



ORDINARY COUNCIL MEETING

MINUTES

NOTICE IS HEREBY GIVEN that an
Ordinary Meeting of the Council will be held in the
Council Chambers,
2:45 pm Tuesday 9 October 2007.

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

Working to Occupational Safety and Health Best Practices, Mr Rob Stewart – Chief Executive Officer, read aloud the emergency evacuation procedures for Councillors, staff and members of the public present in the Council Chambers

Mr Stewart then read aloud the following disclaimer:

'No responsibility whatsoever is implied or accepted by the Shire of Plantagenet for any act, omission or statement or intimation occurring during Council / Committee meetings or during formal / informal conversations with staff.

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation or approval made by a member or officer of the Shire of Plantagenet during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Plantagenet. The Shire of Plantagenet warns that anyone who has an application with the Shire of Plantagenet must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Plantagenet in respect of the application.'

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

Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Williss	Deputy Shire President - East Ward
Cr M Skinner	East Ward
Cr K Hart	Kendenup Ward
Cr J Moir	South Ward
Cr K Clements	Town Ward
Cr B Hollingworth	Town Ward
Cr J Cameron	Rocky Gully / West Ward

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms N Selesnew	Manager Community Services
Mr P Duncan	Manager Development Services
Mr Ian Bartlett	Manager Works and Services
Mrs K Skinner	Executive Secretary

There were eleven (11) members of the public present.
There were two (2) members of the media present

Apologies

Cr John Mark Town Ward

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Amendment No 39 – Ms Delma Baesjou – representing Ayton, Taylor and Burrell.

I Acknowledge and thank the elected members and staff for their efforts and input in progressing the Rezoning proposal to this point:

- Attendance at public meeting;
- Responding to the considerable number of submissions;
- Comprehensive Report that addresses various issues, but particularly the need for sensitive up grade of Spring Road.

The 30 recommended modifications are generally supported and serve to clarify, update and refine the Special Provisions.

There are, however, concerns with those recommended modifications relating to additional roads and further onsite testing. These are onerous and/or unnecessary.

It is disappointing that there was no consultation/discussion with the landowner, or our consultancy on these very significant changes which will have major financial, traffic and ecological implications.

Modifications 15 and 22 (shown as 19 on the sketch) are superfluous as the road connecting thru to former lot 6052 is already shown on the Subdivision Guide Plan.

Modification 21 (submission 29) relates to the Land swap between Lots 10 and 2150. The comment suggesting this is a substantial modification that required re-advertising is challenged.

The boundary adjustment is supported by the owners of both affected lots. It will not have any impact on any other land owners (or the wider community). The boundary rationalisation will have significant environmental and land management benefits.

There is nothing to be gained by re-advertising.

Modifications 23 and 24 (numbers 20 & 21 on the Sketch) are unacceptable.

A new road through Lot 6045 represents an unnecessary duplication.

The network of Strategic Fire Breaks adequately addresses Fire Safety.

The current proposal and road layout complies with the Council's own Strategy, which has been in place since 1997.

The addition of almost 2km of road, which will cost in excess of \$500,000.00, puts the viability of the project into question. – [there are only 14 lots].

Ultimately this will add to the Shire's maintenance responsibility.

Will result in pressure on Council for the upgrade of the Northern leg of Spring Road through to Chester Pass Road.

Dual lot frontage is inefficient.

Resultant lot shapes are quite irregular.

Doesn't allow for contractual arrangements with current owner.

Will result if loss of remnant vegetation (good quality).

Notwithstanding the recommended lot density specified for the Precinct, the proponent is prepared to consider an additional internal road through Lot 6045 if there is a corresponding increase in lot yield to offset the substantial added cost. This would require the explicit support of the Council.

Modification 28 requiring all proposed lots within existing Lot 2150 to be subject to testing for on-site effluent disposal is not necessary.

The capability testing has shown the central core of the site to be 'suitable for all types of waste water disposal'. The lot configuration and Building Envelopes have been designed accordingly.

I respectfully request that the Council moves and adopts the Officer Recommendation contained in the Agenda, subject to modifications 15, 22, 24 and 28 being deleted and the plan referred to in Modification 23 being replaced with the revised sketch which provides scope for additional lot yield associated with any new subdivisional road.'

6 APPLICATIONS FOR LEAVE OF ABSENCE

Previously Approved Leave Of Absence

Councillor K Hart

10 October to 22 October 2007 (inclusive)

7 CONFIRMATION OF MINUTES

Moved Cr J Cameron, seconded Cr B Hollingworth:

That the Minutes of the Ordinary Meeting of the Council held 25 September 2007 be confirmed subject to the following changes:

- Page 3 Last dot point remove the word 'zone' and replace with the word 'State'.
- Page 13 Item 9.2.2 – The Council decision being recorded as having been made by an Absolute Majority.
- Page 53 In part (j) remove the words 'operation of' in line three.

CARRIED (8/0)

No. 342/07

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- Cr Forbes advised that a Western Australian Local Government Association (WALGA) State Meeting was held in Perth on 3 October 2007 – in relation to amendments to the Local Government Act 1995.
- Cr Forbes advised that the Council Elections would be held on 20 October 2007. The count would be held in the Council Chambers commencing at 6.00pm and Councillors were welcome to attend.
- Cr Forbes advised that a Special Meeting of the Council would be held at 9.00am 23 October 2007 after swearing in of Councillors.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 COMMUNITY SERVICES REPORTS

Nil

9.2 EXECUTIVE SERVICES REPORTS

9.2.1 MOUNT BARKER VISITOR CENTRE – REQUEST FOR ASSISTANCE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	ED/103/4
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	2 October 2007

Purpose

The purpose of this report is to advise the Council that a request has been received from the Mount Barker Visitor Centre seeking the Council's consideration to engage an officer to undertake the role of Visitor Centre Manager, such role to incorporate the role of Grant Funding Officer.

Background

The request from the Visitor Centre has come about due to the resignation of the Centre Manager. This information was communicated to Councillors in a Memorandum from the Chief Executive Officer dated 25 September 2007.

Statutory Environment

Section 5.36 of the Local Government Act 1995 provides that a Local Government is to employ (other than its CEO) '...such other persons that the Council believes are necessary to enable the functions of the local government and the functions of the Council to be performed.'

