



ORDINARY MINUTES

DATE: Tuesday, 26 July 2011

TIME: 2:45pm

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

2:45pm 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 B Bell	Councillor
Cr A Budrikis	Councillor
Cr S Etherington	Councillor
Cr S Grylls	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr Peter Duncan	Manager Development Services
Mr Dominic Le Cerf	Manager Works and Services
Ms Nicole Selesnew	Manager Community Services
Mr Vincent Jenkins	Planning Officer
Mrs Linda Sounness	Executive Secretary

There was one member of the public present.

Previously Approved Leave of Absence:

Cr M Skinner – 26 July 2011

Cr J Moir – 23 July to 31 July 2011 inclusive

Emergency Evacuation Procedures/Disclaimer:

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

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr Ken Clements disclosed a Proximity (Section 5.60(B) LGA) Interest – Own property in the Shire – in Item 10.1.1.

Cr Sue Etherington disclosed a Closely Association Person (Section 5.62 LGA) Interest – Partner owns property in the Plantagenet Shire – in Item 10.1.1.

Cr Brett Bell disclosed a Proximity (Section 5.60(B) LGA) Interest – Owner of property in the Shire of Plantagenet – in Item 10.1.1.

Cr Simon Grylls disclosed a Proximity (Section 5.60(B) LGA) Interest – Owner of property in the Shire of Plantagenet – in Item 10.1.1.

Cr Len Handasyde disclosed a Proximity (Section 5.60(B) LGA) Interest – Owner of property within the Shire of Plantagenet – in Item 10.1.1.

Cr Andrus Budrikis disclosed a Proximity (Section 5.60(B) LGA) Interest – Owner of property within the Shire of Plantagenet – in Item 10.1.1.

Cr Gert Messmer disclosed a Proximity (Section 5.60(B) LGA) Interest – Owner of property within the Shire of Plantagenet – in Item 10.1.1.

Mr Rob Stewart disclosed a Financial/indirect Financial (Section 5.70 LGA) Interest – CEO review. Contract of Employment/remuneration – in Item 13.1.1.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

7 CONFIRMATION OF MINUTES

Moved Cr L Handasyde, seconded Cr B Bell:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 5 July 2011 as circulated, be taken as read and adopted as a correct record.

CARRIED (7/0)

NO. 181/11

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

9 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr B Bell

- 25 July 2011 – visited the Muchea Saleyards in Perth

Cr G Messmer

- 25 July 2011 – attended Development Assessment Panel Training in Albany
- 26 July 2011 – attended a site meeting at Mondurup Reserve

Cr L Handasyde

- 8 July 2011 – attended a Roadwise Committee Meeting
- 14 July 2011 – attended a meeting with Emergency Services Minister Johnson and Chief Bush Fire Control Officers from the Great Southern to talk about the Total Fire Ban issue.
- 19 July 2011 – attended the CEO Review.

10 REPORTS OF COMMITTEES AND OFFICERS

10.1 DEVELOPMENT SERVICES REPORTS

10.1.1 DRAFT LOCAL PLANNING STRATEGY - ADDITIONAL REVISIONS TO SUIT THE WESTERN AUSTRALIAN PLANNING COMMISSION

A Proximity (Section 5.60(B) LGA) Interest was disclosed by Cr Messmer.
Nature and extent of interest - Own property in the Shire.

A Proximity (Section 5.60(B) LGA) Interest was disclosed by Cr Budrikis.
Nature and extent of interest - Own property in the Shire.

A Proximity (Section 5.60(B) LGA) Interest was disclosed by Cr Clements.
Nature and extent of interest - Own property in the Shire.

A Closely Association Person (Section 5.62 LGA) Interest was disclosed by Cr Etherington. Nature and extent of interest - Partner owns property in the Plantagenet Shire.

A Proximity (Section 5.60(B) LGA) Interest was disclosed by Cr Bell.
Nature and extent of interest – Owner of property in the Shire of Plantagenet.

A Proximity (Section 5.60(B) LGA) Interest was disclosed by Cr Grylls.
Nature and extent of interest – Owner of property in the Shire of Plantagenet.

A Proximity (Section 5.60(B) LGA) Interest was declared by Cr Handasyde.
Nature and extent of interest – Owner of property within the Shire of Plantagenet.

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

Approval has been received from the Department of Local Government (formerly the Department of Local Government and Regional Development) via a letter dated 19 July giving permission for Councillors Sue Etherington, Ken Clements, Simon Grylls, Brett Bell and Len Handasyde to participate in matters relating to a draft Local Planning Strategy for the Council meeting of 26 July 2011.

Mr R Stewart read aloud the letter, a copy of which is attached to these minutes.

2:55pm Cr G Messmer and Cr A Budrikis withdrew from the meeting.

File No: N19118
Attachments: [WAPC Letter of 22 February 2011](#)
[Summary of WAPC changes to Local Planning Strategy](#)
[Draft Local Planning Strategy – July 2011 \(separate attachment\)](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 26 July 2011

PURPOSE

The purpose of this report is to consider a revised draft Local Planning Strategy (LPS) to suit the requirements of the Western Australian Planning Commission (WAPC) and the Department of Planning (DOP). The WAPC in February 2011 required two further modifications to the December 2010 version of the LPS.

BACKGROUND

The Council when it first considered the Draft LPS at its meeting held on 10 June 2008 resolved at Resolution 98/08 as follows:

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

The draft LPS was delivered to the Department for Planning and Infrastructure (DPI) (now the DOP Albany office) on 11 June 2008 for it to report to the WAPC.

The draft LPS has been prepared to satisfy Regulation 12A of the Town Planning Regulations made under the Planning and Development Act 2005. It was prepared using the suggested format for such a document prepared by the WAPC as part of its Planning Schemes Manual which satisfies the guidelines for the Model Scheme Text. That Manual has since been replaced by a new 'Local Planning Manual' in 2010.

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

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

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

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

Officers from the Albany office of the DOP attended all of the workshops with the exception of that held on 11 December 2007. The DOP officers were provided with all of the papers for the various components in advance of each workshop but feedback was never provided.

As in 11 months a report on the draft LPS had not been placed before the WAPC, the Council adopted the draft LPS as a draft Town Planning Scheme (TPS) Policy. The Council when it considered draft TPS Policy No. 18 (Draft Local Planning Strategy) at its meeting held on 12 May 2009 it 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.'*

As Councillors were aware, the draft LPS differed in some instances from WAPC policy, however these differences were not considered to be major and reflected local circumstances. As part of the advertising process, information was included with the document that briefly explained the process to date and also the differences from the WAPC policy.

The DOP (Albany) was provided with a copy of the updated draft LPS in the form of TPS Policy No. 18 together with a list of all of the changes/updates to the document.

On 7 July 2009 the Statutory Planning Committee of the WAPC considered a report prepared by the DOP (Albany) on the superseded June 2008 version and not the May 2009 edition of the draft LPS. The (then) Shire President and the Manager Development Services (MDS) attended at the beginning of that meeting and made a presentation to the Committee. Each member was provided with a copy of the draft TPS Policy No. 18. The DOP report and attachments were not made available to the Shire President and the MDS.

The draft TPS Policy was advertised for a period of 60 days to enable the public to provide comment. 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 WAPC met on 15 December 2009 and its decision was conveyed in a letter dated 17 December 2009.

The Council considered the WAPC decision and at its meeting held on 9 February 2010 resolved:

'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.'*

Since that time staff have met with officers of the DOP and have altered the draft LPS to be in a form that the DOP is happy with. In essence the long term strategic growth initiatives have been removed from the document (see Summary of WAPC Changes to Local Planning Strategy attached). A copy of the revised draft LPS dated December 2010 was provided to each Councillor as a separate attachment with the agenda 14 December 2010

The WAPC considered the cut down draft LPS in February 2011. In a letter dated 22 February 2011, the Council was advised the WAPC agreed to grant consent to advertise the draft LPS subject to two more modifications. A copy of the WAPC letter of 22 February 2011 is attached.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

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

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

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.

