



## ORDINARY MINUTES

**DATE:** Tuesday, 29 November 2011

**TIME:** 2:45pm

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

Rob Stewart  
CHIEF EXECUTIVE OFFICER

## **MEMBERSHIP – Quorum (5)**

### **Membership:**

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

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

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:52pm 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 (left Chamber at 3:41pm, returned 3:43pm)
Cr B Bell	Councillor
Cr A Budrikis	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor
Cr J Moir	Councillor
Cr C Pavlovich	Councillor (left Chamber at 3:41pm, returned 3:43pm)

### In Attendance:

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

There were no members of the public present.

### Previously Approved Leave of Absence:

Nil

### 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**

Nil

#### **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 Skinner

Disclosed a Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest – Farming 400 head of cattle – in Item 12.1.3.

#### Cr J Moir

Disclosed a Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest – Employee of elders at Saleyards and Cattle Farmer - in Item 12.1.3.

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

Nil

## 7 CONFIRMATION OF MINUTES

Moved Cr B Bell, seconded Cr L Handasyde:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 8 November 2011 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 298/11

## 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

## 9 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

### Cr M Skinner

- 18 November 2011 – Attended the Opening of the Mount Barker Community Resource Centre
- 21 and 22 November 2011 – Attended the Recreation and Waste Facilities Tour

### Cr S Etherington

- 18 November 2011 – Attended the Opening of the Mount Barker Community Resource Centre
- 21 and 22 November 2011 – Attended the Recreation and Waste Facilities Tour
- 24 November – Attended the Integrated Planning Meeting in Albany

### Cr B Bell

- 2 November 2011 – Attended the Bush Fire Advisory Committee Meeting
- 18 November 2011 – Attended the Opening of the Mount Barker Community Resource Centre
- 29 November 2011 – Attended the Great Southern Cattle Saleyards Advisory Committee Meeting

### Cr A Budrikis

- 21 and 22 November 2011 – Attended the Recreation and Waste Facilities Tour

### Cr G Messmer

- 15 November 2011 - Attended the Annual General Meeting of the Tourist Bureau

- 21 and 22 November 2011 – Attended the Recreation and Waste Facilities Tour
- 24 November 2011 – Attended the Integrated Planning Meeting in Albany.

Cr C Pavlovich

- 16 November 2011 – Attended a Regional Council Forum
- 18 November 2011 – Attended the Opening of the Mount Barker Community Resource Centre

Cr L Handasyde

- 2 November 2011 – Attended a Bush Fire Advisory Committee Meeting
- 21 and 22 November 2011 – Attended the Recreation and Waste Facilities Tour
- 28 November 2011 – Attended the Bendigo Community Bank Annual General Meeting
- 28 November 2011 – Attended a WALGA Annual General Meeting teleconference
- 29 November 2011 – Attended a Audit Committee Meeting
- 29 November 2011 – Attended a Great Southern Regional Cattle Saleyards Committee Meeting



## 10 REPORTS OF COMMITTEES AND OFFICERS

### 10.1 DEVELOPMENT SERVICES REPORTS

#### 10.1.1 LOT 18 MENSTON STREET, MOUNT BARKER - 25 GROUPED DWELLINGS

<b>File No:</b>	<b>N20535</b>
<b>Attachments:</b>	<a href="#"><u>Locality Plan</u></a> <a href="#"><u>Strata Plan</u></a> <a href="#"><u>Original Site Plan</u></a> <a href="#"><u>Original Elevations 1</u></a> <a href="#"><u>Original Elevations 2</u></a> <a href="#"><u>Original Floor Plan - Single Bedroom Unit Type A</u></a> <a href="#"><u>Original Floor Plan - 2 Bedroom Unit Type B.</u></a> <a href="#"><u>Original Floor Plan - 2 Bedroom Unit Type C</u></a> <a href="#"><u>Original Floor Plan - Single Bedroom Unit Type D</u></a> <a href="#"><u>Amended Site Plan</u></a> <a href="#"><u>Amended Elevations 1</u></a> <a href="#"><u>Amended Elevations 2</u></a> <a href="#"><u>Amended Floor Plan - Single Bedroom Unit Type A</u></a> <a href="#"><u>Amended Floor Plan - 2 Bedroom Unit Type B</u></a> <a href="#"><u>Amended Floor Plan - 2 Bedroom Unit Type C</u></a> <a href="#"><u>Amended Floor Plan - Single Bedroom Unit Type D</u></a> <a href="#"><u>Submission - Objection</u></a> <a href="#"><u>Letter from applicant - Request for 50% refund</u></a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>29 November 2011</b>
<b>Applicant:</b>	<b>Yaran Property Group</b>

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#### **PURPOSE**

The purpose of this report is to consider an application for 25 grouped dwellings at Lot 18 Menston Street, Mount Barker.

#### **BACKGROUND**

Council records show the registered owner of Lot 18 is Yaran Pty Ltd (Yaran).

On 12 August 2008, following public advertising of an application for 19 grouped dwellings on Lot 18 Menston Street the Council granted conditional approval. At the same meeting the Council also supported a proposed survey strata subdivision on Lot 18 Menston Street, Mount Barker subject to conditions.

On 24 March 2009, the Council then received a new application for the development of 31 single bedroom dwellings on this lot. A survey strata subdivision application

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was simultaneously lodged with the Western Australian Planning Commission (WAPC). On 31 March 2009, the Council received email correspondence from the WAPC indicating that the preliminary assessment of the survey strata subdivision application did not comply with the Western Australian Planning Commission's Policies and Practices. The proponent subsequently amended the development application by reducing the number of single bedroom dwellings from 31 to 28. The Council received the amended documentation on 8 April 2009. Single bedroom dwellings attract a density bonus of one-third under the Residential Design Codes and this means more units can be erected on a site than conventional two and three bedroom units. The plans were further modified to reduce the number of dwellings to 25.

On 28 April 2009 the Council considered the application and resolved that:

- '(1) The proposal to develop twenty-five (25) grouped dwellings consisting of fifteen (15) single bedroom dwellings and ten (10) two (2) or more bedroom grouped dwellings on Lot 18 Menston Street, Mount Barker be supported for advertising subject to:*
- a. The development must be in accordance with the strategies and actions of the Shire of Plantagenet draft Local Planning Strategy (2008);*
  - b. The proposal must satisfy the consideration for the utilisation of discretion under clause 2.5.2 of the RCodes in terms of:*
    - i. the provisions of parts 1-7 of the codes, as appropriate;*
    - ii. the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
    - iii. any local planning strategy incorporated into the scheme; and*
    - iv. orderly and proper planning.*
  - c. The proposal must meet setback, frontage and carport design standards of the RCodes.*
- (2) A further report is to be placed before the Council after advertising and no later than 14 July 2009.'*

Amended documentation was received on 8 May 2009 and the proposal was advertised for public comment for a 21 day period closing on 18 June 2009.