Policy Implications

The Council's Policy with regard to Tourism reads:

OBJECTIVE: *To provide a position for Council in relation to tourism in the Shire of Plantagenet.*

POLICY: *The Council will, with regard to tourism, have, as its major objectives to:*

- 1. Recognise tourism as a social and economic force and as a major or potential major employer within the diverse economy of the Shire of Plantagenet;*
- 2. Foster and create community awareness of the benefits of tourism within the Plantagenet district;*

Mount Barker Visitor Centre – Request for Assistance (Cont)

3. *Guide and influence the development of tourism in the Plantagenet district;*
4. *Provide basic facilities and infrastructure sufficient to encourage development;*
5. *Visitors and residents.'*

Financial Implications

Should the Council wish to employ a full time officer that would undertake the management role of the Visitor Centre as well as grant funding duties, the classification would have to be at least Level 4 of the Local Government Municipal Officers' (WA) Award. Pursuant to the Collective Agreement for the Shire of Plantagenet the annual remuneration would be \$44,071 to \$46,341.

If this scenario was to be adopted, the Council's present donation of \$40,000 per annum to the Tourist Bureau would be absorbed into the salary leaving a net difference of \$4,071 to \$6,341 per annum excluding on-costs such as superannuation and the like.

Strategic Implications

The Council's Key Result Area 5 (Strategic Planning) notes:

'The development of strategic partnerships and the coordination of long term planning for sustainable environmental, economic and social development of the Shire and the Great Southern.'

Officer Comment

There is no component in the 2007 / 2008 Council Budget for the employment of a Grant Funding Officer. Nevertheless, some savings in salaries have been achieved as the Corporate Services section of the Council has been running at 1.0FTE under the funded level due to the non replacement of the relieving officer for a number of months. Therefore, funding could be made available if the Council wanted to proceed.

Possibly a greater problem than funding relates to governance issues. Should a Council officer become the Visitor Centre Manager, this person, pursuant to the provisions of the Local Government Act, would be responsible to the Chief Executive Officer who, in turn, is responsible to the Council. The Visitor Centre Board would not and could not have any line authority over this officer.

Consequently, if the board is the body making policy for the running of the Visitor Centre, a mechanism would need to be developed such that that policy could be communicated to the Council and the Chief Executive Officer to request implementation. This process could be somewhat lengthy, circuitous and quite possibly tortuous, but could work.

Mount Barker Visitor Centre – Request for Assistance (Cont)

The other plus for the proposal would be the provision of a .4FTE officer working on grant funding. This would enable the Manager of Community Services to spend time more effectively in other areas of her responsibility. However, the extra 1.0FTE would necessarily create marginal additional administrative workloads.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That the Mount Barker Visitor Centre be advised that with regard to their request for assistance of employment of the Visitor Centre Manager the Council requests the opportunity to discuss the proposal in detail especially with regard to funding and governance issues.

PROCEDURAL MOTION

Moved Cr K Clements, seconded Cr B Hollingworth:

That the Council proceed to the next business.

CARRIED (8/0)

No. 343/07

9.2.2 SCHEDULE OF COUNCIL MEETINGS - 2008

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	GO/43/1
Author:	Kaye Skinner - Executive Secretary
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	28 September 2007

Purpose

The purpose of this report is to consider the schedule of Council meeting dates, times and venues for February 2008 to January 2009 inclusive.

Background

At the Ordinary Meeting of the Council held on 26 September 2006, meeting dates were set for January 2007 to December 2008 inclusive. The Council also resolved that a meeting be held in January 2007.

Statutory Environment

Section 5.3 and Section 5.25 of the Local Government Act 1995 and Regulation 12 of the Local Government (Administration) Regulations 1996 apply.

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

As the fourth Tuesday in December 2008 falls on 23 December 2008 it is suggested that only one (1) Ordinary Meeting of the Council be held in that month being Tuesday 16 December 2008. Further, due to the Local Government Convention being held in August the Council will still be able to have two (2) meetings for August 2008.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr K Hart, seconded Cr M Skinner:

THAT:

- (1) Ordinary meetings of the Council for 2008 be held as follows commencing at 2.45pm:

12 and 26 February 2008
11 and 25 March 2008
8 and 22 April 2008
13 and 27 May 2008
10 and 24 June 2008
8 and 22 July 2008
12 and 26 August 2008
9 and 23 September 2008
14 and 28 October 2008
11 and 25 November 2008
16 December 2008

- (2) No ordinary meeting of the Council be held in January 2009.
- (3) All meetings be held in the Council Chambers, Lowood Road, Mount Barker.
- (4) All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.

PROCEDURAL MOTION

Moved Cr J Moir, seconded Cr B Hollingworth:

That the question be adjourned pending a workshop to discuss briefing sessions.

LOST (2/6)

THE SUBSTANTIVE MOTION WAS PUT

CARRIED (6/2)

No. 344/07

9.3 CORPORATE SERVICES REPORT

Nil

9.4 TECHNICAL SERVICES REPORTS

Nil

9.5 DEVELOPMENT SERVICES REPORTS

9.5.1 LOTS 2150 AND 6045 SPRING ROAD, PORONGURUP - AMENDMENT 39 - REZONING FROM RURAL TO RURAL RESIDENTIAL - SUBMISSIONS

Location / Address:	Lots 2150 and 6045 Spring Road, Porongurup
Attachments: (11)	Summary of Submissions. Map showing submitters alternative road option. 1995 Plan Attached to Submission 30. Subdivision Guide Plan. G1 Precinct Structure Plan. Consultants letter with comments on Spring Road. Fire Management Plan. Plan of Subdivision for land to north west. Subdivision Guide Plan showing land exchange proposal. Schedule of Modifications. Subdivision Guide Plan showing modifications required.
Name of Applicant:	Ayton Taylor Burrell on behalf of Dominic Casella and Greg Koroveshi
File Reference:	LP/181/12
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	14 September 2007

Purpose

The purpose of this report is to consider submissions received on a proposal to rezone Lots 2150 and 6045 Spring Road, Porongurup from the 'Rural' zone to the 'Rural Residential' zone.

Background

The subject land is located approximately 24.9km east of Mount Barker town centre. Lot 2150 is 64.801ha and Lot 6045 is 57.555ha. The subject land is currently used for grazing and contains some areas of remnant vegetation.

Shire records indicate the registered owners of Lot 2150 are Westcress Pty Ltd and Kazza Nominees Pty Ltd and the owners of Lot 6045 are Stephen L and Maureen E Sawyer.