The draft LPS, once adopted as a draft by the Council and approved as a draft by the WAPC, was to be advertised for public comment for a period of 60 days. With the lack of consideration by the DOP, the Council embarked upon the course of action for a TPS Policy.

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

Now that the WAPC supports the revised draft LPS of December 2010 subject to two more modifications the Council will be required to advertise the document for public comment. As this version of the draft LPS is markedly different from the Council's adopted Planning Vision (TPS Policy 18 of March 2010) an appropriate advertising period will be for 42 days.

FINANCIAL IMPLICATIONS

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

The draft policy document has been prepared in-house. The mapping for the draft LPS has been updated by the DOP in Perth at no cost to the Council.

Further work required on the LPS will be prepared in-house.

POLICY IMPLICATIONS

The Council adopted its Planning Vision (TPS Policy No. 18) on 9 March 2010 and that document will remain as the Council's long term strategic planning document in accordance with the Planning and Development Act 2005. The revised draft LPS of December 2010 only plans for growth for a very short period of five years.

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 should be the 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.

A LPS is a critical document in the long term planning of the whole Shire and should look at all aspects to guide growth and development well into the future.

The purpose and role of a 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. This revised draft LPS has had the long term strategic land use initiatives removed and as such will only allow for growth for five years.

The Director General of the DOP in January 2010 agreed the Council could adopt its own long term planning vision for the Shire area. This was on the understanding that some parts of that vision had not received the approval of the WAPC and this should be noted where relevant in the planning vision. That Planning Vision (Town Planning Scheme Policy No. 18) was adopted by the Council on 9 March 2010.

The revised draft LPS dated December 2010 was prepared to suit the requirements of the DOP. It does not reflect the focus and purpose of the WAPC 'Local Planning Manual' which includes the following statements:

'...the local planning strategy providing the overarching framework. The strategy will enable schemes to more clearly express the strategic vision, policies and proposals of the local government. It will also provide a means to apply state and regional policies at the local level.'

'...the local planning strategy and achieving the local government's aims and objectives with respect to the development of its local area.'

'...each local government is able to adopt the planning policies, provisions and approach that best suit its local needs and circumstances.'

'Each local government should develop a strategy that best suits its area and local circumstances.'

'The strategy sets out the local government's objectives for future planning and development and includes a broad framework by which to pursue those objectives. The strategy will need to address the social, environmental, resource management and economic factors that affect, and are in turn affected by, land use and development.'

The future growth areas in this revised draft LPS have been restricted to areas identified in two, 14 year old 1997 strategies. The planning for the rural areas at Appendix 1 does not address land use or potential land use conflicts as it only makes comment about subdivision of rural land being in accordance with WAPC policy.

Modification 1 of the WAPC letter of 22 February 2011 involves changing the wording at 8.1.3 in Appendix 1 (Mount Barker) in respect to an area identified for Rural Residential in 1997. The land is Lot 500 north of Porongurup Road west of

Bevan Road and through Duck Road. The Draft LPS states the higher parts of the land are heavily vegetated and would not be suitable for development and that the lower parts are low lying. The WAPC modification 1 includes wording that rezoning, subdivision and/or development for rural residential or rural smallholding will not be supported by the Council.

In the earlier discussions with the DOP, the matter of one lot (5102) to the north of Narrikup being identified as potential rural residential was of concern to the DOP. This concern related to its potential as priority agriculture and traffic conflict caused by the southern bypass. The DOP recommended to the WAPC that lot 5102 be deleted as a future rural residential lot hence leaving no land for the growth of Narrikup into the future other than the LandCorp residential land. The WAPC has required (at modification 2) the Narrikup Appendix 3 be amended to delete the paragraphs that justify the inclusion of lot 5102 and the deletion of lot 5102 from the map.

The public provided extensive input to the earlier drafts of the LPS and at a series of workshops. The public may feel this revised draft LPS does not achieve the aims and objectives voiced by the public with respect to development in this Council area in relation to local circumstances.

At this point in the process the Council has no option than to agree to the two modifications required by the WAPC. The public comment on this document will be important to gauge the level of support. Rather than a 21 day advertising period which forms part of the Council's resolution on 9 February 2010, a 42 day advertising period is more appropriate for the public to consider the ramifications of this revised LPS.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr S Etherington:

That:

- 1. The revised Shire of Plantagenet Draft Local Planning Strategy – July 2011 be advertised for a period of 42 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 November 2011.**

CARRIED (5/0)

NO. 182/11

2:58pm Cr G Messmer and Cr A Budrikis returned to the meeting.

10.1.2 LOCATION 5795 SETTLEMENT ROAD, NARRIKUP - EXTRACTIVE INDUSTRY - PLANNING CONSENT AND LICENCE

File No:	N1924
Attachments:	<u>Location Plan</u> <u>Site Plan</u> <u>Summary of Submissions</u>
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	26 July 2011
Applicants:	Ken and Angela Zambonetti

PURPOSE

The purpose of this report is to consider planning consent for an extractive industry pursuant to the Shire of Plantagenet Town Planning Scheme No. 3 and an extractive industry licence pursuant to the Shire of Plantagenet Extractive Industries Local Law 2008 at Location 5795 Settlement Road, Narrikup.

BACKGROUND

Shire records show the registered owner of Location 5795 Settlement Road, Narrikup is the Zambonetti Family Trust.

The proponents originally applied for planning consent to develop an extractive industry at Location 5795 Settlement Road on 3 August 2010. As the planning consent application was incomplete, further information was sought. On 8 September 2010 the Council informed the proponents a further application for an extractive industry licence was required in accordance with the Shire of Plantagenet Extractive Industries Local Law 2008. On 17 November 2010 the proponents submitted the extractive industry licence application and as this application was also incomplete, further information was sought.

On 24 March 2011 the Council received new information on the extractive industry planning consent and licence applications. The proponents however did not satisfy the requirement to advertise the licence application as required by the Shire of Plantagenet Extractive Industries Local Law 2008. On 4 April 2011 the Council's Planning Officer informed the proponents of the requirement for them to advertise the extractive industry licence application in accordance with the Shire of Plantagenet Extractive Industries Local Law 2008. The Council then received an application from the proponents to waive the requirement to advertise the extractive industry licence application.

The Council at its meeting held on 24 May 2011 resolved at Resolution No. 124/11:

'That in accordance with clause 2.2 of the Shire of Plantagenet Extractive Industries Local Law 2008 the requirement to consult regarding the application for Extractive Industry Licence at Location 5795 Settlement Road, Narrikup be waived as, in the

opinion of the Council, sufficient consultation will be carried out in accordance with the requirements of the Shire of Plantagenet Town Planning Scheme No. 3.'

The application has also been referred to the Department of Environment and Conservation (DEC), Department of Water (DOW), Department of Mines and Petroleum, Department of Agriculture and Food, Fire and Emergency Authority, Western Power and Telstra. The DEC recommended a setback distance to a patch of remnant vegetation to minimise the risk of accidental damage or import of soil borne disease to the vegetation. The DOW was concerned a minor waterway passing through the gravel extraction area may be problematic causing erosion on site and potentially transport sediment downstream. Comments offered by other government agencies did not raise concerns regarding site selection for the proposed extraction area.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Rural – Extractive Industry is a discretionary 'SA' use under TPS3.

An 'SA' use means that the Council may at its discretion, permit the use after notice of application has been given in accordance with Clause 6.2.

Shire of Plantagenet Extractive Industries Local Law 2008.

Clause 2.1 - Extractive Industries Prohibited Without Licence of Shire of Plantagenet Extractive Industries Local Law 2008 states:

'A person must not carry on an extractive industry –

- (a) unless the person is the holder of a valid and current licence; and*
- (b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of a licence.'*

Environmental Protection Act 1986 – Guidance for the Assessment of Environmental factors – Separation Distances between Industrial and Sensitive Land Uses No.3 June 2005.

