



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2.45pm Tuesday 14 November 2006

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.46pm The Presiding Member declared the meeting open.

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

Mr Rob Stewart then read aloud the following disclaimer:

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

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

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

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

Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Williss	Deputy Shire President - East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr J Moir	South Ward
Cr K Clements	Town Ward
Cr J Mark	Town Ward
Cr K Hart	Kendenu Ward
Cr M Skinner	East Ward
Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Mr I Bartlett	Manager Works and Services
Mr P Duncan	Manager Development Services
Ms N Selesnew	Manager Community Services
Mrs K Skinner	Executive Secretary

Previously Approved Leave of Absence

Cr B Hollingworth 17 August – 23 November 2006 inclusive

There were seven (7) members of the public present.

There were no members of the media present.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

4.1 Town Planning Scheme No 3 – Amendment No 40 – Windfarm (LP/181/11)

Andrew Woodroff advised Councillors that he was available to answer questions on the proposal if necessary. (See Item 9.3.5)

4.2 Scott Drummond – Porongurup (RO/50/11)

Mr Drummond, on behalf of the Porongurup Community Association, congratulated Shire workers on the great job that has so far been done on the local footpath. The footpath has been of concern in the district for some time with tourists walking down the road and trucks coming down the hill.

Mr Drummond expressed appreciation to Mr Rob Stewart - Chief Executive Officer and Councillors David Williss and Michael Skinner for attending meetings with the community, Timbercorp and Water Corporation.

Mr Drummond noted that this participation achieves a healthier understanding and hopefully, appropriate outcomes.

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

5.1 Smart Start In Plantagenet – Mrs Sandy Grylls (RC/125/2)

Mrs Grylls read aloud the following:

'So What Is Smart Start?'

Put simply, Smart Start is a family support program for families with children aged 0-4 years old. Our aim is to assist families in stimulating their babies and toddlers leading to maximised brain growth and potential.

Long term goals included greater community potential and a more stable, positive and innovative community. There is evidence to support the notion that every dollar spent in the early years saves \$8.00 later.

How Do We Support Families?

When a child is born in the Plantagenet Shire, the Child Health Nurse visits and gives new parents a registration form and a free book. Upon receiving registrations an information package is then sent to each family. Then, on each birthday, the family receives updates of information and an age

appropriate book. We have further extended the program to include dental products with the support of local dentist Dr Iris Messmer.

Each quarter we hold an information morning. So far we have held sessions on:

- Play – it's child's work;
- baby massage;
- making homemade toys;
- first aid for littlies;
- the importance of reading to your child; and
- fun and games.

Together with Ngala Parenting Centre in Perth and the Department of Community Development funding, we were able to hold a two (2) day event on understanding children's development and guiding children's behaviour.

We have also held Christmas parties.

Each quarter, families also receive a Newsletter with information relating to the morning sessions and useful contacts and websites.

This quarter we are holding a session at Kendenup Playgroup about 'Food & Eating'.

Since I first began hearing of this program in 2002 and addressed the Council in November 2003, we have become one of the most successful projects in the Great southern; boasting over 120 registrations. Our success is due to the continuing financial support of our generous Shire, Bendigo Bank and the Education Department which funds the co-ordinator's time and a contingencies budget for stationery, printing etc.

We are monitoring the project using the Australian Early Development Index however, at this stage, none of our Smart Starters have reached pre-primary age when they can be tested. Next year (2007) will see the first of our Program's children through.

We have also established a Smart Start collection at the Mount Barker Public Library. It boasts books and DVDs on parenting and more recently, age appropriate books for children which will extend the library's collection.

Today I just wanted to say thank you for your foresight in supporting this ongoing project and let you know where the money is being spent.'