When the Council initially considered this proposed Amendment at its meeting held on 11 July 2006 it was resolved at resolution 213/06:

THAT:

- (1) *Subject to minor modifications to the documentation, incorporation of the results of the detailed capability mapping and preparation of a Fire Management Plan for the subject land in pursuance of Section 75 of the Planning and Development Act 2005, Amendment 39 to the Shire of Plantagenet Town Planning Scheme No. 3 be initiated for the purpose of:*
 - (a) *Rezoning Lots 2150 and 6045 Spring Road, Porongurup from 'Rural' to 'Rural Residential';*
 - (b) *Incorporating into 'Schedule IV – Rural Residential zones' of the Scheme Text Special Provisions relating to Area 9, lots 2150 and 6045 Spring Road;*
 - (c) *Adopting the Subdivision Guide Plan for Lots 2150 and 6045 Spring Road; and*
 - (d) *Amending the Scheme Maps accordingly.*
- (2) *The proposed Amendment 39 be referred to the Environmental Protection Authority to consider the need for environmental assessment in accordance with Sections 82 and 83 of the Planning and Development Act 2005;*
- (3) *Upon receiving advice from the Environmental Protection Authority, commence advertisement of Amendment 39 for a period of forty-two days and refer it to the relevant authorities for comment.*

The Environmental Protection Authority (EPA) cleared the Amendment to proceed to advertising in a letter received on 16 August 2006.

The planning consultants in August 2006 were requested to provide additional information including land capability assessment and a subdivision guide plan as these were not included with the original Amendment. The consultants in September 2006 were requested by staff to pay special attention to the use of Spring Road and to consider alternative road alignments and the need to connect the earlier approved Rural Residential zone to the north west (Stoney Creek Road).

The Amendment documentation including the subdivision guide plan and land capability assessment reports for the two lots were received on 15 June 2007.

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967 – these set the procedures for amending a Town Planning Scheme including referral to the EPA for twenty-eight (28) days and then public advertising for forty-two (42) days. Once advertised the Council must consider any submissions lodged within forty-two (42) days and refer its recommendation to

the Western Australian Planning Commission and the Minister within twenty-eight (28) days.

Town Planning Scheme No. 3 (TPS3) – The subject land is zoned Rural

Consultation

The forty-two(42) day advertising period ended on 4 September 2007. Advertising was by way of a newspaper notice, a sign on site, letters to neighbours and various Government Agencies and a notice on the Council Notice Board.

Thirty-one (31) submissions were received (see Summary of Submissions attached).

Senior Staff and Ward Councillors attended a meeting with residents on 29 August 2007.

Policy Implications

The Porongurups Rural Strategy was adopted as a Town Planning Scheme Policy (no. 11) in accordance with the provisions of Town Planning Scheme No. 3 in September 1997.

Relevant State Policies include State Planning Policy No. 2.5 '*Agricultural and Rural Land Use Planning*' and Policy No. DC 3.4 '*Subdivision of Rural Land*'.

Financial Implications

Amendment application fee of \$3,300.00 has been paid.

Strategic Implications

The Porongurups Rural Strategy provides a framework and overall objectives to guide the future development and subdivision of private land in the Porongurup locality.

Lot 2150 and 6045 Spring Road, Porongurup are within the G1 Precinct of the Porongurups Rural Strategy. Within this Precinct the Strategy indicates that subject to a number of management issues being addressed, the Council may support applications to rezone the land for rural residential development. A copy of the Precinct Structure Plan for the G1 Precinct is attached. That Structure Plan was prepared to help coordinate rezoning and subdivision in the area in relation to access, visual impact, protection of drainage lines, vegetation and view corridors, bush fire management, environmental management and retention of good agricultural land for production purposes.

The Structure Plan contains a range of 12 key elements and of particular relevance to this proposed Amendment and the submissions received are the following:

- 'v) *All development to be set back a minimum of 50 metres from drainage lines and water bodies. Drainage lines to be protected and revegetated where appropriate.*

Lots 2150 and 6045 Spring Road, Porongurup – Amendment 39 (Cont)

- x) *The existing tree lined character of Spring Road and un named road to the north of Loc 4853 to be protected.*
- xi) *Detailed bushfire management plans to be provided at rezoning stage of development.*
- xii) *Maximise the use of existing drainage lines, revegetation areas and areas of remnant vegetation to create flora & fauna corridors.'*

Officer Comment

This Amendment has generated submissions from the public particularly with respect to the issues of the level of road construction for the upgrading of Spring Road and bush fire protection. There generally was no objection raised to the Rural Residential zone.

The Amendment document contains a range of special provisions that will apply to this zone and its resultant subdivision and development. The special provisions require several modifications to ensure consistency with TPS3, remove superfluous wording and more importantly to introduce standards set by the Fire Management Plan (FMP). The FMP refers to various developer obligations at the subdivision stage and these need to be reinforced through actual reference in the Scheme provisions. The provisions need to be far more precise in respect to road construction standards for the internal roads and for the section of Spring Road that links the Mount Barker-Porongurup Road. There needs to be reference to reduced pavement widths and tree preservation balanced of course with traffic safety for this leg of Spring Road.

As this development will also access Spring Road east to Chester Pass Road, a road upgrading contribution will be required. This will however only be for a gravel standard road surface. If and when Lot 2126 to the north is rezoned and developed for Rural Residential then that developer may be required to seal Spring Road east to Chester Pass Road.

The Amendment also does not discuss how the creekline and its associated vegetation is to be protected. It would be normal practice to include a requirement for a foreshore management plan be prepared at the subdivision stage to the satisfaction of the Department of Water and the Council.

A submission from the consultants on behalf of the proponents and the owners of the adjoining Lot 10 to the south west referred to a possible land exchange involving two areas of approximately 8.8ha. The proposal is to take the south west corner out of Lot 2150 and include it in Lot 10 and to include an equivalent area in the north eastern part of Lot 10 into Lot 2150. A plan attached shows the areas involved. This inclusion of the north eastern part of Lot 10 could not be considered in respect to this current Amendment as it has not been shown in the publicly advertised documents unless the proposal was readvertised as a substantial modification. The concept itself may be a reasonable proposal but it should be considered as part of a new Amendment to TPS3.

Lots 2150 and 6045 Spring Road, Porongurup – Amendment 39 (Cont)

If this land exchange is to be considered as part of a new Amendment, then it would be advisable in this current Amendment No. 39 to adjust the lot layout in the south west corner of Lot 2150 to allow for this impending alteration.

The inclusion of the south west corner into Lot 10 will mean two creeklines and their associated fringing vegetation can be incorporated into the larger Lot 10.