Separation Distance Requirements

Industry	Extractive Industries – no blasting conducted
Description	Grinding and milling works – material processed by grinding, milling or separated by sieving, aeration etc
DEC Licence or Registration Category	Categories 12, 70 and 80
Key Government Agencies for Advice or Approvals	Department of Mines and Petroleum and Department of Water

Code of Practice (CoP)/Environmental requirements		Code of Practice – 1991 revised in 1995
Impacts	Gaseous	No
	Noise	Yes
	Dust	Yes
	Odour	No
	Risk	No
Buffer Distance in metres and Qualifying Notes		Case by case

The key issues for concern for extractive industries are noise and dust with the recommended buffer distance to sensitive land uses (such as houses) being dealt with on a case by case basis, depending on the extent and method of extraction.

Environmental Protection Regulations 1987 – Schedule 1

- Category 12 - Licensing is required if the material is screened, washed, crushed, ground, milled, sized or separated and more than 50,000 tonnes per annum is processed;
- Category 70 - Registration is required if the material is screened, washed, crushed, ground, milled, sized or separated and more than 5,000 tonnes per annum but less than 50,000 tonnes per annum is processed; and
- Category 80 - Registration is required if non metallic minerals are being processed (crushed, ground or separated) and more than 100 tonnes or more per annum is processed.

Environmental Protection (Noise) Regulations 1997 – all industries need to be operated in accordance with noise level requirements.

Road Traffic Act 1974

Road Traffic Code 2000 – regulates the erection of traffic-control signals and road signs.

EXTERNAL CONSULTATION

The proposal has been advertised for comment for a 21 day period closing on 12 July 2011. Advertising included letters to 5 adjoining and nearby property owners, notices were placed in the Albany Advertiser, Plantagenet News, the Council's noticeboard and a sign placed on site. The proposal was also referred to seven government agencies for comment.

At the close of the advertising period four submissions had been received and these are contained in the attached summary of submissions.

FINANCIAL IMPLICATIONS

The planning consent application fee of \$676.00, the local law annual licence fee of \$155.00 and a bond of \$500.00 for advertising costs have been paid.

The performance guarantee for such activities is set in the Council's Annual Budget and in 2011-12 is \$2,200.00 per hectare.

POLICY IMPLICATIONS

State Planning Policy 2.4 Basic Raw Materials.

State Planning Policy 4.2 draft State Industrial Buffer Policy.

These state planning policies help to protect basic raw material resources and to minimise conflict between extractive industries and surrounding land uses.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 Development Services advocates:

'Protect existing rural land from inappropriate land uses.' and *'Retain local businesses and encourage new businesses that will create long-term sustainable local employment.'*

OFFICER COMMENT

Location 5795 is 270.7ha in area and is currently being used for agroforestry (livestock and plantations). Existing development on the lot consists of a gravel access track, one outbuilding and three farm dams.

The proposal involves the extraction of approximately 80,000m³ of gravel over one 8ha extraction area (165.2m x 484.25m) at Location 5795 Settlement Road, Narrikup. The gravel will be extracted over a period of approximately four years and made available to local contractors.

It is estimated the gravel is an average 1m deep over the excavation site. Extraction will be undertaken with a bulldozer that will remove 150mm overburden to the perimeter of the excavation site. The bulldozer will then rip and blade material to a crusher. All crushed material will be stored within the excavation site. Heavy vehicles will enter the excavation site and be loaded from stockpiles by front-end loader. Heavy vehicles movements will be dependent on the demand for gravel. No blasting is proposed as part of site and excavation works.

The proposed extraction site location is setback 1,000m from Settlement Road, 70m from the rear boundary with Location 5789 to the north, 1,030m from the side boundary with Location 5794 to the east and 850m from the side boundary with Location 5795 to the west. The extraction site location is well screened by remnant vegetation and compartments of plantations at Location 5789 to the north and the application site. The rural character and visual amenity of the locality is not likely to be adversely affected.

The majority of noise and dust will be generated by the use of heavy plant and equipment that may include but is not limited to bulldozers, front-end loaders, heavy vehicles and a crusher. The nearest sensitive land use is a house located approximately 2.1km away on adjoining Location 5794 to the south-east. It is suggested to reduce off site impacts of extractive and associated work at the site, operations be permitted between 6:00am to 6:00pm Monday to Friday, 8:30am to 12:30pm on Saturdays with no operations to be conducted on Sundays and Public Holidays.

The proposed extraction site location is currently use for livestock grazing. The only remnant vegetation that may be affected is a patch of remnant vegetation adjoining the excavation site to the north. To protect this patch of remnant vegetation from accidental damage by the movement of heavy plant equipment, gravel stockpiling or import of soil borne disease, the DEC recommended a minimum setback distance of 10m. The proposed extractive industry is not likely to adversely affect the natural landscape, native flora and fauna of the locality.

The DOW identified a minor waterway located at the excavation site location. The DOW advised that even if the waterway is intermittent, it could be problematic for extraction, as well as cause erosion on site and potentially transporting sediment off site down stream. Shire mapping shows the origin of the minor waterway to be at the excavation site location. The minor waterway has a slope of approximately 1: 140 (5m fall over a distance of 735m) in a southern-eastern direction. To minimise the possible impact of erosion and transporting of sediment off site down stream it should be a requirement of the planning consent that surface water runoff at the waterway be managed. A stormwater drainage management plan for the excavation site will need to be submitted for approval of the Manager Works and Services to manage surface water run-off. No concerns were raised by the DEC nor did the DOW regarding the setback distance for the excavation site location and the waterway (creek) locate to the west.

Access from Location 5795 to Settlement Road is by an existing 8m crossover. The Manager Works and Services (MWS) noted that Settlement Road was bitumen sealed approximately 17 years ago. The MWS is concerned the increase in heavy vehicle movement will result in damage to the bitumen surface at Settlement Road especially at the turn-in at Location 5795. Given the volume of gravel to be extracted and the increased heavy vehicle traffic at Settlement Road the applicants will be required to fund the upgrade of the bitumen surface of Settlement Road adjacent to the property to asphalt overlay (hotmix) standard.

Warning signs advising of heavy vehicles entering the application site will be located at the entrance to Location 5795 and 100m either side of the entrance on Settlement Road. An additional warning sign will be placed at the entrance Location 5795 advising that excavation is in progress at the site.

As part of the planning consent application the applicants submitted a preliminary rehabilitation program. This plan will ensure the excavation site is restored to an acceptable standard. A performance guarantee (\$2,200.00 per hectare as set in the Council's budget) will be required as a condition of approval to ensure the extractive industry site and surrounding areas are rehabilitated to a standard to the satisfaction of the MWS within 24 months from the expiry of the extractive industry licence. This guarantee will require \$17,600.00 based on the 8ha area. A full rehabilitation

program will need to be submitted for approval of the MWS prior to any site or excavation works.

