



## ORDINARY MINUTES

**DATE:** Tuesday, 9 March 2010

**TIME:** 2.45 pm

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

**Rob Stewart**  
**CHIEF EXECUTIVE OFFICER**

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## TABLE OF CONTENTS

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ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	PUBLIC QUESTION TIME.....	2
	A. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
	B. SECTION 5.24 LOCAL GOVERNMENT ACT 1995 .....	2
4	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
	PETITION – ADOPTION OF PRECINCT PLAN FOR KENDENUP.....	2
5	DISCLOSURE OF INTEREST .....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE .....	3
7	CONFIRMATION OF MINUTES.....	3
8	COMMITTEE MINUTES.....	3
9	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION .....	4
10	ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION .....	4
11	REPORTS OF COMMITTEES AND OFFICERS.....	5
	11.1 DEVELOPMENT SERVICES REPORTS.....	5
	11.1.1 TOWN PLANNING SCHEME POLICY NO. 18 – PLANNING VISION - FINALISATION.....	5
	11.1.2 LOCATION 6045 SPRING ROAD, PORONGURUP – 13 LOT SUBDIVISION .....	11
	11.1.3 LOT 269 MARTIN STREET, MOUNT BARKER - OUTBUILDING WITH A REDUCED SIDE BOUNDARY SETBACK.....	15
	11.1.4 LOT 513 FOURTH AVENUE CORNER BEVERLEY ROAD, KENDENUP - PATIO WITH REDUCED SECONDARY STREET SETBACK.....	17

<b>11.2</b>	<b>WORKS AND SERVICES REPORTS.....</b>	<b>20</b>
11.2.1	ROAD NAMING - RENAMING PORTIONS OF LOWOOD ROAD AND MONDURUP STREET .....	20
11.2.2	ROAD NAMING - RENAMING SOUTH SECTION OF MARMION STREET .....	22
11.2.3	CLOSURE OF UNNAMED ROAD RESERVE – SPENCER ROAD .....	24
<b>11.3</b>	<b>COMMUNITY SERVICES REPORTS .....</b>	<b>26</b>
11.3.1	REGIONAL COLLOCATION SCHEME - MOUNT BARKER COMMUNITY CENTRE.....	26
<b>11.4</b>	<b>CORPORATE SERVICES REPORTS .....</b>	<b>28</b>
<b>11.5</b>	<b>EXECUTIVE SERVICES REPORTS.....</b>	<b>28</b>
<b>12</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>28</b>
<b>13</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....</b>	<b>28</b>
<b>14</b>	<b>CONFIDENTIAL.....</b>	<b>28</b>
<b>15</b>	<b>CLOSURE OF MEETING.....</b>	<b>28</b>

## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:50pm The Presiding Member declared the meeting open.

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

### Members Present:

Cr K Clements	Shire President
Cr M Skinner	Deputy Shire President
Cr S Etherington JP	Councillor
Cr B Bell	Councillor
Cr S Grylls	Councillor
Cr J Moir	Councillor
Cr A Budrikis	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor

### In Attendance:

Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Mr P Duncan	Manager Development Services
Ms C MacLean	Administration Officer (Planning)
Mrs K Skinner	Executive Secretary

### Previously Approved Leave of Absence:

Nil

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

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

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.'

### **3 PUBLIC QUESTION TIME**

#### **A. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

#### **B. SECTION 5.24 LOCAL GOVERNMENT ACT 1995**

Nil

### **4 PETITIONS / DEPUTATIONS / PRESENTATIONS**

#### Petition – Adoption of Precinct Plan For Kendenup

'We, as members of the local community and users of sporting and other facilities, strongly urge that the Sport and Recreation Precinct Plan for Kendenup endorsed by the Council on 13 October 2009 be altered to reflect the wishes of the community. We believe the proposed site for a Community and Recreation building is not ideal. We believe that our views have not been properly listened to and represented and that a better outcome can be achieved.'

**Moved Cr M Skinner, seconded Cr S Etherington JP:**

**That the petition delivered to the Council on 9 March 2010 be received and be referred to the Recreation Advisory Committee for a further report to be presented to the Council no later than its meeting to be held on 25 May 2010.**

**CARRIED (9/0)**

**NO. 46/10**

### **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

Cr K Clements declared a Financial Interest – Landowner in the Shire – in Item 11.1.1.

Cr S Etherington JP declared a Closely Associated Person Interest – Partner owns Land – in Item 11.1.1.

Cr B Bell declared a Proximity Interest – Landowner in the Shire – in Item 11.1.1.

Cr S Grylls declared a Proximity Interest – Landowner in the Shire – in Item 11.1.1.

Cr J Moir declared a Proximity Interest – Landowner in the Shire – in Item 11.1.1.

