



ORDINARY MINUTES

ORDINARY Meeting
of the Council held:

DATE: Tuesday, 10 June 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.....	1
5	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	1
6	DISCLOSURE OF INTEREST	2
7	APPLICATIONS FOR LEAVE OF ABSENCE	2
8	CONFIRMATION OF MINUTES.....	2
9	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	2
10	ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION	3
11	REPORTS OF COMMITTEES AND OFFICERS.....	5
11.1	DEVELOPMENT SERVICES REPORTS.....	5
11.1.1	LOT 218 MORPETH STREET MOUNT BARKER - EXTENSION TO AN OVERSIZE OUTBUILDING	5
11.1.2	LOT 51 CHESTER PASS ROAD, PORONGURUP, VARIATION TO REAR SETBACK FOR A DWELLING	9
11.1.3	LOCATION 6379 SECOND AVENUE, CORNER DE GARIS STREET KENDENUP APPLICATION FOR ACQUISITION OF UNALLOCATED CROWN LAND.....	11
11.1.4	DRAFT LOCAL PLANNING STRATEGY	14
11.2	COMMUNITY SERVICES REPORTS	19
11.3	EXECUTIVE SERVICES REPORTS.....	19
11.3.1	COMMITTEE MINUTES	19
11.3.2	DELEGATION - PRINCIPAL BUILDING SURVEYOR	21

11.3.3 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - SYSTEMIC SUSTAINABILITY STUDY..... 24

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 29

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING..... 29

13.1 MOUNT BARKER ONE COMMUNITY ONE – REGIONAL..... 29

14 CONFIDENTIAL..... 29

15 CLOSURE OF MEETING..... 29

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:48 PM The Presiding Member declared the meeting open.

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

In Attendance:

Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Mr P Duncan	Manager Development Services
Mr I Bartlett	Manager Works and Services
Mrs K Skinner	Executive Secretary

Two members of the public were in attendance from 3.00pm.
There were nil member(s) of the media in attendance.

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONSCr B Hollingworth – Order of Australia

In the Queen's Birthday Honours List announced on 9 June 2008 Shire President Councillor Kevin Forbes was honoured with the Award 'Member of the Order of Australia'

In congratulating Cr Forbes, I would like to move: (seconded Cr K Clements)

'That we the Councillors of the Shire of Plantagenet join as one in acknowledging Cr Forbes' contribution to the Council and this community and that the Award 'Member of the Order of Australia' is most richly deserved.'

CARRIED BY ACCLAMATION

6 DISCLOSURE OF INTEREST

All Councillors declared a proximity interest for Item 11.1.4

7 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8 CONFIRMATION OF MINUTES

Moved Cr M Skinner, seconded Cr B Hollingworth

THAT the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 27 May 2008 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 93/08

9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 28 May 2008 - Attended a Fire and Emergency Services Authority (FESA) Bush Fire Brigades Capital Grants Meeting in Perth with good outcomes for the Shire of Plantagenet and the Lower Great Southern.
- 3 June 2008 – Attended a meeting at the Porongurup Hall to discuss current planning issues and strategy with Councillors Hollingworth, Nye-Chart, Mr Stewart and Mr Duncan.
- 4 June 2008 – Attended a State Council Meeting of the Western Australian Local Government Association (WALGA) and elected Vice Chair of the Governance and Strategy Policy Team.
- 11 June 2008 – Will be attending the Great Southern Human Resource Committee meeting in Albany at 9.00am. Will also be attending the Great Southern Development Commission Natural Resource Management Awards Dinner with Lyn.
- 13 June 2008 – Will take part in a Teleconference with Meat Industry Authority to discuss the saleyards animal welfare issues and proposed guidelines.
- 15 June 2008 – With Lyn, Cr Hollingworth and Mr and Mrs Bartlett will be attending the 2008 Australian Roads Congress which is being held in Shepperton and will be on leave from 18 to 30 June 2008 (inclusive).

10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr B Hollingworth

- 3 June 2008 - Attended a meeting at the Porongurup Hall to discuss current planning issues and strategy with the Shire President, Cr Nye-Chart, Mr Stewart and Mr Duncan.
- 6 June 2008 – Attended a Governance Seminar held at the City of Albany and will be attending a follow up seminar on Friday 13 June.

Cr S Grylls

- Attended a 2020 Meeting in Cranbrook which involved trials of various trees.
- Attended an Environmental Weed Strategy Meeting and requested that updated maps of roads and reserves of the Shire of Plantagenet be made available.

Cr K Clements

- Attended a RoadWise Committee Meeting.
- Attended a Pardelup Prison Meeting and advised that there would be no change in operation of the farm but there will be more access to prisoners especially those who have a trade.

Cr Budrikis

- Attended a Green Building Conference and advised that the conference was worthwhile and suggested that Councillors and staff should attend any further conferences.