The Council at its meeting held on 14 July 2009 resolved at Resolution No. 195/09:

*'That planning consent be granted for 25 grouped dwellings with a reduced front setback to Menston Street at Lot 18 Menston Street Mount Barker subject to:*

- 1. Development to be generally in accordance with the plans dated 20 May 2009.*
- 2. Construction is not to commence until the Council has approved detailed engineering plans and specifications of works, including earthworks, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, both during and after construction.*

3. *Buildings to be constructed on site and are to be of a variety of materials, claddings and a colour scheme to provide variety in the overall development.*
4. *The submission and approval of a landscape plan for the total development.*
5. *Dwellings are not to be occupied until landscaping has been completed to the satisfaction of the Manager Development Services.*
6. *The submission and approval of a drainage management plan.*
7. *The internal accessway is to be designed and aligned to meet the proposed road on Lot 177 Marmion Street to the west.*
8. *Construct, drain and seal the internal accessway to the satisfaction of the Manager Works and Services to the boundary with Lot 177 Marmion Street.*
9. *Construct, drain and seal all crossovers to the satisfaction of the Manager Works and Services.*
10. *Connection of all dwellings to reticulated sewer and water, including the provision of fire hydrants.*
11. *Fencing in front of the building setback line to be a maximum of 1.2m in height.*
12. *Provision of adequate signage to direct visitors to the visitor parking areas.*
13. *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.*
14. *Street trees to be provided in accordance with the species list and specifications set out in the Mount Barker Townscape Review for Menston Street and the internal accessway.'*

At the same meeting the Council conditionally supported a proposed survey strata subdivision (WAPC 587-09) that matched this development approval for Lot 18 Menston Street, Mount Barker. The survey-strata subdivision was subsequently approved by the WAPC on 12 August 2009 and is valid until August 2013.

On 16 August 2011, the Council received a fresh application, the subject of this report, for the development of 25 grouped dwellings. The proposed development consists of 15 single bedroom dwellings and 10 two bedroom dwellings and is in general the same as the previous approval which had expired on 14 July 2011. Of the 25 dwellings, three face Menston Street and 22 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 have changed from that of the previous approved development.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Residential R10/20 – ‘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 6.2 – Advertising of Applications of TPS3 includes the following:

*‘6.2.1 Where an application is made for planning consent to commence or carry out development which involves an ‘SA’ use the Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions of this Clause.*

*6.2.3 Where the Council is required or decides to give notice of any application for planning consent the Council shall cause one or more of the following to be carried out:*

*(a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning consent stating that submissions may be made to the Council within twenty-one days of the service of such notice;*

*(b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof:*

*(c) a sign displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days stating that submissions may be made to the Council within the display period.*

*6.2.4 The notice referred to in Clause 6.2.3(a) and (b) shall be in the form contained in Schedule No. VII with such modifications as circumstances require.*

*6.2.5 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.’*

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.’*

The RCodes - Appendix 1 – Definitions as follows:

*‘Single bedroom dwelling*

*A dwelling that contains a living room and no more than one other habitable room that is capable of use as a bedroom.’*

RCodes November 2010 Part 6 Design Element 6.1.3 A3 i states:

*‘for the purpose of an aged or dependant persons’ dwelling or a single bedroom dwelling, the minimum site area may be reduced by up to one third, in accordance with part 6.11.2 and 6.11.3.’*

RCodes November 2010 Part 6 Design Element 6.11.3 A3 states:

*‘Single bedroom dwellings with a maximum plot ratio area of 60m<sup>2</sup>.’*

RCodes November 2010 Part 6 Design Element 6.1.3 A3 iv states:

*‘in the case of grouped dwellings in areas coded R20 as at 4 October 2002 the average site area will be 450 sq m.’*

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 LG035 the proposal has been advertised for public comment for a 21 day period. Advertising included letters to seven adjoining and nearby property owners, notices were placed in the Albany Advertiser, Plantagenet News, the Council’s noticeboard and a sign placed on site. At the close of the advertising period one submission (copy attached) was received.

The Council on 21 September 2011 requested Marketforce to place a notice in the Albany Advertiser on 29 September 2011. The notice however, was not published

on 29 September 2011 but was published on 13 October 2011. A notice was also published in Plantagenet News on 5 October 2011.

TPS3 requires 'SA' use development applications to be advertised to the public prior to determination, and that the advertisement be published in a newspaper circulating within the Scheme Area. The Council undertakes this advertising concurrently in both the Plantagenet News and Albany Advertiser. The Plantagenet News is a community newsletter specific to the Shire and, as the Albany Advertiser is the only registered newspaper in the local area, it must also be used in order to satisfy the statutory requirement. The advertising of this particular proposal did not occur concurrently in both papers, and advertising in the Albany Advertiser therefore concluded later than expected, on 4 November 2011.

A submission objecting to the proposal (copy attached) was received from the land owner of nearby Lot 38 Menston Street corner Margaret Street. This owner is concerned this grouped dwelling development will deteriorate through misuse, abuse and neglect and adversely affect the amenity of the locality.

### **FINANCIAL IMPLICATIONS**

The application fee of \$6,350.00 and a bond of \$500.00 for advertising costs have been paid.

The proponent has submitted a letter (copy attached) requesting a 50% reduction in the planning consent application fee of \$6,350.00. The case put by the applicant does not justify the Council reducing the application fee. The proponent states this proposal is substantially the same as the one which received development approval on 14 July 2009. Assessment of the latest proposal revealed it not to be the case.

These current plans include features such as skillion roof designs for all dwellings and changing the construction method from stumped to standard concrete slabs for dwellings and partly retaining the site. Modifications required include increasing the floor areas of the two bedroom dwellings, replacing one single bedroom dwelling with a two bedroom dwelling, adding marked visitor car parking bays, adding onsite parking bays and associated dual driveways and adjusting setbacks of several dwellings. Further modifications include redesigning the layout of the multi purpose room on the floor plans of the single bedroom dwellings. 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 which was conditionally approved by the Council on 14 July 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 similar to the July 2009 approval. This proposal differs from the earlier approval by including matters such as skillion roof designs for all dwellings and changing the construction method from stumped to standard concrete slabs for dwellings and partly retaining the site. This proposal further provides single carports on all of the dwellings in-lieu of the earlier approved 19 double carports and six single carports.