Cr G Messmer declared a Financial Interest – Landowner in the Shire – in Item 11.1.1.

Cr L Handasyde declared a Financial Interest – Landowner in the Shire – in Item 11.1.1.

Cr A Budrikis declared a Financial and Proximity Interest – Landowner in the Shire – in Item 11.1.1.

Cr M Skinner declared a Financial Interest – Landowner in the Shire – in Item 11.1.1.

Cr L Handasyde declared a Voluntary Disclosure – Association with Baptist Church – in Item 11.3.1.

## **6 APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 Local Government Act 1995

Nil

## **7 CONFIRMATION OF MINUTES**

**Moved Cr M Skinner, seconded Cr L Handasyde:**

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 23 February 2010 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (9/0)**

**NO. 47/10**

## **8 COMMITTEE MINUTES**

Nil

**9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

- Thursday 25 February 2010 – Roz and I attended the opening of Taste Great Southern.
- Sunday 28 February 2010 – Attended the Porongurup Wine Festival where Cr Skinner and I spoke to the Minister for Local Government, Hon J Castrilli.
- Wednesday 3 March 2010 – Attended the reopening of Pardelup Prison Farm.
- Sunday 7 March 2010 – Cr G Messmer, Roz and I attended the Mt Barker Turf Club's Sponsors Lunch at Frost Park

**10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION**Cr M Skinner

- Sunday 28 February 2010 – Attended the Porongurup Wine Festival where Cr Clements and I spoke to the Minister for Local Government, Hon J Castrilli.

Cr S Etherington JP

- Four Tourist Bureau Meetings.

Cr G Messmer

- Sunday 7 March 2010 – Cr Clements and I attended the Mt Barker Turf Club's Sponsors Lunch at Frost Park

Cr L Handasyde

- Thursday 4 March 2010 – RoadWise Steering Committee Meeting.

## **11 REPORTS OF COMMITTEES AND OFFICERS**

### **11.1 DEVELOPMENT SERVICES REPORTS**

#### **11.1.1 TOWN PLANNING SCHEME POLICY NO. 18 – PLANNING VISION - FINALISATION**

3:06pm Cr S Etherington JP and G Messmer withdrew from the meeting.

A Financial Interest was disclosed by Cr K Clements.  
Nature and extent of interest: Landowner in the Shire.

A Closely Associated Person Interest was disclosed by Cr S Etherington JP.  
Nature and extent of interest: Partner owns land in the Shire.

A Proximity Interest was disclosed by Cr B Bell.  
Nature and extent of interest: Landowner in the Shire.

A Proximity Interest was disclosed by Cr S Grylls.  
Nature and extent of interest: Landowner in the Shire.

A Proximity Interest was disclosed by Cr J Moir.  
Nature and extent of interest: Landowner in the Shire.

A Financial Interest was disclosed by Cr G Messmer.  
Nature and extent of interest: Landowner in the Shire.

A Financial Interest was disclosed by Cr L Handasyde.  
Nature and extent of interest: Landowner in the Shire.

A Financial and Proximity Interest was disclosed by Cr A Budrikis.  
Nature and extent of interest: Landowner in the Shire.

A Financial Interest was disclosed by Cr M Skinner.  
Nature and extent of interest: Landowner in 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 18 February 2010, giving permission for Councillors Ken Clements, Simon Grylls, Michael Skinner, Jeff Moir, Andrus Budrikis, Brett Bell and Len Handasyde to participate in discussion and decision making procedures relating to the Council's consideration of the draft Local Planning Strategy and Town Planning Scheme No. 18.

All Councillors received a copy of the letter which is attached to these minutes. The letter was read out loud by the Chief Executive Officer.



**File No:** N13654  
**Attachment:** [Revised Schedule of Final Modifications](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Peter Duncan  
Manager Development Services  
**Proposed Meeting Date:** 9 March 2010

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## PURPOSE

The purpose of this report is to consider final modifications to draft Town Planning Scheme (TPS) Policy No. 18 – Planning Vision, to finalise the document.

## BACKGROUND

The Council when it considered draft TPS Policy No. 18 (referred to then as Draft Local Planning Strategy) at its meeting held on 12 May 2009 resolved at Resolution No. 120/09:

*‘That:*

- 1. Draft Town Planning Scheme Policy No. 18 – Draft Local Planning Strategy be advertised in accordance with clause 7.6.2(a) of Town Planning Scheme No. 3 for a period of 60 days.*
- 2. At the conclusion of the advertising period a further report be prepared for consideration of the Council no later than its meeting to be held on 8 September 2009.’*

The draft TPS Policy was advertised for a period of 60 days to enable public comment. That advertising consisted of newspaper notices, notices on notice boards at the Council offices, Porongurup, Kendenup, Narrikup and Rocky Gully, letters to the five adjoining local Councils and letters to 21 government agencies. Hard copies and CD’s of the draft were provided and the draft was available on the Council’s website. At the end of the advertising a total of 22 submissions had been received.

