



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2.45pm Tuesday 11 July 2006

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:51pm The Chief Executive Officer declared the meeting open.

Election of Acting Presiding Member

In the absence of the Shire President and Deputy Shire President, the Chief Executive Officer sought nominations for the position of Presiding Member.

Moved Cr K Clements, seconded Cr B Hollingworth:

That Cr J Cameron be appointed as Acting Presiding Member.

CARRIED (7/0)

No. 192/06

The Chief Executive Officer, Mr Rob Stewart, 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 J Cameron	Acting Presiding Member - Rocky Gully / West Ward
Cr J Moir	South Ward
Cr K Clements	Town Ward
Cr K Hart	Kendenuk Ward
Cr M Skinner	East Ward
Cr B Hollingworth	Town Ward
Cr J Mark	Town Ward
Mr R Stewart	Chief Executive Officer
Ms N Selesnew	Manager Community Services
Mrs K Skinner	Executive Secretary

There were four (4) members of the public present.
There was no media present.

Previously Approved Leave Of Absence

Cr K Forbes	8-20 July Inclusive
Cr D Williss	8-16 July 2006 Inclusive

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

4.1 MOUNT BARKER TOURIST BUREAU

Asked By: Mr Scott Drummond

Mr Drummond asked if the Council would be clarifying their financial commitment at the first meeting of the Tourist Bureau Steering Committee.

Response By: Mr Rob Stewart – Chief Executive Officer

Mr Stewart advised that the role of the Steering Committee would be to produce a business plan for the Tourist Bureau. The Council will be looking for a well thought out plan that is workable. Once this plan is prepared and presented to the Council, the Council can then reassess their role. Until this point, the Council's commitment will remain the same as previous years. Mr Stewart advised that three (3) nominations for the Steering Committee have so far been received.

4.2 WASTE MANAGEMENT FEES AND CHARGES

Asked By: Mr Scott Drummond

Mr Drummond queried the Waste Management Fees and Charges and stated that on Page 10 of the Agenda, there was nothing to suggest that a discount

or tip passes would be offered to ratepayers. Mr Drummond also advised that he was concerned about illegal dumping occurring if fees were too high.

Mr Drummond also raised the issue of landfill opening times and queried whether the Council had the resources to pick up rubbish which had been dumped by people who could not enter the tips / transfer stations. Mr Drummond asked if the opening hours would be advertised for public consideration.

Mr Drummond felt that the Porongurup Transfer Station opening hours were not in sync with the general use of the Station. Mr Drummond noted that most people used the Transfer Station on a Sunday but the suggested new hours would have the Porongurup Transfer Station closed on Sundays.

Mr Drummond asked if the Greenskills report into Waste Management had been finished and whether the report was available to the public?

Response By: Mr Rob Stewart – Chief Executive Officer

Tip Passes – Mr Stewart noted that it was highly unlikely that the tip redevelopment program would commence immediately as the Council does not have the available resources at the moment to implement the changes. Mr Stewart noted that ratepayers and residents will be given tip passes for either a tip site or transfer station at no cost, but that the number of passes would be limited. Mr Stewart also noted that the Council still has to fence some of the sites.

Mr Stewart advised that when fencing was first erected at the O'Neill Road Tip Site, rubbish was dumped and fences were cut etc. Where possible, the Council checks the rubbish for identifiable material which is then passed on to the relevant authority for legal action. Any illegal dumping reported to the Council will be acted upon immediately.

The Council recently held a workshop on opening hours and looked very closely at usage. Mr Stewart advised that the hours may need to be revised after a period of time.

It was previously planned to completely close the Kamballup Landfill Site. The proposed opening hours are considered sufficient but the Council will consider the matter further once community feedback has been received.

Mr Stewart noted that the Greenskills proposal is a public document and is available to members of the public.

4.3 ZONING RURAL TO RURAL RESIDENTIAL

Asked By: Ms Ann Burchell

Ms Burchell asked the Council to give careful consideration to the proposed rezoning on Springs Road, Porongurup, in particular, environmental and social issues and asked the Council to be more sensitive to future rezonings of lots from Rural to Rural Residential within the Porongurup area. Ms Burchell asked that the Porongurup Community be kept informed of any future developments eg: roads in the area, and that the Porongurup Rural Strategy be adhered to.

Response By: Mr Rob Stewart – Chief Executive Officer

Mr Stewart advised that he had met with Ms Burchell and Mr Peter Thorn regarding subdivisions within the Porongurup area. Mr Stewart noted that the Council needs to be able to police subdivision requirements.

Members of the Porongurup Community may like to meet with the Council and the new Manager Development Services after he commences employment on the 24 July 2006.

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Councillor B Hollingworth requested leave of absence for the period 17 August to 19 November 2006 inclusive.

Moved Cr J Moir, seconded Cr J Mark:

That Councillor B Hollingworth be granted leave of absence for the period 17 August to 19 November 2006 inclusive.

CARRIED (7/0)

No. 193/06

Councillor K Hart requested leave of absence for the period 31 July to 4 August 2006 inclusive.

Moved Cr J Moir, seconded Cr J Mark:

That Councillor K Hart be granted leave of absence for the period 31 July to 4 August 2006 inclusive.

CARRIED (7/0)

No. 194/06

7 CONFIRMATION OF MINUTES

Moved Cr K Hart, seconded Cr M Skinner:

That the Minutes of the Ordinary Meeting of the Council held 27 June 2006 be confirmed.

CARRIED (7/0)

No. 195/06

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- The Chief Executive Officer's Review will be held at 9.00am on Tuesday 15 August 2006.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 COMMUNITY SERVICES REPORTS

9.1.1 PLANTAGENET CHILD CARE CENTRE – LONG DAY CARE SUSTAINABILITY ASSISTANCE AGREEMENT VARIATION

Location / Address:	Lot 7 Marmion Street, Mount Barker
Attachments: (1)	Letter – Australian Government
Name of Applicant:	Department of Families, Community Services and Indigenous Affairs
File Reference:	CS/9/1
Author:	Nicole Selesnew - Manager Community Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	3 July 2006

Purpose

The purpose of this report is to grant the Shire President and the Chief Executive Officer authority to sign and affix the Common Seal of the Council to the Variation to Funding Agreement for the Plantagenet Child Care Centre Long Day Care Sustainability Assistance Agreement, held between the Commonwealth of Australia, represented by the Department of Family and Community Services (now the Department of Families, Community Services and Indigenous Affairs) and the Shire of Plantagenet.

Background

The Shire of Plantagenet entered into a funding agreement with the Commonwealth of Australia, represented by the Department of Family and Community Services, on 4 January 2006 for funding for the Plantagenet Child Care Centre. The agreement expired on 30 June 2006.

The Department is offering to extend the agreement to 30 June 2007.

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred with the Child Care Centre Co-ordinator, Gillian Thirlwall.

Policy Implications

There are no policy implications for this report.

Financial Implications

This funding is reviewed annually and the Department has amended its funding arrangements for the 2006 / 2007 financial year. Funding offered for the 2006 / 2007 financial year is \$31,120.00 Sustainability Assistance (excluding GST) and \$2,440.00 Transitional Funding (excluding GST).

Plantagenet Child Care Centre – Long Day Care Sustainability Assistance Agreement Variation (Cont.)

The Sustainability Assistance payment for 2006 / 2007 includes a 1.5% indexation increase from the 2005 / 2006 payment.

The Transitional Funding payment has decreased from \$3,660.00 in 2005 / 2006 to \$2,440.00 in 2006 / 2007.

Strategic Implications

Key Result Area 3 – Community Services aims to:

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

Officer Comment

Payment of the funding amount will not be made by the Department of Families, Community Services and Indigenous Affairs until such time as the Variation to Funding Agreement is signed and affixed with the Common Seal of the Council.

It is therefore recommended that the Council approve the signing and affixing of the Common Seal to the Variation to Funding Agreement.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

That authority be granted to the Shire President and the Chief Executive Officer to sign and affix the Common Seal of the Council to the Variation to Funding Agreement for the Plantagenet Child Care Centre Long Day Care Sustainability Assistance Agreement, for the period 30 June 2006 to 30 June 2007.

CARRIED (7/0)

No. 196/06

9.2 EXECUTIVE SERVICES REPORTS

9.2.1 LOT 11 HAESE STREET, MOUNT BARKER - AUTHORITY TO AFFIX SHIRE OF PLANTAGENET COMMON SEAL TO RESTRICTIVE COVENANT

Location / Address:	Lot 11 Haese Street, Mount Barker
Attachments: (2)	Restrictive Covenant Subdivision Plan
Name of Applicant:	Edith Park Pty Ltd
File Reference:	LP/158/3
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	26 June 2006

Purpose

The purpose of this report is to provide the Shire President and the Chief Executive Officer the authority to sign and affix the Common Seal of the Council to Restrictive Covenant for Lot 11 Haese Street, Mount Barker.

Background

The proposed subdivision was considered by the Council at its meeting held 17 March 2004. The Council resolved to support the proposed subdivision subject to numerous conditions. The Council resolution did not include a requirement for Restrictive Covenant to be prepared. The Western Australian Planning Commission (WAPC) issued the Conditional Approval on 19 May 2004 with condition 14 stating:

'Arrangements being made to the satisfaction of the Western Australian Planning Commission, at the expense of the subdivider, for a point to point restrictive covenant for the benefit of the Shire of Plantagenet to be registered on the Certificates of Title for the proposed Lots C, pursuant to section 129BA of the Transfer of Land Act, to prohibit direct vehicular access from the lots to the Reserve to the east and notice of this restriction to be placed on the Diagram or Plan of Survey (Deposited Plan). (LG)'

Shire records indicate the registered owners to be Edith Park Pty Ltd.

Statutory Environment

Transfer of Land Act 1983

Local Government Act 1995

Planning and Development Act 2005

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

Consultation

There has been no consultation for this report.