5.2 Public Information Meeting – Mrs Heather Adams (CR/103/8)

Mrs Adams read aloud the following:

'I was one of the many Shire residents who attended the Public Information Meeting held by the Shire Council on 17 October 2006. There is no doubt that managing our Shire and catering to the needs of many different groups is a complex business and it was good to have the opportunity to become better informed. I believe that our Shire Council is made up of capable and very dedicated people who carry out their duties to the best of their ability. It is important to be mindful of the tremendous commitment the Councillors make on our behalf and consider whether we would be prepared to make that commitment ourselves before we become to critical. However, it is also important that our Shire Councillors take into consideration, the views and opinions of the public that they represent.

It is a concern that the services and sporting facilities in our town are so fragmented. This may have happened because there were few options in the past but it would be tremendous to have a plan, which may look ahead to ten or twenty years time which would allow these facilities to be grouped together into the future. There are a number of other towns in our region which have been very successful in this regard.

The reason for this letter is that there are two (2) proposals being considered by the Shire Council at the moment which, in my opinion, would be decisions made for the short term with little regard for long term strategic planning and which would lead to further fragmentation of facilities rather than less.

The first is the sale of the building where the library is currently housed – the old Recreation Centre. This block of land, together with the tennis courts and Sounness Park is a very strategic piece of land and I feel strongly that it should be kept in its entirety so that it can be developed to meet the future needs of our sporting groups in an integrated way. It may not happen this year or the next but if there are enough people to stay true to the vision, it will happen just as it is now starting to happen with the Mount Barker Community College. It is likely that a purpose built library will eventually be built near the Shire offices but it was very clear from the Public Information Meeting that in the short term, library users would like to keep the library just where it is.

The other proposal that concerns me, and I acknowledge that discussions are only in the early stages, is that the Shire could build a Medical Centre on the land adjacent the currently library building. I feel this would be inappropriate, again for the reason that this land should be kept for the future development of the community's sporting facilities. Wouldn't it also be better to be planning for the future, in a more integrated way, for our health services as well?'

Heather thanked the Council for their time and asked them to seriously consider these matters.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Hart requested Leave of Absence for the period 15 November to 8 December 2006 inclusive.

Cr Mark requested Leave of Absence for the period 16 November to 24 November 2006 inclusive.

Moved Cr J Cameron, seconded Cr M Skinner:

THAT:

- (1) Councillor Hart be granted Leave of Absence for the period 15 November to 8 December 2006 inclusive.**
- (2) Councillor Mark be granted Leave of Absence for the period 16 November to 24 November 2006 inclusive.**

CARRIED 8/0

No. 376/06

7 CONFIRMATION OF MINUTES

Moved Cr J Mark, seconded Cr D Williss:

That the Minutes of the Ordinary Meeting of the Council held 10 October 2006 be confirmed.

CARRIED 8/0

No. 377/06

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 30.10.06 – Cr Kevin Forbes – Shire President and Mr Rob Stewart – Chief Executive Officer met with Mr Mike Wallwork - Acting Commissioner for Main Roads WA, Mr John Marmion - Executive Director Road Network Services, Mr Des Snook - Director Heavy Vehicle Operations, Mr Mark Walker – Manager Heavy Haulage Operations, Cr K Pech - Shire of Gnowangerup and Cr R Thomson - Shire of Woodanilling. A letter of support from Kojonup was used as well. I believe that we had a good hearing and that there will be substantial improvements in finalising heavy haulage routes throughout the Great Southern with relation to three (3) year purpose permits.
North Woogenellup Road is now a road train route.
- 7.11.06 – Cr Forbes and Mr Stewart met with Minister Chance in relation to funding for the Great Southern Regional Cattle Saleyards. Minister Chance advised that there would be funding available after the sale of land at Midland Saleyards site. The government had a saleyards policy and would be meeting with representatives from the Shire of Katanning the next day. Finalisation of the tender price for the Muehea facility is also a current issue.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE SERVICES REPORTS

9.1.1 POLICY REVIEW – FINANCIAL ASSISTANCE (CAPITAL) TO ORGANISATIONS AND CLUBS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CS/DG/1
Author:	John Fathers – Deputy Chief Executive Officer
Authorised By:	John Fathers – Deputy Chief Executive Officer
Date of Report:	4 November 2006

Purpose

The purpose of this report is to review Council Policy No. CS/DG/1 – Financial Assistance (Capital) to Organisations and Clubs.

