it is progressing quite well.
- 28 February 2008 – Western Australian Local Government Association (WALGA) released the Systemic Sustainability Study (SSS) Draft Report in Perth. All Councillors were advised to read the document by the next Council Meeting with discussion and direction before the next zone meeting to be held on 28 March 2008.
- 2 March 2008 – Cr Hollingworth attended the Porongurup Wine Festival which was well attended and will feature on 'The Great Outdoors'.
- 3 March 2008 – Crs Forbes and Hollingworth met with and presented a letter to two representatives of the South Mount Barker Football Club and believe we are now closer to a solution.
- 4 March 2008 – Cr Hollingworth and Chief Executive Officer met with Deputy Premier and Treasurer Hon Eric Ripper to discuss the Great Southern Regional Cattle Saleyards. Mr Ripper was advised that the Shire of Plantagenet supported the regional facility and requested portion of \$2.5m from the sale of the Midland Saleyard site so that the Western Australian Meat Industry Association (WAMIA) could purchase the saleyards in Mount Barker.
- 4 March 2008 – Cr Hollingworth and Chief Executive Officer met with Minister MacTiernan to discuss the Railways Goods Shed adjacent to the new Administration Centre. Minister MacTiernan is unconvinced by Heritage Statement and believes any money allocated for renovation of this

shed would be better spent elsewhere. The Council was advised that an application has been received for the demolition of the building.

- 4 March 2008 – Cr Hollingworth met with Minister Logan to discuss the new transmission line.
 - Request for poles instead of towers in visually sensitive areas.
 - Minimum setback of 500m from residences.
 - Alternative power supplies for region.
 - Revisit line to Denmark to overcome power and water issues to region.
- 5 March 2008 – Cr Hollingworth and the Chief Executive Officer attended the Cabinet lunch at the Princess Royal Sailing Club in Albany. The lunch was well attended and all tables had at least one Minister.
- 6 March 2008 – Cr Hollingworth attended a South Coast Natural Resource Management meeting in Albany with discussion on trails, motorbikes, legal responsibilities, disease control, and biosecurity.
- 10 March 2008 – Attended the first meeting of the Plantation Farm Forestry Ministerial Advisory Committee (only local government representative) with members from all spheres of plantation forestry to make recommendations to Minister Chance and other ministers on requirements for development of the industry.
- 13 March 2008 – Will be attending an Interagency Workshop and meeting with Chief Executive Officer, Manager Community Services.
- 13 March 2008 – Kendenup Recreation Meeting.
- 17 March 2008 – Meeting with Chief Executive Officers, Mayor and Presidents to discuss future of the Chillinup property.
- 18 March 2008 – Public Function pre Easter – Blessing of the Roads – RoadWise initiative.
- 18 March 2008 – Workshop presentation on roads and road funding.
- 25 March 2008 - Discussion to take place on the SSS report.
- 28 March 2008 – WALGA Zone Meeting and Workshop on SSS at the Shire of Plantagenet starting at 9.30am.

10 REPORTS OF COMMITTEES AND OFFICERS

10.1 DEVELOPMENT SERVICES REPORTS

10.1.1 LOTS 2150 AND 6045 SPRING ROAD, PORONGURUP - AMENDMENT NO. 39 REZONING FROM RURAL TO RURAL RESIDENTIAL - MODIFICATIONS

File No:	LP/181/12
Attachments:	October 2007 Modifications Schedule October 2007 Modifications Plan Consultants Letter of 8 February 2008 Revised Subdivision Guide Plan
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	11 March 2008

Purpose

The purpose of this report is to consider correspondence which proposes a modified Subdivision Guide Plan for the rezoning of Lots 2150 and 6045 Spring Road, Porongurup from Rural to Rural Residential.

Background

The subject land is located approximately 25.0km east of Mount Barker town centre. Lot 2150 is 64.801ha and Lot 6045 is 57.555ha. The land is currently used for grazing and contains some areas of remnant vegetation.

Shire records indicate the registered owners of Lot 2150 are Westcress Pty Ltd and Kazza Nominees Pty Ltd and the owners of Lot 6045 are Stephen L and Maureen E Sawyer.