As stated earlier, modifications are required to the amendment to correct terminology and to keep the provisions consistent with other similar zones within TPS3. There are also modifications required to improve the Subdivision Guide Plan and improve the fire safety features in the design. A Schedule of Modifications is attached which details all of the changes needed to the Amending Text and the Subdivision Guide Plan. The modifications listed are not considered to be substantial and would not require readvertising of the Amendment.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Moir:

THAT:

- (1) The submissions lodged on Amendment No. 39 to Town Planning Scheme No. 3 be noted.**
- (2) Amendment No. 39 to Town Planning Scheme No. 3 be adopted with modifications as detailed in the Schedule of Modifications and forwarded to the Western Australian Planning Commission for the final approval of the Honourable Minister for Planning and Infrastructure.**
- (3) Authority be granted to the Shire President and the Chief Executive Officer to execute the documentation and affix the Common Seal of the Council to Amendment No. 39 once modified and approved by the Honourable Minister.**

CARRIED (8/0)

No. 345/07

9.5.2 LOT 584 ALBANY HIGHWAY, MOUNT BARKER - LONGTERM PROPOSALS FOR CARAVAN PARK

Location / Address:	Lot 584 Albany Highway, Mount Barker
Attachments: (5)	Proposed long term development plan. Floor Plan of Park Home. Elevations of Park Home. Floor Plan of Short Stay Chalet. Elevations of Chalet.
Name of Applicant:	Steve and Shirley Smith
File Reference:	RV/182/1837
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	20 September 2007

Purpose

The purpose of this report is to consider a long term overall development plan for the Mount Barker Caravan Park.

Background

The Mount Barker Caravan Park presently has a licence for forty five (45) short stay caravan sites, eleven (11) on site park homes and thirty (30) camping sites.

The owners have for some time been upgrading the park and have been looking at their long term future proposals for the park with the introduction of additional park homes, short stay chalets and additional caravan and camping sites.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme (TPS3) – zoned Special Site (R7) – ‘Commercial development other than Road House or Service Station’ – conditions of use for that particular zone state ‘Ingress and egress to Albany Highway to be to the satisfaction of Main Roads Department.’ The proposed plan does not introduce any new access.

Caravan Parks and Camping Grounds Act 1995

Caravan Parks and Camping Grounds Regulations 1997 – a licence is needed for such caravan parks and this needs to be renewed annually. The present licence includes:

Short stay caravan sites	- 45
On site park homes	- 11
Camping sites	- 30

Consultation

The matter has been discussed with the caravan park owner and the Manager Development Services, the Environmental Health Officer and the Chief Executive Officer.

Policy Implications

There are no policy implications for this report.

Financial Implications

The fee of \$100.00 has been paid.

Strategic Implications

The proposal fits within two of the Aims of the Development Services component of the Council's Strategic Plan as follows:

'Support sustainable and managed growth within existing urban settlements in the Shire and encourage the development of a variety of housing opportunities.'

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

Officer Comment

The proposed long term development plan attached shows the park as having twenty eight (28) new park homes designed for permanent occupants, five (5) new short stay chalets, a range of additional caravan sites and a centrally located camping area. The proposal will include a total of forty eight (48) caravan sites, thirty two (32) tent sites, thirty five (35) permanent park homes and five (5) short stay chalets (cabins).

The internal roadway layout is to be rationalised and the roadways will be sealed in stages. A recreation area is to be included as is landscaping to the frontage of the lot with Albany Highway and a visitor parking area. The ablution facilities will need to be upgraded as the development takes place to cater for the additional occupancy.

The site is connected to sewer and scheme water and the new park homes will be required to connect to these systems.

On the southern boundary of the site adjacent to the old gaol complex it has been established that the gaol complex encroaches onto the caravan park site particularly near Albany Highway where the encroachment is some fifteen (15) metres or an overall area of some 443.5m². The caravan park owner will be approaching the Council to consider a land exchange to rationalise this lot boundary in due course.

The caravan park owner is also discussing options with Main Road WA for the purchase of the unconstructed road reserve and the lot containing the 'round house' to the north of the caravan park site. If and when these discussions progress, a further proposal may be placed before the Council.

Lot 584 Albany Highway, Mount Barker – Longterm Proposals for Caravan park (Cont)

Should the Council agree to the present overall long term development concept, the proponent will then over a period of time lodge planning consent applications for groups of the park homes and/or chalets before they are developed. The intention now is to seek the support of the Council for the total concept.

The park homes will not require the issue of building licences as park homes under the legislation have to be capable of having wheels reattached and moved within 24 hours if needed. Should the park homes have carports and verandahs attached, these structures will require the issue of building licences as these are fixed structures.

Staff will, once the overall concept is approved by the Council, be in a position under the current delegations to issue the necessary planning consent decisions and building licences provided the locations and designs of the structures meet the intent of the overall concept.

The proponent will have strict controls in respect to the park homes and their designs and will require a specific range of park home designs. No second hand or relocated park homes will be permitted.

The overall plan for the caravan park is considered to be well thought out by the proponents and includes an appropriate mix of thirty five (35) permanent accommodation units whilst retaining a range of eighty five (85) sites available for the travelling tourist public. A good number of tourist sites is a vital consideration in a tourist facility such as this.

The special site zoning of the site may need attention as part of a subsequent TPS3 Amendment as the reference to 'Commercial development other than Road House or Service Station' is not considered appropriate. It should in the least refer to a 'caravan park'.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Cameron:

That the proposed development for the long term growth of the Mount Barker Caravan Park at Lot 584 Albany Highway, Mount Barker as shown on the plan dated 13 September 2007 be supported and the proponent be advised that applications for planning consent and building licences will be required for subsequent stages.

CARRIED (8/0)

No. 346/07

9.5.3 LOT 363 (RESERVE 23870) AND LOT 364 (RESERVE 23771) ALBANY HIGHWAY, BOOTH STREET AND OSBORNE ROAD - POSSIBLE PURCHASE

Location / Address:	Lot 363 (Reserve 23870) and Lot 364 (Reserve 23771) Albany Highway, Booth Street and Osborne Road
Attachments: (2)	Location Plan Letter
Name of Applicant:	N/A
File Reference:	RV/182/3496, RV/182/1840
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	20 September 2007

Purpose

The purpose of this report is to consider the option of purchasing portion of the above land from the Crown.

Background

The Council on 23 January 2007 when considering the lease of Lot 363 (Reserve 23870) and Lot 364 (Reserve 23771) Albany Highway, Booth Street and Osborne Road agreed to the change of the lease from the Mount Barker Guides from Lot 363 to Lot 364. At that meeting the Council also resolve at resolution 14/07 as follows:

'That an investigation be made into the possible purchase of Lot 363 Albany Highway, Mount Barker from the Crown, with a view to the rezoning, subdivision and disposal of lots and that a report be presented to the Council no later than its meeting to be held 1 July 2007.'

On 9 May 2007 the Department for Planning and Infrastructure (DPI) advised the purpose of Reserve 23771 (Lot 364) was being amended to 'Community Purposes' with a Management Order with power to lease in favour of the Council. On 21 June 2007 DPI advised the amendment had taken place.