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 WAPC issued a Conditional Approval with a condition requiring Restrictive Covenants to be prepared. As the condition relating to the Restrictive Covenant was applied by the WAPC, no authority to affix the seal was previously granted by the Council. This authority is now sought in order for a Subdivision Clearance to be issued.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr M Skinner:

That the Shire President and Chief Executive Officer be authorised to sign and affix the Common Seal of the Council to the Deed of Restrictive Covenants between Edith Park Pty Ltd and the Shire of Plantagenet pertaining to Lot 11 Haese Street, Mount Barker.

CARRIED (7/0)

No. 197/07

9.3 CORPORATE SERVICES REPORTS

9.3.1 BAILS ROAD - NAME CHANGE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/107/1
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	21 June 2006

Purpose

The purpose of this report is to consider a request to change the name of Bails Road to Derna Lane.

Background

Mr and Mrs Ford of Hay River Holdings Pty Ltd have requested that Bails Road be renamed Derna Lane.

Bails Road is located approximately 3.5km south along Albany Highway from the Hannan Way, Narrikup townsite turnoff.

Mr and Mrs Ford believe that Derna was the original property name of Location 5179, which is located on the east end of Bails Road. All properties surrounding Bails Road are currently owned by Mr and Mrs Ford.

Statutory Environment

Land Administration Act 1997

Consultation

Consultation has occurred with the Department of Land Information, Mrs Ruth Ford and Greg Woods of Main Roads WA.

Policy Implications

Policy RS/RR/1 – Future Street and Reserve Names, details the Road Name Register as adopted by the Council on 14 December 2004.

Derna is not listed on the register.

Financial Implications

A \$200.00 service charge would be payable to the Department of Land Information should they decide that the road name change is not essential.

Advertising costs would also be applicable.

Strategic Implications

There are no strategic implications to this report.

Bails Road – Name Change (Cont.)**Officer Comment**

As the change of road name is being considered only because of the application made by Mr and Mrs Ford, it is considered appropriate that all costs associated with the change of name be met by the applicants.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr J Moir:

That prior to further administration action being taken regarding the proposed name change of Bails Road to Derna Lane, the applicants (Mr and Mrs Ford) be requested to provide the Council with supporting documentation relating to the original naming of Bails Road and the proposed name change to Derna Lane.

CARRIED (7/0)

No. 198/06

9.3.2 LOT 61 BATEMAN STREET, ROCKY GULLY - REQUEST TO PURCHASE

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RV/182/3703
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	29 June 2006

Purpose

The purpose of this report is to consider the future disposal by sale of Lot 61 Bateman Street, Rocky Gully (vacant land).

Background

At its ordinary meeting on 8 July 2003, the Council resolved to accept the tender offer of \$938.00 from Ms Denise Mitchell for the sale of Lot 61 Bateman Street.

Prior to the property settlement, Ms Mitchell withdrew her intention to purchase and ownership remained with the Shire of Plantagenet.

A recent request has been received from Ms Sherrel Cox to purchase this property. Ms Cox was an original tenderer for the property in 2003 and has been undertaking spraying, mowing and general maintenance of this block for a number of years.

Informal inquiries into the sale of this property have also been received from other Shire residents.

Statutory Environment

Section 3.58 of the Local Government Act 1995 and the Local Government (Function and General) Regulations govern the disposal of land by a local government.

Consultation

Consultation has occurred with Ms Sherrel Cox.

Policy Implications

There are no policy implications for this report.

Financial Implications

Any proceeds from the sale of this property, after advertising, property valuation (approximately \$1,300.00) will be in addition to budgeted funds.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

Lot 61 Bateman Street, Rocky Gully – Request To Purchase (Cont.)

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Hollingworth:

That the Chief Executive Officer be authorised to dispose of Lot 61 Bateman Street, Rocky Gully pursuant to Section 3.58 of the Local Government Act 1995.

AMENDMENT

Moved Cr Clements, Seconded Cr K Hart:

That after the word '1995' the following words be added.

'subject to:

- (a) the property being disposed of for not less than the most recent valuation; and**
- (b) a local Real Estate Agent be used for the disposal'**

CARRIED (7/0)

No. 199/06

COUNCIL DECISION

That the Chief Executive Officer be authorised to dispose of Lot 61 Bateman Street, Rocky Gully pursuant to Section 3.58 of the Local Government Act 1995 subject to:

- (a) the property being disposed of for not less than the most recent valuation; and**
- (b) a local Real Estate Agent be used for the disposal.**

CARRIED (7/0)

No. 200/06

9.4 TECHNICAL SERVICES REPORTS

9.4.1 WASTE MANAGEMENT – FEES AND CHARGES

Location / Address:	N / A
Attachments: (1)	Fees & Charges
Name of Applicant:	N / A
File Reference:	FM/64/5
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	21 June 2006

Purpose

The purpose of this report is to adopt Fees and Charges for all Landfill Sites and Transfer Stations within the Shire of Plantagenet.

Statutory Environment

Sections 6.15 to 6.19 of the Local Government Act 1995 govern the imposition of fees and charges for Local Government Authorities. The fees and charges will be formally adopted at the budget adoption meeting held on 25 July 2006.

Consultation

Consultation occurred with members of the Waste Management Committee and Mr Rob Stewart - Chief Executive Officer.

Policy Implications

There are no policy implications for this report.

Financial Implications

The adopted fees and charges will form the basis of the Council's revenue raising ability for the 2006 / 2007 financial year.

Strategic Implications

The proposed fees and charges are consistent with New Initiative 3.1 in Key Result Area 3 - Community Services and notes that the Council will *'Develop an appropriate and equitable pricing policy for community facilities and programs.'*

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

That the proposed schedule of fees and charges as attached, be listed for consideration in the draft 2006 / 2007 Annual Budget.

PROCEDURAL MOTION

Motion to Adjourn Question

Moved Cr J Moir, seconded Cr M Skinner:

That the question be adjourned to allow the Waste Management Committee to make further recommendation to the Council.

CARRIED (7/0)

No. 201/06

9.4.2 LANDFILLS AND TRANSFER STATIONS - OPERATING HOURS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	WM/151/5
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	24 June 2006

Purpose

The purpose of this report is to seek authority to implement public opening times for Council Landfill sites and Transfer Stations.

Background

At the meeting of the Waste Management Committee Meeting held on 20 June 2006 it was resolved:

'That it be a recommendation to the Council:

THAT:

- (1) *The following Landfill Sites and Transfer Stations opening hours apply 1 July 2006:*

O'Neill Road Landfill Site

- *Tuesday from 1.00pm - 5.00pm*
- *Wednesday from 8.00am - 12.00noon*
- *Thursday from 1.00pm - 5.00pm*
- *Friday from 8.00am - 12.00noon*
- *Saturday from 1.00pm - 5.00pm*
- *Sunday from 10.00am - 6.00pm*

Kendenup Landfill Site

- *Tuesday from 8.00am - 3.00pm*
- *Thursday from 8.00am - 3.00pm*
- *Sunday from 10.00am - 4.00pm*

Kamballup Landfill Site

- *Friday from 1.00pm - 5.00pm*

Porongurup Transfer Station

- *Monday from 8.00am - 5.00pm*
- *Thursday from 8.00am - 12.00noon*
- *Saturday from 8.00am - 5.00pm*

Rocky Gully Transfer Station

- *Wednesday from 1.00pm - 5.00pm*
- *Saturday from 1.00pm - 5.00pm*

Landfills & Transfer Stations – Operating Hours (Cont.)

- (2) *At the conclusion of a six (6) month trial (ending 31 December 2006), a further report be presented to the Committee to reconsider opening times.*
- (3) *The above be advertised immediately throughout the Shire of Plantagenet.'*

Statutory Environment

The Council's Local Laws relating to the operation of the Shire of Plantagenet Landfill and Transfer Station Facilities 2004 provides at Clause 12:

'The Council may from time to time set and amend by resolution the hours of operation of the facility and such hours will be displayed for public information.'

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Strategic Plan at Key Result Area 2 (Infrastructure) provides as a Council aim that the Council will:

'Protect the Community's health by managing waste in a timely, effective, economic and environmentally safe manner.'

Further, the strategic plan provides under waste and recycling the following:

- *Development of a waste management plan which reflects legislative requirements and community demands;*
- *Level of customer satisfaction;*
- *Internal and external benchmarking;*
- *Demonstrated pursuit of continuous improvement initiatives.*

The restriction of landfill and transfer station operating hours will assist the Council to effectively manage waste by enabling waste placement to be controlled by Council staff. It will also assist in recycling by ensuring that recyclable items are appropriately stored.

Officer Comment

The hours recommended by the Committee have already been discussed by the Council in workshops and their adoption is recommended.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr K Clements seconded Cr J Mark:

That pursuant to Clause 12 of the Council's Local Laws relating to the operation of the Shire of Plantagenet Landfill and Transfer Station facilities, the following hours of operation for landfill and transfer station facilities be adopted:

- (1) O'Neill Road Landfill Site**

Landfills & Transfer Stations – Operating Hours (Cont.)

- Tuesday from 1.00pm - 5.00pm
- Wednesday from 8.00am - 12.00noon
- Thursday from 1.00pm - 5.00pm
- Friday from 8.00am - 12.00noon
- Saturday from 1.00pm - 5.00pm
- Sunday from 10.00am - 6.00pm

Kendenup Landfill Site

- Tuesday from 8.00am - 3.00pm
- Thursday from 8.00am - 3.00pm
- Sunday from 10.00am – 4.00pm

Kamballup Landfill Site

- Friday from 1.00pm - 5.00pm

Porongurup Transfer Station

- Monday from 8.00am - 5.00pm
- Thursday from 8.00am – 12.00noon
- Saturday from 8.00am – 5.00pm

Rocky Gully Transfer Station

- Wednesday from 1.00pm - 5.00pm
- Saturday from 1.00pm – 5.00pm

- (2) At the conclusion of a six (6) month trial, a further report be presented to the Committee to reconsider opening times.
- (3) The above be advertised immediately throughout the Shire of Plantagenet.

PROCEDURAL MOTION**Motion to Adjourn Question**

Moved Cr M Skinner, seconded Cr B Hollingworth:

That the question be adjourned to allow the Waste Management Committee to make further recommendation to the Council relating to the Rocky Gully transfer station.