When the Council initially considered this proposed Amendment at its meeting held on 11 July 2006 it was resolved at resolution 213/06:

‘THAT:

- (1) *Subject to minor modifications to the documentation, incorporation of the results of the detailed capability mapping and preparation of a Fire Management Plan for the subject land in pursuance of Section 75 of the Planning and Development Act 2005, Amendment 39 to the Shire of Plantagenet Town Planning Scheme No. 3 be initiated for the purpose of:*
 - (a) *Rezoning Lots 2150 and 6045 Spring Road, Porongurup from ‘Rural’ to ‘Rural Residential’;*

- (b) *Incorporating into 'Schedule IV – Rural Residential zones' of the Scheme Text Special Provisions relating to Area 9, lots 2150 and 6045 Spring Road;*
 - (c) *Adopting the Subdivision Guide Plan for Lots 2150 and 6045 Spring Road; and*
 - (d) *Amending the Scheme Maps accordingly.*
- (2) *The proposed Amendment 39 be referred to the Environmental Protection Authority to consider the need for environmental assessment in accordance with Sections 82 and 83 of the Planning and Development Act 2005;*
- (3) *Upon receiving advice from the Environmental Protection Authority, commence advertisement of Amendment 39 for a period of forty-two days and refer it to the relevant authorities for comment.'*

The Environmental Protection Authority (EPA) cleared the Amendment to proceed to advertising in a letter received on 16 August 2006. The Amendment documentation including the subdivision guide plan and land capability assessment reports were received on 15 June 2007.

The Amendment was then advertised for forty-two (42) days ending on 4 September 2007 and thirty-one (31) submissions were received. Senior staff and Ward Councillors attended a meeting with residents on 29 August 2007.

The Council when it considered the submissions at its meeting held on 9 October 2007 resolved at resolution 345/07:

'THAT:

- (1) *The submissions lodged on Amendment No. 39 to Town Planning Scheme No. 3 be noted.*
- (2) *Amendment No. 39 to Town Planning Scheme No. 3 be adopted with modifications as detailed in the Schedule of Modifications and forwarded to the Western Australian Planning Commission for the final approval of the Honourable Minister for Planning and Infrastructure.*
- (3) *Authority be granted to the Shire President and the Chief Executive Officer to execute the documentation and affix the Common Seal of the Council to Amendment No. 39 once modified and approved by the Honourable Minister.'*

The Amendment and the Schedule of Modifications were referred to the Western Australian Planning Commission (WAPC) on 15 October 2007. A copy of the Schedule of Modifications and a plan showing some of the modification are attached.

The planning consultants have been discussing the Council's required modifications with the officers of the Department for Planning and Infrastructure (DPI) and have now produced a modified Subdivision Guide Plan which has been referred to the Council for comment before the DPI officers report to the WAPC.

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967 – these set the procedures for amending a Town Planning Scheme including referral to the EPA for twenty-eight (28) days and then public advertising for forty-two (42) days. Once advertised the Council must consider any submissions lodged within forty-two (42) days and refer its recommendation to the WAPC and the Minister within twenty-eight (28) days.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – The subject land is zoned Rural.

Consultation

The Manager Development Services has met with the planning consultants and officers from the Department of Planning and Infrastructure (DPI).

Financial Implications

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

Policy Implications

The Porongurup Rural Strategy was adopted as a Town Planning Scheme Policy (No. 11) in accordance with the provisions of Town Planning Scheme No. 3 in September 1997.

Relevant State Policies include State Planning Policy No. 2.5 '*Agricultural and Rural Land Use Planning*' and Policy No. DC 3.4 '*Subdivision of Rural Land*'.

Strategic Implications

The Porongurup Rural Strategy provides a framework and overall objectives to guide the future development and subdivision of private land in the Porongurup locality.

Lots 2150 and 6045 Spring Road, Porongurup are within the G1 Precinct of the Porongurup Rural Strategy. Within this Precinct the Strategy indicates that subject to a number of management issues being addressed, the Council may support applications to rezone the land for rural residential development. A Structure Plan was prepared to help coordinate rezoning and subdivision in the area in relation to access, visual impact, protection of drainage lines, vegetation and view corridors, bush fire management, environmental management and retention of good agricultural land for production purposes.