Cr Moir

- Advised that the Rural Community Support Service was holding a Mental Health First Aid Course and that Registration Form had been given to all Councillors.
- Advised that an invitation is extended to all Councillors for the Southern Agcare Bimonthly interagency Chat and Chomp to be held on 12 June 2008. All Councillors had been given a copy.

Cr Mark

- Attended a RoadWise Committee Meeting – sending an urgent letter to Hon. Matt Benson MLA requesting urgency in relation to the raised traffic device in Lowood Road.
- A letter was being sent to the Local Emergency Management Committee (LEMC) requesting information on their position with emergency speed limits.

- A Meeting of the Mount Barker Visitor Centre has been postponed and rescheduled for this evening.

Cr Deb Nye-Chart

- Advised that the last Townscape Committee Meeting had been cancelled.
- Attended a meeting at the Porongurup Hall to discuss current planning issues and strategy with Shire President, Councillors Hollingworth, Mr Stewart and Mr Duncan.

Cr Skinner

- Advised that the Committee had interviewed two applicants for the position of Saleyards Manager and CEO was now in the process of appointing a manager.

11 REPORTS OF COMMITTEES AND OFFICERS

11.1 DEVELOPMENT SERVICES REPORTS

11.1.1 LOT 218 MORPETH STREET MOUNT BARKER - EXTENSION TO AN OVERSIZE OUTBUILDING

File No:	RV/182/4123
Attachments:	<u>Location Plan</u> <u>Building Plans</u>
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Juliet Albany Planning Officer
Proposed Meeting Date:	10 June 2008
Applicant	JT and CH Jennings

Purpose

The purpose of this report is to consider an application for an extension to an existing oversized outbuilding on Lot 218 Morpeth Street Mount Barker, for the purpose of storage, protection from the elements and security of materials and valuables for personal use.

Background

Council records show the owners to be JT and CH Jennings.

Lot 218 is situated one lot east from the corner of the Morpeth Street and Lowood Road intersection on the south side of Morpeth Street.

There is no dwelling on the lot which is cleared land. An outbuilding of 115.2m² was approved in 2004 and constructed in 2007. Although greater than 80m² this approval predated TPS Policy No. 16 relating to maximum floor area. The outbuilding was approved as a Class 10A Building under the Building Code Australia and 'must not be used as a habitable room or for commercial purposes'.

The applicant in an accompanying letter states that the extension of 80m², is '*needed to hold materials and valuables for storage and protection from the elements and for security, for our own personal use. The reason why we have had to construct the shed on the above lot is that there is no other adequate blocks with the appropriate zoning for us to build on in the town site of Mt Barker.*'

The extension is to be 80m² and the total cumulative area of the shed is to be 195.2m².

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) – zoned Residential R2 and Clause 5.2 enables the Council to vary particular development standards on the basis that:

- 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; and
- c) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.

Residential Design Codes (R Codes) limit the maximum cumulative size of outbuildings in Residential zones to 60m².

Consultation

The applicant has submitted a letter of ‘no objection’ from the neighbouring property owners (I and A Hales) of Lot 213 Morpeth Street corner of Lowood Road which is the only close residence to this lot.

Financial Implications

The applicable fee of \$100.00 has been paid.

Policy Implications

Shire of Plantagenet Town Planning Scheme Policy No 16 Outbuildings

Policy Criteria 6.

Outbuildings proposed for Residential zones are limited to being single storey with a maximum wall height of 3m and a maximum cumulative total floor space of 80m².

Policy Criteria 10.

In respect to outbuildings proposed for vacant Residential, Rural Residential, Landscape Protection or Rural Smallholding lots, the Council will not allow their use for residential, commercial or industrial purposes. Written confirmation in the form of a Statutory Declaration or similar to this effect may be required of the property owner in making such an application.

Strategic Implications

Shire of Plantagenet Strategic Plan 2003 Key Result Area 4 Development Services aims amongst other things to encourage and guide local development in accordance with the Strategic Plan and Town Planning Scheme No 3, conserve and enhance the natural environment, support sustainable and managed growth within existing urban settlements and plan a safe and healthy living environment.

Officer Comment

The outbuilding meets all requirements except the area limitations.

The existing outbuilding at 115.2m² exceeds the current Policy limitation of 80m². The surrounding land is largely flat or moderately sloping in a south easterly direction

to a seasonal water course on the eastern boundary of the lot. The land use is residential but with a predominantly rural character of large lots and few buildings.

The R Codes require that an outbuilding is not to detract from the streetscape or the visual amenity of the residents or neighbouring properties. At present such an oversized outbuilding which is set approximately 58m from the street boundary is not out of place as it fits with rural sheds on Rural land west of Lowood Road and the semi rural character of the area. The existing shed and proposed extension are to be 10m from the side and rear boundaries thus limiting their impact, both now and in the future, on adjoining neighbours.

The appearance of the lot could be improved by tree planting to screen the outbuilding from the road and neighbours.

Land to the north of Morpeth Street is currently subject to an approved residential subdivision to R15 density. It is unlikely that this land which is wet in winter due to poor drainage will achieve densities much higher than R10/R15.