The proposed extractive industry use is compatible with surrounding agricultural land use and is not likely to adversely affect the long-term agricultural use for the site and surrounding area. The proposal is supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr S Grylls:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the application for an extractive industry be approved and in accordance with the Shire of Plantagenet Extractive Industries Local Law 2008 an extractive industry licence at Location 5795, Settlement Road, Narrikup be issued. Both the planning consent and the licence are subject to:

- 1. Development being in accordance with the plan dated 24 March 2011.**
 - 2. The extractive industry licence being renewed on or before 30 June each year.**
 - 3. The licensee being required to have \$10,000,000.00 public liability insurance which will indemnify the Council from responsibility for damages or claims relating to any of the excavation operations.**
 - 4. A performance guarantee of \$17,600.00 being paid prior to the issue the extractive industry licence to ensure the excavation site is being restored to the satisfaction of the Manager Works and Services within 24 months from the expiry of the extractive industry licence.**
 - 5. All extracted material being stockpiled within the extractive site.**
 - 6. The hours of operation being from 6:00am to 6:00pm Monday to Friday, 8:30am to 12:30pm on Saturdays and no operations being conducted on Sundays and Public Holidays.**
 - 7. No blasting operations being permitted.**
 - 8. A height datum point being established and submitted for approval for the Manager Works and Services prior to the commencement of any site or extractive works.**
 - 9. No material being excavated below the 1.2m height datum point.**
 - 10. A stormwater drainage management plan being prepared and submitted for approval by the Manager Works and Services prior to the commencement of any site or extractive works.**
 - 11. No material being stored or operations being conducted within 10m from remnant vegetation located north of the excavation site. The remnant vegetation is to be fenced off from the excavation site.**
-

12. A rehabilitation program being prepared and submitted for approval by the Manager Works and Services prior to the commencement of any site or extractive works.
13. The operator/licensee of the extractive industry shall comply with the requirements of this approval and the Shire of Plantagenet Extractive Industries Local Law 2008.
14. The extractive industry being operated in accordance with the Environmental Protection Authority Environmental Code of Practice for Extractive Industries.
15. Prior to any extraction of material occurring the applicant will be required to pay \$12,000.00 for the construction by the Council of the area of Settlement Road adjacent to the driveway to asphalt overlay (hotmix) standard.

ADVICE NOTES

- i. The extractive industry may require registration or a licence as a 'prescribed premise' from the Department of Environment and Conservation under Part V of the Environmental Protection Act 1986 (Environmental Protection Regulations, 1987, Schedule 1) if:
 - a) Category 12: Licensing is required if the material is screened, washed, crushed, ground, milled, sized or separated and more than 50,000 tonnes per annum is processed.
 - b) Category 70: Registration is required if the material is screened, washed, crushed, ground, milled, sized or separated and more than 5,000 tonnes per annum but less than 50,000 tonnes per annum is processed.
 - c) Category 80: Registration is required if non metallic minerals are being processed (crushed, ground or separated) and more than 100 tonnes per annum is processed.

CARRIED (7/0)

NO. 183/11

10.1.3 LOT 36 EATON AVENUE AND LOT 66 LANGTON ROAD, MOUNT BARKER - 18 GROUPED DWELLINGS

File No: N19215

Attachments: [Location Plan](#)
[Site Plan](#)
[Floor Plans 1](#)
[Floor Plans 2](#)
[Elevations](#)
[Letter from Applicant](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 26 July 2011

Applicant: Yaran Property Group

PURPOSE

The purpose of this report is to consider an application for 18 grouped dwellings at Lot 36 Eaton Avenue and Lot 66 Langton Road, Mount Barker.

BACKGROUND

Council records show the registered owner of Lot 36 and Lot 66 is Yaran Pty Ltd (Yaran).

On 13 March 2007 the Council approved an application for 18 grouped dwellings consisting of 15 x 2 storey dwellings and 3 x 1 storey dwellings. That approval expired on 13 March 2009. On 14 July 2007 the Council conditionally supported a proposed 18 lot survey strata subdivision (WAPC 646-07) of Lot 36 Eaton Avenue and Lot 66 Langton Road, Mount Barker. The survey-strata plan was subsequently approved by the Western Australian Planning Commission (WAPC) on 14 September 2007 and is valid until September 2011.

This property was the subject of a further planning consent application and on 26 May 2009, following public advertising the Council approved an application for 18 grouped dwellings consisting of 15 two bedroom dwellings and 3 three bedroom dwellings. All the proposed dwellings were single storey and complementary to the traditional homes in the area. That Council approval expired on 28 May 2011.

The Council at its meeting held on 26 May 2009 resolved at Resolution No. 140/09:

'That planning consent be granted for 18 grouped dwellings with a reduced front setback to Eaton Avenue at Lot 36 Eaton Avenue and Lot 66 Langton Road Mount Barker subject to:

1. *Development being generally in accordance with the plans dated 23 March 2009.*

2. *Buildings to be constructed on site and are to be of a variety of materials and claddings and a varied colour scheme to provide variety in the overall development.*
3. *The submission and approval of a landscape plan for the total development.*
4. *The submission and approval of a drainage management plan.*
5. *Provision of adequate signage to direct visitors to the visitor parking area.*
6. *Construct, drain and seal the private driveway and Lot 66 (ROW) from Eaton Avenue through to Langton Road to the satisfaction of the Manager Works and Services.*
7. *Construct, drain and seal all crossovers to the satisfaction of the Manager Works and Services.*
8. *Fencing in front of the building setback line to be a maximum of 1.2m in height.*
9. *Lot 66 (ROW) common property driveways to be made available for public use for the owners and customers of the businesses on Lots 7, 8 and 22 Langton Road.*
10. *Connection of all dwellings to reticulated sewer and water, including the provision of fire hydrants.*
11. *Street trees being provided in accordance with the species list and specifications set out in the Mount Barker Townscape Review for Eaton Avenue.*
12. *External clothes drying facilities being provided for each dwelling in accordance with the RCodes ensuring clothes drying areas are screened from view from any primary street or public area.*

ADVICE NOTES

- (i) *The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including The Building Code of Australia.*
- (ii) *The developer is encouraged to landscape to a high standard.'*

On 31 May 2011, the Council received a fresh application, the subject of this report, for the development of 18 grouped dwellings. The proposed development consists of 15 two bedroom dwellings and 3 three bedroom dwellings and is essentially the same as the previous approval which expired on 28 May 2011. Of the 18 dwellings, five face Eaton Avenue and 13 face the internal accessway which is to be common property.

The approved survey-strata subdivision is still applicable and will accommodate the proposed development. Neither the proposed lots nor the common property has changed from that of the previous approved development.

A cash-in-lieu contribution of \$20,000.00 for Public Open Space was paid to the Shire on 6 May 2008 in response to a subdivisional condition.

The Council may at its discretion approve the development once the application has been advertised to seek public comment.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Residential R30 – ‘Grouped Dwelling’ 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.

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) – 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.’*

WAPC - Development Control Policy 1.3 Strata Titles (DC1.3).

WAPC - Development Control Policy 2.2 Residential Subdivision (DC 2.2).

EXTERNAL CONSULTATION

In accordance with Delegation LG 035 the proposal was advertised for comment for a 21 day period closing on 12 July 2011. Letters were sent to the 12 adjoining land owners, notices were placed in the Plantagenet News, Albany Advertiser and the Council’s notice board and a sign placed on site. At the close of the advertising period no submissions had been received.

FINANCIAL IMPLICATIONS

The application fee of \$4,051.00 and a bond of \$500.00 for advertising costs have been paid.

The applicant has submitted a letter (copy attached) requesting a significant reduction in the planning consent application fee of \$4,051.00 down to \$2,000.00. The case put by the applicant does not justify the Council reducing the application fee. The proposal now before the Council is the result of the applicant, on an ongoing basis requesting various modifications at officer level to the Council's approval of May 2009. These include major modifications to the plans including matters such as skillion roof designs for all dwellings and changing the construction method from stumped to standard concrete slabs for dwellings and retaining the whole site. These additional assessments were done at no cost to the applicant under the previous approval. This new application has required substantial officer time to reassess the plans to ensure compliance with the RCodes. The fee reduction is not supported.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 Development Services advocates:

'Supporting sustainable and managed growth within existing urban settlements and encourage the development of a variety of housing opportunities. The Shire also seeks to plan a safe and healthy living environment.'

OFFICER COMMENT

This property was the subject of a planning consent application and was conditionally approved by the Council on 26 May 2009. That approval was valid for a period of 24 months and has since expired. A fresh planning consent application was submitted for the Council's consideration.

The latest proposal is very similar to the May 2009 approval, except for internal and external door accesses to dwellings that are now designed to cater for the disabled. There are slight variations to floor areas and finished floor levels of some of the units.