CARRIED (7/0)

No. 202/06

9.5 DEVELOPMENT SERVICES REPORTS

9.5.1 LOT 100 WILLIAMSON AVENUE, NARRIKUP – OVERSIZED OUTBUILDING

Location / Address:	Lot 100 Williamson Avenue, Narrikup
Attachments: (3)	Site Plan Floor Plan Elevations
Name of Applicant:	Tectonics Construction on behalf of CJ and PM Fagents
File Reference:	RV/182/1943
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	15 June 2006

Purpose

The purpose of this report is to consider an application for a 70.65m² Outbuilding (Shed) on Lot 100 Williamson Avenue, Narrikup.

Background

The proposed shed is 9.2m by 7.68m and 3.7m high.

The subject land is zoned Residential (R10) under the Shire of Plantagenet Town Planning Scheme No. 3 and is currently vacant.

Setbacks required: Front - 7.5m
 Rear - 1m
 Sides - 1.5m



Shire records show the registered owner to be Christopher John and Patricia Margaret Fagents.

Lot 100 Williamson Avenue, Narrikup – Oversized Outbuilding (Cont.)

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3
Residential Design Codes of Western Australia 2002
Building Code of Australia 2006

Consultation

There has been no consultation for this report.

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 proposed outbuilding meets all setback requirements. The proposal does not fully meet the Acceptable Development Provisions under Clause 3.10.1 of the Residential Design Codes. The outbuilding is not attached to a dwelling. The outbuilding is in excess of 60m² with a wall height exceeding 2.4m. The proposed outbuilding is required to be considered under the respective Performance Criteria: *'Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.'*

Determination by the Council is required as a result of the outbuilding exceeding Acceptable Development Provisions of the Residential Design Codes.

The setback from the northern boundary is required to be 1.5m and from the western boundary 1m. The outbuilding is setback 2.8m from the northern boundary and 10.25m from the western boundary.

Provided the outbuilding is used purely for the storage of rural or domestically related goods and vehicles and is not used for commercial or habitable purposes, there is no objection to the proposed outbuilding. It is recommended that the outbuilding be approved.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Hollingworth:

That planning consent be granted in respect of Application No. 33/06 for development of an Oversized Outbuilding (Shed) on Lot 100 Williamson Avenue, Narrikup in accordance with the plans dated 5 July 2006, subject to the following conditions:

- (1) The crossover and access way being designed and installed in accordance with Shire of Plantagenet specifications and standards, and being maintained by the proponent.
- (2) The outbuilding not being used for industrial or commercial purposes.
- (3) In accordance with Clause 3.10.1 of the Residential Design Codes, the outbuilding not being used for habitable purposes.

ADVICE NOTES:

- (i) If the development, the subject of this approval, is not substantially commenced within a period of twenty-four months, the approval shall lapse and be of no further effect. Where approval has lapsed, no development shall be carried out without further approval of Council having first been sought and appointed.
- (ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development, in particular the Building Code of Australia.

CARRIED (7/0)

No. 203/06

9.5.2 LOT 16 ORIENT ROAD, MOUNT BARKER – OVERSIZED OUTBUILDING

Location / Address:	Lot 16 Orient Road, Mount Barker
Attachments: (3)	Site Plan Floor Plan Elevations
Name of Applicant:	Tectonics Construction on behalf of JA and GM Tangney
File Reference:	RV/182/2092
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	20 June 2006

Purpose

The purpose of this report is to consider an application for a 75.4m² Outbuilding (Shed) on Lot 16 Orient Road, Mount Barker.

Background

The proposed shed is 12.24m by 6.16m and 4.8m high.

The subject land is zoned Rural Residential 1 under the Shire of Plantagenet Town Planning Scheme No. 3.

Setbacks required: Front - 20m
 Rear - 20m
 Sides - 20m



Shire records show the registered owner to be Joseph Anthony and Gail Maureen Tangney.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3

Residential Design Codes of Western Australia 2002
Building Code of Australia 2006

Consultation

There has been no consultation for this report.

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 proposed outbuilding meets all setback requirements. The outbuilding is in excess of 60m² with a wall height exceeding 2.4m. The proposed outbuilding is required to be considered under the respective Performance Criteria: *'Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.'*

Determination by the Council is required as a result of the outbuilding exceeding Acceptable Development Provisions of the Residential Design Codes.

Setbacks from all boundaries are required to be 20m. The outbuilding is setback 25m from the western boundary and 50m from the southern boundary.

Provided the outbuilding is used purely for the storage of rural or domestically related goods and vehicles and is not used for commercial or habitable purposes, there is no objection to the proposed outbuilding. It is recommended that the outbuilding be approved.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr K Clements:

That planning consent be granted in respect of Application No. 34/06 for development of an Oversized Outbuilding (Shed) on Lot 16 Orient Road, Mount Barker in accordance with the plans dated 13 June 2006, subject to the following conditions:

- (1) The crossover and access way being designed and installed in accordance with the Shire of Plantagenet specifications and standards, and being maintained by the proponent.**
- (2) The outbuilding not being used for industrial or commercial purposes.**
- (3) In accordance with Clause 3.10.1 of the Residential Design Codes, the outbuilding not being used for habitable purposes.**

ADVICE NOTES:

- (i) If the development, the subject of this approval, is not substantially commenced within a period of twenty-four months, the approval shall lapse and be of no further effect. Where approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and appointed.
- (ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development, in particular the Building Code of Australia.

CARRIED (7/0)

No. 204/06

9.5.3 LOT 2, 24 ORMOND ROAD, MOUNT BARKER - OVERSIZED OUTBUILDING

Location / Address:	Lot 2, 24 Ormond Road, Mount Barker
Attachments: (2)	Site Plan Floor Plan
Name of Applicant:	EJ Knight
File Reference:	RV/182/1346
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	26 June 2006

Purpose

The purpose of this report is to consider an application for a 96m² Outbuilding (Shed) on Lot 2, 24 Ormond Road, Mount Barker.

Background

The proposed shed is 12m by 8m and 2.5m high.

The subject land is zoned Residential R10/20 under the Shire of Plantagenet Town Planning Scheme No. 3. The subject urban parcel is 1,770m².

Setbacks required:

Front -	7.5m
Rear -	1.5m
Sides -	1.5m



Shire records show the registered owner to be Edward John and Christine Helen Knight.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3)
Residential Design Codes of Western Australia 2002 (R-Codes)
Building Code of Australia 2006

Consultation

There has been no consultation for this report.

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 outbuilding is in excess of 60m² with a wall height exceeding 2.4m. The proposed outbuilding is required to be considered under the respective Performance Criteria: *'Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.'*

Determination by the Council is required as a result of the outbuilding exceeding Acceptable Development Provisions of the Residential Design Codes.

Setbacks from the southern and western boundary are required to be 1.0m and 1.5m respectively. The application includes setbacks of 2.0m from the southern boundary and 1.0m from the western boundary. Discussions have occurred with the applicant and a setback of 1.5m to the western boundary as been agreed to. The setback has been altered on the drawings from 1.0m to 1.5m to comply with the R-Codes. It is considered the proposed outbuilding will not detract from the streetscape nor reduce the visual amenity for adjoining neighbouring properties.

Provided the outbuilding is used purely for the storage of rural or domestically related goods and vehicles and is not used for commercial or habitable purposes, there is no objection to the proposed outbuilding. It is recommended that the outbuilding be approved.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr M Skinner:

That planning consent be granted in respect of Application No. 37/06 for development of an Oversized Outbuilding (Shed) on Lot 2, 24 Ormond Road, Mount Barker in accordance with the plans dated 23 June 2006, subject to the following conditions:

- (1) The outbuilding not being used for industrial or commercial purposes.**
- (2) In accordance with Clause 3.10.1 of the Residential Design Codes, the outbuilding not being used for habitable purposes.**

ADVICE NOTES:

- (i) If the development, the subject of this approval, is not substantially commenced within a period of twenty-four months, the approval shall**

Lot 2, 24 Ormond Road, Mount Barker – Oversized Outbuilding (Cont.)

lapse and be of no further effect. Where approval has lapsed, no development shall be carried out without further approval of Council having first been sought and appointed.

- (ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development, in particular the Building Code of Australia.**
- (iii) The applicant is advised that any new crossover and access way would be required to be designed and installed in accordance with Shire of Plantagenet specifications and standards, and be maintained by the proponent.**

CARRIED (7/0)

No. 205/06

9.5.4 LOT 11 MOUNT BARKER - PORONGURUP ROAD, PORONGURUP - CHALET

Location / Address:	Lot 11 Mount Barker - Porongurup Road, Porongurup
Attachments: (4)	Site Plan Floor Plan Elevations Photographs
Name of Applicant:	Peter Form
File Reference:	RV/182/3865
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	29 June 2006

Purpose

The purpose of this report is to consider an application for a Chalet at Lot 11 Mount Barker – Porongurup Road, Porongurup.

Background

The proposal involves the conversion of an outbuilding into a chalet. The outbuilding is located on Lot 11 but a recent boundary realignment was approved by the Western Australian Planning Commission (WAPC). The realignment has resulted in the subject outbuilding being part of the applicant's land (former Lot 510 Mount Barker – Porongurup Road).