The Council considered the submissions at its meeting held on 13 October 2009 where at Resolution 276/09 it was resolved:

*‘That in respect to the draft Town Planning Scheme Policy No. 18 (Local Planning Strategy):*

- 1. The submissions received be noted and the final draft Town Planning Scheme Policy No. 18 (Local Planning Strategy) be adopted subject to the modifications contained in the Schedule of Modifications being carried out.*
  - 2. The draft Town Planning Scheme Policy No. 18, the Summary of Submissions and the Schedule of Modifications be referred to the Western Australian Planning Commission for its approval.*
-

3. *Once approved by the Western Australian Planning Commission the draft Town Planning Scheme Policy No. 18 be modified accordingly and then advertised publicly as being finalised.'*

The Council at its meeting held on 9 February 2010 when considering a report on the draft Local Planning Strategy and the Western Australian Planning Commission (WAPC) modifications required resolved at resolution 17/10.

*'That in respect to the Shire of Plantagenet Draft Local Planning Strategy:*

1. *The Western Australian Planning Commission (WAPC) be advised the Council will carry out the WAPC required modifications and when resubmitted, an advertising period of 21 days will be requested.*
2. *The modified Draft Local Planning Strategy be placed before the Council for consideration no later than 9 November 2010.'*

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

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

*'7.6.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the control of development.*

*7.6.2 A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:*

- (a) the Council, having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council;*
- (b) the Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy;*
- (c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.*

*7.6.3 A Town Planning Scheme Policy may only be altered or rescinded by:*

- (a) preparation and final adoption of a new policy pursuant to this clause, specifically worded to supercede an existing policy;*

- (b) *publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*

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

## **EXTERNAL CONSULTATION**

A series of public workshops on the draft LPS was held in October and November 2005. A series of five workshops was held with Councillors in late 2007 and early 2008 to discuss the components of the LPS.

It was proposed that the draft LPS, once adopted as a draft by the Council and the WAPC, be advertised for public comment for a period of 60 days. Following the advertising a further report would be placed before the Council. With the lack of consideration by the DOP the Council embarked upon the course of action for a TPS Policy.

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

The draft TPS Policy 18 was advertised for 60 days and the Council considered the submissions on 13 October 2009.

## **FINANCIAL IMPLICATIONS**

The cost of advertising has been met from the Town Planning advertising budget.

The draft policy document has been prepared in-house.

The two rural maps were updated by Landvision for \$412.50.

## **POLICY IMPLICATIONS**

This is a new TPS Policy.

## **STRATEGIC IMPLICATIONS**

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

*'Develop and Review Town Planning Policies'.*

The Strategic Plan 2003 Key Results Area 4 also 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.'*

### **OFFICER COMMENT**

In the current economic climate, a LPS is a vehicle for providing the stimulus for potential for growth and pre-planning to ensure there is the ability for the economy to grow and foster future development in a planned and coordinated manner. It also provides the vehicle for Amendments to TPS3 to follow in a planned and coordinated manner in accordance with the Council's and obviously the community's wishes.

The purpose and role of the LPS 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 LPS was intended to be for the next 10 to 20 years and beyond.

As stated in the report to the Council on 9 February 2010 on the LPS, the WAPC required modifications will be carried out and a report will be placed before the Council before its meeting scheduled for 9 November 2010. The draft LPS will then be sent to the WAPC for approval to advertise for a period of 21 days.

As the modifications and finalisation of the LPS will take some time it is important that the Council at least sets its strategic long term planning direction. With that in mind it is proposed to carry out modifications to the Schedule of Modifications previously agreed to by the Council on 13 October 2009.

The subject modifications are as follows:

1. Alter modification 1 on the Schedule to delete reference to splitting the document into two and replace with wording to restructure the document to delete all of the introductory and background information throughout to ensure the TPS Policy consists of the strategic directions and Appendices 1 to 6.
2. Alter modification 91 to include deleting the two rural residential areas in Rocky Gully north of Muirs Highway and adjusting the wording accordingly.
3. Alter modification 119 to require the deletion of the second paragraph of 11.3 and the last sentence of the fifth paragraph of 11.4 in unit P11 at Appendix 6 – this removes the possibility of rural Small Holdings being created on Lot 5715 O'Neill Road south of the Porongurup Range. The consultants in their submission proposed smaller Rural Residential lots over three lots including Lot 5715.
4. Introduce a new modification 129 to delete all reference to the words local planning strategy and where relevant replace the words with 'planning vision'.
5. Introduce a new modification 130 to ensure it is noted that the WAPC has not supported particular aspects of the planning vision.