The original plans (copies attached) received by the Council on 16 August 2011 were advertised for public comment and letters were sent to the adjoining land owners. The proposal now before the Council includes various modifications requested by the Council's Planning Officer. These modifications include floor areas of all two bedroom dwellings to increase from 60m<sup>2</sup> to 73m<sup>2</sup>, lot 2 to contain a two bedroom dwelling and the setbacks of dwellings on lots 3 to 14 to be staggered to improve the streetscape. Further modifications include the addition of an additional three marked visitor car parking bays, onsite parking bays and associated driveways to allow parallel parking and access at lots and redesigning the layout of the multi purpose room on the floor plans of the single bedroom dwellings to discourage its alteration into a second bedroom.

The proposed development on plans dated 17 November 2011 consists of 15 single bedroom dwellings and 10 two bedroom dwellings. The floor area of all single bedroom dwellings in the development is 60m<sup>2</sup> and the floor area of all two bedroom dwellings is 73m<sup>2</sup>. All the proposed dwellings are single storey. Of the 25 dwellings, three face Menston Street and 22 face the internal accessway which is to be common property.

The location of the proposed internal accessway has not changed from that of the previous approved development and is designed to connect to a proposed road on neighbouring Lot 177 Marmion Street. This will enable pedestrian and vehicular traffic connection between Marmion and Menston Streets. The internal accessway is 7.2m wide with a 6.0m paved traffic surface that accommodates two-way vehicular traffic with a 1.2m wide footpath to one side. Trees will be required with a landscaping plan to formalise the street appearance.

The RCodes require a total of 41 car parking spaces consisting of 35 car parking spaces for the units and six visitor car parking bays for the proposed development. The development exceeds the minimum parking requirement by providing 47 on-site car parking spaces and six visitor parking bays, giving a total of 53 car parking spaces. A good deal of the lot frontages are given to paved individual driveways. The RCodes require a maximum of 50% of the lot frontage to be used for car parking, no driveway may be wider than 6m and may not be closer than 0.5m from the boundary.

WAPC DC1.3 at 3.3.6 states:

*'...it is accepted that participants within any such scheme should have some flexibility in determining the standards that they require for those services, e.g. the width, alignment, parking and drainage of roads and driveways where these do not directly affect public facilities or other adjoining land.'*

Good tree planting can offset the effect of paved driveways dominating the frontage and make the development more attractive. A landscaping plan is a requirement of the RCodes.

The proponents intend to subdivide the dwellings by way of a survey strata subdivision with no public open space. This will attract a 10% public open space condition on the subdivision. This is to be provided by way of a cash-in-lieu payment to the Council.

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 R20 development set by the RCodes with the exception of the reduced front setback for units and retaining walls on Menston Street. The front setback required is 6.0m and in this instance the carport for unit 1 is setback 3m, unit 2 is setback 4.5m and unit 25 is setback 3.3m. The retaining walls for unit 1 are 2.7m, 3.7m and 4.7m and the retaining wall for unit 25 is setback 2.7m. 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 drainage management plan needs to be submitted.
2. Adequate signage to be provided to direct visitors to the visitor parking areas.
3. Dwellings to be constructed on site and are to be of a variety of materials, claddings and a colour scheme to provide variety in the overall development.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, 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 25 grouped dwellings with a reduced front setback to Menston Street at Lot 18 Menston Street, Mount Barker subject to:**

- 1. Development to be generally in accordance with the plans dated 17 November 2011.**
- 2. A drainage plan being prepared and submitted for approval by the Manager Works and Services prior to the commencement of any site works.**
- 3. All buildings being constructed on site and being of a variety of materials and claddings and a varied colour scheme to provide diversity in the overall development.**



4. A landscape plan being submitted for the total development to the satisfaction of the Manager Development Services prior to the dwellings being constructed.
5. Dwellings not being occupied until landscaping has been completed to the satisfaction of the Manager Development Services.
6. A drainage plan being prepared and submitted for approval by the Manager Works and Services prior to the commencement of any site works.
7. The internal accessway being designed and aligned to meet the proposed road on Lot 177 Marmion Street to the west.
8. The internal accessway being constructed, drained and sealed to the satisfaction of the Manager Works and Services to the boundary with Lot 177 Marmion Street.
9. Crossovers being constructed drained and sealed to the satisfaction of the Manager Works and Services.
10. All dwellings being connected to reticulated sewer and water, including the provision of fire hydrants.
11. Fencing in front of the building setback line being a maximum of 1.2m in height.
12. Adequate signage being provided to direct visitors to the visitor parking area.
13. 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.
14. Street trees being provided in accordance with the species list and specifications set out in the Mount Barker Townscape Review for Menston Street and the internal accessway.

#### 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 (9/0)

NO. 299/11

**10.1.2 LOT 31 MILLINUP ROAD, PORONGURUP – NEW HOUSE AND CARPORT  
IN LANDSCAPE PROTECTION ZONE**

**File No:** N20536

**Attachments:** [Location Plan](#)  
[Site Plan](#)  
[Floor Plan](#)  
[Elevations](#)  
[3-D Drawing](#)  
[Letter from Applicant](#)

**Responsible Officer:** Peter Duncan  
Manager Development Services

**Author:** Vincent Jenkins  
Planning Officer

**Proposed Meeting Date:** 29 November 2011

**Applicant:** WA Country Builders for AJ Kendrick

---

**PURPOSE**

The purpose of this report is to consider an application for a new house and carport at Lot 31 Millinup Road, Porongurup.

**BACKGROUND**

Shire records show the registered owner of Lot 31 Millinup Road is AJ Kendrick.

The proponent originally applied for a building licence to construct a new house and carport at Lot 31 Millinup Road on 24 October 2011. Lot 31 is located in the Landscape Protection Zone and pursuant to the Shire of Plantagenet Town Planning Scheme No. 3 the proponent was advised all development within this zone require's the Council's planning consent. The Council on 17 November 2011 received this planning consent application.