Most of the conditions imposed by the Council for the previous approved development application have been addressed in this current application. The application submitted complies with the majority of the standards required for this R30 development set by the RCodes with the exception of the reduced front setback to carports on Eaton Avenue.

The front setback required in the R30 code is 4.0m and in this instance the carports for units 12 and 13 are setback 3.6m. The Council can vary such a setback and in this instance it is supported.

Other areas which would need to be addressed as conditions of approval are:

1. A landscaping plan is required to be submitted.
2. A drainage management plan needs to be submitted.
3. Adequate signage to be provided to direct visitors to the visitor parking area.

4. Dwellings to be constructed on site and are to be of a variety of materials and claddings and a varied colour scheme to provide variety in the overall development.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr B Bell:

That in accordance with clause 2.5.2 of the Residential Design Codes and clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, planning consent be granted for 18 grouped dwellings with a reduced front setback to Eaton Avenue at Lot 36 Eaton Avenue and Lot 66 Langton Road Mount Barker subject to:

1. **Development being generally in accordance with the plans dated 31 May 2011.**
2. **Buildings being constructed on site and are to be of a variety of materials and claddings and a varied colour scheme to provide diversity in the overall development.**
3. **A landscape plan being submitted for the total development to the satisfaction of the Manager Development Services prior to the dwellings being constructed.**
4. **A drainage plan being prepared and submitted for approval by the Manager Works and Services prior to the commencement of any site works.**
5. **Adequate signage being provided to direct visitors to the visitor parking area.**
6. **The private driveway and Lot 66 (ROW) from Eaton Avenue through to Langton Road being constructed, drained and sealed to the satisfaction of the Manager Works and Services.**
7. **Crossovers being constructed drained and sealed to the satisfaction of the Manager Works and Services.**
8. **Fencing in front of the building setback line being a maximum of 1.2m in height.**
9. **Lot 66 (ROW) and common property driveways being made available for public use for the owners and customers of the businesses on Lots 7, 8 and 22 Langton Road.**
10. **All dwellings being connected to reticulated sewer and water, including the provision of fire hydrants.**
11. **Street trees being provided in accordance with the species list and specifications set out in the Mount Barker Townscape Review for Eaton Avenue.**

12. External clothes drying facilities being provided for each dwelling in accordance with the RCodes ensuring clothes drying areas are screened from view from any primary street or public area.

ADVICE NOTES

- (i) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including The Building Code of Australia.
- (ii) The developer is encouraged to landscape to a high standard.

CARRIED (7/0)

NO. 184/11

**10.1.4 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 52 - LOT 5102
NEWMAN ROAD, NARRIKUP - RURAL TO RURAL RESIDENTIAL –
CONSIDERATION OF MINISTER FOR PLANNING DECISION TO REFUSE
ADVERTISING**

File No: N19152

Attachments: [Location Plan](#)
[Copy of WAPC letter dated 6 May 2011](#)
[Copy of WAPC letter dated 9 June 2010](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 26 July 2011

PURPOSE

The purpose of this report is to consider the decision by the Minister for Planning to refuse permission to advertise proposed Amendment No. 52 to Town Planning Scheme No. 3 (TPS3) to rezone Lot 5102 Newman Road, Narrikup from Rural to Rural Residential.

BACKGROUND

Council records show that Lot 5102 Newman Road, Narrikup is owned by Michael and Shirley Plowright.

The Council at its meeting held on 25 May 2010 when considering this particular Amendment, resolved:

'That:

- 1. Amendment No. 52 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.*
- 2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.*
- 3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 28 September 2010.'*

The proposed Amendment was in accordance with the proposals in the Council's Planning Vision (Town Planning Scheme Policy No. 18) which shows Lot 5102 Newman Road as Rural Residential. The Planning Vision in Appendix 3 states:

'9.1.3 Another option is to consider the possibility of providing land for rural residential forms of development. The land to the north of the bypass consists of cleared farmland with some remnant vegetation. This area has an elevation of between 120m AHD and 139m AHD and is outside the formal 'Townsite' but it is well located in respect to proximity to the village centre. Obviously vehicular and pedestrian access across the bypass will need to be discussed. (Note: The WAPC has not supported this.)

9.1.4 *The rural residential area to the north of the bypass could be considered subject to land capability and drainage issues being addressed as part of a thorough Scheme Amendment document. Lot sizes could be considered down to 4,000m² to allow for more intense development being so close to the village. Other issues needing to be addressed on this land are remnant vegetation protection, fire safety and protection of Sleeman Creek. (Note: The WAPC has not supported this.)'*

Although the Western Australian Planning Commission (WAPC) had not supported the inclusion of this land as rural residential, there is no freehold land available in the Townsite for Rural Residential forms of development other than three small lots in existence on the former Spencer Road. Staff were still negotiating with the officers of the Department of Planning (DOP) in respect to the draft Local Planning Strategy but this process took many months. The Council's Planning Vision is the practical strategic planning document for the future of the rural village of Narrikup which allows limited and controlled growth contiguous to the Townsite.

The Council at its meeting held on 14 July 2009 agreed to give consideration to the rezoning of the land when it considered a Scheme Amendment Request (SAR) and public submissions received. At that meeting the Council resolved:

'That the submissions received on the Scheme Amendment Request for Lot 5102 Newman Road be noted and:

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

A separate copy of the full Amendment was provided to each Councillor with the agenda for 25 May 2010 meeting.

In a letter to the Council dated 9 June 2010 the WAPC advised that approval of the WAPC was required for the advertising of this particular amendment. This was because the land was not identified in an endorsed local planning strategy for rural residential purposes and that it did not meet Commission policy. A copy of that letter is attached.

Councillors were advised of the recent decision of the Minister for Planning to withhold advertising consent for the Amendment by the Manager Development Services in a memorandum dated 16 May 2011. A copy of the WAPC letter of 6 May 2011 is attached.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Town Planning Regulations – these have set procedures for Amending a Town Planning Scheme including once initiated by the Council, referral to the Environmental Protection Authority (EPA) for 28 days. Once cleared by the EPA a

42 day advertising period applies. Once advertised the Council must consider any submissions lodged within 42 days and refer its recommendations to the WAPC and the Minister within 28 days.

Regulation 25(2) provides an exemption from the WAPC approval for advertising of an Amendment. That Regulation has the power for the WAPC to determine whether advertising can be carried out if it wishes in cases of such land not being in a WAPC endorsed Local Planning Strategy (LPS). This subject land has been in the Council's draft LPS since June 2008 however as Councillors are aware, the WAPC has requested numerous modifications to the LPS. The most recent is to remove the subject lot 5102 from the draft LPS as Rural Residential.

Regulation 25AA provides the authority for the WAPC to determine whether an Amendment can be advertised and part (c) provides the WAPC can recommend to the Minister that advertising consent be withheld. In the case of this Amendment, that is the action taken by the WAPC as lot 5102 is not within the Council's draft LPS as the WAPC required it to be deleted.

EXTERNAL CONSULTATION

There has been no consultation in this report but the SAR was advertised in 2009. The Minister for Planning has withheld consent for advertising on the recommendation of the WAPC. If advertising had been allowed and if the Amendment had been cleared by the EPA to proceed, the Amendment would have been advertised for 42 days with letters to landowners, a sign on site, a notice on the shop notice board, notices in the newspapers and letters to government agencies.

FINANCIAL IMPLICATIONS

The necessary fee of \$4,840.00 was paid upon submission of the Amendment in May 2010.

POLICY IMPLICATIONS

This Amendment is in accordance with the Council's Planning Vision (Town Planning Scheme Policy No. 18).

STRATEGIC IMPLICATIONS

Key Result Area 4 of the Council's Strategic Plan refers to the Town Planning Scheme as being a blueprint for future development and is the mechanism by which many of the community's aims and initiatives can be implemented. An up-to-date Scheme is critical.