Background

This Policy was adopted by the Council at its meeting held 12 February 2002 to give the community guidelines for preparing a submission for financial assistance for a capital project as part of the Council's annual budget process. The Policy was endorsed by the Council at its meeting held 11 February 2003.

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has taken place with Ms Nicole Selesnew - Manager Community Services.

Policy Implications

The adoption of this recommendation will reaffirm the Council's current Policy.

Financial Implications

There are no immediate financial implications for this report. Council Policy No. CS/DG/1 forms part of the annual budget process.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

This policy has worked well since the 2002 / 3003 financial year. Feedback from users of this Policy has been positive as it helps to clarify the criteria for seeking funds from the Council for capital projects. The Policy has been amended slightly for grammatical consistency.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr J Moir, seconded Cr K Hart:

That amended Council Policy No. CS/DG/1 as follows:

OBJECTIVE:

To assist clubs and organisations in improving Community based facilities.

POLICY:

This policy relates to financial assistance by the Council to incorporated organisations and clubs occupying land owned by, or vested in the Council. Financial assistance will not be given to clubs and organisations occupying Crown Land not vested in the Council or private property. This policy shall only apply where works of a capital nature are being undertaken.

Organisations and clubs are not to expect as a right any financial assistance from the Council, as requests will only be considered in respect to the overall priorities of other projects within the Shire and will also be subject to the availability of finance.

Funds will only be provided for capital works on the subject land and ownership of all infrastructure ultimately vests in the Council on behalf of the Community.

(1) Funding Contributions

- (a) As the proposed facility will benefit the community as well as the group concerned, the Council may assist in three way, equal shares, comprising of the organisation, the Council and another funding body. Under this arrangement the Council's contribution is limited to 33.33% of the total project cost and may include the provision of materials, staff time, and loans of plant and equipment so long as the combination of the dollar value of the in kind support plus financial contribution does not exceed 33.33% of the total project cost.
- (b) In other circumstances the Council may consider a contribution larger than the above. It will be the responsibility of the group concerned to prove to the Council that a larger contribution is justified and reasonable and / or that third party funding as in (a) above was not available.
- (c) Eligible organisations must demonstrate, at the time of submission of applications, that their contribution will be available for the project under consideration, and that any in kind contribution is demonstrably a substitute for a component in the project budget, with some evidence that the support will be forthcoming.

(2) Pre-requisites of Financial Assistance

- (a) Requests for financial assistance should be received before the closing date (as advertised in local newspapers each February).
- (b) Funding will not be provided for retrospective works.

Policy Review – Financial Assistance (Capital) To Organisations & Clubs (Cont.)

- (c) Organisations should also make application to the appropriate State or Federal fund for assistance (if applicable).
- (d) The organisation or club must demonstrate to the Council that there is sufficient expertise within the organisation, or available to it, to provide appropriate plans and specify accurately materials and services required to complete the project.
- (e) Funds will only be released after documentary proof of expenditure is submitted.

(3) Prioritising Applications

The Council will determine its total financial commitment to community funding for the upcoming financial year, as part of its budget preparation and may exclude projects on the basis that it cannot be accommodated in the budget. The Council reserves the right to refuse to make available funding for projects under the following circumstances:

- (a) When the Council believes that the proposal for funding is not a high priority;
- (b) When the Council considers that its financial commitments for the upcoming financial year preclude it from making funding available;
- (c) When the proposal will lead to an unacceptable ongoing financial commitment by the Council;
- (d) When the ongoing management of the capital items is unclear or places an unacceptable burden on Council staff and resources;
- (e) When the legal and / or financial status of the organisation or
- (f) clubs is in doubt;
- (g) Where the applicant cannot demonstrate that it can provide adequate expertise to prepare appropriate plans and / or to specify accurately materials and services required for the project.

Applicants need to be aware of, and comply with, the funding requirements of third party funding bodies (eg: State and Federal Government) and ensure that the Council is also made aware of those requirements.'

be endorsed.

