



ORDINARY MINUTES

ORDINARY Meeting
of the Council held:

DATE: Tuesday, 14 April 2009

TIME: 2.45 pm

VENUE: Council Chambers, Lowood
Road, Mount Barker WA 6324

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:48 PM 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 AM	Shire President - Rocky Gully/West Ward
Cr K Clements	Town Ward
Cr S Grylls	Rocky Gully/West Ward
Cr J Mark	Town Ward
Cr J Moir	South Ward
Cr M Skinner	East Ward

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Mr Peter Duncan	Manager Development Services
Mr Ian Bartlett	Manager Works and Services
Ms Cobie MacLean	Administration Officer (Planning)
Mr Vincent Jenkins	Planning Officer
Ms Sharon Williams	Senior Administration/Project Officer (Works and Services)

Apologies

Cr B Hollingworth	Town Ward
Cr A Budrikis	Kendenup Ward
Cr D Nye-Chart	East Ward

Previously Approved Leave of Absence:

Cr D Nye-Chart	15 May 2009 to 25 May 2009 inclusive.
Cr J Mark	25 May 2009 to 12 June 2009 inclusive.
Cr B Hollingworth	15 June 2009 to 12 July 2009 inclusive.
Cr D Nye-Chart	3 July 2009 to 27 July 2009 inclusive.

There were three (3) member(s) of the public in attendance.

There were nil (0) member(s) of the media in attendance.

4 PUBLIC QUESTION TIME

Section 5.24 Local Government Act 1995

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Lot 703 Sixth Avenue, Kendenup – Dwelling with Reduced Rear Boundary Setback - Mr Soheil Mozhdahinia – Item 12.1.6

I appreciate being given the opportunity to put forward reasons for my request. My intention in constructing the present building was to eventually transform it into a dwelling. I had this intention from the outset.

To build a shed I purchased the lot next door, Lot 702, with Council permission I built a shed on it, following all rules and regulations with regard to constructing a shed.

With regard to the building on Lot 703, all the material used, from the cement floor to the steel frame, all have the quality of a house. It was built with two walls, and insulated with batts. This includes all the walls and the ceiling. The quality of the corrugated iron is of the highest, which is suitable for a house, not just a shed. Please feel free to come and inspect the quality of the building.

With regard to the distance from the border of the property, I followed the instructions of 1.5m, of which I was advised at that time. I followed all the rules and regulations, and all the instructions I was given. I have been a good

citizen of Kendenup for the past 12 years in paying my rates on time and following all other rules and regulations. At no time was it my intention to make any deceptive ideas or plans.

I sincerely hope that you accept my request and reconsider your decision to allow me to go ahead and convert the present building into a dwelling place.

Lot 3 Millinup Road, Porongurup – Chalet – Mr Tim Baily – Item 12.1.4

Good afternoon, Councillors. My name is Jim Baily and my wife's name is Joan.

Issue one: 3 years ago, a proposed Packing and Pickling Shed was deemed to be a Commercial building. At this time, due to economic reasons, it is not being used as such. However, the upper storey has been constructed into a two bedroom self contained chalet and we are seeking approval to register this as tourist accommodation. Mr Vincent Jenkins has inspected the unit and approved it.

Therefore, we are asking that the ground storey of the building be approved as a garage at this time, to enable us to go ahead with the chalet accommodation. This will then allow us to proceed with the development of the ground storey as a packing facility, when finance, time and crop yields permit.

Issue two: After fulfilling all the requirements requested by the Shire for gaining approval of the above accommodation, we now learn that we are required to pay a one-off payment of \$2,800.00 to the Shire for the maintenance of Millinup Road.

We consider this payment to be iniquitous, as we already pay substantial Shire Rates, for no services - scheme water, sewerage, rubbish removal or sealed road frontage.

As the Shire is well aware, there are ongoing problems with the state of Millinup Road. In the 10 years we have lived in the area, we have fully supported the Shire's efforts to upgrade and improve the road conditions, which are at best, substandard. Also, after storms, I take the trouble to remove any fallen trees on our end of Millinup Road, using our own equipment and during periods of heavy rainfall, I remove debris from the inlets of culverts to prevent overflow water from flowing across Millinup Road and causing considerable damage. This, I feel, saves the Shire quite a considerable amount of expense.

We therefore request that the Council waive the one-off payment of \$2,860.00 towards maintenance of Millinup Road.

We thank the Council for listening to our request and hope it will approve our proposal and also waive the one-off payment.

6 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Nil

7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

8 CONFIRMATION OF MINUTES

Moved Cr M Skinner, seconded Cr J Mark:

THAT the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 24 March 2009 as circulated, be taken as read and adopted as a correct record.

CARRIED (6/0)

NO. 79/09

9 COMMITTEE MINUTES

Nil

10 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 25 March 2009 – Southern Link Voluntary Regional Organisation of Councils (VROC) meeting in Kojonup.
- 30 March 2009 – Regional Infrastructures were here again to discuss the purchase of our saleyards – very little progress. May just be jeopardising our chance of selling the yards to the State Government.
- 1 April 2009 – Attended Western Australian Local Government Association (WALGA) State Council meeting in Perth.
- 7 April 2009 – Council road inspection.
- 8 April 2009 – Took part in Blessing of the Roads.
- 11 April 2009 – Attended the Art in the Park Exhibition at Castle Rock in Porongurup with partner, Lyn Forbes. Officially opened the exhibition.
- 25 April 2009 – Anzac Day parade – could Councillors please attend.
- 2 May 2009 – Porongurup Bush Fire Brigade will be holding the official opening for their new shed.

- 14 May 2009 – There is a Council Training workshop being held in Cranbrook regarding 'Legal Responsibilities of an Elected Member'.

11 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr K Clements

- Attended the RoadWise Meeting. Mr Andrew Duffield from Main Roads WA was in attendance. He confirmed that we would not be getting the speed reduction at the O'Neill Road/Albany Highway intersection. All other reductions that were requested some time ago have been approved and new speed signs will be erected shortly.

Cr J Mark

- Attended the RoadWise Meeting. Cr Clements ran it very well.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 DEVELOPMENT SERVICES REPORTS

12.1.1 LOT 1 OF LOCATION 982 MOUNT BARKER-PORONGURUP ROAD, PORONGURUP - APPLICATION FOR LIQUOR STORE LICENCE

File No:	RV/182/107243
Attachments:	Location plan Floor plan
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	14 April 2009
Applicant/Owner:	Scott and Diana Drummond

PURPOSE

The purpose of this report is to consider a proposal for a liquor store licence at the Porongurup Store and Tearooms at lot 1 of Location 982 Mount Barker-Porongurup Road, Porongurup.

BACKGROUND

The Porongurup Store and Tearooms provides an important service to the Porongurup community and to passing tourists. The proposal is to broaden the service provided by the introduction of the sale of packaged liquor and the provision of occasional wine tasting.

Under the Liquor Control Act 1988, a licence is required by the Director of Liquor Licencing for a Liquor Store. Prior to that licence being issued, the Council has to agree the use is in accordance with its Town Planning Scheme. The Council's Environmental Health Officer also has to certify the premises meets relevant health standards.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Lot 1 is zoned Special Site (R10) where the restricted uses are: shop, tea room and accommodation associated with tourism.

Liquor Control Act 1988 – A licence is required to be issued by the Director of Liquor Licencing and prior to that the Council must have issued S.39 (Health) and S.40 (Planning) certificates.

Health Act 1911 – the premises must comply with relevant food premises standards.

CONSULTATION

The proposal has been discussed with the proponent by staff.