OFFICER COMMENT

The Amendment document submitted was a comprehensive one which included:

- Detailed Land Capability and Onsite Effluent Assessment;
- Local Water Management Strategy; and
- Fire Management Plan.

The document addresses the issues raised in Part 2 of the Council's resolution from 14 July 2009 in respect to the SAR. Council officers had liaised with the consultants

in respect to details of the Amendment and the actual subdivision guide plan, the Fire Management proposals and the on site effluent disposal capability.

The Amendment was considered by the Council to be in an acceptable form for formal public advertising in May 2010.

The WAPC has now required the subject land be deleted from the revised draft LPS map and the text that justifies its inclusion. The WAPC accordingly recommended to the Minister for Planning that this Amendment not proceed to advertising. With this decision the Amendment cannot proceed further and the landowner has no right of review to the State Administrative Tribunal.

The revised draft LPS is to be considered at this meeting of the Council in respect to the two additional modifications required by the WAPC. One of those modifications is to delete Lot 5102 Newman Road from the Narrikup Appendix (No. 3) as being for possible Rural Residential development. If the Council agrees to these last two modifications to the draft LPS then the draft document will be advertised for public comment. The public will then have the opportunity to make submissions to the Council and the Council can then make a decision on the draft LPS before referral back to the WAPC for its decision. The owners of Lot 5102 Newman Road, Narrikup may choose to lodge a submission on the draft LPS.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr B Bell:

That the Western Australian Planning Commission be advised that the decision of the Minister for Planning to withhold consent for Amendment No. 52 to Town Planning Scheme No. 3 to be advertised is noted with regret.

CARRIED (7/0)

NO. 185/11

10.2 WORKS AND SERVICES REPORTS

10.2.1 CONFERENCE ATTENDANCE - 2011 WASTE AND RECYCLE CONFERENCE

File No:	N19233
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Megan Beech Administration Officer
Proposed Meeting Date:	26 July 2011

PURPOSE

The purpose of this report is to recommend attendance by Shire President Cr Ken Clements and Cr Gert Messmer at the Waste and Recycle 2011 Conference to be held from 14 to 16 September 2011 at the Esplanade Hotel in Fremantle.

BACKGROUND

Councillors Clements and Messmer are seeking approval to attend the Waste and Recycle Conference to ensure that the Council is informed of the latest waste management developments.

At the ordinary meeting held on 27 July 2010, the Council resolved as follows:

'That authority be granted to Councillor Gert Messmer to attend the Waste and Recycle Conference to be held at the Esplanade Hotel in Fremantle from 14 to 17 September inclusive and accommodation, transport and meal costs be met from account Councillor Training and Conferences pursuant to Council Policy CE/CS/1.'

FINANCIAL IMPLICATIONS

The cost of registration for this conference is yet to be determined, however using last year's registration cost as a guide, is expected to be approximately \$1,200.00 each depending on the number of days and sessions attended. Further, accommodation, transport and meal costs will be in the vicinity of \$1,300.00 each.

POLICY IMPLICATIONS

Council Policy No. CE/CS/1 applies to this report. This policy notes that elected members shall receive reimbursements of expenses while attending 'Conferences and Training Sessions specifically authorised by the Council.'

STRATEGIC IMPLICATIONS

The Council's Strategic Plan, Key Results Area 2 Infrastructure, notes that the Council will 'protect the community's health by managing waste in a timely, effective, economic and environmentally safe manner'.

OFFICER COMMENT

The conference is always well attended and there is no doubt that valuable information will be gathered.

The theme for this year's conference is 'Waste or Resource? – Food for thought'.

Proposed topics for the conference include (but are not limited to):

- Food Waste;
- Waste to Energy;
- Household Hazardous Waste;
- State Waste Strategy;
- Litter Management in WA;
- Local Government and Regional Council issues in the metropolitan and non-metropolitan area; and
- Implementation of the National Waste Policy, including Government action on waste management, product stewardship, markets and standards, reducing hazards, regional and remote Australia, data collection and climate change.

Mr Le Cerf will be seeking approval from the Chief Executive Officer to attend this Conference.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That authority be granted to Shire President Cr Ken Clements and Cr Gert Messmer to attend the Waste and Recycle 2011 Conference to be held at the Esplanade Hotel in Fremantle from 14 to 16 September 2011 inclusive and accommodation, transport and meal costs be met from account 'Councillor Training and Conferences' pursuant to Council Policy CE/CS/1.

COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr A Budrikis:

That authority be granted to Shire President Cr Ken Clements, Cr Gert Messmer and Cr Brett Bell to attend the Waste and Recycle 2011 Conference to be held at the Esplanade Hotel in Fremantle from 14 to 16 September 2011 inclusive and accommodation, transport and meal costs be met from account 'Councillor Training and Conferences' pursuant to Council Policy CE/CS/1.

CARRIED (7/0)

NO. 186/11

Reason for Change

Cr Bell expressed an interest in attending the conference.

10.2.2 POLICY REVIEW - STANDPIPE LOCATION AND REGULATION OF WATER SUPPLY TO USERS

File No: N18382
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Megan Beech
Administration Officer
Proposed Meeting Date: 26 July 2011

PURPOSE

The purpose of this report is to review Council Policy No. I/OA/1 – Standpipe Location and Regulation of Water Supply to Users.

BACKGROUND

Council Policy I/OA/1 – Standpipe Location and Regulation of Water Supply to Users was reviewed by the Council on 9 June 2009 and reads as follows:

‘OBJECTIVE:

To provide clear guidelines regarding the facilitation, monitoring and management of water extraction from mains by potable water standpipes in order to:

1. *Introduce a fair and equitable system for measuring and charging standpipe water use, thereby encouraging better water management practices in the Shire of Plantagenet;*
2. *Provide guidance and service to customers who wish to use metered standpipes for extraction of water from mains;*
3. *Monitor and review water consumption patterns and assist in the planning of water supply infrastructure;*
4. *Achieve operational cost recovery; and*
5. *Eliminate water theft.*

POLICY:

1. *The Shire of Plantagenet provides mains water standpipes for public use in the following locations:*
 - a) *Kendenup – corner of Jutland Road and Carbarup Road;*
 - b) *Narrakup – corner of Spencer Road and Hannan Way; and*
 - c) *Mount Barker – Marmion Street.*
 2. *Standpipe controllers have been installed on standpipes, which restricts water usage to approved customers only by using a swipe card.*
 3. *Pricing per kilolitre is to be set annually and included in the Council’s fees and charges. Pricing shall be fixed for the full financial year and is to be reviewed annually.*
-

4. *Fire/Emergency Services have access to standpipes free of charge for the provision of emergency services only.*
5. *Standpipe stations are to be left in a tidy condition after use.*
6. *The Council encourages all unit failures and leaking outlets to be reported to the Shire of Plantagenet as soon as possible.'*

STATUTORY ENVIRONMENT

The Local Government Act (Section 6.17) relates to the setting of fees and charges.

FINANCIAL IMPLICATIONS

Pricing of water taken from the standpipes is set annually and is included in the Council's fees and charges. The fees for the 2011/2012 financial year are:

Standpipe Location	2011/2012
Kendenup, Narrikup and Marmion (potable)	\$1.60 / Kilolitre
Warburton Road (non-potable)	\$2.15 / Kilolitre

The following table provides an indication of the Council's expenditure and cost recovery for the three year period from the 2008/2009 financial year, relating to water usage from Council owned and controlled standpipes.

Financial Year	Cost to the Council (Actual Water Consumption)	Cost Recovery by the Council	% Recovered
2008/2009	\$24,989.00	\$12,289.00	49.17%
2009/2010	\$21,440.00	\$8,937.00	41.68%
2010/2011	\$36,291.00*	\$32,221.00	88.79%

**Note – this figure is incomplete as final invoices for the end of financial year (2010/2011) are yet to be received from the Water Corporation for all standpipes except Warburton Road (which has been received).*

Prior to installation of the swipe card system, cost recovery was generated by an 'honour' system. This system remains in use at the standpipe on Warburton Road, although the 2011/2012 budget includes provision for a standpipe controller at that location.