The Structure Plan contains a range of 12 key elements and of particular relevance to this proposed Amendment and the submissions received are the following:

- 'v) *All development to be set back a minimum of 50 metres from drainage lines and water bodies. Drainage lines to be protected and revegetated where appropriate.*
- x) *The existing tree lined character of Spring Road and un named road to the north of Loc 4853 to be protected.*

- xi) *Detailed bushfire management plans to be provided at rezoning stage of development.*
- xii) *Maximise the use of existing drainage lines, revegetation areas and areas of remnant vegetation to create flora & fauna corridors.'*

Officer Comment

This Amendment generated submissions from the public in September 2007 particularly with respect to the issues of the level of road construction for the upgrading of Spring Road and bush fire protection. There generally was no objection raised to the Rural Residential zone.

The Amendment document contained a range of special provisions that will apply to this zone and its resultant subdivision and development. The special provisions required several modifications to ensure consistency with TPS3, remove superfluous wording and more importantly to introduce standards set by the Fire Management Plan (FMP). The FMP refers to various developer obligations at the subdivision stage and these need to be reinforced through actual reference in the Scheme provisions. The provisions need to be far more precise in respect to road construction standards for the internal roads and for the section of Spring Road that links the Mount Barker-Porongurup Road. There needs to be reference to reduced pavement widths and tree preservation balanced of course with traffic safety for this leg of Spring Road.

The planning consultants in their letter dated 4 February 2008 (copy attached) in essence agreed with all of the Council's thirty (30) modifications with the exception of modification numbers 23, 24 and 25. These three related to altering the road and lot configuration. The consultant's alternative plan (copy attached) submitted with their 4 February 2008 letter has provided for design/layout improvements which are more responsive to the land and which will take the pressure off Spring Road by reducing the number of lots with sole frontage to that existing road and increasing the level of fire safety in this eastern part of the site.

The alternative Subdivision Guide Plan is now considered acceptable.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr M Skinner

That in respect to the alternative Subdivision Guide Plan dated February 2008 for the proposed Rural Residential zone at Lots 2150 and 6045 Spring Road forming part of Amendment No. 39 to Town Planning Scheme No. 3 the Department for Planning and Infrastructure be advised the Council supports the plan.

CARRIED (8/0)

NO 42/08

**10.1.2 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 49 -
PORONGURUP RURAL VILLAGE**

File No: LP/181/49

Attachments: [Location Plan](#)
[Precinct Plan](#)
[Structure Plan](#)
Full Amendment document (separate attachment)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 11 March 2008

Purpose

The purpose of this report is to consider a proposed Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 to rezone lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road from the Rural zone to a Rural Village Zone, to include a new Rural Village Zone in the Scheme Text and to include a new Schedule 15 entitled Structure Plan Areas.

Background

The Porongurup Rural Strategy of 1996 refers to the Bolganup Precinct C having objectives of consolidating existing residential and tourist development and the creation of an attractive centre and focal point for the community. That Strategy recommended rezoning for rural residential, special residential and residential following the implementation of an overall structure plan for the precinct.

A Scheme Amendment Request (SAR) was submitted in December 2006 and in accordance with the Council Policy 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 13 February 2007 a report was considered by the Council and Resolution 57/07 was as follows:

'THAT:

- (1) The Scheme Amendment Request for Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road be advertised to seek public feedback for a period of sixty days.*
- (2) After advertising a further report be prepared for the Council no later than its meeting to be held on 12 June 2007.'*

Following the advertising period the SAR and submissions received were considered by the Council on 24 July 2007 where at Resolution No. 267/07 it was resolved:

'That the submissions received on the Scheme Amendment Request for Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road be noted and the proponents be advised the Council will be prepared to consider formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 subject to various matters raised in the submissions, including: policy issues, environmental, 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.'

On 27 November 2007 Harley Survey Group submitted Scheme Amendment documentation which included a fire management plan and an investigation into effluent disposal. The submitted documentation was reviewed by staff and as the document contained some errors and incomplete details the documents were returned for corrections on 19 December 2007. Corrected documentation including a Stormwater Concept Plan has now been received. A full copy of the Amendment is provided for each Councillor.