FINANCIAL IMPLICATIONS

The necessary \$100.00 application fee has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

Key Result Area 4 Development Services of the Council's Strategic Plan aims to:

'Retain local business and encourage new business that will create long term sustainable local employment.'

OFFICER COMMENT

The proposal is to use the front shop and storeroom portion of the existing building for the storage and sale of packaged liquor. The proponent has also advised this area will be used for occasional wine tasting.

The proposed use would be appropriate for this business located within a very important tourist area. The use essentially is a retail shop activity which is in accordance with the requirements of the Special Site Zone under TPS3.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr S Grylls:

That the proposal for a liquor store licence for the sale of pre-packaged liquor including wine tasting be supported for within the Porongurup Store and Tearooms at lot 1 of Location 982 Mount Barker-Porongurup Road, Porongurup.

CARRIED (6/0)

NO. 80/09

12.1.2 LOT 102 ALBANY HIGHWAY, MOUNT BARKER - PROPOSED SIGNAGE AND CARPARK WORKS

File No:	RV/182/1448
Attachments:	<u>Location Plan</u> <u>Existing Site Plan</u> <u>Proposed Site Plan</u> <u>Part Site Plan</u> <u>Entry Sign</u> <u>Directional Signs</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	14 April 2009
Owner:	Plantagenet Wines

PURPOSE

The purpose of this report is to consider a proposal from Plantagenet Wines to erect new signage and to adjust car parking areas and vehicular entry on site at Lot 102 Albany Highway, Mount Barker.

BACKGROUND

At its meeting held on 12 September 2006 the Council agreed to the granting of planning consent for office additions and alterations for the Plantagenet Wines business on the then Lots 45, 46 and 47 Albany Highway, Mount Barker. That approval was subject to five (5) conditions, two (2) of which were as follows:

- '(4) Internal public driveways and car parking bays being paved, drained and line marked to the Council's satisfaction.*
- '(5) Lots 45, 46 and 47 shall be amalgamated into one lot on a compiled Diagram of Survey and application for a new Certificate of Title shall be lodged with the Land Titles Office and new titles shall be created prior to the issuing of the building licence.'*

The Notice of Approval of Planning Consent was issued on 14 September 2006. That approval expired on 14 September 2008. The three (3) lots have been amalgamated to form the one Lot 102.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) - Zoned Special Site R2 and R3 (Wine display, storage and retail; manufacture and production of wine) and (use that has low traffic generating capacity). Clause 5.6.5 and Schedule 10 - detail where consent is not required for advertising signs. In this instance consent is required.

CONSULTATION

The proponents' architect, Richard Currie of Q3 Architecture has been liaising with staff regarding this current proposal.

FINANCIAL IMPLICATIONS

The necessary fee of \$268.50 has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

Key Result Area 4 Development Services of the Council's Strategic Plan aims to:

'Retain local businesses and encourage new businesses that will create long-term sustainable local employment.'

OFFICER COMMENT

The proposal now submitted involves rationalising and formalising the car parking and entry/exit locations to the existing winery/cellar sales facility. It also involves the erection of a new sign at the entry and two new signs as advanced warning signs to the north and south of the entry. Existing signs are to be removed.

As part of the advanced warning signs it is proposed to erect four (4) flag poles adjacent to each warning sign. These flag poles will be approximately 6.0m high and have banner type vertical flags showing the lions graphic with no wording.

The architects in their application have requested the following be taken into consideration:

- Plantagenet Wines are a major tourist attraction to the town in which Wine making is a major local industry.
- The existing winery is poorly identified for passing patrons and needs improving to meet industry standards.
- The property frontage to Albany Highway is over 261m long with each sign separated by a minimum of 100m.
- There is minimal other signage along this stretch of road.
- Signage has been designed in accordance with a recommended letter height formula for patrons travelling at 60km/h in a built-up area.
- The signage design will be complimented by the future alterations and additions architectural theme.'

Attached are the existing site plan, the proposed site plan and enlarged part site plan. The existing site plan shows existing driveways and carpark and the existing signs. The proposed site plan shows the proposed new entry and driveways and carparks together with the two (2) new directional sign locations and the new entry sign location. The enlarged part site plan shows entry, driveways and carpark in more detail.

Also attached are elevations of the proposed three (3) new signs. The signage area of the 3.78m high entry sign is 2.9m². The signage area on each of the two 4.8m high direction signs is 8.48m² (4.24m² each).

TPS3 at Schedule 10 lists signs which are exempt from requiring planning consent and in a development such as this, those exempt are two (2) free standing signs not exceeding 5m in height above ground level and the maximum total area shall not exceed 10m². In this instance the proposal involves three (3) freestanding signs with a total sign area of 11.38m². Having regard to the long lot frontage to Albany Highway of approximately 261m the three (3) free standing signs are considered appropriate. The two (2) sets of four (4) flag poles adjacent to each of the direction signs are not considered to be advertising signs as no words are to be incorporated into the banners.

The works proposed to the driveways involve closing the existing entry and also a disused crossover ramp to the south and reinstating fences and kerbing. A new main entry is to be constructed some 20m further to the north from the existing (to be closed) entry. A sealed driveway is to be constructed which incorporates coach parking. Additional landscaping works are also proposed to assist in beautifying the site and screening some of the buildings.

Proposed public carpark 2 is shown as bitumen on the plans submitted however the proponents may not seal this at this point in time. It should be a requirement of the planning consent that the main carpark and the entry, exit and connecting driveway are to be sealed and drained to the satisfaction of the Manager Works and Services.

The proponents have liaised with Main Roads WA which has no objections to the signage proposed and supports the relocation of the entry to the north as proposed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Planning Consent be granted for the proposed signage, carparking and entry/exit works at Lot 102 Albany Highway, Mount Barker, subject to:

1. Development being in accordance with the plans dated 31 March 2009.
2. Existing crossovers to Albany Highway at the main entry and to the south are to be closed and rekerbed to the satisfaction of the Manager Works and Services and Main Roads WA.
3. The main carpark, entry/exit and connecting driveway are to be sealed, drained and linemarked to the satisfaction of the Manager Works and Services.
4. Engineer's certification being provided for the three (3) new sign structures prior to the issue of a Building Licence.
5. Existing signage being removed as identified on the plans dated 31 March 2009.

COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

That Planning Consent be granted for the proposed signage, carparking and entry/exit works at Lot 102 Albany Highway, Mount Barker, subject to:

1. Development being in accordance with the plans dated 31 March 2009.
2. Existing crossovers to Albany Highway at the main entry and to the south are to be closed and rekerbed to the satisfaction of the Manager Works and Services and Main Roads WA.
3. The main carpark, entry/exit and connecting driveway are to be sealed, drained and linemarked to the satisfaction of the Manager Works and Services.
4. Engineer's certification being provided for the three (3) new sign structures prior to the issue of a Building Licence.
5. Existing signage being removed as identified on the plans dated 31 March 2009.
6. The written approval of the proposed vehicle entry and exit points to and from Albany Highway by Main Roads WA.

CARRIED (6/0)

NO. 81/09

Reason for Change

Main Roads WA written approval has not yet been received and is required as part of the approval process.

**12.1.3 LOT 277 SOUNNESS STREET, MOUNT BARKER - OVERSIZE
OUTBUILDING**

File No:	RV/182/112789
Attachments:	<u>Location Plan</u> <u>Site Plan</u> <u>Proponent's letter</u>
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	14 April 2009
Applicant	Mr WJ Hawkins

PURPOSE

The purpose of this report is to consider a proposal for an oversize outbuilding on Lot 277 Sounness Street, Mount Barker.