It is worth noting that a discrepancy in the percentage of costs recovered is expected due to the standpipe on Warburton Road. This standpipe provides non-potable water and is used by Bush Fire Brigades, Council Parks/Gardens staff and during road works.

The table below shows the total litres of water taken from each standpipe for the three year period from 2008/2009 to 2010/2011. This amount is also shown as a percentage of the combined total kilolitres used.

Standpipe	Total Kilolitres Used (3 year period 08/09 - 10/11)	% of Total
Kendenup*	14,885	31.22%
Narrikup*	437	0.92%
Marmion Street*	20,636	43.28%
Warburton Road	11,726	24.60%
Total	47,684	100%

**Note – figures for these standpipes are incomplete as final invoices for the end of financial year (2010/2011) are yet to be received from the Water Corporation.*

The following table indicates the percentage of water each year, over the three year period from 2008/2009 to 2010/2011, taken from each standpipe.

Standpipe	2008/2009	2009/2010	2010/2011	Total
Kendenup*	26.6%	31.7%	41.7%	100%
Narrikup*	23.8%	42.3%	33.9%	100%
Marmion Street*	30%	22.3%	47.7%	100%
Warburton Road	14.7%	20.5%	64.8%	100%

**Note – figures for these standpipes are incomplete as final invoices for the end of financial year (2010/2011) are yet to be received from the Water Corporation.*

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 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

An electronic swipe card is required to access the metered standpipes which records precise readings of litres used enabling accurate invoicing.

Reference to the Warburton Road non-potable standpipe has been added to the Policy. Provision has been included in the 2011/2012 budget for installation of an

electronic swipe card system on that standpipe to maximise cost recovery and to eliminate water theft.

The words 'potable' and 'mains' in the objective and policy sections of the policy have been deleted. The policy now refers to both potable and non-potable standpipes, with the non-potable water being sourced from Bolganup Dam which is not on the mains water supply.

The location of the Narrikup standpipe has been amended in the policy to reflect road name changes due to completion of the Spencer Road Bypass.

Two additional conditions have been added to the amended policy to assist Council Officers in enforcing payment of accounts and the Council's position relating to anti social activities.

It is worth noting that a standpipe is located at Rocky Gully which is owned, locked and controlled by the Water Corporation. For use of this standpipe, users are required to access a key from the local store. A standpipe is also located at Porongurup, which is owned and controlled by the Department of Environment and Conservation.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

That amended Council Policy No. I/OA/1 – Standpipe Location and Regulation of Water Supply to Users:

'OBJECTIVE:

To provide clear guidelines regarding the facilitation, monitoring and management of water standpipes in order to:

- 1. Introduce a fair and equitable system for measuring and charging standpipe water use, thereby encouraging better water management practices in the Shire of Plantagenet.**
- 2. Provide guidance and service to customers who wish to use water from Shire standpipes.**
- 3. Monitor and review water consumption patterns and assist in the planning of water supply infrastructure.**
- 4. Achieve operational cost recovery.**
- 5. Eliminate water theft.**

POLICY:

- 1. The Shire of Plantagenet provides water standpipes for public use in the following locations:**
 - a) Kendenup – corner of Jutland Road and Carbarup Road;**
 - b) Narrikup – corner of Hannan Way and Beech Road;**

- c) Mount Barker – Marmion Street; and
 - d) Mount Barker – Warburton Road.
2. Standpipe controllers are installed on standpipes (a) to (c) above, which restrict water usage to approved customers only by using a swipe card.
 3. Pricing per kilolitre is to be set annually and included in the Council's fees and charges. Pricing shall be fixed for the full financial year and is to be reviewed annually.
 4. Fire/Emergency Services have access to standpipes free of charge for the provision of emergency services only.
 5. Standpipe stations are to be left in a tidy condition after use.
 6. The Council encourages all unit failures and leaking outlets to be reported to the Shire of Plantagenet as soon as possible.
 7. The Council reserves the right to deny access to the standpipes if a user is found to have caused damage to, or tampered with a standpipe.
 8. Accounts for electronic standpipe cards are to be paid within 30 days. The Council reserves the right to cancel a card if the account is not paid.
- be endorsed.

CARRIED (7/0)

NO. 187/11

10.3 COMMUNITY SERVICES REPORTS**10.4 CORPORATE SERVICES REPORTS****10.4.1 FINANCIAL STATEMENTS – JUNE 2011**

File No:	N19227
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	26 July 2011

PURPOSE

The purpose of this report is to present the unaudited financial position of the Shire of Plantagenet for the period ending June 2011.

STATUTORY ENVIRONMENT

Regulation 34 of the Financial Management Regulations 1996 requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- a) annual budget estimates;
- b) budget estimates to the end of the month;
- c) actual amount of expenditure and revenue;
- d) material variances between comparable amounts in b) and c) above; and
- e) the net current assets at the end of the month to which the statement relates ie: surplus/deficit position.

The Statement is to be accompanied by:

- a) explanation of the composition of net current assets, less committed assets and restricted assets;
- b) explanation of the material variances; and
- c) such other information considered relevant by the local government.

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That the unaudited Financial Statements for the period ending June 2011 be received.

CARRIED (7/0)

NO. 188/11

10.4.2 LIST OF ACCOUNTS - JUNE 2011

File No: N19228
Attachments: [List of Accounts](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 26 July 2011

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of June 2011.

STATUTORY ENVIRONMENT

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments (10 May 2009). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Council Policy F/FM/7 – Purchasing and Tender Guide applies.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended June 2011 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$672,988.21;
- b. Municipal Cheques 42054 – 42078 and 42081 – 42157 totalling \$1,032,996.93;
- c. Trust Cheque 313 totalling \$26,093.74; and
- d. Cancelled Cheques 42079 - 42080.

CARRIED (7/0)

NO. 189/11

10.5 EXECUTIVE SERVICES REPORTS

10.5.1 GREAT SOUTHERN INSTITUTE OF TECHNOLOGY - PROPOSED PLANTAGENET CAMPUS - COMMUNITY RESOURCE CENTRE - LOWOOD ROAD

File No:	N19244
Attachments:	Proposed Floor Plan Proposed Site Plan
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	26 July 2011

PURPOSE

The purpose of this report is to advise the Council that a submission has been received from the Great Southern Institute of Technology seeking the Council's 'approval in principle' for the construction of a new Institute of Technology Campus in Mount Barker on the Council owned land in Lowood Road which has the new Community Resource Centre and Library situated on it.

BACKGROUND

This matter was verbally raised with the Council by the Chief Executive Officer in May of this year. At that time Councillors indicated that they would be happy to view more detailed plans.

Such plans are now available and are attached to this report although no elevations or detailed construction plans have been prepared.

By way of further background the subject land is known as Lot 53 and is owned in 'fee simple' by the Council. The existing buildings on the land, being the Community Resource Centre and Council Library, have been constructed across the Council boundary with Lot 148 (Sounness Park) and this is, and will continue to be, a legitimate impediment to further development as Lot 148 has a 'Deed of Trust' attached to it dating from the Council's original purchase of the land and which is preventing subdivision to remedy the encroachment.

STATUTORY ENVIRONMENT

Should consideration be given to leasing land to the Great Southern Institute of Technology, Section 3.58 of the Local Government Act would apply with regard to the disposition of property by a Local Government.

EXTERNAL CONSULTATION

Apart from meetings with representatives from the Great Southern Institute of Technology, the Chief Executive Officer has met with representatives of the Community Resource Centre and discussed the issue with the Community College Principal.