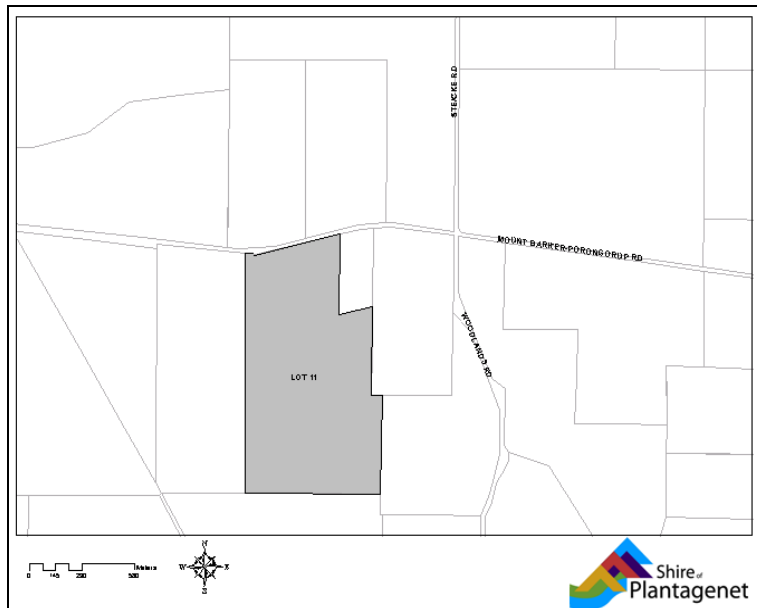
As per clause 3.2.5 *'if the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- (a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- (b) determine by absolute majority that the proposed use is consistent with the objectives and purpose of the zone and thereafter follow the 'SA' procedure of Clause 6.2 in considering an Application for planning consent.'*

'Chalet' is a use not listed within the Zoning Table of Town Planning Scheme No. 3 (TPS3). The use is however, defined within Schedule 1 of TPS3. A 'Chalet' is defined as:

'... a detached holiday accommodation unit including cooking facilities which may be fully self-contained or not, and which is generally of single storey or split-level construction of a character similar to farm dwellings in the Rural areas.'

In this instance the subject use is defined but not listed within the Zoning Table. The application requires an absolute majority to determine that the application undergoes processing and determination as an 'SA' use.

Lot 11 Mount Barker-Porongurup Road, Porongurup – Chalet (Cont.)


Shire records indicate the owner of the lot is Bjorn C Form. The proposed Chalet will be on Peter Form's land following finalisation of the boundary realignment.

Statutory Environment

Planning and Development Act 2005
 Shire of Plantagenet's Town Planning Scheme No. 3 (TPS3)
 Building Code of Australia 2006
 Health Act 1911

Consultation

The application will require public consultation in accordance with Clause 6.2.3 (a) and (b).

Policy Implications

There appears to be an increasing number of requests relating to establishing tourist related accommodation. It is considered that a Town Planning Policy or omnibus amendments to TPS3 shall be required.

Financial Implications

There are no financial implications for this report.

Strategic Implications

Shire of Plantagenet Strategic Plan, under Key Result Area 4 – Development Services, aims to:

'Encourage establishment of new businesses, which provide employment and/or service the tourist industry and contribute to the prosperity of Plantagenet.'

The proposed use is considered to be in keeping with the character of a farm dwelling.

Officer Comment

The proposal expands the current tourist related uses on Lot 510 (owned by the applicant). There is an existing restaurant which provides the local community and the travelling public with a dining venue. The proposed chalet offers a continuation in

Lot 11 Mount Barker-Porongurup Road, Porongurup – Chalet (Cont.)

tourist activities. It is anticipated the proposal is consistent with current uses and would contribute towards the promotion of the Porongurup locality.

It is considered appropriate to advertise the subject proposal in accordance with Clause 6.2.3 (a) and (b).

Voting Requirements

Absolute Majority (Use Not Listed)

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth:

THAT:

- (1) The application for Chalet at Lot 11 Mount Barker – Porongurup Road, Porongurup be advertised in accordance with Clause 6.2.3 (a) and (b) of the Shire of Plantagenet Town Planning Scheme No. 3 for a period of twenty-one days.
- (2) At the conclusion of the advertising period a further report be prepared for the consideration of the Council at its meeting to be held on 22 August 2006.

CARRIED (7/0)

No. 206/06

(Absolute Majority)

9.5.5 LOT 669 CRADDOCK ROAD, MOUNT BARKER – WORKER'S ACCOMMODATION

Location / Address:	Lot 669 Craddock Road, Mount Barker
Attachments: (3)	Site Plan Indicative House Plan Aerial
Name of Applicant:	John and Amanda English
File Reference:	RV/182/4474
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	26 June 2006

Purpose

The purpose of this report is to consider an application for the construction of a second dwelling, for the purpose of housing volunteer workers at Lot 669 Craddock Road, Mount Barker.

Background

The applicant has established a not-for-profit organisation that involves caring for unwell and orphaned kangaroos. The rehabilitation centre is funded by the applicant. The applicant has occasional volunteers from within the community. Due to the increasing number of kangaroos at the rehabilitation centre the applicant seeks to build a second dwelling for volunteers to live in and help out at the centre on a more permanent basis.

Zoning: Rural
Lot size: 16.24ha
Use Class: use not listed 'Worker's Accommodation'

As per clause 3.2.5 *'if the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- (a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- (b) determine by absolute majority that the proposed use is consistent with the objectives and purpose of the zone and thereafter follow the 'SA' procedure of Clause 6.2 in considering an Application for planning consent.'*

It is critical to note that 'grouped dwellings' are a prohibited use within the Rural zone in Town Planning Scheme No. 3 (TPS3).

The proposed location of the second dwelling is approximately 190m north of the existing dwelling and 100m from the western boundary. The proposed location attempts to prevent unnecessary clearing of vegetation at the closest point from the existing dwelling. Lengthy discussions have occurred between officers at the Shire of Plantagenet and the applicant.



The above denotes the location of the subject lot. Shire records indicate the owners are John and Amanda English.

Statutory Environment

Planning and Development Act 2005

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

Building Code of Australia 2006

Health Act 1911

Consultation

The proposed development application shall require advertising in accordance with Clause 6.2.3 (a) and (b).

Officers at the Shire of Plantagenet have spoken to Marg Buckland, a Co-ordinator of Community Development at CALM. Ms Buckland indicated that she anticipates Mr and Mrs English's rehabilitation centre will expand in years to come. It takes fifteen to eighteen months to raise a kangaroo that can be released back into the wild and many more are arriving at the Centre.

Policy Implications

Council Policy P.B.4 is applicable and sets out:

P.B.4 Buildings – Town Planning Scheme – Rural Areas:

That construction of only one (1) residential building be approved on any single identifiable lot / location within the Shire, any additional units to be the subject of special approval of the Council and further that this condition be included in the Shire of Plantagenet Town Planning Scheme No. 4 (20/10/98).

Financial Implications

There are no financial implications for this report.

Strategic Implications

Shire of Plantagenet Strategic Plan, under Key Result Area 4 – Development Services, aims to:

'Encourage and guide local development in accordance with the Strategic Plan and Town Planning Scheme No. 3 (as amended)' and also to,

'Protect existing rural land from inappropriate land uses.'

Officer Comment

Shire of Plantagenet Policy P.B.4 recognises that an additional dwelling on rural land may in some instances be appropriate, however no criteria are mentioned to detail these instances.

The Western Australian Planning Commission's (WAPC) adopted Statement of Planning Policy 2.5 *'Agriculture and Rural Land Use Planning'* in March 2002 which makes reference to second dwellings on rural lots. The policy lists a number of provisions that should be included in TPS3 to provide clarity and consistency in Town Planning Schemes. These provisions recognise that farm workers' accommodation should be a discretionary use that the Council could approve in the General Agriculture Zone (Rural Zone in TPS No. 3). The provisions also mentioned that additional dwelling(s) would not be supported unless the additional dwelling provides:

- (a) Accommodation for workers employed for agricultural and intensive agricultural activities on that holding;
- (b) The dwellings should be generally clustered in one location, to avoid future subdivision pressure and minimise constraints on adjoining uses; and
- (c) All services to the dwellings from the lot boundary (including access roads) are shared where practicable.

TPS3 does not specifically refer to, or define farm workers' accommodation. In the past, second dwellings on land zoned Rural have been determined within the Rural Use interpretation of the Scheme being considered as a building associated with the rural enterprise on the land.

In this instance the proposed land use is not traditionally a Rural use as defined by TPS3. However, the use is considered to reflect Rural land use qualities. The objective of TPS3, applicable to this application, is:

'To encourage and control orderly development in the Scheme Area in such a way that will promote and safeguard the health, safety, convenience, and economic and general welfare of its'(sic) inhabitants and the amenities of the area.'

It is considered the proposed second dwelling has been sited as close to the existing dwelling as practicable. The siting will limit the amount of clearing required. The siting is however distant from the existing dwelling. A condition of development consent could stipulate that subdivision would not be supported as a consequence of an approval.

Further discussions can occur with the applicant regarding access. Currently a separate access is proposed however it maybe reasonable to seek a combined access way to both dwellings in accordance with WAPC Policy.

A determination to advertise the proposal must be of an absolute majority due to the subject use not being defined in Schedule 1 or listed in the Zoning Table of TPS3.

Voting Requirements

Absolute Majority (Use Not Listed)

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr K Hart:

THAT:

- (1) The application for Worker's Accommodation at Lot 669 Craddock Road, Mount Barker be advertised in accordance with Clause 6.2.3 (a) and (b) of the Shire of Plantagenet Town Planning Scheme No. 3 for a period of twenty-one days.**
- (2) At the conclusion of the advertising period a further report be prepared for the consideration of the Council at its meeting to be held on 22 August 2006.**

CARRIED (5/2)

No. 207/06

(Absolute Majority)

9.5.6 LOT 10 LOWOOD ROAD, MOUNT BARKER – OFFICE - REAL ESTATE AGENCY

Location / Address:	Lot 10 Lowood Road, Mount Barker
Attachments: (2)	Site Plan Floor Plan
Name of Applicant:	Walton Pietropaolo Real Estate
File Reference:	RV/182/1342
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	27 June 2006

Purpose

The purpose of this report is to consider an application for an Office at Lot 10 Lowood Road, Mount Barker.

Background

Zoning:	Commercial
Lot size:	943m²
Land Use:	Office
Permissibility:	'P'
Parking Requirements:	1 bay per 40m²
Landscaping:	15% of lot area



Shire records show the registered owner to be Margaret Grace Fairlie Kinnear.

Statutory Environment

Planning and Development Act 2005
Shire of Plantagenet Town Planning Scheme No. 3 (TPS3)
Building Code of Australia 2006

Consultation

There has been no consultation for this report.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

Shire of Plantagenet Strategic Plan, under Key Result Area 4 – Development Services, aims to:

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

Officer Comment

The proposed land use is a permitted use within the Zoning Table of TPS3. The proposed application has resulted in an evaluation of the subject lot with regards to TPS3 requirements.