BACKGROUND

The proposal is for an outbuilding of 150m² with a wall height of 5m and combined with an existing stone dairy of 46m² believed to be one of the original dairies in Mount Barker. The cumulative area exceeds the 150m² area set by the policy.

Town Planning Scheme Policy No. 16 (Outbuildings) sets a maximum wall height of 3.5m and a maximum cumulative total floor area for outbuildings in rural residential areas at 150m².

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

– Special Provision 5.1 reads as follows:

“5.1 Houses and outbuildings shall be designed and constructed of materials that allow them to blend into the surrounding landscape. Council may refuse to approve walls and roofs constructed of reflective material such as zincalume and off-white colours.”

– Special Provision 5.3 reads as follows:

“5.3 Houses and outbuildings shall be set back a minimum of 15 metres from any boundary of a lot unless otherwise approved by Council. In approving any setback relaxation, Council shall take into account the topography, lot shape and vegetation on the site.”

CONSULTATION

The proposed outbuilding location and colour has been discussed with the applicant.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 16 (Outbuildings) limits outbuildings to a maximum wall height of 3.5m and a maximum cumulative floor area of 150m² for Rural Residential zones. The cumulative floor area of all outbuildings currently on site totals 86.26m² excluding the proposed the new outbuilding of 150m². The existing stone dairy (46m²) will be retained and a second outbuilding (40.26m²) will be demolished before the proposed outbuilding is erected. The cumulative floor area of all outbuildings on site including the new outbuilding (150m²) will then total 196m². The wall height of the proposed outbuilding is 5m. Given the large size of the lot (nearly 4ha), the total area of outbuildings is considered acceptable in this instance. The Council must have regard to a Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The proponent has submitted a letter explaining why he requires an oversize outbuilding (copy attached) and included photographs to demonstrate the quality thereof. Even though the outbuilding is to be relocated, it is in a good condition. The outbuilding location is well screened by vegetation to the neighbour's house to the south of lot 277. The proposed outbuilding is set back 15m from the street boundary and more than 15m from all other lot boundaries. The external walls of the outbuilding will be dark blue in colour and will blend into the surrounding landscape. No difficulties are seen with the area of the outbuilding being 150m² and the wall height of 5m given the size of the lot being nearly 4ha.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr K Clements:

That the oversize and over height outbuilding at Lot 277 Sounness Street, Mount Barker be approved subject to:

- 1. Development being in accordance with the plans dated 5 March 2009.**
- 2. The outbuilding being painted dark blue within two (2) months of the structure being erected.**
- 3. The existing outbuilding of 40.26m² on the front boundary of the property be demolished before the new outbuilding is erected.**

CARRIED (6/0)

NO. 82/09

12.1.4 LOT 3 MILLINUP ROAD, PORONGURUP - CHALET

File No:	RV/182/104067
Attachments:	Location Plan Floor Plan Elevations Submission
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	14 April 2009
Applicant	Jim and Joan Baily

PURPOSE

The purpose of this report is to consider an application for a chalet at Lot 3 Millinup Road, Porongurup.

BACKGROUND

The owners of the property are seeking approval to convert a rural outbuilding to a chalet for holiday accommodation.

A building licence was issued for a Class 8 (commercial building) on 23 February 2006. The holiday accommodation will consist of two (2) bedrooms with cooking and associated facilities on the upper floor of the building. The ground floor of the building will be used for a garage for holiday guests to park their vehicles.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural. Chalet is a discretionary 'SA' use under TPS3 meaning that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with Clause 6.2.

Town Planning Scheme Policy No. 14 (Rural Tourist Accommodation & Additional Houses) – Planning consent requirements for chalets.

Building Code Australia (BCA) – Reclassification of the outbuilding.

CONSULTATION

The proposal was advertised for a twenty-one (21) day period closing in 2 April 2009. Letters were sent to the four (4) adjoining land owners, notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site.

One submission was received from an adjoining owner, the Department of Environment and Conservation (DEC). DEC states that the proposed chalet location is 200m away from the Porongurup National Park boundary and this should allow for a mandatory bushfire Hazard Separation Zone of 100m.

FINANCIAL IMPLICATIONS

The application fee of \$123.00 has been paid.

In accordance with Town Planning Policy No. 14 the Council may require a once off financial contribution to maintenance of the gravel road at the time of approval. The fee is currently set in the Annual Budget at \$2,860.00.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 14 (Rural Tourist Accommodation & Additional Houses).

Policy criteria 3 read as follows:

“Tourist accommodation units must be primarily accessed from a bitumen sealed road. A small scale operator (4 units or less) is able to access off a gravel road but should not expect the Council to upgrade the road pavement to bitumen standards. The Council may require a once off financial contribution to maintenance of the gravel road at the time of approval. This fee will be set in the Council’s Annual Budget”.

Policy criteria 5 read as follows:

“Each tourist accommodation unit (such as a Chalet) will be a maximum of 2 bedrooms.”

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Plan 2003 Key Result Area 4 Development Services seeks to ‘encourage new businesses that will create long term sustainable local employment’.

OFFICER COMMENT

The outbuilding was constructed in accordance with the approved plans and the ground floor of the building is used for the purposes of packing and handling agricultural products (olives and avocados).

The holiday accommodation will consist of two (2) bedrooms with cooking and associated facilities on the upper floor of the building. The ground floor of the building will be used for a garage for holiday guests to park their vehicles and the existing use will be discontinued.

The proposed use is not likely to affect the landscape, rural character or amenity of the area. No substantial increase of vehicular traffic is anticipated and the use is not expected to prejudice or displace viable agricultural land or production.

The property is 76ha in area with the chalet located in the middle of the property. The chalet is not likely to affect existing horticultural activities on adjoining land.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr J Moir, seconded Cr S Grylls:

That planning consent be granted for a chalet at Lot 31 Millinup Road, Porongurup subject to:

- 1. Development being in accordance with the plans dated 4 March 2009.**
- 2. Compliance with the relevant requirements of the Building Code of Australia.**
- 3. A once off financial contribution to maintenance of the gravel road. The fee is currently set in the Annual Budget at \$2,860.00.**
- 4. The provision of a 92,000 litre potable water tank with appropriate fittings for fire fighting purposes in the event of a fire.**
- 5. The provision and maintenance of a Hazard Separation Zone of 100m for fire safety to the satisfaction of the Council's Ranger.**

ADVICE NOTE

The applicant is advised to liaise with the Department of Environment and Conservation (DEC) with regard to fire protection measures.

AMENDMENT

Moved Cr K Clements, seconded Cr M Skinner:

That point 3. of the motion be deleted and the motion be recast accordingly.

CARRIED (6/0)

NO. 83/09

COUNCIL DECISION

That planning consent be granted for a chalet at Lot 31 Millinup Road, Porongurup subject to:

- 1. Development being in accordance with the plans dated 4 March 2009.**
- 2. Compliance with the relevant requirements of the Building Code of Australia.**
- 3. The provision of a 92,000 litre potable water tank with appropriate fittings for fire fighting purposes in the event of a fire.**

4. The provision and maintenance of a Hazard Separation Zone of 100m for fire safety to the satisfaction of the Council's Ranger.

ADVICE NOTE

The applicant is advised to liaise with the Department of Environment and Conservation (DEC) with regard to fire protection measures.