Shire records indicate the owners of the subject land as being:

Lot 1 Boxhill Road – W & S Bird

Lot 5 Mount Barker-Porongurup Road – W & S Bird

Lot 11 Mount Barker-Porongurup Road – Jilsan Pty Ltd

Lot 1664 Boxhill Road – S Bird

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) of the close of formal advertising and refer its recommendation to the Western Australian Planning Commission (WAPC) and the Minister within twenty-eight (28) days.

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

WAPC documents of relevance:

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

Consultation

The SAR was advertised for comment for sixty (60) days prior to it being considered by the Council in July 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 land is within Precinct C of the Porongurup Rural Strategy of 1996 and the village concept and associated Structure Plan conforms with the requirements of that 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.’

Officer Comment

The consultancies involved have put together a comprehensive Scheme Amendment that if finalised will lead to the creation over time of the Porongurup Village as originally proposed in the Porongurup Rural Strategy of 1996.

In essence the Amendment will rezone Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road from Rural to a new Rural Village Zone, create new Structure Plan Area requirements and alters the Scheme Text accordingly.

The Rural Village zone provides development provisions for rural villages should the Council wish to expand this to other villages. With the proposals in the draft Local Planning Strategy to date this may not be necessary for the other villages. The Rural Village zone provisions are supported by a Structure Plan to be included into a new Schedule 15 of the Scheme. There will also be the ability to require the preparation of Detailed Area Plans for specific areas.

The Amendment documentation addresses all of the matters which arose during the SAR process.

A copy of the overall Precinct Plan is attached as is a copy of the more detailed Structure Plan which shows areas proposed for Residential R5 (2,000m²) lots and R10 (1,000m²) lots, the Village centre, public open space, a residential development site, rural residential lots and a heritage and village centre design area.

The issue of a reticulated wastewater disposal system was investigated and found to be not a practical solution. Coffey Environments discuss effluent disposal in Appendix C to the Amendment and recommend in view of there being no agency responsible for long term management of such a reticulated system that Aerobic Treatment Units (ATU) be used in close proximity to the Bolganup Creek (minimum separation 30m). It is proposed in the Structure Plan that there be some 18 R10 lots to comply with the Draft Country Towns Sewerage Policy. These lots are to be close to the village centre. Outside these R10 lots will be a range of 124 R5 (2,000m²) lots to provide a transition from the village centre and the R10 lots to the larger 21 Rural Residential lots to the north and east.

Public open space areas are shown to protect the Bolganup Creek drainage lines and remnant vegetation. A foreshore management plan will be required over the creekline.

The Amendment also discusses the issue of sustainable development and sets a range of principles for the village. The requirements include rainwater tanks on houses connected to reticulated scheme water, grey water reuse systems, the prohibition of wood fired home heating and the encouragement of alternate energy sources. Rural Village Design Guidelines are included which set standards for house construction, external colours, fencing, driveways, rainwater tank colours, sheds and solar passive house design.

Should the Council initiate the Amendment it will be referred to the EPA for its authorisation to proceed to public advertising. That advertising will include referral to a range of government agencies such as Western Power, Water Corporation, the Health Department to enable all agencies to provide submissions.

The Amendment is considered to be in a suitable format to initiate to enable public comment to be made.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr D Nye-Chart

That:

- 1. Amendment No. 49 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 8 July 2008.**

CARRIED (7/1)

NO. 43/08

10.1.3 LOT 9 (17) HAESE STREET, MOUNT BARKER - PROPOSED OVERSIZE OUTBUILDING.

File No: RV/182/1030
Attachments: [Letter from Applicant](#)
[Site Plan](#)
[Location Plan](#)
[Aerial Photo](#)
[Plan and Elevations](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Juliet Albany
Planning Officer
Proposed Meeting Date: 11 March 2008

Purpose

The purpose of this report is to consider an application for an oversize outbuilding, on Lot 9 (17) Haese Street, Mount Barker.

Background

The proposal is for an oversize outbuilding consisting of a shed and lean to, with a total area of 98m², the wall height is to be 3.2m.

An existing outbuilding – a shed of 20m² is situated behind the house.

Council records show the owner of Lot 9 (17) Haese Street Mount Barker as M and L Hambley.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Residential (R12.5/20).

Residential Design Codes (R Codes) - setback of 1.5m required from side boundary
- maximum outbuilding size set at 60m².

Consultation

Consultation has occurred with staff and the applicant.

Financial Implications

A fee of \$100 has been paid.