AMENDMENT:

Moved Cr D Williss, seconded Cr J Cameron:

That in part (2)(a) the word 'should' be deleted and be replaced with the word 'shall'.

CARRIED 8/0

No. 378/06

COUNCIL DECISION

That amended Council Policy No. CS/DG/1 as follows:

OBJECTIVE:

To assist clubs and organisations in improving Community based facilities.

POLICY:

This policy relates to financial assistance by the Council to incorporated organisations and clubs occupying land owned by, or vested in the Council. Financial assistance will not be given to clubs and organisations occupying Crown Land not vested in the Council or private property. This policy shall only apply where works of a capital nature are being undertaken.

Organisations and clubs are not to expect as a right any financial assistance from the Council, as requests will only be considered in respect to the overall priorities of other projects within the Shire and will also be subject to the availability of finance.

Funds will only be provided for capital works on the subject land and ownership of all infrastructure ultimately vests in the Council on behalf of the Community.

(1) Funding Contributions

- (a) As the proposed facility will benefit the community as well as the group concerned, the Council may assist in three way, equal shares, comprising of the organisation, the Council and another funding body. Under this arrangement the Council's contribution is limited to 33.33% of the total project cost and may include the provision of materials, staff time, and loans of plant and equipment so long as the combination of the dollar value of the in kind support plus financial contribution does not exceed 33.33% of the total project cost.
- (b) In other circumstances the Council may consider a contribution larger than the above. It will be the responsibility of the group concerned to prove to the Council that a larger contribution is justified and reasonable and / or that third party funding as in (a) above was not available.
- (c) Eligible organisations must demonstrate, at the time of submission of applications, that their contribution will be available for the project under consideration, and that any in kind contribution is demonstrably a substitute for a component in the project budget, with some evidence that the support will be forthcoming.

(2) Pre-requisites of Financial Assistance

- (a) Requests for financial assistance shall be received before the closing date (as advertised in local newspapers each February).
- (b) Funding will not be provided for retrospective works.

Policy Review – Financial Assistance (Capital) To Organisations & Clubs (Cont.)

- (c) Organisations should also make application to the appropriate State or Federal fund for assistance (if applicable).
- (d) The organisation or club must demonstrate to the Council that there is sufficient expertise within the organisation, or available to it, to provide appropriate plans and specify accurately materials and services required to complete the project.
- (e) Funds will only be released after documentary proof of expenditure is submitted.

(3) Prioritising Applications

The Council will determine its total financial commitment to community funding for the upcoming financial year, as part of its budget preparation and may exclude projects on the basis that it cannot be accommodated in the budget. The Council reserves the right to refuse to make available funding for projects under the following circumstances:

- (a) When the Council believes that the proposal for funding is not a high priority;
- (b) When the Council considers that its financial commitments for the upcoming financial year preclude it from making funding available;
- (c) When the proposal will lead to an unacceptable ongoing financial commitment by the Council;
- (d) When the ongoing management of the capital items is unclear or places an unacceptable burden on Council staff and resources;
- (e) When the legal and / or financial status of the organisation or
- (f) clubs is in doubt;
- (g) Where the applicant cannot demonstrate that it can provide adequate expertise to prepare appropriate plans and / or to specify accurately materials and services required for the project.

Applicants need to be aware of, and comply with, the funding requirements of third party funding bodies (eg: State and Federal Government) and ensure that the Council is also made aware of those requirements.'

be endorsed.

CARRIED 8/0

No. 379/06

9.1.2 POLICY REVIEW – FINANCIAL ASSISTANCE (OPERATING) TO ORGANISATIONS, CLUBS AND INDIVIDUALS

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	CS/DG/2
Author:	John Fathers – Deputy Chief Executive Officer
Authorised By:	John Fathers – Deputy Chief Executive Officer
Date of Report:	4 November 2006

Purpose

The purpose of this report is to review Council Policy No. CS/DG/2 – Financial Assistance (Operating) to Organisations, Clubs and Individuals.