CARRIED (6/0)

NO. 84/09

12.1.5 LOT 4 MARTIN STREET, MOUNT BARKER - OUTBUILDING WITH REDUCED SIDE BOUNDARY SETBACK

File No: RV/182/1811

Attachments: [Location Plan](#)
[Site Plan](#)
[Elevations](#)
[Proponent's Letter](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 14 April 2009

Applicant Paul and Lorraine McKeich

PURPOSE

The purpose of this report is to consider a proposal for an outbuilding on Lot 4 Martin Street, Mount Barker, with a reduced side boundary setback.

BACKGROUND

The owner of the property is seeking approval to build a new outbuilding 13.5m² (3m x 4.5m) in size with a 2m wall height. The side boundary setback is to be 5m where a side boundary setback of 7.5m is required.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Residential (R2.5).

Clause 5.2 of TPS3 provides the Council with the ability to vary development standards for development other than residential development.

Clause 6.3.2 of TPS3 states:

"The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality may refuse to approve any application for planning consent or may grant its' approval unconditionally or subject to such conditions as it thinks fit."

Residential Design Codes (RCodes).

The RCodes – discretion exists for the Council to vary standards at clause 2.5.2 as follows:

"Discretion shall be exercised having regard to the following considerations:

- a) *the stated purpose and aims of the scheme;*
- b) *the provisions of parts 1-7 of the codes, as appropriate;*
- c) *the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
- d) *the explanatory guidelines of the codes that correspond to the relevant provisions;*
- e) *any local planning strategy incorporated into the scheme;*
- f) *a provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- g) *orderly and proper planning.”*

The variation required here relates to 2.5.2(b) above as the building setback requirements are in part 6 of the RCodes.

CONSULTATION

The proposed outbuilding location has been discussed with the proponents and they have submitted a letter explaining their request to reduce the side boundary setback.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 16 (Outbuildings) limits outbuildings to single storey with a maximum wall height of 3m and a maximum cumulative floor area of 80m² for Residential zones.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Lot 4 is 8462m² in area and is zoned Residential (R2.5). The RCodes at Table 1 – General site requirements, require a 7.5m side setback for buildings and the proposed outbuilding is to be placed 5m from the side boundary.

The lot is well-developed with a dwelling, gardens, fruit orchard and numerous large trees. The outbuilding location is well screened by vegetation and the existing outbuilding located on the adjoining property (lot 6) to the south. The proposed outbuilding is 13.5m² in area with a 2m wall height. The cumulative area of all outbuildings on the property is 73.5m² which is within the limits set by the Council's TPS Policy No. 16. The proposed outbuilding is not likely to affect the amenity of the locality.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Mark:

That the proposed outbuilding with a reduced side setback of 5m at Lot 4 Martin Street, Mount Barker be approved subject to development being in accordance with the plans dated 11 March 2009.

CARRIED (6/0)

NO. 85/09

12.1.6 LOT 703 SIXTH AVENUE, KENDENUP - DWELLING WITH REDUCED REAR BOUNDARY SETBACK

File No: RV/182/2333

Attachments: [Location Plan](#)
[Site and Floor Plan](#)
[Letter of Objection](#)
[Proponent's Letter](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 14 April 2009

Applicant Mr Soheil Mozhdehinia

PURPOSE

The purpose of this report is to consider a proposal for a dwelling on Lot 703 Sixth Avenue, Kendenup, with a reduced rear boundary setback.

BACKGROUND

The owner of the property is seeking approval to convert an existing outbuilding with a rear boundary setback of 1.5m to a dwelling where a rear boundary setback of 6.0m is required. A building licence was issued for an outbuilding on 30 June 1997.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) Zoned Rural - The property is located within the Kendenup Village where the boundary setbacks for buildings are per R 10 standards in the Residential Design Codes (RCodes).

Clause 5.2 of TPS3 provides the Council with the ability to vary development standards for development other than residential development.

Clause 6.3.2 of TPS3 states:

“The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality may refuse to approve any application for planning consent or may grant its’ approval unconditionally or subject to such conditions as it thinks fit.”

Residential Design Codes (RCodes).

The RCodes – discretion exists for the Council to vary standards at clause 2.5.2 as follows:

'Discretion shall be exercised having regard to the following considerations:

- a) *the stated purpose and aims of the scheme;*
- b) *the provisions of parts 1-7 of the codes, as appropriate;*
- c) *the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
- d) *the explanatory guidelines of the codes that correspond to the relevant provisions;*
- e) *any local planning strategy incorporated into the scheme;*
- f) *a provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- g) *orderly and proper planning.'*

The variation required here relates to 2.5.2(b) above as the building setback requirements are in part 6 of the RCodes.

CONSULTATION

The proposed setback and conversion has been discussed with the proponent and he has submitted a letter explaining his request to convert the existing outbuilding to a dwelling (copy attached).

The proponent as part of the application was requested to provide a letter of support from the owner of Lot 794 Seventh Avenue located to the rear (copy attached). A letter of objection was received from that owner (Mr A Hazebroek).

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 property is located within the Kendenup Village where the boundary setbacks for buildings are per R 10 standards in the RCodes.

The outbuilding was constructed in accordance with the building licence issued on 30 June 1997 with a rear setback of 1.5m. The RCodes at Table 1 – General site requirements, require a 1.5m rear setback for outbuildings and 6m for dwellings. A right of way of 5m abuts the rear boundary of the property.

An objective of boundary set-back requirements of the RCodes is to ensure adequate privacy of adjoining properties. The protection of privacy meaning primarily the prevention of windows and outdoor living areas being overlooked by neighbours.

Setbacks seek to control overlooking between active habitable rooms and outdoor living areas of adjoining properties. Active outdoor living areas consisting of

domestic activities such as gardening, children's play area, outdoor entertaining, leisure and the pursuit of hobbies and utilitarian purposes, such as clothes drying and the storage of items.

It is recognised that setbacks alone cannot realistically be deemed to be adequate, nevertheless setbacks are the primary tool used to achieve privacy and complemented with screening can be effective. The dwelling activity has a high impact on privacy and to reduce the rear setback from 6.0m to 1.5m will have a substantial influence of the privacy of lot 794 to the rear. The property may further be adversely affected with the addition of a verandah to the south of the dwelling which is seen as an active outdoor living area abutting the rear boundary.

The majority of properties within the Kendenup Village are 1,000m² in area and provide the opportunity for the development of efficient and meaningful habitable and outdoor living areas. The building with a length of 14m dominates the rear boundary of 20m and with side setbacks of 1.5m leaves little space for further development. All future activities and development on the lot have to occur to the front of the proposed dwelling.

The Kendenup Village has a distinct rural character. Dwellings are mainly located in the middle of the lots on the street setback with accompanying facilities located at the rear. This provides for space to utilise and enjoy dwellings and outdoor living areas. A dwelling located at the back of a lot with accompanying facilities to the front may not blend in and may adversely influence the rural character.

Dividing fences in Kendenup are mainly of rural type construction and contribute to the open and rural feel of the area. A reduction in setbacks could lead to the erection of solid dividing fences to ensure privacy and may adversely affect the open and rural feeling of the area.

An approval to reduce the rear boundary setback in this instance could set a precedent for Kendenup and future applications. Mr Mozhdhehinia also owns adjoining lot 702 to the south with an approved outbuilding very similar to that on lot 703.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr S Grylls:

That the proposal to convert the outbuilding to a dwelling on Lot 703 Sixth Avenue, Kendenup with a reduced rear setback of 1.5m be refused on the grounds that it is contrary to the orderly and proper planning of the locality and the preservation of the amenity of the locality and it would set a precedent for this form of development in other parts of Kendenup.