6. Introduce a new modification 131 to delete all reference to Landscape Protection from the rural areas.

A revised Schedule of Final Modifications is attached to this report.

In respect to the changes to modification 130, the most significant is the inclusion of a new 1.2 in respect to the WAPC not having approved and not supporting some particular initiatives in the LPS. The proposed clause 1.2 reads:

- '1.2 It must be noted that the Council is continuing to prepare its Local Planning Strategy to the satisfaction of the Western Australian Planning Commission (WAPC). There are aspects of this TPS Policy No. 18 that have not been approved by the WAPC and there are other strategic initiatives that are not supported by the WAPC. Where relevant these points are noted throughout the document and should a proponent wish to continue with that concept, then additional work will be needed to attempt to convince the WAPC of the value of a particular proposal. If not and the proposal requires WAPC approval, then that approval will not be forthcoming.'

As stated in the report to the Council on the draft LPS on 9 February 2010, at a meeting between the Chairman of the WAPC, the Director General and Executive Director of the DOP, there was a level of support from the Director General for the Council to agree to its own long term planning vision. This was on the understanding that some parts of that vision had not received and were not going to receive approval of the WAPC and this was to be noted where relevant in the planning vision.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr B Bell:**

**That in respect to the draft Town Planning Scheme Policy No. 18 (Planning Vision):**

- 1. The final draft Town Planning Scheme Policy No. 18 (Planning Vision) be adopted subject to the modifications contained in the Schedule of Final Modifications being carried out.**
- 2. The draft Town Planning Scheme Policy No. 18 be modified accordingly and then advertised publicly as being finalised.**

**CARRIED (7/0)**

**NO. 48/10**

3:11pm Crs Etherington JP and Messmer returned to the meeting.

**11.1.2 LOCATION 6045 SPRING ROAD, PORONGURUP – 13 LOT SUBDIVISION**

**File No:** N14119

**Attachments:** [Location Plan](#)  
[Revised Subdivision Guide Plan](#)  
[Plan of Subdivision](#)  
[Precinct structure plan](#)

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

**Author:** Peter Duncan  
Manager Development Services

**Proposed Meeting Date:** 9 March 2010

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**PURPOSE**

The purpose of this report is to consider a proposal for a 13 lot subdivision of Lot 6045 Spring Road Porongurup and respond to the Western Australian Planning Commission (WAPC).

**BACKGROUND**

Shire records indicate the current owners are S and M Sawyer.

The Porongurups Rural Strategy 1997 shows the subject land as a part of Precinct G1. A precinct Structure Plan for Precinct G1 was prepared following the adoption of that Strategy (copy attached).

Lot 2150 (now lot 830) to the west has an approval for a 17 lot rural residential subdivision. Amendment No. 51 to the Council's Town Planning Scheme No. 3 (TPS3) has recently come off public advertising and proposes to introduce a revised subdivision guide plan over this subject land and the adjoining lot 830. The changes to the subdivision guide plan mainly involve the western end of lot 830 to include land added to the area as part of a land exchange. A copy of the revised subdivision guide plan is attached.

Lot 14 on the current plan of subdivision (attached) has been approved for subdivision as a homestead lot of 8.8ha containing the existing house and a cottage industry. On the revised subdivision guide plan it can be seen that lot 14 has the potential to be subdivided into three lots in the future. This proposal now being considered involves the remaining 13 lots on the plan of subdivision.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

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**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Porongurups Rural Strategy 1997 identifies the subject land as part of Precinct G1 capable of Rural Residential development.

**OFFICER COMMENT**

This proposal for 13 rural residential lots is in accordance with the Porongurups Rural Strategy 1997 and the precinct structure plan for Precinct G1 in that strategy.

When this land and the adjoining lot 2150 were rezoned from rural to rural residential originally as part of Amendment No. 39 to TPS3, mention was made of Spring Road. There was the need for a reduced pavement width and special attention being given in the road design to ensure the tree lined character of Spring Road is maintained. This has been raised specifically with the planning and engineering consultants for the adjoining lot 830 and this subject lot 6045.