Background

This policy was adopted by the Council at its ordinary meeting held 12 February 2002 to give the Community guidelines for preparing a submission for financial assistance as part of the Council's annual budget process. The policy was endorsed by the Council at its meeting held 11 February 2003.

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has taken place with Ms Nicole Selesnew - Manager Community Services.

Policy Implications

The adoption of this recommendation will reaffirm the Council's current policy.

Financial Implications

There are no immediate financial implications for this report. Council Policy No. CS/DG/2 forms part of the annual budget process.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

This Policy has been well utilised in the budget adoption process since the 2002 / 2003 financial year. It is considered that the criteria contained within the Policy is general enough to capture the wide range of requests received, yet still ensures that the Council's scarce financial resources are directed towards improving the quality of life for all residents within the Shire of Plantagenet. The Policy has been amended slightly for grammatical consistency.

Voting Requirements

Simple Majority.

OFFICER'S RECOMMENDATION

That amended Council Policy No. CS/CG/2 as follows:

OBJECTIVE:

To assist clubs, organisations and individuals in meeting their objectives for the benefit of the residents of Plantagenet.

POLICY:

The Council will prioritise applications based on what it believes will provide the greatest overall benefit to the quality of life of the residents of the Shire of Plantagenet. Generally, preference will be given to applications for funding from organisations or clubs which meet as many of the following criteria as possible:

- (1) Based in the Shire of Plantagenet, or benefit residents within the Shire;
- (2) Can clearly identify the group(s) who will benefit from the funding;
- (3) Be actively operating and meeting on a regular basis; and
- (4) Can demonstrate that the funding from the Council will improve their ongoing financial viability and financial independence and / or the promotion of the district.

Requests for financial assistance should be received before the closing date (as advertised in local newspapers each February). Organisations and clubs will be notified of the result of their application immediately following the adoption of the Council's annual budget.

The Council will determine its total financial commitment to community funding for the upcoming financial year, as part of its budget preparation, and may exclude projects on the basis that it cannot be accommodated in the budget.'

be endorsed.

COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Moir:

That amended Council Policy No. CS/CG/2 as follows:

OBJECTIVE:

To assist clubs, organisations and individuals in meeting their objectives for the benefit of the residents of Plantagenet.

POLICY:

The Council will prioritise applications based on what it believes will provide the greatest overall benefit to the quality of life of the residents of the Shire of Plantagenet. Generally, preference will be given to applications for funding from organisations or clubs which meet as many of the following criteria as possible:

- (1) Based in the Shire of Plantagenet, or benefit residents within the Shire;
- (2) Can clearly identify the group(s) who will benefit from the funding;
- (3) Be actively operating and meeting on a regular basis; and

Policy Review – Financial Assistance (Operating) To Organisations, Clubs & Individuals (Cont.)

- (4) Can demonstrate that the funding from the Council will improve their ongoing financial viability and financial independence and / or the promotion of the district.

Requests for financial assistance shall be received before the closing date (as advertised in local newspapers each February). Organisations and clubs will be notified of the result of their application immediately following the adoption of the Council's annual budget.

The Council will determine its total financial commitment to community funding for the upcoming financial year, as part of its budget preparation, and may exclude projects on the basis that it cannot be accommodated in the budget.'

be endorsed.

CARRIED 8/0

No. 380/06

Reason For Change

Council decided that the word 'should' required changing to the word 'shall' in the penultimate paragraph of the Policy to ensure that requests for financial assistance were received by the closing date.

9.1.3 LOT 6052 PORONGURUP - SUBDIVISION - WAPC NO. 130712 - ROAD NAMES

Location / Address:	N / A
Attachments:	Map of Proposed Road Names Map of Future Redevelopment
Name of Applicant:	John Kinnear and Associates
File Reference:	RO/107/11; LP/158/41
Author:	Donna Stevens - Senior Administration / Human Resources Officer
Authorised By:	John Fathers - Deputy Chief Executive Officer
Date of Report:	30 October 2006

Purpose

The purpose of this report is to consider road name proposals for unnamed roads within the subdivision of Lot 6052 Porongurup.