Following the Council resolution number 14/07 of January 2007 regarding the purchase, a letter was forwarded to the DPI enquiring about the purchase of all of Lot 364 and portion of Lot 363 equating to a total area of some 3,429m² (copy of letter attached).

DPI acknowledged receipt of the Council letter on 6 February 2007 and advised it was to commence consultation with various agencies.

Statutory Environment

Planning and Development Act 2005.

Lot 363 (Reserve 23870) and Lot 364 (Reserve 23771) Albany Highway, Booth Street and Osborne Road
(Cont)

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Both lots are within a Public Purpose TPS Reserve and Lot 363 is for Scout Hall and Lot 364 is for Kindergarten.

Land Administration Act 1997 – land purchase procedures.

Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 govern the disposal of property.

Consultation

The DPI has consulted a range of Government agencies.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are financial implications should the Council wish to pursue the purchase of the land. These financial implications are discussed under officer comment below.

Strategic Implications

There are no strategic implications in this report.

Officer Comment

In a letter dated 6 September 2007 the DPI advised it had received a valuation rate from the Valuer General. It advised the Council would be responsible for GST, stamp duty and statutory fees together with development costs including the provision of any services such as power, water and telecommunications. The proposal would involve a subdivision application through the WAPC and rezoning action.

The valuation rate is \$100 per m² and is valid until August 2008. If the Council was looking at purchasing some 3,429m² of the total area of 4,529m² it would cost \$342,900.00 and with the other associated costs it could be in the order of \$400,000.00 before rezoning and subdivision were considered. There is potential to create five (5) residential lots of between 540m² and 720m² once the land was rezoned. It is estimated new residential lots in this location would sell for in the order of \$90,000.00 which total some \$450,000.00. The costs to establish these lots with water, sewer, power headworks and connections and so on would be in the order of \$250,000.00 and this combined with a purchase price of some \$400,000.00 means an overall total of \$650,000.00 which is in excess of what the lots could be sold for. It certainly would leave no funds available for the construction of a new multipurpose hall/facility for community groups.

The provision of residential lots and better utilisation of Crown land in areas such as this should be the responsibility of the State and not for the Council to purchase and then develop.

Lot 363 (Reserve 23870) and Lot 364 (Reserve 23771) Albany Highway, Booth Street and Osborne Road
(Cont)

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Moir:

That the matter of the possible purchase of Lot 363 (Reserve 23870) and Lot 364 (Reserve 23771) Albany Highway, Booth Street and Osborne Road be no longer pursued as this is a role which should be carried out by the government when Crown land is involved.

CARRIED (8/0)

No. 347/07

9.5.4 LOTS 183-187, 194-196, 2100, 2023 & 2036 ALBANY HIGHWAY, BEATTIE AND SMUTS ROADS, KENDENUP – ELEVEN TO EIGHT LOT SUBDIVISION – BOUNDARY REALIGNMENT – WAPC NO. 134792 – RECONSIDERATION REQUEST

Location / Address:	Lots 183-187, 194-196, 2100, 2023 & 2036 Albany Highway, Beattie and Smuts Roads, Kendenup
Attachments: (5)	Location Plan Original Plan – 9 Lots Original Plan – 9 Lots with Air Photo Amended Plan – 8 Lots Amended Plan – 8 Lots with suggested alterations
Name of Applicant:	John Kinnear and Associates on behalf of Arrollake Pty Ltd
File Reference:	LP/158/95, RV/182/171, WAPC 134792
Author:	Peter Duncan, Manager Development Services
Authorised By:	Rob Stewart, Chief Executive Officer
Date of Report:	20 September 2007

Purpose

The purpose of this report is to consider a reconsideration request for a boundary realignment proposal received by Western Australian Planning Commission (WAPC) that reduces eleven (11) lots to eight (8) in order to rationalise boundaries.

Background

The land is situated east of Albany Highway in the Kendenup locality. The lots are in two (2) parcels with one (1) north and the other south of Jellicoe Road. Lot 194-196 front Smuts Road and contain two (2) small lots 2036 and 2100 (a lot that has no direct access to a road) while the remaining lots are between Jellicoe and Beattie Roads and include a small lot 2023.

Shire records show registered owners to be Arrollake Pty Ltd.

An original application to resubdivide the land into nine (9) lots was considered by the Council at its meeting held on 26 June 2007 where at resolution 232/07 it was resolved:

‘That boundary realignment (subdivision) of Lots 183-187, 194-196, 2100, 2023 and 2036 Albany Highway, Kendenup creating nine (9) lots from eleven (11) lots is supported subject to the following conditions:

- (1) That a notification be placed upon the title of each lot advising:*

- (a) *The lack of services provided at this location and that lots are beyond the range of normal service provision by the Shire for the foreseeable future.*
- (b) *The surrounding land is zoned rural and normal farming practices may impact these lots.*
- (2) *The battleaxe access being shown as a public road and that road is to be designed, constructed and drained to the satisfaction of the Manager Works and Services at the subdivider's cost.'*

The WAPC in a letter dated 1 August 2007 refused the application as it was contrary to its policies DC 3.4 and SPP 2.5 and that it would set an undesirable precedent.

The applicant has requested the WAPC reconsider its decision to refuse and provided an amended plan which:

- reduces the number of lots from nine (9) to eight (8);
- increased the lots size of lots A and B from 9ha to 10ha
- introduced a battleaxe leg off Smuts Road to avoid access to Albany Highway;
- lots F, G and H combined to form two (2) lots of 10ha with only one (1) battleaxe leg
- lots A, B, F and G have been enlarged.

A copy of the amended plan is attached.

Statutory Environment

Planning and Development Act 2005

WAPC State Planning Policy (SPP) 2.5 Agriculture and Rural Land use Planning

WAPC Development Control Policy (DC) 3.4 Subdivision of Rural Land

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

Consultation

This reconsideration request has been discussed with officers at the Department for Planning and Infrastructure in Albany.

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

WAPC DC 3.4 3.2(e) supports subdivision of rural land for the relocation of boundaries where:

- 'i. the new boundaries reflect good environmental and land management practices;*
- ii. no additional dwelling entitlements are created or where the dwelling entitlements are removed or reduced; and*
- iii. the proposal is intended to facilitate the ongoing agricultural usage on all of the lots.'*

The proposed amended plan dated 28 August 2007 is an improvement on that considered by the Council in June 2007 and should be supported. Some changes to the design are suggested to allow for better fire safe house sites and to relocate a proposed boundary clear of an existing dam. The changes proposed are:

- Enlarge lots A and B to move the eastern boundary further eastward to allow adequate clearance from the vegetation on these lots for fire safe house sites.
- Truncate the corner of lot A at Smuts Road/Albany Highway.
- Combine lots F and G to allow for one fire safe house site in the resultant lot that is well vegetated. This will remove the need for a battleaxe leg to Beattie Road.
- Relocate the western boundary of lot H to be further west to allow adequate clearance from the existing dam on lot H. The proposed boundary is almost on the side of the dam.