The applicant is a builder who claims there are insufficient lots in Mount Barker where his needs can be met under existing zoning. This raises questions with regard to his purpose in building this extension to his already oversized outbuilding. Storage of building materials for the erection of a house on this lot would be appropriate but not general storage of building materials for commercial use which should occur elsewhere.

Under TPS3 a builder's storage yard is a permitted (P) use in Service Industrial, Industrial and Special Industrial zones. There are a number of Service Industrial lots within the town centre that could be appropriate for a builder's storage yard operation.

Given the assurance that the outbuilding is for storage of materials and valuables for 'our own personal use' it is not likely that the proposed extension to the outbuilding will generate a greater amount of traffic than currently. Nor is it likely to impact on surrounding properties given the 10m setbacks and compliance with height requirements.

The applicants should be reminded that the lot is zoned Residential and that the outbuilding is not to be used for habitation or commercial purposes.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth

That the proposed 80m² extension to an existing oversized outbuilding on Lot 218 Morpeth Street Mount Barker, be approved subject to:

- 1. Development being in accordance with the plans dated 14 May 2008.**
 - 2. Written confirmation from the applicants in the form of a Statutory Declaration to the effect that the existing outbuilding and the proposed**
-

extension will not be used for residential, commercial or industrial purposes.

3. The provision of a landscaping plan and the implementation of the landscaping to improve the visual amenity of the lot and its surrounding areas to the satisfaction of the Manager Development Services.

ADVICE NOTE

The building is within an area zoned Residential and the building is not to be utilised for habitation, commercial or industrial purposes. Nor is the land to be used as a commercial builder's storage yard.

CARRIED (9/0)

NO. 94/08

**11.1.2 LOT 51 CHESTER PASS ROAD, PORONGURUP, VARIATION TO REAR
SETBACK FOR A DWELLING**

File No:	RV/182/4911
Attachments:	<u>Location Plan</u> <u>Site Plan</u>
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Juliet Albany Planning Officer
Proposed Meeting Date:	10 June 2008
Applicant	P and T Offin

Purpose

The purpose of this report is to consider an application to vary the rear setback for a dwelling on a rural lot on Lot 51 Chester Pass Road, Porongurup.

Background

Council records indicate that the owners of Lot 51 Chester Pass Road are P and T Offin.

The land is zoned Rural and is triangular in shape, with the long base aligned along and fronting to a slight bend on Chester Pass Road. Development is occurring in the long narrow southern portion, south of an existing dam where the land is cleared, the northern two thirds of the land is uncleared. The lot is 42.25ha in area.

The cleared land has a few scattered large trees. An application for temporary accommodation in a shed was approved by the Council on 27 November 2007 and a shed has been constructed to the east of the lot within the narrow southern portion. The proposed dwelling is to be sited due west of the shed.

The proposed dwelling is to be set to the western side of the lot, facing north and with a seven (7) metre setback to the western boundary where a ten (10) metre setback is required.

Statutory Environment

Planning and Development Act 2008

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) – zoned Rural
Clause 5.2 enables the Council to vary particular development standards on the basis that:

- d) 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;
 - e) 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; and
-

- f) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.

Consultation

The option of moving the dwelling three (3) metres to the east has been discussed with the applicant.

Financial Implications

The applicable fee of \$100.00 has been paid.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The land is 5.5km north of the Chester Pass Road / Mount Barker Porongurup Road intersection, in a rural environment, surrounded by pastoral land and plantations.

The applicant argues that if the house site is shifted the 3m east to meet the rear boundary setback requirement on the western boundary it will necessitate the removal of two (2) of the large remnant eucalypts on the cleared land.

The portion of the proposed building that abuts the western rear boundary is the garage. This will have a minimum impact upon the neighbouring lot, which is 109.41ha in area. A seven (7) metre setback allows space for the required three (3) metre fire break on the boundary.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr M Skinner, seconded Cr D Nye-Chart**

That the application to erect a dwelling on Lot 51 Chester Pass Road, with a reduced rear setback of seven (7) metres be approved subject to the development being in accordance with the plans dated 13 May 2008.

CARRIED (9/0)

NO. 95/08

**11.1.3 LOCATION 6379 SECOND AVENUE, CORNER DE GARIS STREET
KENDENUP APPLICATION FOR ACQUISITION OF UNALLOCATED
CROWN LAND**

File No:	RV/182/243
Attachments:	<u>Location Plan</u>
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Juliet Albany Planning Officer
Proposed Meeting Date:	10 June 2008
Applicant	C and J Lill

Purpose

The purpose of this report is to respond to the State Land Services, Department for Planning and Infrastructure (DPI), regarding a proposal to acquire Unallocated Crown Land (UCL) at Location 6379 Second Avenue.

Background

Council records indicate that the owners of Lot 100 are Mr C and Mrs J Lill. Mr and Mrs Lill have approached DPI with a request to purchase/amalgamate or lease Location 6379, which is 978m² in area and UCL, adjoining the south boundary of their lot. Both lots are zoned Service Industrial.