Background

A road name proposal has been received from John Kinnear and Associates on behalf of subdivision developers, Mursett Group Holding Pty Ltd for the existing and new road reserves within the Lot 6052 Porongurup subdivision.

It has been proposed that:

- 'Verazzi View' be applied to the unnamed section of road on the north side of Lot 4853 and to the new main road within the subdivision; and
- 'Beech Court' be applied to the short cul-de-sac providing access to lots 803, 804 and 806.

Attachment 1 is a plan showing the proposed names.

Both Verazzi and Beech were selected from the Shire of Plantagenet's Road Names Register.

A request has also been received from Porongurup resident Ann Burchell that the unnamed section of road on the north side of Lot 4853 be named 'Stoney Creek Road'. This proposed name has been suggested as the road crosses the geographical feature of Stoney Creek.

Stoney Creek is not listed on the Shire's Road Names Register.

Future development proposes a realignment of the existing road so that the road on the north side of Lot 4853 continues down through Lots 807 and 808 and then through future subdivisions. This is marked in blue on Attachment 2. The part of the current road that is marked orange will become a short cul-de-sac and will require renaming.

John Kinnear was advised of the request to use the name Stoney Creek and endorsed its use within the subdivision.

Statutory Environment

The Land Administration Act 1997 governs the road naming process.

Consultation

Consultation has occurred with Ms Marta Osipowicz – Planning Officer and Mr John Kinnear of John Kinnear and Associates.

Policy Implications

Policy I/RR/1 – Future Street and Reserve Names, requires additions and deletions to the Road Name Register be made by Council decision only. Stoney Creek will require a Council resolution to be added to the Road Name Register.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

To allow for future redevelopments it is suggested that the unnamed section of road on the north side of Lot 4853, which will now be the main road within the subdivision, be called Stoney Creek Road. This would take in the geographical feature of the area and potentially allow for Verazzi to be applied in the redevelopment.

The Geographical Names Committee does not encourage the use of either 'Road' or 'Drive' being applied to no-through roads. Exceptions may be authorised if there is a proposal for future redevelopment.

If the future redevelopment is not considered at this time then the road would need to be referred to as a 'Chase' and alterations to two (2) road names rather than one would be necessary in redevelopment.

The Geographic Names Committee requires that a proposed road name conform to the Road Naming Guidelines, in that the proposal has broad community support and the majority support from affected residents. This means that the Council is required to provide some level of community consultation prior to submitting the proposal to the Minister for Land Information.

Advertising and seeking public submissions prior to submitting the proposal to the Geographical Names Committee for formal allocation by the Minister for Land Information would be advisable.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr J Mark, seconded Cr M Skinner:

THAT:

- (1) Stoney Creek be added to the Council's Road Name Register.**
- (2) Within the WAPC No. 130712 Subdivision of Lot 6052 Porongurup:**
 - (a) 'Stoney Creek Road' be applied to the unnamed section of road on the north side of Lot 4853, which will now be the main road within the subdivision; and**

- (b) 'Beech Court' be applied to the short cul-de-sac providing access to Lots 803, 804 and 806 within the same subdivision.
- (3) The proposal be advertised for public comment and any submissions be reviewed by the Council.
- (4) The proposed names be forwarded to the Geographical Names Committee for formal allocation by the Minister for Land Information subject to no submissions being received during the advertising period.

AMENDMENT

Moved Cr D Williss, seconded Cr M Skinner:

That in part 2 (b) the word 'Beech' be deleted and replaced with the word 'Faulkner'.

CARRIED 8/0

No. 381/06

COUNCIL DECISION

THAT:

- (1) Stoney Creek be added to the Council's Road Name Register.
- (2) Within the WAPC No. 130712 Subdivision of Lot 6052 Porongurup:
 - (a) 'Stoney Creek Road' be applied to the unnamed section of road on the north side of Lot 4853, which will now be the main road within the subdivision; and
 - (b) 'Faulkner Court' be applied to the short cul-de-sac providing access to Lots 803, 804 and 806 within the same subdivision.
- (3) The proposal be advertised for public comment and any submissions be reviewed by the Council.
- (4) The proposed names be forwarded to the Geographical Names Committee for formal allocation by the Minister for Land Information subject to no submissions being received during the advertising period.