The 13 lots in this subdivision proposal range from 2ha to 11ha and the form of the subdivision reflects the revised subdivision guide plan.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington JP, seconded Cr J Moir:**

**That the proposed 13 lot subdivision on Lot 6045 Spring Road, Porongurup be supported subject to:**

- 1. All lots being provided with frontage to a public road designed, drained and constructed to the satisfaction of the Manager Works and Services.**
- 2. Spring Road being upgraded as a demonstration road including traffic calming with single lane and passing areas by the developer to the satisfaction of the Manager Works and Services from the northern boundary of lot 6045 to Porongurup Road.**
- 3. A nutrient stripping sediment retention drainage management plan for road pavement storm water being prepared to the satisfaction of the Manager Works and Services.**
- 4. Cul-de-sac head being designed, constructed, drained and sealed to the satisfaction of the Manager Works and Services.**
- 5. A Creek/Waterway Foreshore Management Plan being prepared which will address amongst other things: remnant vegetation protection, fencing of foreshore and buffer areas, no fencing through the foreshore area, weed removal and revegetation where necessary and the ongoing management of the foreshore to the satisfaction of the Manager Works and Services.**

6. **Construction of Strategic Fire Breaks to full gravel standards by the developer to the satisfaction of Fire and Emergency Services Authority (FESA) and the Manager Works and Services.**
7. **Construction of crossovers by the developer to the satisfaction of the Manager Works and Services.**
8. **Truncations being provided at all intersections of public roads.**
9. **No boundary fencing being permitted in areas of remnant vegetation.**
10. **No boundary fencing being constructed of fibre cement, metal sheeting, or wooden picket. If fencing is utilised it shall be of rural construction to the satisfaction of the Manager Development Services.**
11. **All remnant vegetation and creek foreshore areas being fenced.**
12. **Revegetation being undertaken and maintained for a period of three years, from the date of subdivision approval to the satisfaction of the Manager Works and Services.**
13. **Subdivision and development being in accordance with the Fire Management Plan for the land and shall require implementation and maintenance of the developer's and property owner's responsibilities detailed in that plan. A hazard reduction program to be implemented as a part of the Fire Management Plan to the satisfaction of the Manager Community Services.**
14. **Notification to all prospective land purchasers of the relevant Town Planning Scheme provisions including:**
  - a. **the requirement for water tanks with a minimum capacity of 92,000 litres;**
  - b. **effluent disposal is the responsibility of individual landowners and Council approval to construct or install sewage treatment and the use of Aerobic Treatment Unit (ATU) systems is required;**
  - c. **provision of a copy of the Fire Management Plan and the Bush Fire Survival Manual; and**
  - d. **section 70A notification on the Titles of AS 3959 (Construction of Buildings in Bushfire Prone Areas).**
15. **The preparation and distribution to all prospective purchasers of an information sheet:**



- a. which discourages the keeping of cats and dogs on lots adjacent to areas of remnant vegetation and the creek/foreshore zone and promotes measures that should be taken to minimise the impact pets have on native fauna (e.g. night curfews for cats, keeping dogs on leashes or in fences); and
- b. regarding weed and dieback control.

**CARRIED (9/0)**

**NO. 49/10**

**11.1.3 LOT 269 MARTIN STREET, MOUNT BARKER - OUTBUILDING WITH A REDUCED SIDE BOUNDARY SETBACK**

The Chief Executive Officer advised that the subject land is adjacent to his residence.

**File No:** N14124

**Attachments:** [Location Plan](#)  
[Proponent's Application Site Plan](#)  
[Subdivision Guide Plan](#)  
[Animal Park Submission](#)  
[Rayanne Homestead Submission](#)

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

**Author:** Peter Duncan  
Manager Development Services

**Proposed Meeting Date:** 9 March 2010

**Applicant:** N Palmer and W Drage

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**PURPOSE**

The purpose of this report is to consider a proposal for an outbuilding with a reduced side setback on Lot 269 Martin Street, Mount Barker.

**BACKGROUND**

Council's records indicate the current owners are N Palmer and W Drage.

A house was approved on this site in September 2008 and it has been constructed. The site is somewhat restricted by a development exclusion area introduced when the land was zoned Rural Residential in 1996. That development exclusion area is marked on the proponent's application site plan (copy attached). Only a small percentage of the site is able to have buildings erected on it.

The owners are seeking approval for the side boundary setback to be 10.0m where a side boundary setback of 15.0m is required.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Rural Residential (Area 3). Copy of subdivision guide plan attached.

Special Provision 5.3 for this Rural Residential zone 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.'*

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**EXTERNAL CONSULTATION**

As part of lodging this application, the proponent sought comment from the owners of the two properties to the south. Copies of the submissions are attached. The Animal Park owners did not object to the 10.0m setback proposed. The owners of Rayanne Homestead did not support any reduction in the required 15.0m setback.

**FINANCIAL IMPLICATIONS**

The \$132.00 application fee has been paid.

**POLICY IMPLICATIONS**

Town Planning Scheme Policy No. 16 (Outbuildings) limits outbuildings in the Rural Residential zone to a maximum area of 150m<sup>2</sup> and a maximum wall height of 3.5m. This proposed outbuilding with an area of 84m<sup>2</sup> and a wall height of 2.6m satisfies the policy requirements.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

Lot 269 Martin Street is some 3.9ha in area but only a small percentage of the lot is able to be developed with buildings due to a development exclusion area from the Rural Residential zone impacting on the land.