The representatives from the Community Resource Centre acknowledge that the land is owned by the Council and although the Community Resource Centre may want to expand in the future, such expansion is unlikely in the near future.

The Principal of the Community College had only recently become aware of the proposal by the Great Southern Institute of Technology and indicated some concern that the proposal was a change in the adopted vision of the 'One College' project which envisaged an integrated education campus with children from kindergarten to post secondary and further links to university.

The Principal has now written to the Council and this letter is copied in the Councillors' Bulletin.

Councillors should also be aware that the Member for Blackwood-Stirling Mr Terry Redman MLA has written to the Minister for Training and Workforce Development emphasising that the Community College Campus had been the proposed site for the Great Southern Institute of Technology.

Mr Redman's letter is copied in the Councillors' Bulletin.

FINANCIAL IMPLICATIONS

It is difficult to estimate the financial implications for such a proposal.

Significant staff time at the very least would be taken up with the proposal as was the case with the HACC Centre and the Community Resource Centre.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

Early discussions with the Great Southern Institute of Technology representatives noted that the Council would be highly unlikely to be prepared to subdivide and sell land to the Institute. Members of the public were very concerned when the Council proposed selling land for the construction of the Community Resource Centre and a long term lease was negotiated instead. The representatives from the Institute of Technology were advised that in the event that the Council was prepared to consider the construction of the Institute building, tenure of the land would most likely be in the form of a long term lease similar to that for the Community Resource Centre. It was also noted that such a lease would reflect the conditions of the lease with the HACC Centre in Memorial Road whereby the Council did not take ownership of the building situated on Council property.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan encourages the development of an educational outlet in several places.

The Council's Vision, among other things, notes that our district should be a place '... where people will come to raise families because of educational opportunities...'

Key Result Area 2 (Infrastructure) notes that an aim of the Council is to 'maximise the benefit to the community, in an equitable manner, by effectively and efficiently developing and maintaining...buildings infrastructure...'.

At Key Result Area 3 (Community Services) the Council notes an aim is to 'deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural wellbeing of the community.'

At Key Result Area 4 (Development Services) the Council notes that it will encourage strategic alliances between the Council, Government and industry bodies.

Key Result Area 5 (Strategic Planning) notes an aim of the Council is to develop strategic partnerships and foster regional cooperation. A further aim is the coordination of long term planning for sustainable environmental, economic and social development of the Shire and the Great Southern.

OFFICER COMMENT

Notwithstanding objections by Mr Redman and Mr Hoskin, the development of the Institute Campus on Council owned land would accrue many advantages to the Shire.

There is little doubt that the existing campus in Langton Road no longer provides for the needs of post secondary education. This is one reason why a new campus on the Community College site has been mooted.

It would appear that the Institute of Technology would like to consider an alternative along with the site at the Community College.

The site on the Council owned land is not without its problems.

It would require the closure of Cooper Street and, as proposed at present, would encroach onto Sounness Park. Further, there would be significant power and water plant issues to be dealt with.

In the current financial year the Council proposes to reseal the Community Resource Centre/Library car park and, should further construction work be proposed on that site, such resealing possibly should be delayed. Other issues are also evident including parking bay sizes that do not comply with the Council's direction in its Town Planning Scheme.

However, possibly the biggest concern for Councillors are the obvious objections by Mr Redman and Mr Hoskin. 'Approval in principle' by the Council for the facility to be placed on Lot 53 would not necessarily mean that the structure would be put there. This would give the Institute an alternative site to compare with the proposed site at the school.

Synergies for the Lowood Road site may very well be in evidence. Both the Community Resource Centre and the Council's Library should be in a position to provide services to the Campus and *vice versa*. The Campus would be highly visible on Lowood Road as is the Library and Community Resource Centre.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Great Southern Institute of Technology be advised:

1. No specific objections are raised to the possible construction of a new Great Southern Institute of Technology Campus on Lot 53 Lowood Road adjacent to the Mount Barker Community Resource Centre and the Mount Barker Library;
2. The Council however notes the concerns raised by the Member for Blackwood-Stirling the Hon Terry Redman MLA and the Principal of the Mount Barker Community College Mr Jonathan Hoskin, both of whom note existing plans to construct the Campus on the Mount Barker Community College site;
3. The Lowood Road site has several impediments including the location of power and water and also existing encroachments onto Sounness Park; and
4. Notwithstanding all of the above, the Council is prepared to give further consideration for the proposal to construct a new Great Southern Institute of Technology Campus on Lot 53 Lowood Road Mount Barker.

ALTERNATIVE MOTION

Moved Cr L Handasyde, seconded Cr S Etherington:

That the Great Southern Institute of Technology be advised:

1. **No specific objections are raised to the possible construction of a new Great Southern Institute of Technology Campus on Lot 53 Lowood Road adjacent to the Mount Barker Community Resource Centre and the Mount Barker Library;**
2. **The Council however notes the concerns raised by the Member for Blackwood-Stirling the Hon Terry Redman MLA and the Principal of the Mount Barker Community College Mr Jonathan Hoskin, both of whom note existing plans to construct the Campus on the Mount Barker Community College site;**
3. **The Lowood Road site has several impediments including the location of power and water and also existing encroachments onto Sounness Park.**

LOST (1/6)

Reason for Change

Point 4 is superfluous.

ALTERNATIVE MOTION/COUNCIL DECISION**Moved Cr B Bell, seconded Cr S Grylls:****That:**

- 1. The Council notes the concerns raised by the Member for Blackwood-Stirling the Hon Terry Redman MLA and the Principal of the Mount Barker Community College Mr Jonathan Hoskin, both of whom note existing plans to construct the Campus on the Mount Barker Community College site;**
- 2. The Lowood Road site has several impediments including the location of power and water and also existing encroachments onto Sounness Park.**
- 3. The Great Southern Institute of Technology be encouraged to construct new infrastructure on the Community College site.**

CARRIED (7/0)**NO. 190/11**Reason for change

There are impediments at the Lowood Road site and plans are already in place for the Community College site.

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

13 CONFIDENTIAL**13.1.1 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW**

A Financial/Indirect Financial (Section 5.70 LGA) Interest was disclosed by Mr Rob Stewart. Nature of interest – CEO Review – Contract of employment/remuneration.

File No: N19270
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 26 July 2011

PURPOSE

The purpose of this report is to present to the Council the recommendations resulting from the Chief Executive Officer's (CEO) review which was held on 19 July 2011.

OFFICER RECOMMENDATION/COUNCIL DECISION**MOTION TO PROCEED BEHIND CLOSED DOORS**

Moved Cr S Etherington, seconded Cr L Handasyde:

3:30pm That the Council consider this matter in the confidential component of this meeting due to:

(a) a matter affecting an employee or employees.

CARRIED (7/0)

NO. 191/11

3:30pm All staff including the CEO and the member of the public withdrew from the meeting except the Minute Taker.

MOTION TO PROCEED IN PUBLIC

Moved Cr L Handasyde, seconded Cr S Etherington:

3:34pm That the meeting proceed in public.

CARRIED (7/0)

NO. 193/11

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr L Handasyde:

That:

1. The Chief Executive Officer's Performance Review for the 2010/2011 Financial Year be noted.
2. Apart from key performance indicators already recorded in the Chief Executive Officer's Contract of Employment, the following matters be now developed:
 - a) Structural Reform;
 - b) Climate Change;
 - c) Area Marketing;
 - d) Recognition;
 - e) Politicians;
 - f) Waste Management; and
 - g) Development of appropriate Industry.
3. The Chief Executive Officer's reward package be altered by:
 - (i) cash remuneration to be increased by 6%
 - (ii) utility charges for 103 Martin Street to be met by the Council.

CARRIED (7/0)

NO. 192/11

3:35pm Mr Stewart returned to the meeting.

14 CLOSURE OF MEETING

3:36pm The Presiding Member declared the meeting closed.

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