Location 6379 has remnant vegetation and a rough track on it. There are three (3) further undeveloped, uncleared, Service Industrial lots in the same street block south of Location 6379 and adjacent to it. One Lot 296 is freehold and two (2) are unallocated Crown Land.

Lot 100 was created in 2006 from the amalgamation of four (4) lots as a condition of a building licence for a caretaker's dwelling. Lot 100 has developed on it a shed facing Second Avenue (approved 1982), a three (3) bedroom house south of the shed (approved 2006) and a double garage north of the shed (approved 2006). The shed was constructed for Lill Engineering which operates a welding business.

Second Avenue is an unformed gravel road and De Garis Street is unmade west of Second Avenue.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No 3. (TPS3) –The subject UCL Loc 6379 and the applicant's property (Lot 100) are zoned Service Industrial.

Land Administration Act 1997 (LAA)

Consultation

No consultation has occurred for this report

Financial Implications

There are no financial implications for this report

Policy Implications

There are no policy implications for this report.

Strategic Implications

Key Result Area 4 Development Services aims to 'Encourage and guide local development in accordance with the Strategic Plan and TPS3.'

Officer Comment

Location 6379 has vegetation consisting of trees and shrubs and a vehicle track runs diagonally across the lot from the north west. The vegetation has not been assessed for conservation value.

The Second Avenue boundary to Lot 100 is not well vegetated and the owners of Lot 100 could be requested to undertake landscaping along the Second Avenue boundary as a condition of support for the current proposal.

DPI proposes that the applicant be offered either: the Lot for Freehold purchase and amalgamation with the adjoining Lot 100; or a Crown Lease under section 79 of the LAA for a term of 10 years for the purpose of 'Bush Buffer'.

The Service Industrial zone has no requirements for buffer distances but has boundary setback requirements of 9m front, 5m on one side and 5m to the rear which have been met with regard to Lot 100. The owners of Lot 100 are requesting a buffer 'from any development that may occur'.

A 10 year lease for Location 6379 would appear to be the preferred outcome as it can be conditioned that the remnant vegetation is retained.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Moved Cr J Mark, seconded Cr D Nye-Chart

That the Department for Planning and Infrastructure be advised that in respect to the application for acquisition of Location 6379 Second Avenue Kendenup, the Council supports the proposal to offer a Crown Lease under section 79 of the Land Administration Act 1997 for a term of 10 years for the purpose of 'Bush Buffer', subject to:

- 1. The remnant vegetation is to be protected, retained and regenerated where necessary.**
 - 2. The remnant vegetation is to be adequately fenced.**
-

3. The remnant vegetation is to be maintained in accordance with the Shire of Plantagenet Annual Firebreak Notice.
4. The owners of Lot 100 are to provide the Council with a landscaping plan and undertake a landscaping program for the Second Avenue frontage of Lot 100.

AMENDMENT

Moved Cr M Skinner, seconded Cr B Hollingworth

That an Advice Note be added after point 4:

'That once the Crown Lease comes into effect the property will be rated'.

CARRIED (9/0)

NO. 96/08

COUNCIL DECISION

That the Department for Planning and Infrastructure be advised that in respect to the application for acquisition of Location 6379 Second Avenue Kendenup, the Council supports the proposal to offer a Crown Lease under section 79 of the Land Administration Act 1997 for a term of 10 years for the purpose of 'Bush Buffer', subject to:

1. The remnant vegetation is to be protected, retained and regenerated where necessary.
2. The remnant vegetation is to be adequately fenced.
3. The remnant vegetation is to be maintained in accordance with the Shire of Plantagenet Annual Firebreak Notice.
4. The owners of Lot 100 are to provide the Council with a landscaping plan and undertake a landscaping program for the Second Avenue frontage of Lot 100.

Advice Note

That once the Crown Lease comes into effect the property will be rated.

CARRIED (9/0)

NO. 97/08

11.1.4 DRAFT LOCAL PLANNING STRATEGY

A Proximity Interest was disclosed by Cr K Forbes. Cr Forbes indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr B Hollingworth. Cr Hollingworth indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr S Grylls. Cr Grylls indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr K Clements. Cr K Clements indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr A Budrikis. Cr Budrikis indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr M Skinner. Cr Skinner indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr D Nye-Chart. Cr Nye-Chart indicated the nature and extend of her interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr J Mark. Cr Mark indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr J Moir. Cr Moir indicated the nature and extent of his interest is of a property owner within the Shire.

Authority to participate pursuant to Section 5.69 (3) (a) of the Local Government Act 1995

Approval has been received from the Department of Local Government and Regional Development via letter dated 10 June 2008, giving permission for Cr K Forbes, Cr B Hollingworth, Cr S Grylls, Cr D Nye-Chart, Cr M Skinner, Cr A Budrikis, Cr K Clements, Cr J Mark and Cr J Moir to participate in discussion and decision making procedures relating to Council's consideration of the draft Local Planning Strategy (LPS).