Policy Implications

Town Planning Scheme Policy No.16 – (Outbuildings), sets a cumulative maximum for outbuildings in residential areas at 80m², with a wall height maximum of 3m.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The applicant in a letter to the Council dated 11 February 2008, states that he requires the oversize outbuilding to store a caravan (5.4mx2.4m) and its top mounted air-conditioning unit (combined height of 3.12m), and a camper trailer with an aluminium boat mounted on top which requires a roller door over 2.2m. The extra height of both these items accounts for the 3.2m walls and 2.7m high roller doors.

The neighbour and owner of Lot 10 (15) Haese Street to the north, VY Gibbons has written stating that she has seen the plans and elevations and has no objection to the proposed outbuilding. Lot 8 (19) Haese Street to the south is owned by the applicant.

The outbuilding is setback the required distance of 1.5m from the side boundary. The lot is 2128.9m² in area and the outbuilding is not excessive on such a large lot, particularly as it is proposed to set it 22m from the rear of the existing house behind the existing shed, which is well away from any neighbouring houses and will not impact on them. Lot 285 Oatlands Road borders the rear boundary of this property, and is owned by the Council. Any perceived impact can be lessened by a choice of a non intrusive colour. The proposal combined with an existing outbuilding would have a total of 118m² of outbuildings, which is 38m² in excess of the Policy.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr J Moir

That the application for an oversize outbuilding at Lot 9 (17) Haese Street, Mount Barker be approved subject to:

- 1. Development being in accordance with the plans dated 13 February 2008.**
- 2. The owner discussing colours of the proposed building with Council staff prior to the issue of a building licence.**

CARRIED (8/0)

NO 44/08

10.1.4 LOT 5731 OLD COACH ROAD, NARRIKUP - APPLICATION TO APPLY SEWAGE BIOSOLIDS TO AGRICULTURAL LAND

File No: RV/182/377

Attachments: [Review of Environmental Factors for the Application of Biosolids at 3rd Left Paddock, Old Coach Road, Narrikup – January 2008 Location Plan](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Eric Howard
Environmental Health Officer

Proposed Meeting Date: 11 March 2008

Purpose

The purpose of this report is to consider an application to apply sewage biosolids to agricultural farm land at Lot 5731 Old Coach Road, Narrikup.

Background

The Water Corporation is seeking the Council's support of the proposal to allow the application of sewage biosolids on to agricultural farming land on portion of Lot 5731 Old Coach Road, Narrikup.

The property is owned and managed by A. Lionetti.

Biosolids are the solid organic residual by-product sludge left over from the treatment and disposal of municipal sewage and wastewater.

Stabilisation of biosolids is achieved through an approved time / temperature treatment process that reduces both organic compounds and pathogenic micro-organisms within the material. Valuable nutrients and trace elements within the biosolids are available and suitable for land application as a soil conditioner, improver and fertiliser.

The Water Corporation proposes to supply approximately 155t of stabilised biosolids sourced from the Denmark Wastewater Treatment Plant (WWTP), Hodgson Street, Denmark for spreading and incorporation into a 27ha portion of the above mentioned Narrikup farming property during March or April 2008. The biosolids will be applied to the land at a rate of 5t / ha, ploughed and sown to a hay crop of oats. All livestock will be excluded from accessing and grazing this paddock for a minimum period of 30 days from the time of biosolids application.

The stabilised biosolids have been stored onsite at the Denmark WWTP and have been exposed to extensive anaerobic digestion processes in excess of the recommended time / temperature requirements as expressed in the Western Australian Guidelines For Direct Land Application of Biosolids And Biosolids Products – 2002 (the Code).

The biosolids have been analysed and categorised as (P1) 'pathogen level' and (C2) 'contamination grade' making it suitable for direct application onto agricultural land.

The application of biosolids to the nominated land will have minimal potential for adverse public health or environmental harm and laboratory analysis of the subject land has established that the sandy / gravel over clay duplex soils are ideal for the application of biosolids at the nominated rate of 5t / ha.

The treatment and disposal of biosolids within WA must be undertaken in accordance with the provisions of the Code. This Code provides guidelines for strict operational and treatment procedures, bacteriological and chemical concentration limits, site capability assessment, biosolids application rates, public and animal health standards, environmental constraints and general health and safety aspects.