There is currently no provision of landscaping. Under TPS3 141.45m² is required to be landscaped. The existing building occupies approximately 186.282m² with an open verandah along the front façade. It is considered that 100m² of landscaping would be adequate for the subject lot given that there has not been any landscaping undertaken in the past.

There is currently a parking area forward of the building line. Officers are uncertain of the number of spaces available as there are no line markings. The Chief Executive Officer - Mr Rob Stewart, Works Manager - Mr Ian Bartlett and Planning Officer - Ms Marta Osipowicz undertook a site visit to determine the acceptability of parking arrangements. It was determined that an attractive landscaped feature could be designed at the intersection of Lowood Road and Marion Street, providing an inviting entry statement into the town centre. The current southern crossover would be reinstated and the kerb, the length of the subject lot and adjoining lot, could be made mountable with all parking bays being designed at 90°. It would be the responsibility of the land owner to line mark the parking bays. Discussions have occurred with the applicant and owner regarding the marking of bays and landscaping. Verbal agreement has been reached.

In this instance Officers at the Shire of Plantagenet are willing to accept the existing parking arrangement. It should be noted however, the lower tenancy requires five (5) parking spaces under TPS3. The upper floor has been approved as a 'caretaker's dwelling' in the past and can therefore be considered a residential use. The residential use would attract at least two (2) parking bays. The owner of the land should be encouraged to provide on-site parking bays but not form a requirement of the determination.

It is considered the proposed Office is acceptable and approval should be granted.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr K Clements:

That planning consent be granted in respect of Application No. 38/06 for development of a real estate office at Lot 10 Lowood Road, Mount Barker in accordance with the plans dated 26 June 2006, subject to the following conditions:

- (1) A Landscaping Plan being submitted to the Council including 100m² of landscaped area, to be undertaken by the owner, and maintained well thereafter, to the satisfaction of the Manager Development Services.**
- (2) Water reticulation being installed to maintain all plantings during summer months.**
- (3) Line markings for the existing car parking bays to be installed, at a cost to the owner, to the satisfaction of the Works Manager. Parking bays to be marked at 90° and in accordance with Australian Standards relating to car parking.**
- (4) Any onsite signage being in accordance with Clause 5.6 of the Shire of Plantagenet Town Planning Scheme.**

ADVICE NOTES:

- (i) If the development, the subject of this approval, is not substantially commenced within a period of 24 months, the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.**
- (ii) The owner is encouraged to provide seven (7) parking bays for Lot 10 Lowood Road, Mount Barker.**
- (iii) The owner is encouraged to landscape to a high standard.**
- (iv) With regards to Condition 3, the applicant and owner are informed that the Shire of Plantagenet is considering replacing the current kerb with a mountable kerb to allow vehicles to access the parking bays. Parking at 90° is considered more efficient than the current angled parking.**

CARRIED (7/0)

No. 208/06

9.5.7 LOT 542 FISHER ROAD, KENDENUP - HOME OCCUPATION - BOOKBINDING AND LEATHERWORK

Location / Address: Lot 542 Fisher Road, Kendenup
Attachments: (2) Site Plan
Floor Plan
Name of Applicant: Keith Ovans & Beatrice Inderbitzin
File Reference: RV/182/4786
Author: Marta Osipowicz - Planning Officer
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 26 June 2006

Purpose

The purpose of this report is to consider an application for Home Occupation (Bookbinding and Leatherworks) at Lot 542 Fisher Road, Kendenup.

Background

The proponent seeks approval for a Home Occupation involving the manufacture of leather goods and bookbinding.

Zoning: Rural
Use Class: Home Occupation
Permissibility: 'AA' use



Shire records show the registered owners as Keith Ovans and Beatrice Inderbitzin.

Statutory Environment

Planning and Development Act 2005
Shire of Plantagenet's Town Planning Scheme No. 3
Health Act 1911
Building Code of Australia 2006

Lot 542 Fisher Road, Kendenup – Home Occupation- Bookbinding & Leatherwork (Cont.)

The definition of Home Occupation within Town Planning Scheme No. 3 (TPS3) is as follows:

'Home Occupation – means an activity carried on with the permission of the responsible authority within a house or the curtilage of a house that:

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but within limiting the generality of the foregoing) injury or prejudicial affection due to emission of noise, vibration, smell fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products;
- (b) does not entail the employment of any person not a member of the occupier's family, except in the case of a professional person;
- (c) does not occupy more than 20 square metres;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;
- (e) is restricted in advertisement to a sign not exceeding 0.2 square metres in area; and
- (f) will not result in the requirements of a greater number of vehicle parking facilities than normally required in the zone in which it is located and will not result in a substantial increase in the amount of vehicular traffic in the vicinity.'

Consultation

There has been no consultation for this report.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The proposal indirectly contributes towards achieving the Shire of Plantagenet's Strategic Plan objective to *'encourage establishment of new businesses, which provide employment and / or service the tourist industry and contribute to the prosperity of Plantagenet.'*

Officer Comment

The applicant has nominated an area of 15m² within the dwelling where the proposed works shall be undertaken. It has been indicated the works will be hand crafted and will not involve the use of power tools or heavy machinery of any sort. The works will not produce any major wastes. It is considered the proposed home occupation will not cause nuisance or annoyance to adjoining neighbours and currently there is no proposal to sell from the subject property. A 'shop' use is an 'SA' use within a Rural zoned area. The proposed land use is in keeping with the surrounding rural locality.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr K Hart:

That planning consent be granted in respect of Application 32/06 for Lot 542 Fisher Road, Kendenup to be used for the purpose of Home Occupation (Bookbinding and Leatherworks) in accordance with plans dated 8 June 2006, subject to the following conditions:

- (1) This approval does not include the sale of goods from Lot 542 Fisher Road, Mount Barker.
- (2) The approval period is twelve (12) months from the date of the Council's decision and subject to application for annual renewal thereafter.
- (3) The 0.2m² sign allowed under the definition of Home occupation being located on the subject land.

ADVICE NOTES:

- (i) If the development, the subject of this approval, is not substantially commenced within a period of twelve (12) months, the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.
- (ii) Where, in the opinion of the Council, the Home Occupation is causing a nuisance or annoyance to neighbours or causing an adverse impact on the amenity of adjoining properties, the Council may not renew the Planning Consent and thereafter the business activities must cease.
- (iii) The definition of Home Occupation set out in Town Planning Scheme No. 3 and associated restrictions apply to this Home Occupation.

CARRIED (7/0)

No. 209/06

9.5.8 LOT 52 LOWOOD ROAD, MOUNT BARKER - SPONSORSHIP SIGNAGE

Location / Address:	Lot 52 Lowood Road, Mount Barker
Attachments: (1)	Proposed Sign
Name of Applicant:	Galafrey Wines
File Reference:	RO/50/1
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	26 June 2006

Purpose

The purpose of this report is to consider a sign application for Lot 52 Lowood Road, Mount Barker. It is proposed to erect a 2.4m by 2.6m (6.24m²) sponsorship sign 1.5m inside the northern fence of the Mount Barker Tennis Club.

Background

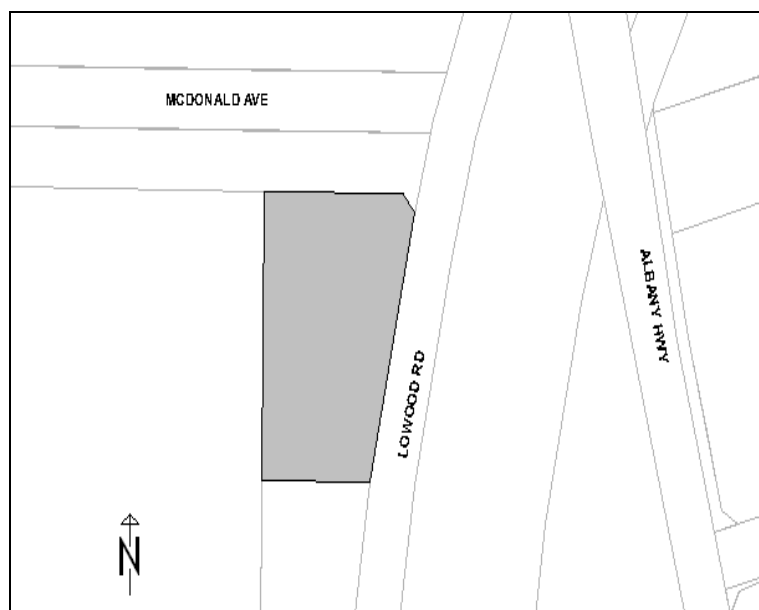
The Shire of Plantagenet owns Mount Barker Suburban Lot 52 in fee simple. The subject land is leased to the Mount Barker Tennis Club Inc for a period of twenty-one years. Lease Number 65 expires on 30 June 2017.

The Council considered an application for a sponsorship sign, at the same location, at its meeting held 22 April 2003 where it resolved:

'That planning consent be granted for Application Number 12/03 dated 28 March 2003 for a sign to be erected on Lot 52 Lowood Road, Mount Barker subject to:

- (1) Not more than 50% of the sign face to be sponsor advertising;*
- (2) Submission of structural specifications and compliance with the Building Code of Australia.'*

The previous application has expired and was not acted upon. The parameters of the proposed sign are similar to that approved by the Council previously.



Lot 52 Lowood Road, Mount Barker – Sponsorship Signage (Cont.)

The land is shown on the Scheme Map as a Local Authority Scheme Reserve for the purpose of Recreation.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3), in particular Part II Reserves and Clause 5.6 Control of Advertisements
Building Code of Australia 2006

Consultation

There has been no consultation for this report.

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 application has been submitted by Galafrey Wines, a major sponsor of the Tennis Club. The proposed sign is within a similar location to that proposed previously.

The proposed sign will be located within the property boundary, approximately 1.5m from the northern boundary, and will not interfere with traffic safety or sight lines at the intersection of Lowood Road and McDonald Avenue.