All Councillors received a copy of the letter which is attached to these minutes.

Attachments:	Draft Local Planning Strategy (separate attachment)
File No:	LP/118/28
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	10 June 2008
Applicant	Shire of Plantagenet

Purpose

The purpose of this report is to consider the draft Plantagenet Local Planning Strategy (PLPS) for adoption and referral to the Western Australian Planning Commission (WAPC) for approval to advertise.

Background

The PLPS has been prepared to satisfy Regulation 12A of the Town Planning Regulations made under the Planning and Development Act 2005. It has been prepared using the suggested format for such a document prepared by the WAPC as part of its Planning Schemes Manual which satisfies the guidelines for the Model Scheme Text.

The PLPS preparation process involved community consultation with a series of public workshops involving stakeholders and interested community members in October and November 2005. Six workshops were held in Mount Barker, the Porongurup Hall, the Narrikup Hall, the Kendenup Country Club and at the Rocky Gully CWA rooms.

Existing strategic planning documents were a useful starting point in the PLPS preparation process. These documents included:

- Porongurups Rural Strategy (1996)
- Mount Barker Local Rural Strategy (1997)
- Mount Barker Townscape Review (2002)

Other strategic planning documents prepared to a draft stage were also useful resource documents and these included:

- Industrial Land Review: Mount Barker (Draft 1998)
- Mount Barker Commercial Review (Draft 1999)
- Mount Barker Townsite Strategy (Draft 2002)
- Kendenup Townsite Review (Draft 1998 / 2002)
- Narrikup Townsite Review (Draft 1999 / 2002)
- Rocky Gully Townsite Review (Draft 1999 / 2002)

This PLPS will replace all of these earlier strategic initiatives.

In an attempt to determine future proposals from various government agencies with infrastructure or facilities within the Shire, the Council wrote in August 2007 to 19 agencies seeking advice on future directions. Responses were received from several of these agencies.

The WAPC's Lower Great Southern Strategy (LGSS) was commenced in 2001 and the final document was released in June 2007. It is the aim of the LGSS to encourage development around existing nodal settlements and ensure policies provide a presumption in favour of consolidating settlements. Not only is this an efficient use of resources such as land, infrastructure and energy but also assists in supporting social services such as hospitals, libraries, shops and community facilities. The timing of the implementation phase of the LGSS is unknown.

Through the preparation phase of this PLPS a series of workshops were held with Councillors to discuss various aspects of the draft components of the document. Those workshops are listed as follows:

1. 13 November 2007 – Introduction, State, Regional and Local Context, Profile and Issues, Strategic Plan, Risk, Monitoring and Reviews
2. 27 November 2007 – Narrikup and Porongurup
3. 11 December 2007 – Kendenup and Rocky Gully
4. 12 February 2008 – Mount Barker, Urban Settlement, Industrial Strategies, Climate Change
5. 27 May 2008 – Rural District

Officers from the Albany office of the Department for Planning and Infrastructure (DPI) attended all of the workshops with the exception of that held on 11 December 2007.

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations – Regulation 12A allows a Council to prepare a Local Planning Strategy and requires such a Strategy to be forwarded to the WAPC. A Local Planning Strategy is to:

- (a) set out the long-term planning directions for the local government;*
- (b) apply State and regional planning policies; and*
- (c) provide the rationale for the zones and other provisions of the Scheme.'*

Regulation 12B requires that when the WAPC is satisfied with the strategy, it is to be advertised for public comment for a minimum period of twenty-one (21) days. Following the advertising the Council is to review the Strategy in the light of any submissions received, adopt the strategy with any modifications it thinks fit and submit a copy of the Strategy to the WAPC for its endorsement.

Consultation

A series of public workshops was held in October and November 2005. A series of five (5) workshops was held with Councillors in late 2007 and early 2008 to discuss the components of the PLPS.

It is proposed that the PLPS, once adopted as a draft by the Council and the WAPC, be advertised for public comment for a period of sixty (60) days. Following the advertising a further report will be placed before the Council.

Financial Implications

The cost of advertising will be met from the Town Planning advertising budget.

The preparation of the document has been prepared in-house with the exception of the Rural component which has been prepared by consultants (Landvision) within the allocated budget funds.

The mapping for the PLPS has been prepared by the DPI in Perth at no cost to the Council.

Policy Implications

There are no policy implications for this report.

Strategic Implications

The Shire of Plantagenet Strategic Plan 2003 Key Results Area 4 indicates that the Council will:

'Facilitate the development of a Local Planning Strategy for the Shire that embraces the aims and focus of the Strategic Plan.'

'Review the existing draft Rural and Townsite Planning Strategies.'

'Ensure the outcomes of the Customer Needs Survey and relevant community workshops are incorporated into the Local Planning Strategy.'

The PLPS at part 3 discusses the Strategic Plan.