The application of biosolids to land requires the prior assessment and approval of the Department of Health and Department of Environment and Conservation. The applicant is currently awaiting assessment and development approval from those departments.

Statutory Environment

- Health Act 1911
- Shire of Plantagenet Health (Local Laws) 1997
- Environmental Protection Act 1986
- Environmental Protection (Controlled Wastes) Regulations 2004

Consultation

Consultation has occurred between representatives from the Department of Health, Water Corporation and Shire of Plantagenet officers.

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

The Water Corporation is proposing to supply stabilised biosolids for direct application onto agricultural land within the Plantagenet Shire. The biosolids have been processed, treated and tested in accordance with and in conformity of the required standards expressed by the Western Australian Guidelines For Direct Land Application of Biosolids and Biosolids Products – 2002.

The biosolids will be transported within geo-textile storage bags by truck to the Narrikup property in accordance with the provisions of the Environmental Protection (Controlled Wastes) Regulations 2004. The biosolids will be unloaded, stockpiled and spread using a multi spreader and incorporated into the soil at the end of each

day. It is anticipated that application activities will be completed with two (2) weeks from commencement.

The 27ha portion of Lot 5731 has been specifically selected, tested and confirmed as suitable for biosolids application in accordance with the Code.

The nearest neighbouring dwelling is located approximately 700m south of the application site and therefore odour impacts upon the neighbours associated with the delivery, storage and application of biosolids prior to incorporation into the soil should be negligible.

The Water Corporation will actively supervise biosolids transportation, application and monitoring and also ensure adequate on-site signage is displayed, stock are excluded, and complete and comprehensive records are maintained.

Biosolids have been applied to land at a number of sites within Redmond, Albany, and Katanning in the past without incident.

The application of stabilised biosolids to land is a legitimate and recommended use of a biological resource, provided adequate treatment processes and operational procedures are achieved to minimise any potential risk to public health or environmental harm.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Moved Cr J Moir, seconded Cr D Nye-Chart

That:

The application and incorporation of stabilised biosolids onto agricultural land located on portion of Lot 5731 Old Coach Road, Narrikup be supported subject to:

- 1. The application being conducted in accordance with the provisions of the 'Review of Environmental Factors for the Application of Biosolids at 3rd Left Paddock, Old Coach Road, Narrikup January 2008' document.**
- 2. The transportation of biosolids is conducted in compliance with the provisions of the Environmental Protection (Controlled Wastes) Regulations 2004.**
- 3. The Department of Environment and Conservation and Department of Health approving the proposal.**
- 4. The applicant providing advice to the Council's Environmental Health Officer prior to transportation of the biosolids, detailing the date and time of such transportation.**

AMENDMENT

Moved Cr J Mark, seconded Cr B Hollingworth

That further parts (5) and (6) be added to the motion as follows:

- ‘5. The Water Corporation advising adjoining neighbours of the impending operation prior to its application.
6. The Water Corporation providing feedback from land owners and neighbours on the operation three months after commencement, with such feedback being provided to the Council.’

CARRIED (8/0)

NO 45/08

COUNCIL DECISION

That:

The application and incorporation of stabilised biosolids onto agricultural land located on portion of Lot 5731 Old Coach Road, Narrikup be supported subject to:

1. The application being conducted in accordance with the provisions of the ‘Review of Environmental Factors for the Application of Biosolids at 3rd Left Paddock, Old Coach Road, Narrikup January 2008’ document.
2. The transportation of biosolids is conducted in compliance with the provisions of the Environmental Protection (Controlled Wastes) Regulations 2004.
3. The Department of Environment and Conservation and Department of Health approving the proposal.
4. The applicant providing advice to the Council’s Environmental Health Officer prior to transportation of the biosolids, detailing the date and time of such transportation.
5. The Water Corporation advising adjoining neighbours of the impending operation prior to its application.
6. The Water Corporation providing feedback from land owners and neighbours on the operation three months after commencement, with such feedback being provided to the Council.