Clause 5.6 of the Planning Scheme deals with the control of advertisements. In particular, Clause 5.6.1 sets out,

'Council's objective in the control of advertising is to secure the orderly and proper planning and the amenity of the Scheme Area through the control of advertisements by the examination and determination of applications for advertising signs in the light of:

- *the impact of new advertisements upon residential, rural and recreational areas;*
- *the potential of any proposed advertisement to enhance or detract from the visual amenity and character of an area; and*
- *the potential for the rationalisation, consolidation or removal of existing advertisements where amenity is already impaired by poor, excessive or derelict advertising.'*

Clause 5.6.4 states *'Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.'*

Notwithstanding the valuable support provided to the Tennis Club by way of sponsorship and the promotion / advertising to be gained from this prominent

Lot 52 Lowood Road, Mount Barker – Sponsorship Signage (Cont.)

location, the proposal needs to be evaluated against the objectives of Town Planning Scheme No. 3. Issues of amenity and proliferation need to be considered. Lowood Road is an important entry into Mount Barker and, on this particular section of road, the Townscape Review identified concerns with confusion of signage and no real welcome. Specific initiatives of the Review include:

- Improve northern entry to town centre with welcoming direction signage;
- Remove superfluous signs.

Existing public parkland and recreation areas are relatively uncluttered by buildings and other structures and care is needed to ensure signs do not detract from their visual character or their enjoyment by the public. Given the lettering size and wording of the proposed sign, it could best be defined as a 'Remote Sign' as it is away from the business (Galafrey Wines). It is also worth noting that any approval for advertising signage on public land may set a precedent. In this instance, and given the significance of the entry road, the basis for allowing advertising on Lot 53 should be to provide information and / or direction. Therefore it may be appropriate to limit the advertising component to 50% of the sign area.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Hollingworth:

That planning consent be granted for Application Number 36/06 dated 12 June 2006 for a sign to be erected on Lot 52 Lowood Road, Mount Barker subject to:

- (1) Not more than 50% of the sign face to be sponsor advertising;**
- (2) The sign to be setback a minimum of 1.5m from the northern boundary;**
- (3) Submission of structural specifications and compliance with the Building Code of Australia.**

CARRIED (7/0)

No. 210/06

9.5.9 LOT 4813 SOUTH MARMION ROAD, MOUNT BARKER - WAPC 131490 - PROPOSED RURAL RESIDENTIAL SUBDIVISION

Location / Address:	Lot 4813 South Marmion Street, Mount Barker
Attachments: (2)	Subdivision Guide Plan (Amendment No. 34) Proposed Subdivision Plan
Name of Applicant:	Ayton Taylor Burrell on behalf of John and Margaret Gillett
File Reference:	LP/158/52
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	30 June 2006

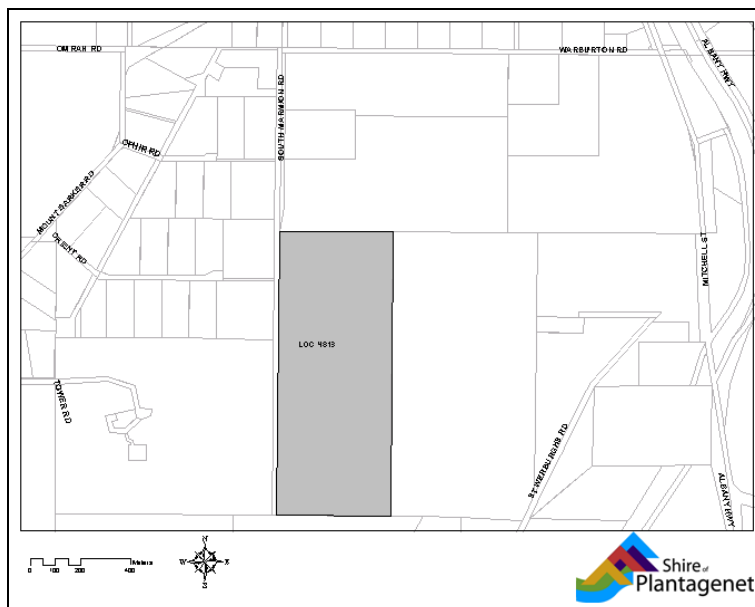
Purpose

The purpose of this report is to consider a request from the Western Australian Planning Commission (WAPC) to comment on a proposed rural residential subdivision at Lot 4813 South Marmion Road, Mount Barker.

Background

It is proposed to subdivide Lot 4813 into twenty-three Rural Residential lots ranging in area from 2.01ha to 2.88ha. Lot 4813 was the subject of Amendment No. 34 which was initiated on 17 December 2002, finalised by the Shire of Plantagenet on 26 August 2003 and certified by the Minister for Planning and Infrastructure on 26 April 2005.

Lot 4813 is 51.69ha.



Shire records indicate the owners to be John F & Margaret A Gillett.

Statutory Environment

- Planning & Development Act 2005
- Shire of Plantagenet's Town Planning Scheme No. 3 (TPS3)

Lot 4813 South Marmion Street, Mount Barker – Rural Residential Subdivision (Cont.)

- Western Australian Planning Commission Policies include:
 - *Policy No. DC 1.1 Subdivision of Land – General Principles*
 - *Policy No. DC 1.4 Functional Road Classification for Planning*
 - *Policy No. DC 2.2 Residential Subdivision*
 - *Policy No. DC 3.7 Fire Planning*

Consultation

There has been no consultation for this report.

Policy Implications

The Shire of Plantagenet 'Subdivision Development Policy Standards Specifications' adopted March 1997 apply.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The plan of subdivision is generally consistent with the Subdivision Guide Plan approved by the Shire of Plantagenet at its Council Meeting held 26 August 2003.

A site visit was undertaken by the Works Manager - Mr Ian Bartlett and Planning Officer - Ms Marta Osipowicz. South Marmion Road is approximately 900m from Mount Barker Road to the subject lot. The subdivider will be required to contribute to the upgrade of South Marmion Road from a gravel road to a sealed road. It should be noted that the lot directly north of the subject site is zoned 'Rural Residential 6' therefore further subdivision in the future can be anticipated.

The proposed subdivision will facilitate the release of additional Rural Residential lots in the Shire of Plantagenet. The proposal is supported, conditional upon the provision of standard infrastructure, including roads, drainage, power and street lighting.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr J Mark:

That the Western Australian Planning Commission be advised that the proposed subdivision of Lot 4813 South Marmion Road, Mount Barker (WAPC No. 131490) is supported subject to:

- (1) The subdivision being in accordance with plans dated 2 June 2006.**
- (2) All lots created by this application being provided with frontage to a sealed subdivisional road designed, constructed and drained at the subdivider's cost to the specifications and satisfaction of the Shire of Plantagenet. A geotechnical assessment / pavement design report shall be provided, certifying that the pavement for all subdivision roads comply with the specifications set out in the 'Shire of Plantagenet Engineering Department Subdivision Development Policy Standards**

- Specifications'. A minimum sealed and drained carriageway of 6.0m is required with 1.2m shoulders and a batter no greater than 1:3 to table drains.
- (3) Cul-de-sac heads within the subdivision shall be designed and constructed to a specification generally consistent with the standards outlined in the Institute of Municipal Engineering Australia (WA Division), Local Government Guidelines for Subdivisional Development and the 'Shire of Plantagenet Engineering Department Subdivision Development Policy Standards Specifications'.
 - (4) The Battleaxe access leg shall have a minimum paved width of 3m (within a total battleaxe leg of 4m width). Prior to construction of the battleaxe leg, plans are required to be submitted to and approved of by the Council and the battleaxe leg must be designed and constructed in accordance with the Council's standard battleaxe leg specifications. Plans must be designed and certified by a practising Civil Engineer.
 - (5) The land being filled and / or drained at the subdivider's cost to the satisfaction and specifications of the Local Authority, and any easements and / or reserves necessary for the implementation thereof, being provided free of cost to the Council and in accordance with its requirements.
 - (6) A Stormwater Drainage and Nutrient Retention Management Plan is required to be submitted to and approved by the Council. A comprehensive Drainage Analysis (report) is to be undertaken to address means of managing stormwater entering and exiting the site and retarding basins may be required to minimise stormwater runoff from the site and application of Water Sensitive Urban Design principles shall be accommodated within the subdivision.
 - (7) Prior to constructing the drainage system, plans are required to be submitted to and approved by the Council. These plans shall clearly show: invert levels, cover levels and pipe size, class, and grade and be designed / certified by a practising Civil Engineer. Approved plans are those which have been considered by the Council, duly amended to meet its requirements and endorsed as approved. At both design and construction stages, subdivisional works shall be assessed in accordance with the Institute of Municipal Engineering Australia's (WA Division) Local Government Guidelines for Subdivisional Development. The emission of noise, dust and / or sand shall be managed in accordance with Department of Environmental Protection (DEP) requirements.
 - (8) In order for the lots to be properly drained it may be necessary for the drainage system to cross through an adjoining property. A formal 'Private Drainage Easement' over the adjoining property will be required. In order to clear this condition the Council will require documentation confirming that the necessary easement has been obtained.
 - (9) Prior to carrying out any subdivisional works, plans are required to be submitted to and approved by the Council. All areas disturbed as a result of subdivisional works are to be reinstated (including the restoration and stabilising of top soil) to the satisfaction of the Council.
-

- (10) The subdivider is to provide strategic firebreaks as shown on the Subdivision Guide Plan to the satisfaction of the Council and Fire and Emergency Services Australia (FESA). The strategic firebreaks are to be designed to avoid erosion impacts and loss of vegetation and are to be constructed to a standard suitable for year round emergency access by heavy-duty fire appliances and two-wheel-drive vehicles. In the event of staged subdivision, an alternative firebreak network may be required. Strategic firebreaks shall be connected to the existing strategic firebreak network in the locality. Where gates cross strategic firebreaks, a common key system shall be installed, in liaison with Council staff. Emergency signs may need to be installed. In some circumstances, as an alternative, the Council may accept firebreaks in accordance with its Bush Fire Notice and Section 33 of the Bush Fires Act.
- (11) The subdivider providing a 50,000ltr water tank at the top of South Marmion Road or a standpipe being provided near the intersection of Mount Barker Road and South Marion Road. Water tanks and associated facilities are to be vested with the Council.
- (12) The subdivider being required to revegetate areas shown on the plan of subdivision.
- (13) The subdivider making arrangements satisfactory to the Council to ensure that prospective purchasers and successors in title are aware of those special provisions of the Council's Town Planning Scheme which relate to the use and management of the land.
- (14) The subdivider making arrangements satisfactory to the Council to ensure that prospective purchasers and successors in title are aware of the following in writing that:
- (a) sewerage is not available.
 - (b) reticulated water is not available
 - (c) an approved on-site effluent disposal system to the satisfaction of the Council and the Health Department of WA will be required to service any new development on each lot.
 - (d) commercial scale viticulture may be developed in the vicinity.
 - (e) the keeping of cats and dogs on lots adjacent to Reserve 15162 is discouraged. Measures should be taken to minimise the impacts pets have on native fauna.
- (15) Street lighting being provided at the subdivider's cost to the satisfaction of the Council.
- (16) The subdivider providing street trees in accordance with the species list and specifications set out in the Mount Barker Townscape Review.
- (17) The subdivider contributing towards the upgrading of South Marmion Road, the gravel road connecting the subdivision to the Mount Barker Road.