Smuts Road is not constructed to Albany Highway however there is a crossover and culvert constructed from the highway pavement to the western boundary of existing lot 2036. The subdivision will need to be conditioned for the construction of Smuts Road to past the eastern boundary of lot B to allow vehicular access to proposed lot C as well as lots A and B. Lot B is to be provided with a five (5) metre battleaxe leg and this is considered adequate and does not require upgrading to a public road status.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr J Moir:

That the Western Australian Planning Commission be advised the amended subdivision plan dated 28 August 2007 with the reconsideration request for the subdivision of Lots 183-187, 194-196, 2100, 2023 and 2036 Albany Highway, Beattie and Smuts Roads, Kendenup is supported subject to the following conditions:

- (1) Redesign to incorporate alterations shown on the plan to:**

- (a) Enlarge lots A and B.
 - (b) Combine lots F and G.
 - (c) Relocate eastern boundaries of lots A and B further east.
 - (d) Relocate western boundary of lot H further west away from existing dam.
 - (e) Truncate corners of lot A and highway and battleaxe to lot B at Smuts Road.
- (2) Construct and drain Smuts Road to allow road access from the highway to the western boundary of lot C to the satisfaction of the Manager Works and Services.
 - (3) Construct and drain Jellicoe Road to allow road access from the highway to the western boundary of lot E to the satisfaction of the Manager Works and Services.
 - (4) A contribution to the upgrading of Beattie Road to the satisfaction of the Manager Works and Services.
 - (5) The battleaxe leg and crossover to lot B being constructed and drained to the satisfaction of the Manager Works and Services.
 - (6) No direct vehicular access being permitted from lots A and B to Albany Highway.
 - (7) That a notification be placed upon the Title of each lot advising:
 - (a) The lack of services provided at this location and that lots are beyond the range of normal service provisions by the Shire for the foreseeable future.
 - (b) The surrounding land is zoned rural and normal farming practices may impact these lots.

CARRIED (8/0)

No. 348/07

9.5.5 LOTS 905-912, 2103, 2105 & 2107 WEBB ROAD, KENDENUP – ELEVEN TO SIX LOT SUBDIVISION – BOUNDARY REALIGNMENT – WAPC NO. 134795 – RECONSIDERATION REQUEST

An Indirect Financial Interest was disclosed by Cr M Skinner for Item 9.5.5

Nature of Interest: Brother of proponent.

3.30pm Cr M Skinner withdrew from the meeting.

Location / Address:	Lots 905-912, 2103, 2105 & 2107 Webb Road, Kendenup
Attachments: (4)	Location plan Original application Revised proposal Revised proposal with aerial photo
Name of Applicant:	John Kinnear and Associates on behalf of NJ Skinner
File Reference:	LP/158/96, RV/182/145
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	20 September 2007

Purpose

The purpose of this report is to consider a reconsideration request for a boundary realignment proposal received by Western Australian Planning Commission (WAPC) that reduces eleven (11) lots to six (6).

Background

The land presently consists of eight (8) large lots approximately 36ha each and three (3) small lots.

The applicant argued that the proposal reduces the number of lots; the new lots reflect good environmental and land management practices and that the adjustment will result in new lots on high land with road frontage encompassing mostly vegetated areas.

Shire records show registered owner to be Noel Joseph Skinner.

An original application to resubdivide the land into seven (7) lots was considered by the Council at its meeting held on 26 June 2007 where at resolution 233/07 it was resolved:

'That the boundary realignment (subdivision) of Lots 905-912, 2103, 2105 & 2197 Webb Road, Kendenup creating nine (9) lots from eleven (11) lots is supported subject to the following:

(1) *That a notification be placed upon the title of each lot advising:*

- (a) *The lack of services provided at this location and that lots are beyond the range of normal service provision by the Shire for the foreseeable future.*
- (b) *The surrounding land is zoned rural and normal farming practices may impact these lots.'*

The WAPC in a letter dated 1 August 2007 refused the application as it was contrary to its policies DC 3.4 and SPP 2.5 and that it would set an undesirable precedent.

The applicant has requested the WAPC reconsider its decision to refuse and provided an amended plan dated 29 August 2007 which reduced the number of lots from seven (7) to six (6) and increasing the size of lots A to E from 8ha to 11ha.

Statutory Environment

Planning and Development Act 2005

WAPC State Planning Policy (SPP) 2.5 – Agriculture and Rural Land Use Planning

WAPC Development Control Policy (DC) 3.4 – Subdivision of Rural Land

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

Consultation

This reconsideration request has been discussed with officers at the Department for Planning and Infrastructure in Albany.

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

WAPC Policy DC 3.4 – 3.2(e) supports subdivision of rural land for the relocation of boundaries where:

- 'i. the new boundaries reflect good environmental and land management practices;*
- ii. no additional dwelling entitlements are created or where the dwelling entitlements are removed or reduced; and*
- iii. the proposal is intended to facilitate the ongoing agricultural usage on all of the lots.'*

Lots 905-912, 2105 & 2107 Webb Road (Cont)

The proposed amended plan is an improvement on that considered by the Council in June 2007 and should be supported. One change to the design is suggested to remove potential fence lines from cutting through areas of remnant vegetation.

Those boundaries are the ones between lots B and C and C and F. The removal of those boundaries will mean lots B and C are combined which will allow for a house site in the cleared area of the now larger lot B. The present Lot C as proposed does not have a fire safe house site and cannot be supported.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That the Western Australian Planning Commission be advised the amended subdivision plan dated 29 August 2007 with the reconsideration request for the subdivision of Lots 905-912, 2103, 2105 and 2107 Webb, Sanders and Colebatch Roads, Kendenup is supported subject to the following conditions:

- (1) A contribution to the upgrading of Webb Road to the satisfaction of the Manager Works and Services.
- (2) The construction and draining of the northern section of Sanders Road to provide constructed road frontage to the proposed Lot G to the satisfaction of the Manager Works and Services.
- (3) Amalgamate Lots B and C and relocate the southern boundary of the resultant lots southwards to be clear of the remnant vegetation. Lot C does not have a fire safe house site and boundaries through areas of remnant vegetation are not favoured.
- (4) That a notification be placed upon the Title of each lot advising:
 - (a) The lack of services provided at this location and that lots are beyond the range of normal service provision by the Shire for the foreseeable future.
 - (b) The surrounding land is zoned rural and normal farming practices may impact these lots.
- (5) Street corners being truncated.