Further, an existing house is already situated on the property, approved by the Council in December 2000.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Landscape Protection Zone No. 1. Schedule 12 contains requirements for this particular zone including the following:

- 3.1 The following uses may be permitted, subject to planning consent by Council: - Single House and Associated Outbuildings.*
- 3.3 No development within the Landscape Protection zone may proceed without Council's planning consent.*
-

3.4 *Applications for planning consent shall be accompanied by complete details of building materials, colours, site location, elevations from the front and one side and a landscape plan demonstrating how the proposed development can be predominantly screened from Millinup Road.*

#### 4.0 LOCATION OF BUILDINGS AND STRUCTURES

*Siting of all buildings and structures within the landscape protection zone will require Council approval and will be subject to the following requirements:*

4.1 *Buildings and structures shall be set back a minimum of thirty metres from Millinup Road, twenty metres from the northern boundary and fifteen metres from all other boundaries.*

4.2 *Buildings and structures shall be sited to allow a 'low fuel buffer' not less than twenty metres wide, which does not encroach into remnant vegetation or revegetation areas as designated on the Subdivision Guide Plan.*

4.3 *Buildings and structures shall avoid exposed sites adjacent to Millinup Road where there is little remnant vegetation within or adjacent to the road reserve.*

4.4 *Buildings and structures shall be offset from driveway crossovers so they are not immediately exposed to Millinup road.*

4.6 *At the development approval stage a landscape plan shall be provided indicating the number, type and location of shrubs and trees to be planted and maintained as a condition of development approval to effectively minimise the visual impact of all development on the site.*

#### 5.0 BUILDING DESIGN, MATERIALS & COLOUR

5.1 *The granting of planning consent for any building shall be subject to a specific condition requiring the use of appropriate colours and materials on walls and roofs. Dwellings and outbuildings shall be designed and constructed of materials which allow them to blend into the landscape of the site. Council will be supportive of walls and roofs with natural tonings such as browns and greens, however Council shall refuse to approve walls and roofs constructed of reflective materials such as unpainted zincalume, white and off-white colours.*

5.2 *Dwelling houses shall not exceed 7.5 metres in height which is measured vertically from the natural ground level. The maximum height of all outbuildings will be at the discretion of Council in order to minimise the visual impacts of such buildings when viewed from surrounding roads.*

5.4 *Water tanks shall be coloured an appropriate natural shade of brown or green or suitably screened with vegetation in keeping with the amenity of the area to the satisfaction of Council.'*

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.'*

### **FINANCIAL IMPLICATIONS**

The application fee of \$1,330.51 has been paid.

### **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:

*'Conserve and enhance the natural environment, the rural landscape and the features and views unique to the Shire, such as the Stirling and Porongurup Ranges.'*

### **OFFICER COMMENT**

Lot 31 is 13.19ha in area and located at the south-western foot of the Porongurup Range and north of Millinup Road. Existing development at the lot consists of a water tank, 90m<sup>2</sup> outbuilding and a 60m<sup>2</sup> relocated Fleetwood house. The lot has been cleared of remnant vegetation and is used for pasture and cropping. There is a triangular patch of plantation trees approximately 1.7ha in area located on the property adjoining the northern boundary of the property. The proposed house location is approximately 290m from this patch of plantation trees.

The proposed house location is setback 265m from Millinup Road, 480m from the rear boundary with Lots 4 and 5 Mira Flores Avenue to the north, 102m from the boundary with Lot 26 Wansbrough Road to the west and 120m from the boundary with Lot 32 to the east.

The proposed house is a three bedroom single storey building. The house is 276.85m<sup>2</sup> in area which includes an alfresco area and double carport. House and carport roofs will be finished in Bushland Colorbond® with Woodlands Grey Colorbond® trim. External walls will be constructed in a combination of Midland Restoration Red Coach brick and Evening Haze Colorbond® cladding. The porch gable will be clad in weatherboard and finished in woodland grey colour. The water tank will be finished in Evening Haze Colorbond® to match the house. The proposed green-grey colour scheme for the proposed development is sympathetic to the surrounding area.

The application submitted complies with the majority of the provisions for this Landscape Protection Zone set in TPS3 except for the proposed construction of this additional new house at the property. The proponent also did not include the landscape plan with the application documentation for this development approval stage.

Special provisions for this Landscape Protection Zone permit the construction of a single house and associated outbuildings. The Council on 9 December 2000 approved a building licence for a relocated house at Lot 31 and this house has been established. The owner currently resides in the relocated house and intends residing at the property while the new house is under construction. The owner has submitted a letter (copy attached) advising the existing relocated house will be transported off the property within 60 days after the house has been completed and floor coverings have been installed.

The proposed house location approximately 265m from Millinup Road is screened by remnant vegetation located at the road reserve adjacent to the property. The proposed colour scheme for the house, carport and water tank blends into the surrounding landscape. To further minimise the visual impact of the proposed development on the site and Millinup Road a landscape plan will be required as a condition of approval. This landscape plan will need to be submitted to the Manager Development Services prior to occupation of the house.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, planning consent be granted for a house and carport at Lot 31 Millinup Road, Porongurup subject to:**

- 1. Development being in accordance with the plans dated 14 November 2011.**
- 2. A crossover being constructed to the satisfaction of the Manager Works and Services.**
- 3. Stormwater being disposed of to the satisfaction of the Manager Works and Services.**
- 4. The existing relocated house being removed from Lot 31 Millinup Road, Porongurup within 60 days of the house and carport being completed.**
- 5. A landscape plan being submitted for the development to the satisfaction of the Manager Development Services prior to the house being occupied.**

**CARRIED (9/0)**

**NO. 300/11**

## 10.2 WORKS AND SERVICES REPORTS

### 10.2.1 MILLINUP PASS ROAD - PROPOSED PERMANENT PARTIAL ROAD CLOSURE

<b>File No:</b>	<b>N20368</b>
<b>Attachments:</b>	<a href="#">Millinup Pass Road Location Plan</a>
<b>Responsible Officer:</b>	<b>Dominic Le Cerf</b> <b>Manager Works and Services</b>
<b>Author:</b>	<b>Megan Beech</b> <b>Senior Administration/Project Officer Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>29 November 2011</b>

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#### PURPOSE

The purpose of this report is to consider submissions received in relation to the advertising of the proposal to close the unconstructed, uncleared, dedicated portion of Millinup Pass Road reserve, south of the intersection with Millinup Road.

A further purpose of this report is to recommend that the Minister for Lands makes the necessary order to close the portion of road permanently.

#### BACKGROUND

The Council at its meeting held on 6 September 2011 resolved as follows:

*'That:*

- 1. A request be made to the Minister for Lands to dedicate the portion of existing Millinup Road, Porongurup east of Millinup Pass Road (as shown on the attached Location Plan dated 22 August 2011) as road under Section 56(1) of the Land Administration Act;*
- 2. The Minister for Lands be indemnified against any claims for compensation and costs that may be reasonably incurred by the Minister in considering and granting the request to dedicate the land as road;*
- 3. Pursuant to Section 58 of the Land Administration Act 1997 notice be given of the proposal to permanently close the unconstructed, uncleared, dedicated portion of Millinup Pass Road reserve, south of the intersection with Millinup Road (as shown on the attached Location Plan); and*
- 4. A further report be prepared for the Council's consideration at the conclusion of advertising on or before the ordinary meeting of the Council to be held 29 November 2011.'*

The proposal to permanently close this portion of Millinup Pass Road originated from the proposed dedication of the portion of Millinup Road, noted in the above resolution. The dedication of the portion of Millinup Road is an historical anomaly which was identified and was therefore required to be rectified.