Officer Comment

The PLPS is a critical document in the long term planning of the whole Shire and looks at all aspects to guide growth and development well into the future. In accordance with the Town Planning Regulations, a Local Planning Strategy can be prepared at any stage in the life of a Town Planning Scheme and there is no requirement for it to be prepared as part of the writing of a new town planning scheme.

The purpose and role of the PLPS is to review current planning strategies, to set long term planning directions for the Council, apply regional and state planning policies and strategies and to provide a rationale for various town planning scheme provisions and zones. The time frame for the PLPS will be for the next 10 to 20 years.

In preparing this PLPS the Council has had regard to documents such as the State Planning Strategy, the Lower Great Southern Strategy, the State Water Conservation Strategy and the State Sustainability Strategy.

The Shire has experienced steady population growth over the years. The sub-regional centre of Mount Barker is only 50km from the regional centre of Albany and is experiencing strong growth.

The PLPS main sections consist of 5 – Strategic Plan, 6 – Strategies and Actions and 8 – Appendices.

The six (6) appendices discuss in detail the Mount Barker Sub Regional Centre, the Rural Villages of Kendenup, Narrikup, Porongurup and Rocky Gully and the Rural District.

The future proposals for the Rural areas are discussed under section 6 and this work was completed by consultants (Landvision) following on from an environmental component for the rural areas prepared in 2003. Appendix 6 provides detailed recommendations for each of the rural planning units.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark

That the Council adopt the Draft Plantagenet Local Planning Strategy and refer it to the Western Australian Planning Commission for its approval to advertise for public comment for a period of sixty (60) days.

CARRIED (9/0)

NO. 98/08

11.2 COMMUNITY SERVICES REPORTS**11.3 EXECUTIVE SERVICES REPORTS****11.3.1 COMMITTEE MINUTES****File No:** FM/103/1. CA/103/1, RO/103/9**Responsible Officer:** Rob Stewart
Chief Executive Officer**Author:** Kaye Skinner
Executive Secretary**Proposed Meeting Date:** 10 June 2008

Purpose

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

- Audit Committee – 8 April 2008 and 17 April 2008
- Great Southern Regional Cattle Saleyards Committee – 25 March 2008, 22 April and 27 May 2008
- RoadWise Committee – 24 April 2008

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 M Skinner seconded Cr J Mark

That the Minutes of:

- 1. Audit Committee Meetings - 8 April and 17 April 2008.**
 - 2. Great Southern Regional Cattle Saleyards Committee Meetings – 25 March, 22 April and 27 May 2008.**
 - 3. RoadWise Committee Meeting – 24 April 2008.**
-

be received.

CARRIED (9/0)

NO. 99/08

11.3.2 DELEGATION - PRINCIPAL BUILDING SURVEYOR

File No: PE/21/1
Attachments: [Delegation - LG046](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 10 June 2008

Purpose

The purpose of this report is to recommend to the Council the delegation of powers to enable the Principal Building Surveyor, Mr Alan Watkins, to issue building licences pursuant to the Local Government (Miscellaneous Provisions) Act 1960, rather than have that delegation issued to the Chief Executive Officer.

Background

The Council reviewed its delegations to officers at its meeting held on 13 May 2008.

Since that meeting the particular issue regarding the issue of building licences has been reviewed due to amendments to the Local Government (Miscellaneous Provisions) Act 1960 which relates to the qualification of building surveyors in Western Australia, the delegation of authority to building surveyors, building approval certificates and revised building licence application fees.

Statutory Environment

Section 374 (1b) of the Local Government (Miscellaneous Provisions) Act 1960 provides authority to a Local Government to delegate to a person appointed to the office of Building Surveyor the power to issue building licences.

Planned amendments to the Act and Regulations will require that any person given such authority to approve building licences must hold a relevant qualification certificate. A transitional period of 5 years will apply.

Previously the delegation to issue building licences was issued to the Chief Executive Officer.

Consultation

No external consultation has occurred regarding this report.

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 delegation to issue building licences pursuant to Local Government (Miscellaneous Provisions) Act 1960 should properly be given to the Principal Building Surveyor Mr Alan Watkins, or the person holding that position.

Mr Watkins has the necessary qualifications to be appointed as a level 2 building surveyor qualified to assess and certify compliance of buildings that are no more than three storeys and 2,000m² in total floor area.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr d Nye-Chart

That:

- 1. Delegation LG041 (approval to issue building licences) issued to the Chief Executive Officer be cancelled**
- 2. Delegation LG046 (authority to issue building licences) as follows:**

'That pursuant to Section 374(1b) of the Local Government (Miscellaneous Provisions) Act 1960, the officer holding the position of Principal Building Surveyor is delegated authority to approve or refuse to approve plans and specifications, but where a plan and specification so submitted conforms to:

- (1) all Local Laws and Regulations in force in the district or part of the district in respect of building matters, and the Council's pre-determined policy in respect of building matters; and***
- (2) all Local laws and schemes in force in the district or part of the district in respect of town and regional planning matters, and the Council's predetermined policy in respect of town and regional planning matters.***

The Principal Building Surveyor shall not refuse to approve that plan or those specifications without first obtaining the consent of the Council.