COUNCIL DECISION

Moved Cr J Moir, seconded Cr D Williss:

That the Western Australian Planning Commission be advised the amended subdivision plan dated 29 August 2007 with the reconsideration request for the subdivision of Lots 905-912, 2103, 2105 and 2107 Webb, Sanders and Colebatch Roads, Kendenup is supported subject to the following conditions:

- (1) A contribution to the upgrading of Webb Road to the satisfaction of the Manager Works and Services.
- (2) The construction and draining of the northern section of Sanders Road to provide constructed road frontage to the proposed Lot G to the satisfaction of the Manager Works and Services.
- (3) Re-design to delete Lot E, enlarge Lot D, relocate boundary between C and D to provide a fire safe house site, relocate boundary between B and C to be clear of vegetation and relocation boundary (southern) of Lot C to cross the narrowest part of the vegetation as shown on the attached plan.
- (4) That a notification be placed upon the Title of each lot advising:
 - (a) The lack of services provided at this location and that lots are beyond the range of normal service provision by the Shire for the foreseeable future.
 - (b) The surrounding land is zoned rural and normal farming practices may impact these lots.
- (5) Street corners being truncated.

CARRIED (7/0)

No. 349/07

Reason For Change

The Manager Development Services advised that he had met with the proponent and as a result more satisfactory outcome was proposed.

3.35pm Cr Skinner returned to the meeting.

9.5.6 LOT 2707 O'NEILL ROAD, CORNER ALBANY HIGHWAY, MOUNT BARKER - REDUCED SETBACK FOR VERANDAH AND CARPORT

Location / Address:	Lot 2707 O'Neill Road, Corner Albany Highway, Mount Barker
Attachments: (3)	Location Plan Site Plan Floor Plan
Name of Applicant:	M and L Duggan
File Reference:	RV/182/2309
Author:	Juliet Albany - Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	20 September 2007

Purpose

The purpose of this report is to consider an application for a reduced building set back for a verandah and a carport at Lot 2707 O'Neill Road, Mount Barker.

Background

The subject house is an existing one which is presently being renovated.

The proposal is for a verandah and car port to be added to an existing house. The rear of the house and main entry appear to be on the eastern side, a double door faces south from the living area. The verandah is proposed for the south, west and north sides of the house and the car port for the north side.

This lot and adjoining lots were zoned Special Site in 2003 when a large tourism venture was proposed. That did not proceed and the property has since changed hands.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet TPS3 – Zoned Special Site 17 Schedule 3, clause 3 which states:

- '(i) Despite any other provision of the Scheme the minimum building setback from Albany Highway and O'Neil Road is to be 20 metres;'
- Clause 5.2 permits the Council to vary standards such as setbacks where the Council is satisfied that:
 - '(a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
 - (b) the non-compliance will not have any adverse effect upon occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and
 - (c) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.'

Lot 2707 O'Neill Road – Corner Albany Highway, Mount Barker – Reduced Setback For Verandah & Carport (Cont.)

Consultation

Some consultation has occurred with the applicant and the Building Surveyor.

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 existing house is set back 75m from Albany Highway and 8.9m from the side boundary to O'Neill Road. The house as constructed does not meet the 20m setback requirement of the Special Site zone.

The proposed car port intrudes into the required setback with setback of 1.9m from the O'Neill Road boundary. The verandah also intrudes into the setback with a setback of 6.5m. The Council's consideration and approval is required to vary the setback requirements.

The proposal will improve the existing house and would not unduly affect the amenity of the surroundings and a variation to the setback is supported.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr J Cameron, seconded Cr B Hollingworth:

That the proposed verandah and car port additions to the house at Location 2707 O'Neill Road, Mount Barker be approved with reduced setbacks of 6.5m and 1.9m respectively.

AMENDMENT

Moved Cr J Moir, seconded Cr K Clements:

That the words 'and 1.9m respectively' be deleted.

LOST (3/5)

THE SUBSTANTIVE MOTION WAS PUT

CARRIED (8/0)

No. 350/07

9.5.7 LOT 5661 SYRED ROAD, TAKALARUP - PROPOSED PURCHASE BY DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Location / Address:	Lot 5661 Syred Road, Takalarup
Attachments: (3)	<u>Location Plan</u> <u>Air photo showing proposed area</u> <u>Extract from Lower Great Southern Strategy</u>
Name of Applicant:	Department of Environment and Conservation
File Reference:	RV/182/719
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	26 September 2007

Purpose

The purpose of this report is to consider a request for comment by the Department of Environment and Conservation (DEC) for its purchase of 58ha of Lot 5661 Syred Road, Takalarup for the purpose of Nature Reserve.

Background

The 58ha portion of Lot 5661 consists mainly of good quality remnant vegetation which is adjacent to the Kalgan River foreshore reserve. The DEC has advised it has reached agreement with the landowner (Brent Counsel) for the purchase of the 58ha.

Before an application is submitted to the Western Australian Planning Commission the DEC is seeking any views, comments, information or recommended conditions from the Council. The proposed Nature Reserve is to be accessed via a 6m wide access easement to Syred Road.

Statutory Environment

Planning and Development Act 2005.

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

Land Administration Act 1997 – Section 11 – land acquisition procedure.

Consultation

This matter has been discussed with an officer from the DEC and the Council's Chief Executive Officer.

Policy Implications

There are no policy implications for this report.

Lot 5661 Syred Road, Takalarup - Proposed Purchase By Department Of Environment And Conservation
(Cont)

Financial Implications

Once this 58ha is taken from the overall Lot 5661 the Council rates may vary marginally for the balance of Lot 5661 as it will be reduced by the 58ha but this will be dependent upon the Valuer General once the new Title is created.

Strategic Implications

The land is part of a system of 'indicative vegetative linkages (macro corridors)' as part of the Lower Great Southern Strategy (copy of Figure 9 from that Strategy attached). This proposal is in conformity with the principles of that Strategy.

Officer Comment

This proposal for the purchase by DEC will ensure the protection of this 58ha piece of remnant vegetation. The landowner is supportive of the purchase.

The DEC should be advised it should ensure adequate fire protection measures are in place for the protection of the adjacent farmland.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Hollingworth:

That the purchase of 58ha of Lot 5661 Syred Road, Takalarup by the Department of Environment and Conservation for the purpose of a Nature Reserve be supported subject to adequate fire protection measures being in place.

CARRIED (8/0)

No. 351/07

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr J Cameron, seconded Cr D Williss

That new business of an urgent nature be introduced to the meeting, namely:

- Tender Saleyards Canteen.