CARRIED (6/0)

NO. 86/09

12.1.7 LOT 853 SEVENTH AVENUE, KENDENUP - RELOCATED DWELLING

File No:	RV/182/3107
Attachments:	Location Plan Site Plan Elevation Photos
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	14 April 2009
Applicant	G and M McPharlin

PURPOSE

The purpose of this report is to consider an application for a relocated dwelling at Lot 853 Seventh Avenue, Kendenup.

BACKGROUND

This lot is currently vacant and Shire records show the owner to be Mr SR Atherton. Mr Atherton is in the process of selling the property to Mr and Mrs McPharlin. The house was originally located at Katanning but is presently at Lot 351 Halsey Road, Mount Barker.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

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

CONSULTATION

Public consultation has not been carried out for this proposal as it is not a mandatory requirement of TPS3.

FINANCIAL IMPLICATIONS

A \$5,000.00 bond will be required as a condition of approval.

POLICY IMPLICATIONS

Council Policy No. TP/SDC/5 – Housing – Relocation Second Hand Houses – requires various conditions to be satisfied including a \$5,000.00 bond, engineer's certification and removal of asbestos cladding if being brought into the Shire. The bond is required to ensure the house is completed to an acceptable standard. The bond is refundable upon completion of the house.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The subject lot is zoned Rural and is located within the rural village of Kendenup. The applicant has obtained a report from a structural engineer which shows the building is structurally sound to relocate. All asbestos wall and roof cladding has been removed from the house.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Mark:

That Planning Consent be granted for a relocated dwelling at Lot 853 Seventh Avenue, Kendenup subject to:

1. Development being in accordance with the plans dated 12 March 2009.
2. Payment of a refundable bond of \$5,000.00 prior to the issue of a building licence.
3. A crossover shall be constructed to the satisfaction of the Manager Works and Services.

CARRIED (6/0)

NO. 87/09

12.1.8 POLICY REVIEW - HOUSING - RELOCATION OF SECOND HAND HOUSES

File No: DB/120/2
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 14 April 2009

PURPOSE

The purpose of this report is to review Council Policy No. TP/SDC/5 - 'Housing - Relocation of Second Hand Houses'.

BACKGROUND

Council Policy No. TP/SDC/5 - 'Housing - Relocation of Second Hand Houses' reads as follows:

OBJECTIVE:

To set guidelines to ensure second hand houses that are to be relocated are of a standard acceptable to the Council.

POLICY:

Second hand houses that are within and outside Townsites will only be approved at the Council's discretion and be subject to:

- 1. A bond being paid to ensure a good standard of completion. Such bond amounts will be set annually in the Council's Budget.*
- 2. An engineer's structural certification that the house is appropriate to be moved being submitted.*
- 3. Coloured photographs of the external facades of the house being supplied with the application.*
- 4. Asbestos wall and roof cladding being removed before the house is transported.*
- 5. Any other conditions considered appropriate by the Council.'*

This policy was last reviewed by the Council on 24 July 2007.

STATUTORY ENVIRONMENT

Local Government Act 1995

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

Building Code of Australia

CONSULTATION

There has been no consultation for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Council's Strategic Plan Key Result Area 1, New Initiative 1.4 provides the following:

'1.4 Ensure the Administrative system and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.'

To achieve this we will:

Revise all policies, procedures and delegations to ensure internal consistency and convergence; and

Promote and provide access to policies, procedures, standards and legislation.'

OFFICER COMMENT

Some minor editorial changes are needed to the policy. The first is to delete the words 'that are within and outside Townsites' as this wording is superfluous. The second change is to introduce the words 'and dispose of correctly' into point 4 after the word 'removed' as it is important that asbestos products are disposed of correctly.

No other changes to the policy are required.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Moir:

That amended Council Policy No. TP/SDC/5 - Housing - Relocation of Second Hand Houses as follows:

OBJECTIVE:

To set guidelines to ensure second hand houses that are to be relocated are of a standard acceptable to the Council.

POLICY:

Second hand houses will only be approved at the Council's discretion and be subject to:

1. A bond being paid to ensure a good standard of completion. Such bond amounts will be set annually in the Council's Budget.
2. An engineer's structural certification that the house is appropriate to be moved being submitted.
3. Coloured photographs of the external facades of the house being supplied with the application.
4. Asbestos wall and roof cladding being removed and disposed of correctly before the house is transported.
5. Any other conditions considered appropriate by the Council.'

be endorsed.

CARRIED (6/0)

NO. 88/09

12.1.9 POLICY REVIEW - PIGGERIES

File No: LP/120/16
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 14 April 2009

PURPOSE

The purpose of this report is to review Council Policy No. STP/TPS/1 - 'Piggeries'.

BACKGROUND

Council Policy No. STP/TPS/1 - 'Piggeries' reads as follows:

OBJECTIVE:

To clarify which approvals are required for a proposal to commence a piggery.

POLICY:

That applications to commence a piggery require:

- 1. Approval and a licence as an offensive trade under the Shire of Plantagenet Health Local Laws 1997 and the Health Act 1911.*
- 2. Planning Consent of the Council under Town Planning Scheme No. 3 and prior to the Council considering such a proposal, staff will advertise the application in accordance with Clause 6.2 of that Scheme.'*

This policy was last reviewed by the Council on 13 March 2007.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) - Clause 6.2.3 of TPS3 describes how twenty-one (21) day advertising is to be carried out

Health Act 1911

Shire of Plantagenet Health Local Law 2008

CONSULTATION

There has been no consultation for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Council's Strategic Plan Key Result Area 1, New Initiative 1.4 provides the following:

'1.4 Ensure the Administrative system and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

Revise all policies, procedures and delegations to ensure internal consistency and convergence; and

Promote and provide access to policies, procedures, standards and legislation.'

OFFICER COMMENT

This policy is saying that piggeries will be treated as an 'SA' use and advertised for public comment and the Council may impose conditions on any subsequent approval.

The interpretation of 'Rural Use' in TPS3 includes reference to the keeping of pigs and requires such a land use to be approved by the Council. Other facets of a 'Rural Use' are permitted in the Rural zone as of right but activities such as piggeries and feedlots require Council approval.

In respect to the Health Act 1911 and the Shire of Plantagenet Health Local Law 2008, piggeries fall into the category of an offensive trade and require a permit to be issued under the Local Law.

The Health Local Law was amended in 2008 and its title now reads Health Local Law 2008 and the policy needs to be amended to reflect this.

No other changes are proposed for this policy.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr M Skinner:

That amended Council Policy No. STP/TPS/1 - 'Piggeries' as follows:

'OBJECTIVE:

To clarify the approvals necessary for a proposal to commence a piggery.

POLICY

Applications to commence a piggery will require:

1. Approval and a licence as an offensive trade under the Shire of Plantagenet Health Local Law 2008 and the Health Act 1911.
2. Planning Consent of the Council under Town Planning Scheme No. 3 and prior to the Council considering such a proposal, staff will advertise the application in accordance with Clause 6.2 of that Scheme.'

be endorsed.

CARRIED (6/0)

NO. 89/09

**12.1.10 LOT 154 CARBARUP ROAD, KENDENUP - APPLICATION FOR
TEMPORARY ACCOMMODATION**

File No: RV/182/400382
Attachments: [Location plan](#)
[Site plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 14 April 2009
Owner: J Humphreys and T Thomas

PURPOSE

The purpose of this report is to consider an application for Temporary Accommodation at Lot 154 Carbarup Road, Kendenup.