The development exclusion area severely restricts the options for the owners in respect to new buildings. The owners are establishing the yard area and an orchard to the east of the house and do not wish for the outbuilding to be in that area.

The submission from the owners of Rayanne Homestead not supporting any variation to the 15.0m boundary setback is noted however a 10.0m setback is considered adequate in an area zoned Rural Residential due to the large size of the lot. The restricted area for building development on this lot is a relevant consideration in supporting a reduction in the boundary setback from 15.0m to 10.0m in this instance.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr B Bell, seconded Cr S Grylls:**

**That in accordance with special provision 5.3 of Rural Residential Area No. 3 of Shire of Plantagenet Town Planning Scheme No. 3 the proposed outbuilding at Lot 269 Martin Street, Mount Barker be approved with a reduced side boundary setback of 10.0m subject to development being in accordance with the plans dated 29 January 2010.**

**CARRIED (9/0)**

**NO. 50/10**

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**11.1.4 LOT 513 FOURTH AVENUE CORNER BEVERLEY ROAD, KENDENUP -  
PATIO WITH REDUCED SECONDARY STREET SETBACK**

**File No:** N14114  
**Attachments:** [Location plan](#)  
[Site plan](#)  
[Photographs](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Peter Duncan  
Manager Development Services  
**Proposed Meeting Date:** 9 March 2010  
**Applicant:** Puls Patios

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**PURPOSE**

The purpose of this report is to consider a proposal for a patio addition to a house on Lot 513 Fourth Avenue corner Beverley Road, Kendenup, with a reduced secondary street setback.

**BACKGROUND**

Council Records show the registered owners of lot 513 are V and V Stoker.

The existing house is setback 11.5m from Fourth Avenue (the primary street frontage) and 5.5m from Beverley Road (the secondary street frontage). The house has been designed to front Fourth Avenue.

**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 R10 standards in the Residential Design Codes (RCodes). A secondary street setback of 3.0m is required in this instance.

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).

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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.

#### **EXTERNAL CONSULTATION**

Consultation has occurred with the owner and the builder.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

#### **STRATEGIC IMPLICATIONS**

Amendment No. 50 to TPS3 proposes this land to be zoned Residential (R5). That Amendment has been with the Department of Planning since September 2009 for a report to the Western Australian Planning Commission and the Minister for Planning.

#### **OFFICER COMMENT**

The property is located within the Kendenup Village where the boundary setbacks for buildings are in accordance with the R10 standards in the RCodes.

Possible alternative locations for the patio to the rear (west) of the house have been discussed with the owner. The rooms to the rear of the house are the kitchen, laundry and a bedroom and a patio here would not suit the layout of the house. Also the septic tanks and leach drains are located to the rear of the house.

The original application submitted showed a 5.0m wide patio which would have meant a 0.5m setback from the Beverley Road secondary street boundary. The applicant has now revised the plans to show the patio being 3.5m wide which means a 1.5m setback is provided to Beverley Road. As the Beverley Road boundary has a 1.8m high screen fence erected, the proposed patio roof will be the only visible part of the structure from Beverley Road.

There are no adjoining properties directly affected by the proposed patio location.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr A Budrikis, seconded Cr L Handasyde:**

**That in accordance with clause 2.5.2 of the Residential Design Codes, the proposed patio situated at Lot 513 Fourth Avenue corner Beverley Road, Kendenup be approved with a reduced secondary street setback of 1.5m subject to the development being in accordance with the plans dated 19 February 2010.**

**CARRIED (9/0)**

**NO. 51/10**

## 11.2 WORKS AND SERVICES REPORTS

### 11.2.1 ROAD NAMING - RENAMING PORTIONS OF LOWOOD ROAD AND MONDURUP STREET

<b>File No:</b>	<b>N13919</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Site Plan</a>
<b>Responsible Officer:</b>	<b>Dominic Le Cerf</b> <b>Manager Works and Services</b>
<b>Author:</b>	<b>Donna Stevens</b> <b>Relief Administration Officer</b>
<b>Proposed Meeting Date:</b>	<b>9 March 2010</b>

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#### **PURPOSE**

The purpose of this report is to consider renaming parts of Lowood Road and Mondurup Street.

#### **BACKGROUND**

The intersection of Lowood Road and Mondurup Street has recently been realigned. A map showing the new intersection is attached.

To reflect this new alignment it is suggested that the south end of Lowood Road, from Mondurup Street to Warburton Road, be renamed Hambley Street. As shown on the attached map this portion of Lowood Road now stems from Mondurup Street and is no longer part of the north section of Lowood Road.