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It was considered that the section to be closed could be relinquished from the Shire to the Department of Environment and Conservation, to be amalgamated into A Class Reserve 18987 (Porongurup National Park). This relinquishment by the Shire would then offset the land required to be taken from A Class Reserve 18987 to dedicate the portion of Millinup Road.

### **STATUTORY ENVIRONMENT**

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

### **EXTERNAL CONSULTATION**

As required by Section 58 of the Land Administration Act 1997, public notice of the proposal was provided in the Albany Advertiser on 27 September 2011. A copy of the notice was also placed on the Noticeboards at the Shire Administration Office, Mount Barker Library and Rocky Gully Library, during the submission period.

Written notice of the proposal was provided to each person as prescribed for the purposes of Section 58 of the Land Administration Act 1997, inviting submissions to be forwarded to the Shire in writing. The following responses were received:

#### No Objection to Proposal

- Department of Mines and Petroleum;
- Department of Planning;
- Water Corporation;
- ATCO Gas Australia;
- Western Power;
- Department of State Development; and
- Telstra.

One submission was received from Mr J Fairweather, an absentee landowner adjacent to the portion of Millinup Pass Road proposed for closure, noting intention to object to the proposal. Mr Fairweather noted in his submission:

*'I would like to notify your office of my intention to reject this proposal on the grounds that I do not fully understand the undertakings. I am looking forward to seeking some clarification to this proposal with you...'*

Clarification of the proposal was provided to Mr Fairweather who then responded:

*'Thanks for your response. All seems fair and in order...'*

### **FINANCIAL IMPLICATIONS**

There will be minor administrative and operational costs in the closure of this portion of 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**

The Shire of Plantagenet's Strategic Plan 2003, Key Results Area 2 Infrastructure provides the following as one of its aims:

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

**OFFICER COMMENT**

All responses received from public utilities noted no objection to this proposal. One submission was received from an adjoining landowner noting an intention to object to the proposal, however upon further clarification, no formal objection was received from the landowner.

Given the nature of the responses received for this proposal, it is therefore recommended that the Council resolve to request the Minister for Lands to permanently close the unconstructed, uncleared, dedicated portion of Millinup Pass Road reserve, south of the intersection with Millinup Road.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr J Moir, seconded Cr L Handasyde:**

**That:**

- 1. The Minister for Lands be requested to permanently close the unconstructed, uncleared, dedicated portion of Millinup Pass Road reserve, south of the intersection with Millinup Road, as shown on the attached plan, dated 29 November 2011 according to Section 58 of the Land Administration Act 1997.**
- 2. The closed portion be amalgamated into the adjoining A Class Reserve 18987 (Porongurup National Park) by the Department of Regional Development and Lands.**

**CARRIED (9/0)**

**NO. 301/11**



## 10.2.2 OYSTER HARBOUR CATCHMENT GROUP - MEMORANDUM OF AGREEMENT

**File No:** N20369

**Attachments:** [Memorandum of Agreement Oyster Harbour Catchment Group](#)

**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services

**Author:** Megan Beech  
Senior Administration/Project Officer Works and Services

**Proposed Meeting Date:** 29 November 2011

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### PURPOSE

The purpose of this report is to seek approval to enter into a Memorandum of Agreement (MOA) between the Shire of Plantagenet and the Oyster Harbour Catchment Group (OHCG) relating to collaboration on 'like' projects to gain mutually beneficial outcomes.

### BACKGROUND

The Council resolved at its meeting held on 1 March 2011 as follows:

*'That authority be granted to the Shire President and the Chief Executive Officer to sign the Memorandum of Agreement dated 1 March 2011 between the Shire of Plantagenet and the Wilson Inlet Catchment Committee.'*

The Shire was contacted by representatives of the OHCG in mid 2011 regarding the possibility of forging a stronger relationship with the OHCG. Such an agreement would be along the lines of that with the Wilson Inlet Catchment Committee.

On 13 September 2011 Mrs Heather Adams and Mr Mark Waud of the OHCG met with the Chief Executive Officer and Manager Works and Services to discuss options to form a stronger relationship between the Shire and the Catchment Group. Discussion was held regarding the existing MOA between the Shire and the Wilson Inlet Catchment Committee (WICC) and the similarities between that MOA and a proposed MOA with the OHCG.

A draft MOA was prepared by the Shire and provided to Mrs Adams and Mr Waud at the meeting of 13 September 2011.

### STATUTORY ENVIRONMENT

No legislative impediment exists for the Council to enter into a MOA with another organisation.

### EXTERNAL CONSULTATION

A meeting has been held between representatives from the OHCG, the Chief Executive Officer and Manager Works and Services.

**FINANCIAL IMPLICATIONS**

The MOA specifically notes that no activity will be undertaken on the Council's part unless that activity is already adopted as part of the Council's Budget. This means that no marginal or extra expenditure from that already acknowledged by the Council will occur.

The MOA acknowledges that liaison will occur between Council staff (primarily the Manager Works and Services) and the OHCG at budget preparation time to ensure that planned programs which may provide joint action are considered by both parties.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Council's Strategic Plan 2003 at Key Result Area 2, Infrastructure notes the following as one of its aims:

*'Manage public open space and natural resources to equitably meet the community's social and economic needs in an environmentally responsible manner.'*

Further, the Council's Strategic Plan 2003, at Key Result Area 5, Strategic Planning notes the following as two of its aims:

*'The development of strategic partnerships; and  
The fostering of regional cooperation.'*

**OFFICER COMMENT**

It is considered that any agreement to synchronise works programs will result in synergies with the potential for cost savings and better outcomes for both organisations and the community.

The MOA requires performance measurement and this will enable benefits to be reported to the Council.

The Council formalised a MOA with the WICC on 1 March 2011. The existing agreement with the WICC has seen weed removal projects at Government Dam and on St Werburghs Road (near Hay River) completed. These works were carried out within the current budget allowances for spraying and slashing.

It is expected that projects will be identified and submitted as budget requests, to be assessed during the 2012/2013 budget deliberations.