BACKGROUND

An application has been received from the owners of Lot 154 Carbarup Road, Kendenup seeking approval to occupy a caravan located on the lot for a period of twelve (12) months during the construction of a Class 1a dwelling, also located on the lot.

STATUTORY ENVIRONMENT

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

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

CONSULTATION

Consultation has taken place between Peter Duncan – Manager Development Services, Eric Howard – Environmental Health Officer and the applicants.

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 applicants currently occupy a caravan located on the lot and were unaware that Council approval to temporarily occupy the site was required. The applicants have agreed to comply with the provisions and conditions expressed in the Council's 'Application for Temporary Accommodation' document.

The applicants wish to reside on site during the construction of the dwelling to maintain site security and to expedite the building project. It is expected that the dwelling will be constructed to a habitable standard within twelve (12) months and therefore temporary accommodation will be required for a period of between six (6) and twelve (12) months.

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Grylls, seconded Cr J Mark:

That the application for temporary accommodation at Lot 154 Carbarup Road, Kendenup be approved for a period of twelve (12) months from 14 April 2009 subject to:

- 1. The installation and connection of an approved on-site effluent disposal system serving the temporary toilet and ablution facilities.**
- 2. Inspection and certification by the Council's Environmental Health Officer that the facility meets all relevant health and safety standards.**
- 3. Satisfactory progress being achieved with the construction of the Class 1a dwelling.**

Advice Note:

The approval to occupy temporary accommodation may be revoked at any time within the twelve (12) month approval period.

CARRIED (6/0)

NO. 90/09

12.2 WORKS AND SERVICES REPORTS

12.2.1 NAMING OF UNNAMED ROAD OFF MUIRS HIGHWAY, MOUNT BARKER

File No:	RO/107/1
Attachments:	<u>Location Plan</u> <u>Map and Engineering Drawing showing Unnamed Road Reserve off Muirs Highway</u> <u>Future Street and Reserve Name Policy</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Emma Gardner Administration Officer – Works & Services
Proposed Meeting Date:	14 April 2009

PURPOSE

The purpose of this report is to consider a submission in relation to the proposed naming of an unnamed road off Muirs Highway, Mount Barker.

BACKGROUND

Following the construction of the Northern Bypass, Taylor Road has been re-aligned. The former north-western part of Taylor Road (referred to as Shire Road on the attached Main Roads' engineering drawing) intersects with the Northern Bypass approximately 300m west of Taylor Road. Land owners of properties abutting this road have requested that it be named. A map and engineering drawing showing the unnamed road reserve is attached.

At its meeting held 10 February 2009, the Council resolved:

- '1. The proposal to name the unnamed road reserve located north off Muirs Highway, 'Chester Street', as shown on the attached map be advertised for public comment.*
- '2. Subject to no objections being received during the public submission period the proposal be forwarded to the Geographic Names Committee for endorsement.'*

STATUTORY ENVIRONMENT

The Land Administration Act 1997 governs the road naming process.

CONSULTATION

Following the Council's decision, the proposal was publicly advertised in both the Albany Advertiser and Plantagenet News for a period of two (2) weeks. No written submissions were received.

A letter was also sent to each of the two (2) landowners on the subject road to inform them of The Council's decision and information on how proposals in regard to this submission could be lodged.

Although no written submissions were received on the proposal when advertised, Mrs Elaine Rose attended the Front Counter at the Shire Administration Building on 12 February 2009 and expressed concern in regard to the cost of changing titles and deeds. Mrs Rose suggested changing the name of the existing Taylor Road, enabling the subject road to be called Taylor Road. Mrs Rose advised she would be sending in a written submission, however it was not received.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

It is suggested that the unnamed road reserve off Muirs Highway be called Chester Road not Chester Street.

The Geographic Names Committee describes in its Principals, Guidelines and Procedures document that a Street is 'A public roadway in a town, city or urban area, especially a paved thoroughfare with footpaths and buildings along one or both sides' and a Road is described as 'A place where one may ride, an open way or public passage for vehicles, persons and animals, a roadway forming a means of communication between one place and another'.

It is believed that the definition for Road is more appropriate for the subject road than street as it is outside the Mount Barker town site.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr K Clements:

That:

1. The unnamed road reserve located north off Muirs Highway, Mount Barker be called 'Chester Road'.
2. The proposal be forwarded to the Geographic Names Committee for endorsement.

CARRIED (6/0)

NO. 91/09

**12.2.2 LAND DEDICATION - LOTS 1519 AND 2689 THE PASS ROAD,
NARRIKUP**

File No: RV/182/3474
Attachments: [Location Plans](#)
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Sharon Williams
Senior Administration/Project Officer (Works
and Services)
Proposed Meeting Date: 14 April 2009

PURPOSE

The purpose of this report is to obtain the Council's support for the dedication of portions of Lots 1519 and 2689 The Pass Road, Narrikup, as road.

BACKGROUND

On 10 February 2009 the Council considered a compensation payment for the acquisition of 2.3790 ha from lot 2689 for inclusion into the existing road reserve of The Pass Road, Narrikup. The Council resolved that compensation be set at \$24,000.00 for the acquisition of this land.

The Department for Planning and Infrastructure has now advised that the Council needs to provide a resolution requesting the dedication of the subject lands to enable State Lands Services to deal with the acquisition.

STATUTORY ENVIRONMENT

Land Administration Act 1997 – Sections 56 and 168.

CONSULTATION

Consultation has occurred with the Department for Planning and Infrastructure State Land Services, Manager Works and Services Ian Bartlett and Deputy Chief Executive Officer John Fathers.

FINANCIAL IMPLICATIONS

All costs associated with the dedication of the subject lands as road will be the responsibility of the Shire. It is estimated that this will cost approximately \$1,000.00.

POLICY IMPLICATIONS

There are no policy implications for this report.

LEGAL IMPLICATIONS

Hudson Henning & Goodman is acting on behalf of the Shire of Plantagenet in relation to the lodgement of the caveat over lot 2689.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet's Strategic Plan, Key Result Area 2 Infrastructure provides the following as one of its aims:

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

OFFICER COMMENT

Written agreement has been received from the respective owners/mortgagees providing their consent for the resumption of the subject lands as road.

Before these dedications can be lodged with the Department for Planning and Infrastructure a consulting surveyor will be engaged to prepare the Deposited Plan to reflect the Taking by Agreement.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr J Moir:

That:

1. The dedication of portions of Lot 1519 (CT 1529/930) and Lot 2689 (CT 1161/865) as road under Section 56 of the Land Administration Act 1997 as shown on the attached plans dated 25 March 2009 be supported.
2. A request be made to the Department for Planning and Infrastructure to dedicate portions of Lot 1519 (CT 1529/930) and Lot 2689 (CT 1161/865) as road under Section 56 of the Land Administration Act 1997.
3. The Minister for Lands be indemnified against any costs, including preparation of suitable graphics and compensation for the dedication of portions of Lot 1519 (CT 1529/930) and Lot 2689 (CT 1161/865) as road under Section 56 of the Land Administration Act 1997.

CARRIED (6/0)

NO. 92/09

12.2.3 LAND DEDICATION – LOTS 1102 AND 1132 BARROW ROAD, MOUNT BARKER

File No: RV/182/107458
Attachments: [Location Plan](#)
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Sharon Williams
Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date: 14 April 2009

PURPOSE

The purpose of this report is to obtain the Council's support for the dedication of portions of land from Lots 1102 and 1132 Barrow Road as road.

BACKGROUND

A grant was received in 2006 under the Supplementary AusLink Roads to Recovery Program to clear 4,700m of overhanging vegetation to six metres in height and two metres either side of Barrow Road. Although Council records showed Barrow Road 'Road Reserve' was the standard 20m, when works commenced a survey was undertaken and confirmed that the northern end for length of 1,000m was only ten metres wide.