Furthermore, the issuing of a building licence under Section 374 (1) of the Local Government (Miscellaneous Provisions) Act 1960 may be subject to such conditions as the Principal Building Surveyor considers necessary.

All licences issued under this delegated authority shall, in addition to any conditions imposed by the Principal Building Surveyor, contain and be subject to the following conditions:

- (1) *The building licence is valid for a maximum period of twenty-four (24) months.***
- (2) *The licence is void if the work covered by it is not substantially commenced within 12 months of the date of issue.***
- (3) *Whenever required to do so by the Principal Building Surveyor the holder of the licence shall produce the approved plans, drawings and specifications for inspection.'***

be granted.

CARRIED (9/0)

(ABSOLUTE MAJORITY)

NO. 100/08

**11.3.3 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION -
SYSTEMIC SUSTAINABILITY STUDY**

File No: GR/97/10
Attachments: (1) VROC partnership Agreement (Sample)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 10 June 2008

Purpose

The purpose of this report is to recommend a Council position regarding the publication 'The Journey: Sustainability into the Future' published by the Western Australian Local Government Association (WALGA) in February of this year.

Background

At its meeting held on 8 April 2008 the following motion was adjourned in order that a workshop could be held with Councillors and Senior Staff:

'That:

- 1. The Western Australian Local Government Association be advised that with regard to the Association's publication 'The Journey: Sustainability into the Future' the Shire of Plantagenet, along with the Councils of the City of Albany, Shire of Cranbrook and the Shire of Denmark will consider the allocation of funds in the 2008 / 2009 financial year to undertake the preparation of a business case relating to road design and construction works to be undertaken in the Lower Great Southern by a separate body, possibly a Regional Council.*
- 2. Consideration be given in the development of the 2008 / 2009 budget for the allocation of \$10,000.00 towards the engagement of a business analyst for the study referred to in part 1 above.'*

A workshop was subsequently held on 22 April 2008 in the Council Chamber.

Consultation

The Shire of Plantagenet has not consulted with the community regarding this matter.

Financial Implications

There are no financial implications for this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

The Council's Strategic Plan at Key Result Area Five (Strategic Planning) notes one of the aims for the Council is the development of strategic partnerships and the

fostering of regional cooperation. Further, the Strategic Plan calls for the coordination of long term planning for sustainable, environmental, economic and social development of the Shire and the Great Southern.

The Council's draft Plan for the Future notes under the sub-program 'Business and Regional Development' that the Council will:

Encourage ongoing development and support of the Rainbow Coast Regional Council (RCRC); and

Actively liaise with and inform the Great Southern Development Commission and the Great Southern Area Consultative Committee regarding state initiatives that may benefit the region and Council initiatives that may benefit the region.

Officer Comment

During the workshop held on 22 April 2008 Councillors discussed a number of concepts regarding the potential creation of either a Regional Council or a Voluntary Regional Organisation of Councils (VROC). It was noted that a regional local government could be created pursuant to Section 3.61 of the Local Government Act (1995) and that such a Regional Council could be established, with the Minister's approval, '...for any purpose which a local government can do things under this Act or any other Act.' Councillors also noted that a Regional Local Government is constituted as a body corporate with perpetual succession and a common seal and is to have as its governing body a Council established under the establishment agreement and consisting of members of the Councils of the participants.

Councillors noted the disparity in size of the Shires of Cranbrook, Denmark and Plantagenet when compared with the City of Albany and raised this as a potential matter for concern with the formation of any Regional Council in the Lower Great Southern.

Councillors raised the issue of geographic distance and communities of interest and that amalgamation of Councils in the Lower Great Southern was not an answer, necessarily, due to distances. It was noted that this is not such an issue in the metropolitan area due to population density.

Councillors tended toward thinking that a voluntary regional organisation of Councils could be a better solution than a formal Regional Council. Typically, under a VROC agreement, member Councils can opt in or opt out depending upon the project undertaken. Further, because a VROC is not a body corporate, the governance issues that arise through a formal body are obviated. A simple VROC partnership agreement is attached.

All Councillors were not necessarily in agreement regarding the advantages of a VROC. With a Regional Council the formalisation of the body requires rules and processes to be adhered to whereas the less formal process could be detrimentally affected by personalities.

Councillors then discussed issues relating to WALGA and that body's involvement in the process and its role in the future. Comments in Local Government circles are already wary about the potential for WALGA to become bigger and more pervasive.

Again, this is not necessarily seen by all as a negative outcome. Given the difficulties for local government to attract suitably qualified staff and given the pressure put on local government to keep rates manageable, a large peak body such as WALGA could provide many services in addition to those already provided. This may include, for example, an advice forum, similar to that which was formerly provided by the Department of Local Government. Interestingly, the Department of Local Government is now advising that this former service will be resurrected.