It is recommended that authority be granted for the signing of the MOA.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr A Budrikis, seconded Cr G Messmer:**

**That authority be granted to the Shire President and the Chief Executive Officer to sign the Memorandum of Agreement dated 29 November 2011 between the Shire of Plantagenet and the Oyster Harbour Catchment Group.**

**CARRIED (9/0)**

**NO. 302/11**

**10.3 COMMUNITY SERVICES REPORTS**

Nil

## 10.4 CORPORATE SERVICES REPORTS

### 10.4.1 FINANCIAL STATEMENTS – OCTOBER 2011

<b>File No:</b>	<b>N20367</b>
<b>Attachment:</b>	<a href="#">Financial Statement (separate attachment)</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Brendan Webb</b> <b>Accountant / Office Manager</b>
<b>Proposed Meeting Date:</b>	<b>29 November 2011</b>

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#### PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 31 October 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

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr S Etherington:**

**That the Financial Statements for the month ending 31 October 2011 be received.**

**CARRIED (9/0)**

**NO. 303/11**

**10.4.2 LIST OF ACCOUNTS - OCTOBER 2011**

**File No:** N20319  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Emma Gardner  
Accounts Officer  
**Proposed Meeting Date:** 29 November 2011

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**PURPOSE**

The purpose of this report is to present the list of payments that were made during the month of October 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 B Bell, 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 31 October 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 \$1,584,187.09;
- b. Municipal Cheques 42339 - 42396 and 42398 - 42410 totalling \$100,329.35;
- c. Trust Cheques 320 - 323 totalling \$320.00; and
- d. Cancelled cheque 42397 be noted.

**CARRIED (9/0)**

**NO. 304/11**



**10.4.3 SALE OF SURPLUS COUNCIL LAND – LOT 311 SECOND AVENUE,  
CORNER OF SIMONS STREET, KENDENUP**

**File No:** RV/182/138156  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 29 November 2011

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**PURPOSE**

The purpose of this report is to recommend surplus land at Lot 311 Second Avenue, corner of Simons Street, Kendenup be sold by way of public auction.

**BACKGROUND**

In 2004 the Council refused an offer to purchase this property for \$4,000.00 as it was unclear at the time if this land might be required for future drainage infrastructure.

A drainage study was conducted by TME Engineering in 2005 and this property was identified as not being required for drainage in the Kendenup townsite.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 and Local Government (Function and General) Regulations 1996.

Section 3.58 (2) of the Local Government Act (1995) states:

*'Except as stated in this section, a local government can only dispose of property to*

–

- (a) the highest bidder at public auction; or*
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No 3 (TPS 3) – Zoned Residential (R5).

At 989m<sup>2</sup>, this lot is below the 2,000m<sup>2</sup> minimum lot size now required in this recently recoded R5 area. As the lot is already in existence, it can be developed with a single house. The 2,000m<sup>2</sup> requirement will apply to any new lots created.

**FINANCIAL IMPLICATIONS**

There is no budget allocation for the sale of this land and as such, any net proceeds received from such a sale would be additional income for the Council.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**OFFICER COMMENT**

This lot is surplus to the Council's requirements as it is not needed for future drainage or any other purposes.

While there are no current plans to hold an auction for the sale of land for non payment of rates, it will be recommended that this property be offered for public auction when the next such auction is held.

As this lot is below the 2,000m<sup>2</sup> lot size now required in this area, any onsite effluent disposal system should preferably be an aerobic treatment unit (ATU) type, to the satisfaction of the Council's Environmental Health Officer. This will be notified to any prospective purchaser.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr J Moir, seconded Cr G Messmer:**

**That Lot 311 Second Avenue, corner Simons Street, Kendenup be offered for sale by way of public auction in conjunction with the next planned sale of land for non-payment of rates.**

**CARRIED (9/0)**

**NO. 305/11**

## **10.5 EXECUTIVE SERVICES REPORTS**

### **10.5.1 TOWNSCAPE REVIEW STEERING COMMITTEE - DISBANDING**

**File No:** N20560  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 29 November 2011

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#### **PURPOSE**

The purpose of this report is to recommend to the Council the disbanding of the Townscape Review Steering Committee.

#### **BACKGROUND**

At a workshop held on 8 November 2011 there was general agreement by Councillors that the Townscape Review Steering Committee should be disbanded as it had fulfilled its original purpose.

#### **STATUTORY ENVIRONMENT**

The Townscape Review Steering Committee was created pursuant to Section 5.9 (2)(c) of the Local Government Act 1995. This particular section provides that a committee may have as its members, Council members, employees and other persons.

#### **EXTERNAL CONSULTATION**

By memorandum dated 26 September 2011 all members of the Townscape Steering Committee were advised that the Council would be holding a Special Meeting subsequent to the 2011 Elections to review all Committees including the Townscape Steering Committee. That memorandum invited members to develop a position as to whether the committee should continue in its present format, an alternative format or not at all.

Responses to that memorandum were received from members Peter Thorn, Roger Bartley and George Corke. These responses were distributed to Councillors at the workshop held on 8 November 2011. All of the responses were in favour of the committee being retained.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Council's Strategic Plan at Key Result Area 4 (Development Services) notes that one of the Council's measures of success will be the implementation of streetscape plans within townsites. Although it could be argued that streetscape plans have not been prepared for the townsites of Narrikup, Kendenup and Rocky Gully, there is no doubt that the streetscape planning for Mount Barker, which was one of the original purposes of the committee, has been undertaken successfully.

**OFFICER COMMENT**

The Townscape Steering Committee has performed well for many years especially with regard to Mount Barker streetscape.

Although the brief of the committee was altered in 2009 to encompass the process of reviewing Townscape Improvement Plans for the whole of the Shire, these increased responsibilities have never satisfactorily been completed as streetscaping for other towns within the Shire has not been a high priority of the Council.

For these reasons, it is reasonable to disband the committee and consider the possibility of reinstating something similar when streetscaping of other towns becomes a higher priority.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr S Etherington, seconded Cr J Moir:

That:

1. **The Townscape Review Steering Committee be disbanded.**
2. **All members of the Committee be thanked for their service, especially community members Mr Peter Thorn (Chair), Mr Roger Bartley, Mrs Karen McKenzie, Mrs Lisa Braun and Mr George Corke.**

**CARRIED (9/0)**

**NO. 306/11**

**Absolute Majority**

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

Nil

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

Moved Cr L Handasyde, seconded Cr B Bell:

That new business of an urgent nature, namely:

- Draft Annual Report – Year Ending 30 June 2011
- Audit Report – Year ending 30 June 2011
- Purchase of Aeration Equipment – Saleyards Ponds
- Annual Firebreak and Fire Hazard Reduction Notice 2011-2012 – Amendment

be introduced to the meeting.

**CARRIED (9/0)**

**NO. 307/11**

**12.1.1 DRAFT ANNUAL REPORT - YEAR ENDING 30 JUNE 2011**

**File No:** N20625  
**Attachment:** Draft Annual Report – Year End 30 June 2011  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 29 November 2011

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**PURPOSE**

The purpose of this report is to receive the Shire of Plantagenet's 2010/2011 Annual Report.