Negotiation has occurred with the adjacent landholder to resume a 5m wide strip along the northern boundary of lots 1102 and 1132 to widen Barrow Road to 15m. The landowner has signed a voluntary agreement for this resumption.

STATUTORY ENVIRONMENT

Land Administration Act 1997 – Sections 56 and 168.

CONSULTATION

Consultation has occurred between the landowner and Manager Works and Services Ian Bartlett. Licensed surveyors 35 Degrees South have been engaged to carry out cadastral changes on behalf of the Council.

FINANCIAL IMPLICATIONS

A sworn valuation of \$3,500.00 has been received from Landgate.

All costs associated with the dedication of the subject lands as road will be the responsibility of the Shire. It is estimated that this will cost approximately \$2,500.00.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet's Strategic Plan, Key Result Area 2 Infrastructure provides the following as one of its aims:

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

OFFICER COMMENT

The Council needs to formally resolve to dedicate the resumed lands into the existing road reserve. Endorsement is recommended to ensure the Roads to Recovery funding can be spent by 30 June 2009.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Moir:

That:

1. The dedication of portions of Lots 1102 and 1132 as road under Section 56 of the Land Administration Act 1997 as shown on the attached plan dated 31 March 2009 be supported.
2. The Department for Planning and Infrastructure be requested to dedicate portions of Lots 1102 and 1132 as road under Section 56 of the Land Administration Act 1997 as shown on the attached plan dated 31 March 2009.
3. The Minister for Lands be indemnified against any costs, including preparation of suitable graphics and compensation for the dedication of portions of Lots 1102 and 1132 as road under Section 56 of the Land Administration Act 1997.
4. Compensation be set at \$3,500.00 for the acquisition of 0.3138ha from Lot 1102 and 0.2362ha from Lot 1132 for inclusion into the existing road reserve of Barrow Road, Mount Barker.

CARRIED (6/0)

NO. 93/09

12.2.4 SHORT STREET, MOUNT BARKER - ONE WAY STREET CONSIDERATION

File No:	RO/99/22
Attachments:	<u>Summary of Submissions Received</u>
Responsible Officer:	Ian Bartlett Manager Works and Services
Author:	Sharon Williams Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date:	14 April 2009

PURPOSE

The purpose of this report is to propose the classification of Short Street, Mount Barker as a one way street and consider public comment following the conclusion of the advertising period.

BACKGROUND

A report on the proposed classification of Short Street was considered by the Council at its meeting on the 10 February 2009.

At that meeting it was resolved:

'That:

- 1. The proposal to create a one way configuration (east to west) for Short Street, Mount Barker be advertised for a period of thirty five (35) days seeking public comment.*
- 2. At the conclusion of the thirty five (35) day advertising period a further report presented to the Council at the Ordinary Meeting to be held on 14 April 2009.'*

The proposal has been advertised for thirty five (35) days and a media release also appeared in the Plantagenet News on 25 March 2009.

STATUTORY ENVIRONMENT

The Council is responsible for the care and control of road reserves within the Shire of Plantagenet. Accordingly, any proposal to improve or modify a road reserve requires approval by the Council.

Regulation 291 of the Road Traffic Code 2000 is the statutory means by which a road is classified as one way.

Australian Standards AS2890 (parking guidelines).

Shire of Plantagenet Parking Local Law.

CONSULTATION

The proposal has been advertised for thirty five (35) days and three (3) submissions have been received from Y Wood, M Dickie and C Ambrose (see Summary of Submissions).

FINANCIAL IMPLICATIONS

The cost estimates to successfully upgrade Short Street are:

Resource Breakdown	
Wages (Supervision and Labour)	\$23,880.00
Plant	\$28,950.00
Materials	\$22,775.00
Contractors	\$19,470.00
Total	\$95,075.00

It is proposed to seek funding for this job in the 2009/2010 financial year.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet's Strategic Plan, Key Result area 2 (Infrastructure) aims to:

- *'Maximise the benefit to the community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and buildings infrastructure within the financial recourse of the Shire.'*
- *'Manage public open space and natural resources to equitably meet the community's social and economic needs in an environmentally responsible manner.'*

OFFICER COMMENT

The Summary of Submissions includes a comment in response to each of the submissions received.

The upgrade of the Mount Barker Town Centre is being staged over several financial years to lessen the financial impact on the Council's Annual Budget. It is proposed that Lord Street be considered as the next priority in the staged upgrade.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

That the proposal to create a one way configuration (east to west) for Short Street, Mount Barker be endorsed and forwarded to Main Roads WA for approval.

CARRIED (6/0)

NO. 94/09

12.2.5 POLICY REVIEW - VEHICLE CROSSOVERS

File No: RO/120/11
Attachments: [Vehicle Crossover Specifications](#)
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Sharon Williams
Senior Administration/Project Officer (Works
and Services)
Proposed Meeting Date: 14 April 2009

PURPOSE

The purpose of this report is to review Council Policy No. I/R/13 – Vehicle Crossovers.

BACKGROUND

Council Policy I/R/13 – Vehicle Crossovers reads as follows:

OBJECTIVE:

To achieve a standard of vehicle crossovers in line with Council guidelines.

POLICY:

- 1. The Procedures and Specifications for construction of a Vehicle Crossover be adopted as policy.*
- 2. Within townsites, sealed crossings of concrete, brick paving or asphalt be required where the crossing adjoins a sealed road.*
- 3. Outside townsites, crossings contain gravel consisting of a minimum thickness of 100mm.*
- 4. The Council issue notices requiring repairs to crossovers pursuant to Local Government (Uniform Local Provisions) Regulations 1996 Schedule 9.1 Clause 7 (3) of the Local Government Act 1995 seeking expressions of interest from contractors for the construction and repair of crossovers on behalf of the Council contribute 50% to the cost of repairs carried out to the Council's satisfaction.'*

STATUTORY ENVIRONMENT

Under the provisions of Schedule 9.1 Clause 7 of the Local Government Act 1995 and Local Government (Uniform Local Provisions) Regulations 1996, landowners must make application to the Council for approval to construct a crossover.

Crossovers must be constructed to the satisfaction of the Council.

CONSULTATION

There has been no consultation for this report.

FINANCIAL IMPLICATIONS

Regulation 15 states that where a crossover constructed is:

1. the first crossover constructed to the property; and
2. is a standard or above standard crossover

the Council is obliged to pay 50% of the estimated cost of a standard crossover, in the Council's opinion.

It is suggested, for the purposes of the regulation that the following costs be adopted:

Type of Crossover	Estimated Cost	Council Contribution (maximum)
Sealed Urban Crossover	\$500.00	\$250.00
Unsealed Urban Crossover	\$300.00	\$150.00
Sealed Rural Crossover	\$500.00	\$250.00
Unsealed Rural Crossover	\$400.00	\$200.00

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Council's Strategic Plan Key Results Area 1, New Initiative 1.4 provides the following:

'1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisations to be undertaken.'

To achieve this we will:

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

OFFICER COMMENT

It is considered that reference should be included in the policy to clarify where the responsibility lies for ongoing maintenance of crossovers. Also a statement to clarify the Council's stance on contributions to Developers is considered appropriate.

Council contributions have been included in the policy so the rates can be regularly reviewed.

It is also suggested that point three in the policy be amended to reflect that rural crossovers be a minimum 200mm thickness of gravel.