The name Hambley is being suggested as an appropriate name for the road as the Hambley family have a strong association with Mount Barker and particularly Lowood Road and Mondurup Street.

As shown on the map Lowood Road is now realigned into a sweeping bend that continues through to Albany Highway, replacing the eastern end of Mondurup Street. It is suggested that, the eastern end of Mondurup Street, be renamed Lowood Road. This will see no segmentation of Lowood Road from its entry to and from Albany Highway.

The western end of Mondurup Street will remain unchanged.

#### **STATUTORY ENVIRONMENT**

The Land Administration Act 1997 governs the road naming process.

#### **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 and can be funded from budget item 20225.0021.

**POLICY IMPLICATIONS**

Council Policy I/RR/1 – Future Street and Reserve Names provides a list of Council approved names. Hambley is on this register.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

The renaming has been suggested to reflect the new road realignments. The proposed name changes will need to be advertised for comment.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr A Budrikis:

That:

1. The proposal to rename the portion of Lowood Road from Warburton Road to Mondurup Street, Hambley Street and the proposal to rename the eastern end of Mondurup Street along the realignment, Lowood Road be advertised for public comment.
2. Subject to no objections being received during the advertising period the road name changes be forwarded to the Geographic Names Committee for endorsement.

**CARRIED (9/0)**

**NO. 52/10**



**11.2.2 ROAD NAMING - RENAMING SOUTH SECTION OF MARMION STREET**

**File No:** N13956  
**Attachments:** [Location Plan](#)  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Donna Stevens  
Relief Administration Officer  
**Proposed Meeting Date:** 9 March 2010

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**PURPOSE**

The purpose of this report is to consider renaming the southern sections of Marmion Street south of Mount Barker Road.

**BACKGROUND**

A southern section of Marmion Street from Mount Barker Road has recently been sealed and extended to connect to Braidwood Road. The attached map shows the road alignment.

It is proposed that the southern section of Marmion Street between Mount Barker Road and Braidwood Road be renamed Braidwood Road.

The southern (largely unconstructed) section of Marmion Street south of Braidwood Road will also need to be renamed.

**STATUTORY ENVIRONMENT**

The Land Administration Act 1997 governs the road naming process.

**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 and can be funded from budget item 20225.0021.

**POLICY IMPLICATIONS**

Council Policy I/RR/1 – Future Street and Reserve Names provides a list of Council approved names.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

The renaming of this portion of Marmion Street will reduce confusion with the road name. It is being suggested that Braidwood be used from the junction with Mount Barker Road to where it meets Braidwood Road. The southern section of Marmion Street from Braidwood Road could be renamed Dufty Place. The name Dufty is on the Council's Future Road Name and Reserve Register. Mr Dufty was a Councillor between 1971 and 1974.

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**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Cr S Etherington JP, seconded Cr L Handasyde:

That:

1. The proposal to rename a southern portion of Marmion Street as Braidwood Road southwards from the junction with Mount Barker Road to Braidwood Road and the portion of Marmion Street south of the junction with Braidwood Road to Dufty Place be advertised for public comment.
2. Subject to no objections being received during the advertising period the road name changes be forwarded to the Geographic Names Committee for endorsement.

**MOTION TO ADJOURN QUESTION**

Moved Cr B Bell, seconded Cr M Skinner:

That:

1. The question be adjourned to allow staff to recommend alternative street names to the Council at its meeting to be held on 25 May 2010.
2. Prior to the Council Meeting to be held on 25 May 2010, Shire policy I/RR/1 – Future Street and Reserve Names – be presented to the Council for review.

**CARRIED (8/1)**

**NO. 53/10**

**11.2.3 CLOSURE OF UNNAMED ROAD RESERVE – SPENCER ROAD**

**File No:** N14137  
**Attachments:** [Site Plan](#)  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Sharon Williams  
Senior Administration/Project Officer (Works  
and Services)  
**Proposed Meeting Date:** 9 March 2010

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**PURPOSE**

The purpose of this report is to consider the permanent closure of the unnamed north-south road reserve between Lot 4961 and Unallocated Crown Land to the west of the Narrikup townsite.

**BACKGROUND**

Land was resumed from Lot 4961 as part of the realignment, widening and reconstruction of the new Spencer Road bypass. The Western Australian Planning Commission (WAPC) has imposed a number of conditions and provided advice as part of the subdivisional process.

The WAPC has requested that the triangular section of Lot 4961 on the south western side of the new Spencer Road tee junction be ceded to the Crown free of cost as a road reserve.

The WAPC also noted as part of their advice that where closure of unused portions of road are proposed, the WAPC supports the amalgamation of the unnamed north-south road reserve with the south eastern portion of Lot 4961.