**BACKGROUND**

The annual financial audit for 2010/2011 was conducted by representatives of the Council's auditors, Lincolns Accountants and Business Advisors in October 2011.

At its meeting held on 8 November 2011, the Council resolved that subject to the timely receipt of the Shire's audit report, a General Meeting of Electors be held at 6.30pm on 20 December 2011 to receive the 2010/2011 Annual Report.

**STATUTORY ENVIRONMENT**

Section 5.54 of the Local Government Act 1995 governs the acceptance of annual reports. Section 5.54 (1) states '*subject to Subsection (2) the Annual Report for a financial year is to be accepted by the local government no later than 31 December after that financial year.*' (Absolute Majority required).

**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.

**OFFICER COMMENT**

The draft Annual Report notes that this year has been another exciting and challenging year for everyone involved in the Council's operations. A number of key items of infrastructure have been carried out, including:

- New fire truck for the Narpyn Bush Fire Brigade and construction of sheds for the Forest Hill and South Porongurup Fire Brigades.

- Completion and opening of the extension to the Mount Barker cemetery.
- Wilson/Centenary Park improvements (toilets and playground).
- Completion and opening of Mount Barker and Kendenup skate parks.
- Continuation of the transformation of the library building into a Community Resource Centre, with the library moving to its new location within the building.
- Progression of Frost / Sounness Parks improvement plans.
- \$2.22 million capital roadworks program with the improvement of the Mount Barker - Porongurup Road, Woogenellup Road and Spencer Road being the highlights.

The Shire's operating net result was \$3,987,678 million in 2010/2011. Rate revenue increased from \$4.09 million in 2009/2010 to \$4.49 million in 2010/2011. Outstanding borrowings decreased from \$4.77 million in 2009/2010 to \$2.49 million in 2010/2011. The Council expended \$1,574,748 on land and buildings, \$2,285,636 on infrastructure capital works and \$1,428,750 on purchases of plant, and equipment.

The level of reserve funds increased from \$683,267 in 2009/2010 to \$883,861 in 2010/2011. The Council received grants and contributions for the development of assets of \$4.66 million in 2010/2011. Total grants and contributions received was \$7.04 million.

In December 2010, the State Government announced that it would deliver on a major election commitment and invest \$21.5 million towards developing and modernising three key regional saleyards. The State provided \$2.3 million to the Shire to clear debt from its saleyards and as a result of this, loans 83, 84 and 89 were paid off. With the payout of saleyards loans, these ratios are now mostly within benchmark levels and the Council is in a sound financial position.

The auditors have advised that there may some very minor changes to the annual financial report from that provided with this agenda.

## **VOTING REQUIREMENTS**

Absolute Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr J Moir, seconded Cr L Handasyde:**

**That the Annual Report for the year ended 30 June 2011 as attached, be accepted.**

**CARRIED (9/0)**

**NO. 308/11**

**Absolute Majority**

**12.1.2 AUDIT REPORT - YEAR ENDING 30 JUNE 2011**

<b>File No:</b>	<b>N20626</b>
<b>Attachment:</b>	<b>2010/2011 End of Year Audit Report (Separate Attachment)</b>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>29 November 2011</b>

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**PURPOSE**

The purpose of this report is to present the Annual Financial Audit and Management Report for the year ending 30 June 2011.

**BACKGROUND**

On 17-21 October 2011, representatives of Lincolns Accountants and Business Advisors attended the Shire office to conduct an end of year audit for 2010/2011. It should be noted that the audit is designed primarily to enable the auditors to form an opinion on the financial statements and therefore does not extend to all of the Council's systems and procedures.

**STATUTORY ENVIRONMENT**

Section 7.12A (3) and (4) of the Local Government Act (1995) states the following:

- '(3) A local Government is to examine the report of the auditor prepared under section 7.9 (1), and any report prepared under section 7.9(3) forwarded to it, and is to -
- (a) determine if any matters raised by the report, or reports require action to be taken by the local government; and
  - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to -
- (a) prepare a report on any actions taken under subsection (3) in respect of an audit conducted in respect of a financial year; and
  - (b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.'

**EXTERNAL CONSULTATION**

Consultation has occurred with the Shire's auditors in regard to this report.

**FINANCIAL IMPLICATIONS**

There are no direct financial implications for this report.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

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**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

A copy of the Lincolns' Audit and Management Report is attached. The audit has raised no matters that require attention. The only matters raised relate to an improvement in the Shire's financial position and an improvement in key ratios, namely the Current Ratio, untied Cash to Unpaid Trade Creditors Ratio and debt ratios.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr G Messmer, seconded Cr M Skinner:**

**That the Annual Financial Audit and Management Report for the year ending 30 June 2011 as issued by Mr Russell Harrison of Lincolns Accountants and Business Advisors, be received.**

**CARRIED (9/0)**

**NO. 309/11**

**12.1.3 PURCHASE OF AERATION EQUIPMENT – SALEYARDS PONDS**

A Financial/Indirect Financial Interest was declared by Cr M Skinner. Nature of interest – farming 400 head of cattle.

A Financial/Indirect Financial Interested was disclosed by Cr J Moir. Nature of interest – employee of Elders at Saleyards and Cattle Farmer.

3:41pm Cr M Skinner and Cr J. Moir withdrew from the meeting.

**File No:** N20624  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 29 November 2011

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**PURPOSE**

The purpose of this report is to endorse a reallocation of funds to enable the purchase and installation of two aerators for the settlement ponds at the Great Southern Regional Cattle Saleyards.

**BACKGROUND**

At its meeting held on 27 September 2011, the Council resolved to adopt an environmental strategy for the saleyards. One of the short term actions was to further investigate and install aerators and progressively clean up ponds 3 and 2 then 1.

Other short term strategies were to:

- Investigate soft floor and reduce water use;
- Further investigate and implement enzyme additives;
- Re-configure the ponds to be 1 then 2 then 3 in series.

The Great Southern Regional Cattle Saleyards Advisory Committee met with environmental consultant, Charles Williams on 8 November 2011 to discuss the progress in regard to Stage 1 of the Shire's environmental strategy and in particular the supply of aeration equipment for the ponds.

The Committee was supportive of purchasing two aerators, subject to confirmation of electrical setup costs and that there is sufficient available power on site to run the units 24 hours a day on non-sale days.

At its meeting held on 29 November 2011, the Great Southern Regional Cattle Saleyards Advisory Committee resolved in accordance with the recommendation in this report.

## STATUTORY ENVIRONMENT

There is no specific section of the Local Government Act 1995 that deals with the re-allocation of funds however Section 6.2(1) of the Local Government Act 1995 governs budget requirements for local governments.