Although no formal conclusions at the workshop were reached, a consensus would appear to support the formation of a voluntary regional organisation of Councils among the Councils of the Lower Great Southern. A voluntary regional organisation of Councils is suggested as being more effective for the Lower Great Southern than a formal Regional Council. Councillors suggested that the Rainbow Coast Regional Council (which is not constituted as a formal Regional Council but rather a VROC) would be the logical vehicle and that the concerns about the disparity in size between Albany and the other Councils should be tested rather than form a 'donut' VROC of Cranbrook, Denmark and Plantagenet.

Although a VROC is comparatively simple to initiate, it does not have any legal constitution in the way that a Regional Council has. A VROC is not recognised pursuant to the Local Government Act 1995. Possibly some consideration could be given to recognising this in the Act with amendments acknowledging voluntary alliances. At present two or more Councils forming a VROC would need to have some agreement similar to the exchange of letters between Denmark and Plantagenet for the employment of a Building Surveyor. Nevertheless, in that case, Plantagenet employed the Building Surveyor as a 1.0 full time equivalent (FTE) and 'rented' the Building Surveying Services to Denmark at an agreed hourly rate.

VROC's generally have some type of agreement, the enforceability of which is questionable and which rely on goodwill. A sample is attached.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Moved Cr D Nye-Chart, seconded Cr S Grylls

That with regard to the Western Australian Local Government Association (WALGA) publication: 'The Journey: Sustainability into the Future' the Shire of Plantagenet is of the opinion that:

- 1. The regional local government model has merit but that the Council recommends the formation of voluntary regional organisations of Councils in the first instance, to 'test' the concept.**
- 2. The Council is aware of comments that the report is too 'WALGA centric' but believes that as WALGA is a peak body representing the interests of its members, this is not an issue.**
- 3. As the Shire of Plantagenet is already a member of a voluntary regional organisation of Councils (VROC) it will be recommending to the other**

members of that VROC that regional projects be identified, funded and resourced.

4. Consideration should be given to amendments to the Local Government Act (1995) acknowledging that voluntary regional organisation of Councils can exist without the need for formal creation of a Regional Council pursuant to Section 3.61 of the Act.

AMENDMENT

Moved Cr A Budrikis, seconded Cr K Clements

That the words 'in groupings at their discretion' be inserted after the word 'Council' in part (1) of the recommendation.

CARRIED (9/0)

NO. 101/08

FURTHER AMENDMENT:

Moved Cr J Moir, seconded Cr J Mark

That a point five (5) be added:

'That the Local Government Act 1995 be amended to require Local Governments to:

- a. Prepare and publish a Strategic Plan for a minimum of ten years, with a review required after each general election of the Council.
- b. Create Asset Management Plans linked to the Strategic Plan.
- c. Prepare, as part of the published Strategic Plan, Financial Plans that enable implementation of the Strategic and Asset managements Plans.
- d. Create key performance indicators that are published as part of the planning process.
- e. Report performance against these KPIs to their community on an annual basis.'

CARRIED (9/0)

NO. 102/08

COUNCIL DECISION

That with regard to the Western Australian Local Government Association (WALGA) publication: 'The Journey: Sustainability into the Future' the Shire of Plantagenet is of the opinion that:

1. The regional local government model has merit but that the Council recommends the formation of voluntary regional organisations of
-

Councils in groupings at their discretion in the first instance, to 'test' the concept.

2. The Council is aware of comments that the report is too 'WALGA centric' but believes that as WALGA is a peak body representing the interests of its members, this is not an issue.
3. As the Shire of Plantagenet is already a member of a voluntary regional organisation of Councils (VROC) it will be recommending to the other members of that VROC that regional projects be identified, funded and resourced.
4. Consideration should be given to amendments to the Local Government Act (1995) acknowledging that voluntary regional organisation of Councils can exist without the need for formal creation of a Regional Council pursuant to Section 3.61 of the Act.
5. The Local Government Act 1995 be amended to require Local Governments to:
 - a. Prepare and publish a Strategic Plan for a minimum of ten years, with a review required after each general election of the Council.
 - b. Create Asset Management Plans linked to the Strategic Plan.
 - c. Prepare, as part of the published Strategic Plan, Financial Plans that enable implementation of the Strategic and Asset managements Plans.
 - d. Create key performance indicators that are published as part of the planning process.
 - e. Report performance against these KPIs to their community on an annual basis.'

CARRIED (9/0)

NO. 103/08

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr B Hollingworth, seconded Cr D Nye-Chart

That new business of an urgent nature, namely:

- Mount Barker Community College – School College Council – Representation.

be introduced to the meeting.

CARRIED (8/1)

NO. 104/08

13.1 MOUNT BARKER COMMUNITY COLLEGE

Moved Cr B Hollingworth, seconded Cr M Skinner

That Cr J Mark be appointed as the Council’s representative on the Mount Barker Community College – School College Council.

CARRIED (8/1)

NO. 105/08

14 CONFIDENTIAL

15 CLOSURE OF MEETING

4:04 PM The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE: ____ / ____ / ____