CARRIED (8/0)

NO 46/08

10.2 WORKS AND SERVICES REPORTS

Nil

10.3 COMMUNITY SERVICES REPORTS

Nil

10.4 CORPORATE SERVICES REPORTS

10.4.1 MINUTES - ANNUAL GENERAL MEETING OF ELECTORS - 2006 / 2007

File No: FM/19/1
Attachments: (1) Minutes
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 11 March 2008

Purpose

The purpose of this report is to receive the Annual General Meeting of Electors held on 21 February 2008.

Background

The Annual General Meeting of Electors for the Shire of Plantagenet was held on 21 February 2008 for the purpose of receiving the Shire's 2006 / 2007 Annual Report and to consider any general business.

Statutory Environment

Pursuant to Section 5.27 of the Local Government Act 1995, a General Meeting of the Electors of a district is to be held once every financial year.

Further, pursuant to Section 5.32 of the Act, copies of the Minutes are to be made available for inspection by members of the public before the Council Meeting at which decisions made at the electors meeting are first considered.

Further, pursuant to Section 5.33 of the Act all decisions made at an Electors Meeting are to be considered at the next Ordinary Meeting of the Council where practicable.

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

There were no decisions made at the Electors Meeting needing consideration by the Council.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Mark

That the Minutes of the Annual General Meeting of Electors of the Shire of Plantagenet held on 21 February 2008 be received.

CARRIED (8/0)

NO 47/08

10.5 EXECUTIVE SERVICES REPORTS

Nil

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 S Grylls

That new business of an urgent nature, namely:

- South Mount Barker Football Club

be introduced to the meeting.

CARRIED (7/1)

NO 48/01

12.1 SOUTH MOUNT BARKER FOOTBALL CLUB

File No: CP/174/9
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 11 March 2008

Purpose

The purpose of this report is to present to the Council a response from the South Mount Barker Football Club which relates to the Council's resolution of 26 February 2008.

Background

At its meeting held on 26 February 2008 the Council resolved:

'That the South Mount Barker Football Club be advised that the Council is happy to enter into an agreement that provides for:

- 1. The South Mount Barker Football Club utilising the Sounness Park Club Rooms free of charge on nominated days subject to payment of appropriate bond to cover those days.*
 - 2. All memorabilia and property in the Council's care being available to the Club.*
 - 3. Outstanding ground rental fees being written off by the Council.*
 - 4. The South Mount Barker Football Club Inc acknowledging in writing that the Club Room and Changerooms are the property of the Shire of Plantagenet.*
 - 5. The South Mount Barker Football Club ensuring that if the sale of alcohol is to take place that a liquor licence for the activity is current.*
-

6. *The Club suspending all legal action during the deliberation of this proposal and further guaranteeing that legal proceedings will be terminated immediately that agreement is reached.*
7. *The Club's free usage of the building to be completed no later than 30 June 2008.'*

Statutory Environment

Section 3.58 of the Local Government Act 1995 relates to the disposition of Council property.

Consultation

The most recent movement with regard to this issue relates to the direct involvement of Mr Bert Henderson, a Life Member of the South Mount Barker Football Club, who approached elected members to seek an end to the ongoing dispute between the Council and the South Mount Barker Football Club.

Financial Implications

The proposal in front of the Council would result in approximately \$8,000.00 of unpaid rental and penalties being written off.

Policy Implications

There are no policy implications for this report.

Strategic Implications

The finalisation of this matter would enable the Council to proceed with its development of a Strategic Recreation Plan unfettered.

Officer Comment

On the whole, there should be no objections to entering into the arrangement that has been proposed by the Council and which has largely been agreed to by the South Mount Barker Football Club. In effect, the Club will be utilising Council owned property in the same way that any other individual or organisation would hire a Council owned property.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Mark

That:

1. **Subject to written confirmation being received by the South Mount Barker Football Club acknowledging that that Club has no further interest in the buildings known as the Clubrooms and Changerooms situated at Sounness Park Mount Barker, the building known as the Clubrooms be hired to the South Mount Barker Football Club on each Monday, Tuesday,**

Friday, Saturday and Sunday, concluding on 30 June 2008 and pursuant to the Council's normal hiring provisions.

2. All other conditions to be as set out in the Council's resolution of 26 February 2008.

CARRIED (8/0)

NO 49/08

13 CONFIDENTIAL

Nil

14 CLOSURE OF MEETING

3.40pm The Presiding member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ **DATE:** ____ / ____ / ____