CARRIED (6/1)

No. 211/06

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

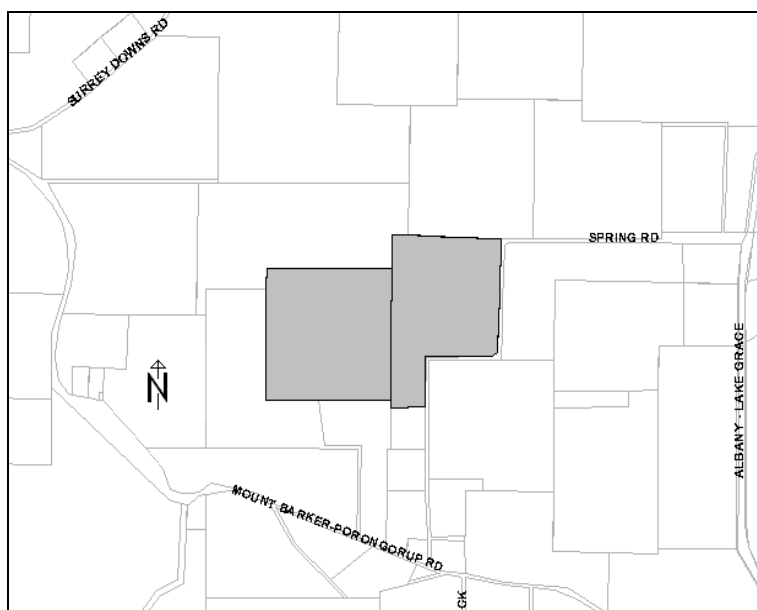
Location / Address:	Lots 2150 and 6045 Spring Road, Porongurup
Attachments: (6)	Amendment Report Execution G1 Precinct Structure Plan Site Constraints Plan Existing Zone and Proposed Zone Map Indicative Subdivision Plan
Name of Applicant:	Ayton Taylor Burrell on behalf of Dominic Casella and Greg Korovesi
File Reference:	LP/181/12
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	30 June 2006

Purpose

The purpose of this report is to consider a request to rezone Lots 2150 and 6047 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. Both lots are zoned 'Rural' under Town Planning Scheme No. 3 (TPS3). 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 Peter G and Catherina J Glen and the owners of Lot 6045 are Stephen L and Maureen E Sawyer.

Lots 2150, 6045 Spring Road, Porongurup – Amendment 39 – Rezoning From Rural To Rural Residential (Cont.)

Statutory Environment

Town Planning Scheme Amendments are prepared and processed in accordance with Section 75 of the Planning and Development Act 2005.

Following endorsement by the Western Australian Planning Commission (WAPC) the Porongurup Rural Strategy was adopted by resolution of the Council on 23 September 1997 as the Shire of Plantagenet Town Planning Policy No. 11 under Clause 7.6 of Town Planning Scheme No. 3.

Statement of Planning Policy No. 2.5 '*Agricultural and Rural Land Use Planning*' March 2002 (SPP 2.5) made under former Section 5AA of the Town Planning and Development Act applies together with the revised Policy No. DC 3.4 '*Subdivision of Rural Land*' (March 2002).

Clause 3.2 of the Shire of Plantagenet Town Planning Scheme No. 3 sets out specific requirements for the creation of Rural Residential zones.

Consultation

Discussions have taken place between the Development Services staff, the landowners' consultant and officers from the Department for Planning and Infrastructure.

The process for consultation and formal advertising of amendments to Town Planning Schemes is set out in the Planning and Development Act 2005.

Should the Council resolve to initiate the Amendment, it will be referred to the Department of Environmental Protection (DEP) to determine, within twenty-eight days, whether formal assessment is required. Pending the decision from the DEP and the WAPC, the Amendment will be formally advertised over a period of forty-two days. This includes placing a sign on the subject land, advertising in local newspapers and writing to adjoining landowners and relevant agencies.

All submissions must be taken into consideration by the Council and reported to the Western Australian Planning Commission (WAPC) and the Minister for Planning and Infrastructure for determination.

Policy Implications

The Porongurup Local Rural Strategy has been adopted as a Town Planning Policy, in accordance with the provisions of Town Planning Scheme No. 3.

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

Financial Implications

Should the Council support this request to rezone the subject land, costs associated with advertising will be incurred. The proponent has paid the Council's Amendment Application Fee of \$3,300.00.

Strategic Implications

The Porongurup Local Rural Strategy provides a framework and overall objectives to guide the future development and subdivision of private land in the Porongurup locality. It is a Strategic Planning Document.

Lots 2150 and 6047 Spring Road, Porongurup are within the G1 Precinct of the Porongurup Local Rural Strategy. Within this Precinct the Strategy indicates that

Lots 2150, 6045 Spring Road, Porongurup – Amendment 39 – Rezoning From Rural To Rural Residential (Cont.)

subject to a number of management issues being addressed, the Council may support applications to rezone the land for rural residential development.

SPP 2.5 seeks to '*protect agricultural land from those developments and influences that lead to its alienation or diminished productivity.*' In addition to the 'General Agricultural' zone, it also advocates the following zonings: 'Priority Agriculture', 'Rural Smallholdings' and 'Rural Residential'. Policy No. DC 3.4 sets out that the Commission will only approve subdivision for intensive agriculture, rural smallholdings and rural residential where the land is identified in an endorsed strategy and zoned in a Town Planning Scheme.

The Council has an obligation to comply with SPP 2.5 and ultimately will need to bring its various Strategies and the Town Planning Scheme into line with State and Regional planning instruments.

Officer Comment

The Porongurup Local Rural Strategy is the most relevant planning document in terms of providing guidelines for the potential development of Lots 2150 and 6047 Spring Road, Porongurup. The Strategy specifies that proposals for rezoning / subdivision must be based on a detailed assessment of landform and soils and shall conform with the overall Structure Plan.

A structure Plan for the G1 Precinct has been prepared and adopted. The overall aim of the Precinct Structure Plan is of the following nature:

'To provide for rural residential and rural small holding development while at the same time addressing key environmental issues such as conservation of remnant vegetation, protection and revegetation of drainage lines, creation of flora & fauna corridors, management of erosion and salinity, protection of view corridors, rural landscape and management of bush fire threat.'

The key elements of the Precinct Plan relate to:

- Development based on a maximum density of one dwelling per 4ha;
- Rural Residential lots (minimum 2ha) to be located on poorer, cleared agricultural land;
- Rural Small Holdings (minimum 4ha) to be located on good agricultural land capable of supporting productive agricultural uses;
- The identification of vegetation corridors;
- Strategic firebreaks;
- Setback requirements from drainage lines and water bodies; and
- Protecting the tree lined, remnant vegetation, character of Spring Road.

The Amendment submission addresses landform and soils, water resources, land capability, nutrient export, erosion risk, salinity risk, bushfire control, remnant vegetation and landscape values, visual impact, land use conflict, services and infrastructure. Section 8 of the Amendment Report discusses the rationale for the proposed development and cites '*the preparation of the proposed subdivision guide plan for the subject land is based on the aims and recommendations of the Precinct Plan.*' Taking into account water supply, fire safety, roads and vegetation, eight (8) lots ranging in size from 4.5ha to 15.5ha are proposed.

The proposal is considered to be consistent with the objectives of the Porongurup Local Rural Strategy, the Aims of the Indicative Precinct Plan, WAPC Policy No. DC

Lots 2150, 6045 Spring Road, Porongurup – Amendment 39 – Rezoning From Rural To Rural Residential (Cont.)

3.4 'Subdivision of Rural Land' and Statement of Planning Policy No. 2.5 'Agricultural and Rural Land Use Planning.' The land capability assessment confirms the land is capable of accommodating rural residential development. Issues identified in the Local Rural Strategy have been addressed and appropriate provisions incorporated in the rezoning documentation.

The request to initiate rezoning of Lots 2150 and 6047 Spring Road, Porongurup from 'Rural' to 'Rural Residential' is supported.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr K Hart:

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.

MOTION TO ADJOURN THE MEETING

Moved Cr J Moir, seconded Cr K Hart:

4.15pm That the meeting be adjourned until 4.25pm.

CARRIED (7/0)

No. 212/06

4.25pm The Meeting resumed.

Lots 2150, 6045 Spring Road, Porongurup – Amendment 39 – Rezoning From Rural To Rural Residential
(Cont.)

Attendance

Cr J Cameron	Rocky Gully/West Ward
Cr J Moir	South Ward
Cr K Clements	Town Ward
Cr K Hart	Kendenup Ward
Cr M Skinner	East Ward
Cr B Hollingworth	Town Ward
Cr J Mark	Town Ward
Mr R Stewart	Chief Executive Officer
Mrs K Skinner	Executive Secretary
Ms Nicole Selesnew	Manager Community Services

There were four (4) members of the public present.