CARRIED (8/0)

No. 352/07

A Financial Interest was disclosed by Cr M Skinner
Nature and Extent of Interest: Farming - 400 head of cattle

A Financial Interest was disclosed by Cr K Forbes
Nature and Extent of Interest: Cattle Producer - 240 head of mixed cattle

A Financial Interest was disclosed by Cr J Moir
Nature and Extent of Interest: - Cattle Producer – Casual Employee of Elders

A Financial Interest was disclosed by Cr J Cameron
Nature and Extent of Interest: Part owner of approximately 500 head of cattle

A Proximity Interest was disclosed by Cr B Hollingworth
Nature and Extent of Interest: Adjoining landholder

A Financial Interest was disclosed by Mr John Fathers – Deputy Chief Executive Officer

Nature: Closely associated person is employed by the Tenderer.

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 and Regional Development via letter dated 24 November 2006, giving permission for Cr K Forbes, Cr M Skinner, Cr J Cameron, Cr J Moir and Cr B Hollingworth to participate in matters relating to the Great Southern Regional Cattle Saleyards until the next local government elections in 2007.

Mr Rob Stewart – Chief Executive Officer, read aloud the attached letter.

3.40pm Mr Fathers withdrew from the meeting.

11.1 TENDER SALEYARDS CANTEEN

Location / Address:	N/A
Name of Applicant:	N/A
File Reference:	CA/41/1
Author:	Donna Stevens - Senior Administration/Human Resources Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	4 October 2007
Voluntary Disclosure:	Mr John Fathers has made a voluntary disclosure regarding this matter. His interest involves a closely related person pursuant to s 5.70 of the Local Government Act 1995.

Purpose

The purpose of this report is to consider the tender applications for the lease of the Great Southern Regional Cattle Saleyards canteen.

Background

At its meeting held 22 August 2006 the Saleyards Committee resolved:

'THAT:

- (1) The Council extends the contract with Mrs Sofica Valcan for Canteen Lease O6/S1 of the Great Southern Regional Cattle Saleyards, for a period of 12 months.'*

As the lease with Sofica Valcan expired on the 31 August 2007 tenders were sought for a new lease agreement.

Three (3) tenders were received from the following:

- The Bean Café and Catering Company;
- The Plantagenet Hotel; and
- Mr Glen Forbes and Ms Rebekah Haabjoern.

All three (3) tenders were deemed to be eligible tenders, satisfying the selection criteria.

Statutory Environment

Section 3.58 of the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 govern the tender process.

Consultation

Consultation has occurred with the Chief Executive Officer, Rob Stewart.

Policy Implications

There are no policy implications for this report.

Financial Implications

Income for the lease of the Canteen at the Saleyards forms part of the adopted budget.

The current lease rate is \$58 per sale day.

The budget also provides a sum of \$8000.00 to assist with the purchase of equipment for the canteen.

Strategic Implications

The management of the saleyards canteen to a high standard is very important in the overall marketing and presentation of the saleyards. The provision of quality foodstuffs in a clean and friendly environment is a critical factor to retaining and encouraging repeat business.

This is consistent with Key Result Area 4 – Marketing of the Great Southern Regional Cattle Saleyards Strategic Plan as adopted by the Saleyards Advisory Committee.

Officer Comment

All tenderers indicated their ability to operate the canteen and previous experience of staff and business success.

The Bean Café and Catering Company is an Albany based business operated by Mr Garry McWilliam. Mr McWilliam previously operated the Mount Barker Hotel and the Sail Inn Café, located within the hotel. During this time he provided outside catering to a number of local groups and organisations. An amount of \$65 inc GST to be paid each time the Lessee uses the premises was tendered.

The owners of the Plantagenet Hotel have operated this business for the last 15 months. In addition to the Hotel's a la carte menu the Hotel also caters for a number of outside functions. The Hotel tendered an amount of \$2600 to \$3000 inc GST based on 50 sales. A rental of \$3000 would equate to \$60 per sale.

Rebekah Haabjoern and Glen Forbes currently have their own catering business – Gourmet Grub Catering. Rebekah also works at Tanglehead Brewing Co as a wait person, bar attendant and chef de pate. They tendered an amount of \$46.75 inc GST per sale.

This report recommends that the tender for the lease of the canteen be given to the Plantagenet Hotel. The Hotel is a locally based business that employs a number of trained staff providing them with the infrastructure back up to be able to successfully run the canteen.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr D Williss:

That the tender from the Plantagenet Hotel for the lease of the Canteen at the Great Southern Regional Cattle Saleyards at a rate of \$60 per sale day (inc GST), be accepted.

CARRIED (8/0)

No. 353/07

3.30pm Mr John Fathers returned to the meeting.

12 CONFIDENTIAL

12.1 SPENCER ROAD – ACQUISITION OF LAND

Location / Address: N / A
Name of Applicant: N / A
File Reference: RO/50/7
Author: Rob Stewart – Chief Executive Officer
Authorised By: Rob Stewart – Chief Executive Officer
Date of Report: 2 October 2007

Purpose

The purpose of this report is to advise the Council of progress regarding land acquisition for the Southern By-Pass.

OFFICER'S RECOMMENDATION

That the meeting move into Confidential Session to discuss this item under the terms of the Local Government Act 1995 Section 5.23(2), as follows:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr J Moir, seconded Cr M Skinner:

3.50pm That the meeting move into Confidential Section to discuss items under the terms of the Local Government Act 1995 Section 5.23(2) as follows:

- (c) 'a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.'

CARRIED (8/0)

No. 354/07

MOTION TO PROCEED IN PUBLIC

Moved Cr K Hart, seconded Cr M Skinner:

4.35pm That the meeting proceed in public.

CARRIED (8/0)

No. 355/07

COUNCIL DECISION**Moved Cr D Williss, seconded Cr B Hollingworth:****That following the construction of the Southern By-Pass – eastern end of Spencer Road, the excision of the truncated section of Lot 4961 be supported as a subdivision by the owner by the Shire of Plantagenet.****CARRIED (8/0)****No. 356/07****13 CLOSURE OF MEETING**Vote Of Thanks

The Shire President Cr K Forbes expressed his thanks to all Councillors for their support over the last 2 ½ years and noted that this was a very workable Council. It was good to see Councillor Clements elected unopposed to the Town Ward and hoped that Cr Hart would be re-elected.

Cr Forbes advised that Cr Cameron had been on Council for 26½ years and thanked her sincerely for her loyalty during this period and for her period as Deputy Shire President.

Cr Williss had been on Council for 7½ years and had worked hard for his electorate and the Council and Cr Forbes thanked him for his time also as Deputy Shire President.

4.34pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE:/...../.....