## EXTERNAL CONSULTATION

Consultation has taken place with the Shire's environmental contractor, Charles Williams from West Coast Laboratories, John O'Loughlin from Patrick Charles Pty Ltd, suppliers of the aeration equipment and Norm Burren from Mount Barker Electrics in regard to the electrical requirements.

## FINANCIAL IMPLICATIONS

The adopted 2011/2012 budget includes a sum of \$50,000.00 for capital environmental improvements at the saleyards. The operating budget also includes a sum of \$40,000.00 for sludge removal. Assuming the aeration equipment and addition of enzymes is successful in eliminating, or at least reducing the sludge in the ponds, this latter amount should not be required, and may be fully or partially reallocated to the former account.

The costs of the supply and installation of two aerators by Patrick Charles Pty Ltd will be as follows (excluding GST):

• Two Aspiro Plus aerators (\$17,650.00 each)	\$35,300.00;
• Mounting and anchoring equipment	\$ 2,000.00;
• Electrical cables from aerator motors to lagoon edge	\$ 400.00;
• Delivery to site	\$ 1,000.00;
• Supervision and commissioning	\$ 2,500.00;
• <b>Total</b>	<b>\$41,200.00.</b>

Mount Barker Electrics has been engaged to advise in regard to the electrical requirements. Norm Burren has advised that there is a sufficient power supply near the ponds (80 amps) to run the aerators and pumps on non sale days, but running them on sale days would not be possible. It is therefore proposed that they be run 5-6 days per week, when there will be no electrical draw from sale activities.

There is a requirement for a significant amount of electrical work to commission this equipment, which is as follows (excluding GST):

• Installation of control cabinets	\$ 5,810.46;
• Supply of underground services	\$ 4,929.96;
• Supply of pontoon connections	\$ 2,231.55
• <b>Total</b>	<b>\$12,971.97.</b>

The total cost of this project is therefore \$54,171.97, which is \$4,171.97 over the current capital budget. It is recommended that a sum of \$10,000.00 be reallocated from operating budget item Sludge Removal to capital budget item Environmental Improvements. While there are potentially other allocations for the remainder of the Sludge Removal money, these can be explored and a decision made at a later date.

The Saleyards Advisory Committee has noted that the additional power and enzymes will have some impact on ongoing operational costs, however this was likely to reduce somewhat over time, when an equilibrium situation is reached.

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**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Strategic Plan does not mention the saleyards specifically, however protection of the environment is a recurring theme in the document.

**OFFICER COMMENT**

From the site visits and advice from Klen International, the use of aerators and enzyme additives seem to be an effective and cost effective way of encouraging bacterial action and maintaining ponds in good order. The reduction in water throughput into the ponds is also critical to reduce volume in ponds and amount of nutrients to be treated.

Environmental contractor Mr Williams has confirmed that, in his view, the combination of aeration and enzymes would provide the best and most cost effective solution to achieve the results and flexibility required. The proposal for the supply of two aerators was considered to provide an optimum solution. Mr Williams has confirmed that the supplier, Patrick Charles Pty Ltd had a good track record in this regard and favourable reports had been received from WAMMCO and Fletchers International Exports.

Subject to the Committee's endorsement, it is proposed to submit this report as a late item to the Council meeting to be held on 29 November 2011.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr C Pavlovich:**

**That the adopted 2011/2012 Annual Budget be amended as follows, to enable the purchase and installation of two aerators for the settlement ponds at the Great Southern Regional Cattle Saleyards:**

Account	Description	Original / Amended Budget (\$)	New Budget (\$)	Net Cash Amount (\$)
51457.0253	Saleyards – Environmental Improvements	(50,000)	(55,000)	(5,000)
21322.0379	Saleyards – Other Expenses – Sludge Removal	(40,000)	(35,000)	5,000

**CARRIED (7/0)**

**NO. 310/11**

**Absolute Majority**

3:43pm Cr M Skinner and Cr J Moir returned to the meeting.

**12.1.4 ANNUAL FIREBREAK AND FIRE HAZARD REDUCTION NOTICE 2011-2012 - AMENDMENT**

**File No:** N20623  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Nicole Selesnew  
Manager Community Services  
**Proposed Meeting Date:** 29 November 2011

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**PURPOSE**

The purpose of this report is to make an amendment to the Annual Firebreak and Fire Hazard Reduction Notice 2011 – 2012 (AFN).

**BACKGROUND**

The 2011 – 2012 AFN was revised and reformatted from previous years in order to simplify the layout of information. The Council endorsed the AFN at its Ordinary Meeting held on 24 May 2011.

Shire Officers have recently noticed that a requirement pertinent to townsite areas has been omitted in the 2011 – 2012 AFN, as follows:

'Hazard reduce the remainder of the lot or lots to a maximum vegetation height of 100mm including native vegetation within cleared areas'.

**STATUTORY ENVIRONMENT**

Bush Fires Act 1954

Planning and Development Act 2005

Western Australian Planning Commission Development Control Policy 3.7 Fire Planning (2001)

Bush Fire Management and Response Plan

**EXTERNAL CONSULTATION**

Consultation has occurred with the Chairman of the Bush Fire Advisory Committee.

**FINANCIAL IMPLICATIONS**

The amendment to the AFN will need to be advertised in a newspaper circulating in the district and gazetted in the Government Gazette. Advertising costs will be in the order of \$350.00.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Bush Fire Management and Response Plan highlights the AFN as an opportunity to inform all landowners about their obligation to implement fire prevention and hazard reduction measures throughout the Shire.

**OFFICER COMMENT**

The following requirement has been omitted from the Townsite section of the 2011 – 2012 AFN:

‘Hazard reduce the remainder of the lot or lots to a maximum vegetation height of 100mm including native vegetation within cleared areas’.

This requirement is in addition to the need to hazard reduce around buildings and structures (referred to as the building protection zone).

Without this requirement townsite blocks may have grass of any height outside of the building protection zone. A recent inspection in the Kendenup area has identified a number of blocks that do have excessive grass cover, in some cases exceeding one metre tall over the whole of the lot.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr C Pavlovich:**

**That the following amendment be made to the Shire of Plantagenet Annual Firebreak and Fire Hazard Reduction Notice 2011 – 2012 under the heading of ‘Requirements For All Townsites and Settlements (Mount Barker, Kendenup, Porongurup, Rocky Gully and Narrikup) – The following MINIMUM requirements apply to all people living in townsites and settlements’:**

**‘Hazard reduce the remainder of the lot or lots to a maximum vegetation height of 100mm including native vegetation within cleared areas’.**

**CARRIED (9/0)**

**NO. 311/11**

**13 CONFIDENTIAL**

**14 CLOSURE OF MEETING**

3:47pm The Presiding Member declared the meeting closed.

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