The Question was put:

CARRIED (7/0)

No. 213/06

**9.5.11 PT LOTS 756, 1233 AND 1234 ALBANY HIGHWAY, MOUNT BARKER -
POTENTIAL SCHEME AMENDMENT - 'CATS CREEK'**

Location / Address:	Pt Lots 756, 1233 and 1234 Albany Highway, Mount Barker
Attachments: (1)	Site Plan
Name of Applicant:	Yaran Pty Ltd
File Reference:	RV/182/115
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	29 June 2006

Purpose

The purpose of this report is to consider an initial proposal for a Scheme Amendment for Pt Lots 756, 1233 and 1234 Albany Highway, Mount Barker from 'Rural' to 'Residential'.

Background

The applicant has approached the Shire of Plantagenet with a proposal to rezone Lots 756, 1233 and 1234 Albany Highway, Mount Barker. The applicant makes the following comments in support of the potential rezoning:

- *'Less fragmented landownership;*
- *Capable of being serviced with infrastructure for subdivision;*
- *Directly opposite the education/ recreation node which shall include the High School, Primary School, TAFE campus and Community Recreation Centre;*
- *Logical northward extension of the townsite, the same distance from the town centre as residential zoned land to the south;*
- *Would provide a northern entry statement to the Mount Barker townsite;*
- *Adjoining existing 60kmh zone on Albany Highway; and*
- *Limited existing viability for rural purposes.'*

The applicant has provided preliminary indications regarding proposed lot sizes. The lot sizes proposed are 2,000m². The total lot area of 756, 1233 and 1234 is 72.9ha.

Shire records indicate the owner is Harry Cyril Reeves.

Statutory Environment

- Planning and Development Act 2005
- Shire of Plantagenet Town Planning Scheme No. 3 (TPS3)
- Western Australian Planning Commission (WAPC) documents of relevance:
 - Statement of Planning Policy No. 1 (SPP1) *'State Planning Framework Policy'*
 - Statement of Planning Policy No. 3 (SPP3) *'Urban Growth and Settlement'*
 - *'Development Control Policy Guidelines for the Preparation of Local Structure Plans for Urban Release Areas'*

Pt Lots 756, 1233, 1234 Albany Highway, Mount Barker – Potential Scheme Amendment – Cats Creek
(Cont.)

Consultation

Consultation with various stakeholders would be required as part of the Amendment process.

If a preliminary report is prepared and submitted by the applicant, the Council is able to reserve the right to refer the report to the Department for Planning and Infrastructure for its consideration.

Policy Implications

The Mount Barker Townsite Strategy and the Mount Barker Local Rural Strategy do not identify the subject lot for potential urban or rural-residential development. The applicant will need to satisfy the Council that urban development should be permitted on the subject lots.

Financial Implications

There are no financial implications for this report.

Strategic Implications

Shire of Plantagenet Strategic Plan, under Key Result Area 4 – Development Services, aims to:

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

Officer Comment

The proponent has approached the Council with a preliminary proposal to amend Lots 756, 1233 and 1234 Albany Highway, Mount Barker from ‘Rural’ to ‘Residential’. The proposal could include Lot 101 to the south of Lot 756.

The Shire of Plantagenet is currently reviewing Town Planning Scheme No. 3. There has been no indication thus far that the Mount Barker townsite should expand north of the future Mount Barker Bypass. There is a significant amount of urban land within the Townsite whereby consolidation is a reasonable direction. The two (2) current strategic documents do not identify expansion to the north. The proponent has to undertake research and prepare a report in accordance with WAPC Policies before any informed decision can be made.

The critical legislative documents applicable in this instance are SSP1, SPP3 and Development Control Policy Guidelines for the Preparation of Local Structure Plans for Urban Release Areas. There are other regional and strategic documents of relevance, such as the Lower Great Southern Strategy, State Sustainability Strategy, and Housing Strategy of WA.

SPP1 sets out the broad state planning framework whereby there are five (5) critical elements:

- Environment;
- Community;
- Economy;
- Infrastructure; and
- Regional Development.

The objectives of SPP3 are:

Pt Lots 756, 1233, 1234 Albany Highway, Mount Barker – Potential Scheme Amendment – Cats Creek
(Cont.)

- *'To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.*
- *To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.*
- *To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.*
- *To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand while ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.*
- *To coordinate new development with the efficient, economic and timely provision of infrastructure and services.'*

It is important to acknowledge that SPP3 'Urban Growth and Settlement' also states,

'Speculative proposals for new urban subdivision and development in areas not identified in regional and local planning strategies and land release plans will not generally be supported.'

The proponent seeks 'in-principle' support. Effectively, the proponent is required under Statement of Planning Policies No. 1 and No. 3 to undertake extensive research prior to the Local Government indicating its 'in-principle' support. This is equally applicable to density. Without sufficient information the Council cannot adequately comment on an acceptable density. In order for the Council to make an informed planning decision the proponent must justify the proposed urban growth.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

That the proponents of a Scheme Amendment to rezone Pt Lots 756, 1233 and 1234 Albany Highway, Mount Barker from 'Rural' to 'Residential' be advised that the Shire of Plantagenet is prepared to receive a submission in accordance with Statement of Planning Policy No. 1, Statement of Planning Policy No. 3 and Development Control Policy Guidelines for the Preparation of Local Structure Plans for Urban Release Areas as published by the Western Australian Planning Commission.

CARRIED (5/2)

No. 214/06

9.5.12 LOT 11 FORSTER ROAD, KENDENUP - APPLICATION FOR TEMPORARY ACCOMMODATION

Location / Address:	Lot 11 Forster Road, Kendenup
Attachments: (2)	Site Plan Locality Plan
Name of Applicant:	A Clark
File Reference:	RV/182/4581
Author:	Eric Howard - Environmental Health Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	28 June 2006

Purpose

The purpose of this report is to consider an application for Temporary Accommodation at Lot 11 Forster Road, Kendenup.

Background

An application has been received from the owner of Lot 11 Forster Road, Kendenup seeking approval to occupy a caravan located on that Lot for a period of twelve (12) months during the construction of the Class 1a dwelling, also located on that Lot.

A Building Licence has been issued for a Class 1a dwelling (Building Licence No. 2601). The applicant has requested that the requirement to install and connect the temporary accommodation wastewater fixtures and plumbing to the septic system designed and approved for use with Class 1a dwelling be waived because he believes he will not require those sanitary fixtures and wastewater disposal from the temporary accommodation. The applicant has advised that he intends to utilise a chemical toilet located within the caravan, shower at a neighbour's premises and take dirty laundry home each weekend.

Statutory Environment

Caravan Parks and Camping Ground Regulations 1997 states as follows:

'11(2) Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —

- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
- (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
- (c) despite paragraph (b), by the local government of the district where the land is situated —*
 - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and*

Lot 11 Forster Road, Kendenup – Application For Temporary Accommodation (Cont.)

- (ii) *if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.*

13. *Before giving approval under 11(2) or 12(2), the local government or the minister is to be satisfied that the land is a suitable place for camping especially with respect to –*

- (a) *safety and health, and*
(b) *access to services.'*

Shire of Plantagenet –

'Application For Temporary Accommodation' Guidelines.

Part 6. Ablution facilities are to consist of:

- *Water closet (toilet pedestal – chemical toilets are not acceptable);*
- *Shower;*
- *Wash trough; and*
- *Kitchen sink.*

Part 7. Details of an approved effluent disposal system: (the system for the dwelling should be used for the temporary accommodation).'

Consultation

There has been no consultation for this report.

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 applicant wishes to reside on site during the construction of the Class 1a dwelling to maintain site security and to expedite the building project.

The applicant has requested that the Council waive the requirement to install and connect the Class 1a dwelling's septic system to the temporary accommodation ablution facilities, on the grounds that alternative arrangements have been made for his sanitation needs off-site and consequently the likelihood of a nuisance being created from sewage and liquid wastes associated with his temporary occupation would be negligible.

The Shire of Plantagenet 'Application For Temporary Accommodation Guidelines' require temporary accommodation facilities be provided with basic sanitary fixtures connected to the septic system approved and installed for use with the Class 1a dwelling.

It is reasonable to expect occupation of the site (temporarily or otherwise) will result in volumes of wastewater being produced from cooking and other associated incidental uses and therefore an approved system for the treatment and disposal of

Lot 11 Forster Road, Kendenup – Application For Temporary Accommodation (Cont.)

sewage and liquid wastes should be installed and connected to the temporary accommodation facilities.

The Caravan Parks and Camping Regulations 1997, states that before giving approval under Regulation 11(2) or 12(2), the local government or the minister is to be satisfied that the land is a suitable place for camping especially with respect to – safety and health and access to services. The provision of adequate sanitary fixtures, fittings, treatment and disposal is an essential health and safety requirement.

Approval to occupy temporary accommodation should be subject to compliance with the provisions of the Shire of Plantagenet Application For Temporary Accommodation Guidelines.

It is expected that the Class 1a dwelling will be constructed to a habitable standard within twelve (12) months and therefore temporary accommodation will be required for a period of between six (6) and twelve (12) months.

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

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr K Hart:

That approval be granted to A Clarke to occupy temporary accommodation at Lot 11 Forster Road, Kendenup for a maximum period of twelve (12) months from the 11 July 2006 subject to:

- (1) The construction and installation of an effluent disposal system approved for use with the Class 1a dwelling being connected to ablution facilities incorporating an approved water closet and other wastewater fixtures in accordance with the provisions of the Shire of Plantagenet 'Application For Temporary Accommodation' Guidelines document.**
- (2) Approval to commence occupation of the temporary accommodation is subject to inspection and certification by Council's Environmental Health Officer that the facility meets all health and safety standards.**
- (3) Satisfactory progress being achieved with the construction of the Class 1a dwelling.**

CARRIED (7/0)

No. 215/06

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

4.40pm The Acting Presiding Member declared the meeting closed.

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