The Guidelines and Procedures for Construction of a Vehicle Crossover have also been reviewed and the reference to local contractors has been removed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Moir:

That amended Council Policy No. I/R/13 – Vehicle Crossovers as follows, and Specifications for the Construction of Vehicle Crossovers (attached):

OBJECTIVE:

To ensure a uniform approach for the construction of vehicle crossovers in line with the Council guidelines.

POLICY:

1. Specification for the Construction of Vehicle Crossovers as adopted by the Council from time to time form part of this policy.
2. Within townsites, including the village of Kendenup sealed crossings of concrete, brick paving, asphalt or other acceptable surface to the satisfaction of the Manager of Works and Services are required where the crossing adjoins a sealed road.
3. All other crossovers shall contain gravel consisting of a minimum thickness of 200mm.
4. The Council contributions will not apply where the crossing is constructed as a result of subdivisional and development consent.
5. The Council will contribute half the cost of a standard crossover (one crossover to a property) subject to the crossover being deemed to conform to the specifications up to the following amounts:

Type of Crossover	Estimated Cost	Council Contribution (maximum)
Sealed Urban Crossover	\$500.00	\$250.00
Unsealed Urban Crossover	\$300.00	\$150.00
Sealed Rural Crossover	\$500.00	\$250.00
Unsealed Rural Crossover	\$400.00	\$200.00

6. Once constructed, crossovers are to be maintained at the expense of the property owner, who shall ensure that the Council's property including the adjacent road pavement, its kerbing, footpaths, landscaping or irrigation services are neither damaged nor reduced in serviceability by the installation of the crossover.

7. The Council may issue a notice in writing pursuant to the Local Government (Uniform Local Provisions) Regulations 1996 to the owner or occupier of private land requiring the person to repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land. If the person fails to comply with the notice, the Council may repair the crossing as the notice required and recover 50% of the cost of doing so as a debt due from the person.'

be endorsed.

CARRIED (6/0)

NO. 95/09

12.2.6 POLICY REVIEW – NATIVE FLORA COLLECTION

File No: EM/120/3
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Emma Gardner
Administration Officer – Works & Services
Proposed Meeting Date: 14 April 2009

PURPOSE

The purpose of this report is to review the Council Policy No. NRM/C/2 – Native Flora Collection.

BACKGROUND

The Council Policy NRM/C/2 – Native Flora Collection reads as follows:

OBJECTIVE:

To set standards for persons wishing to collect flora from roads and other reserves controlled by the Council.

POLICY:

1. *The Council will permit the collection of seed or other native flora from road and other reserves controlled by the Council for commercial purposes by licensed operators conditional upon:
 - i) *The obtaining of a permit from the Council on an annual basis.*
 - ii) *Collection being restricted to areas subject to clearing for road works, fence lines, service authorities or other activities as specifically approved by the Council.*
 - iii) *The licensed and Council approved operators advising the Council in writing of the intended collection site not less than two (2) days nor more than fourteen days in advance of the collection taking place.*
 - iv) *Agreement by the licensed collector that where the Council requires materials collected they will be available for purchase by the Council at an agreed price as a first option.**
 2. *The Council may seek expressions of interest from licensed collectors for the commercial harvesting from reserves vested in the Council of:
 - i) *Timber for fence posts, saw logs and firewood.*
 - ii) *Native seed.*
 - ii) *Mulch and chippings.**
 3. *The collection of wildflowers not be permitted within reserves controlled by the Council unless for the purpose of specimen collection approved by the Department of Environment and Conservation.*
-

4. *The number of licensed collectors approved by the Council to operate on the Council managed reserves is limited to:*
- i) Seed collection – four (4)*
 - ii) Mulch and woodchips – four (4)*
 - iii) Sawlogs, fence posts and firewood – four (4)'*

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

CONSULTATION

Consultation has occurred between Ian Bartlett – Manager Works and Services and Sharon Williams – Senior Administration/Project Officer.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Council's Strategic Plan Key Results Area 1, New Initiative 1.4 provides the following:

- '1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisations to be undertaken.*

To achieve this we will:

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

OFFICER COMMENT

This policy is presented to the Council as part of its ongoing policy review cycle. This policy is considered relevant and should be retained.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr K Clements:

That the Council Policy No. NRM/C/2 – Native Flora Collection:

OBJECTIVE:

To set standards for persons seeking to collect flora from roads and other reserves controlled by the Council.

POLICY:

1. The Council will permit the collection of seed or other native flora from road and other reserves controlled by the Council for commercial purposes by licensed operators conditional upon:
 - i) The obtaining of a permit from the Council on an annual basis;
 - ii) Collection being restricted to areas subject to clearing for road works, fence lines, service authorities or other activities as specifically approved by the Council;
 - iii) The licensed and Council approved operators advising the Council in writing of the intended collection site not less than two (2) days nor more than fourteen days in advance of the collection taking place; and
 - iv) Agreement by the licensed collector that where the Council requires materials collected they will be available for purchase by the Council at an agreed price as a first option.
2. The Council may seek expressions of interest from licensed collectors for the commercial harvesting from reserves vested in the Council of:
 - i) Timber for fence posts, saw logs and firewood;
 - ii) Native seed; and
 - iii) Mulch and chippings.
3. The collection of wildflowers not be permitted within reserves controlled by the Council unless for the purpose of specimen collection approved by the Department of Environment and Conservation.
4. The number of licensed collectors approved by the Council to operate on the Council managed reserves is limited to:
 - i) Seed collection – four (4);
 - ii) Mulch and woodchips – four (4); and
 - iii) Sawlogs, fence posts and firewood – four (4).'

be endorsed.

CARRIED (6/0)

NO. 96/09

12.3 COMMUNITY SERVICES REPORTS

Nil

12.4 CORPORATE SERVICES REPORTS

Nil

12.5 EXECUTIVE SERVICES REPORTS**12.5.1 MEMORANDUM OF UNDERSTANDING FOR CO-OPERATIVE MULTI-AGENCY FIRE OPERATIONS - OPERATING PRINCIPLES**

File No: GR/97/10
Attachments: [Memorandum of Understanding](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 14 April 2009

PURPOSE

The purpose of this report is to recommend the signing of a Memorandum of Understanding (MOU) between the Shire of Plantagenet and the Department of Environment and Conservation (DEC) relating to the operations of Local Government Volunteer Bushfire Brigades and the DEC where they are jointly involved in fire management operations.

BACKGROUND

The fire that burned in the Porongurup National Park in February 2007 and which affected adjoining properties outside of the park, highlighted management issues during a multi-agency event. Accordingly, the MOU endeavours to provide a framework for DEC and Council Volunteer Bushfire Brigades to jointly undertake fire management activities in accordance good fire management principles.

STATUTORY ENVIRONMENT

Bushfires Act 1954

Conservation and Land Management Act 1984

CONSULTATION

There has been extensive consultation with regard to this MOU including the DEC, the Fire and Emergency Services Authority (FESA), the WA Local Government Association (WALGA) and many Councils.

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 Shire President in particular has been promoting the development of this MOU to ensure that in a multi-agency event, the DEC and the Shire's assets are utilised in the best possible manner to protect and preserve life and property.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr M Skinner:

That the Shire President and Chief Executive Officer be authorised to sign the Memorandum of Understanding between the Shire of Plantagenet and the Department of Environment and Conservation relating to co-operative multi-agency fire operations and operating principles.

CARRIED (6/0)

NO. 97/09

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

15 CONFIDENTIAL

Nil

16 CLOSURE OF MEETING

3:33 PM The Presiding Member declared the meeting closed.

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