35 Degrees South on behalf of the Shire of Plantagenet wrote to the landowners affected by the condition. The landowners are happy to comply with the condition on the proviso that the unnamed north-south road is amalgamated with the south eastern portion of Lot 4961.

**STATUTORY ENVIRONMENT**

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

**EXTERNAL CONSULTATION**

Prior to requesting the Minister for Lands to close a road pursuant to Section 58 of the Land Administration Act 1997, the Council must give local public notice and give written notice to certain persons and organisations as set out in the regulations. These persons include adjacent occupiers, utility providers, emergency service providers and owners.

**FINANCIAL IMPLICATIONS**

There will be administrative costs in the closure of the road reserve. It is estimated that this will cost approximately \$500.00 and be charged to account 20261.0312 (Public Works Overheads – Other Operating Costs).

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

The attached map shows the unnamed north-south road reserve to be closed and also the triangular section of Lot 4961.

The unconstructed road reserve does not provide any road frontage to any lot. All lots have frontage to the constructed Spencer Road and new bypass road.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That:**

- 1. Pursuant to Section 58 of the Land Administration Act 1997 notice be given of the proposal to permanently close the section of the unnamed north-south road reserve between Lot 4961 and Unallocated Crown Land west of the Narrikup townsite, as shown on appendix 1 attached.**
- 2. A further report be prepared for the Council's consideration at the conclusion of advertising at its meeting on or before the ordinary meeting of the Council to be held 25 May 2010.**

**CARRIED (9/0)**

**NO. 54/10**

## 11.3 COMMUNITY SERVICES REPORTS

### 11.3.1 REGIONAL COLLOCATION SCHEME - MOUNT BARKER COMMUNITY CENTRE

An Interest pursuant to Regulation 34C of the Local Government (Administration) Regulations 1996 was declared by Cr L Handasyde.

Cr Handasyde sought approval from the Council to remain in the meeting and participate in the decision making process pursuant to S5.65 of the Local Government Act (1995).

Nature and extent of interest: Associated with Baptist Church.

3:31pm Cr L Handasyde withdrew from the meeting.

The Presiding Member invited a motion from the floor to allow Cr Handasyde to be present during discussions on the matter. None was forthcoming.

**File No:** N14165  
**Attachment:** [Financial Assistance Agreement](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Nicole Selesnew  
Manager Community Services  
**Proposed Meeting Date:** 9 March 2010

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## PURPOSE

The purpose of this report is to seek authority to affix the Common Seal of the Council to the Financial Assistance Agreement between the Minister for Regional Development, Shire of Plantagenet and Baptist Union of Western Australia.

## BACKGROUND

In December 2008 the Shire and Baptist Union made a joint application to the Regional Collocation Scheme program, seeking \$100,000.00 to assist with the construction of the Mount Barker Community Centre. The application has been successful and now the Financial Assistance Agreement requires relevant signatures and the Common Seal of both the Shire and Baptist Union.

A copy of the Agreement is attached.

## STATUTORY ENVIRONMENT

There are no statutory implications for this report.

## EXTERNAL CONSULTATION

Consultation has taken place with representatives of the Department of Regional Development and Lands, the Baptist Union of Western Australia and the Mount Barker Community Centre Board.

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**FINANCIAL IMPLICATIONS**

The Baptist Union will be responsible for handling the Regional Collocation Scheme funds in accordance with the Agreement. All grant acquittals will be endorsed by both agencies prior to presenting to the Minister for Regional Development.

The Regional Collocation Funds form part of the \$2.5million project budget.

The Council's financial contribution to the project stands at \$40,000.00, allocated for the Library fit-out.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Plan, Community Services Aims are to:

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

In order to achieve this, the Council will:

*'Evaluate different options for providing community services and facilities.'*

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr A Budrikis, seconded Cr S Grylls:**

**That authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the 'Financial Assistance Agreement' document with the Department of Regional Development and Lands, in relation to the Regional Collocation Scheme funding program grant for \$100,000.00 (GST exclusive), for the Mount Barker Community Centre.**

**MOTION TO ADJOURN**

**Moved Cr B Bell, seconded Cr S Etherington JP:**

**That the question be adjourned to allow the Chief Executive Officer to determine how best to protect the Council's interests especially with regard to finances**

**CARRIED (8/0)**

**NO. 54/10**

4:50pm Cr L Handasyde returned to the meeting.

**11.4 CORPORATE SERVICES REPORTS**

Nil

**11.5 EXECUTIVE SERVICES REPORTS**

Nil

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

Nil

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

Nil

**14 CONFIDENTIAL**

Nil

**15 CLOSURE OF MEETING**

4:52pm The Presiding Member declared the meeting closed.

**CONFIRMED: CHAIRPERSON** \_\_\_\_\_ **DATE:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_