CARRIED 8/0

No 382/06

9.2 TECHNICAL SERVICES REPORTS

9.2.1 CARBARUP ROAD, KENDENUP - SPEED ZONING

Location / Address:	N / A
Attachments:	MRWA Design - Carbarup Road Proposed Implementation of 90kph Speed Zone Option Two - Realign Pellew Road
Name of Applicant:	N / A
File Reference:	TT/125/1
Author:	Ian Bartlett - Manager Works and Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	31 October 2006

Purpose

The purpose of this report is to advise of correspondence from Main Roads WA (MRWA) regarding proposed speed restrictions on Carbarup Road, Kendenup.

Background

Some months ago Council staff attended a meeting with Mr Chris Grant from MRWA Albany at the intersection of Carbarup and Pellew Roads. The reason for this meeting was that MRWA had discovered that Pellew Road was not permit endorsed for road trains. This meant that all heavy vehicles using Pellew Road to haul from Hansen's quarry were doing so illegally.

At its meeting held 13 December 2005, the Council endorsed Heavy Vehicle Control Approved Routes and resolved:

'A heavy vehicle speed restriction of 70 kilometres per hour apply on all gravel roads and 80 kilometres per hour on all unmarked sealed roads and 90 kilometres per hour on marked sealed roads within the Shire.'

Statutory Environment

Main Roads WA Speed Zoning Policy
Australian Standards 1742.4

Consultation

Consultation has occurred between Mr Ian Bartlett – Manager Works and Services and Mr Chris Grant – MRWA Albany during their meeting at the intersection of Carbarup and Pellew Roads.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report in relation to the Council. MRWA will fund the full cost of signage and erection.

Strategic Implications

There are no strategic implications for this report.

Carbarup Road, Kendenup – Road Speed Zoning (Cont.)**Officer Comment**

As the site vision on Carbarup Road to the north of Pellew Road was not within the MRWA guidelines, two (2) options were discussed as detailed below:

OPTION (1)

To clear the road verge on the east side of Carbarup Road, north and south of Pellew Road from the edge of bitumen to the fence line and install 90km signs as per Main Roads WA design (attached).

OPTION (2)

To realign Pellew Road further south by approximately 50-70m as per design (attached).

Option One is the best low cost solution to the problem in the interest of safety. The clearing has already been carried out and the temporary signs have been in place for some time. The cost for the supply and erection of the permanent signs would be met by MRWA.

Option Two would involve land resumption, clearing and complete construction and sealing of approximately 500m of road at an estimated cost of \$45,000.00 pending land costs. In addition, no consultation has occurred between any property owners in regards to this option.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr D Williss:

That with regard to speed restrictions on Carbarup Road, Kendenup, Option (1):

'To clear the road verge on the east side of Carbarup Road, north and south of Pellew Road from the edge of bitumen to the fence line and install 90km signs as per Main Roads WA design.'

be endorsed.

CARRIED 8/0

No 383/06

9.2.2 POLICY REVIEW – VERGE MAINTENANCE AND DEVELOPMENT FOR TOWNSITES

Location / Address:	N / A
Attachments: (1)	Extract Local Law
Name of Applicant:	N / A
File Reference:	RO/120/12
Author:	Ian Bartlett – Manager Works and Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	2 November 2006

Purpose

The purpose of this report is to review Council Policy No. I/R/14 – Verge Maintenance and Development For Townsites.

Background

At its meeting held 24 October 2006, the Council resolved:

‘That the question be adjourned pending further staff consideration and that a further report be presented to the Council at its meeting to be held 28 November 2006.’

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred between Mr Ian Bartlett - Manager Works and Services, Mr Jim Robertson - Engineering Technical Officer, Mr Anthony Svanberg - Cadet Engineer and Ms Megan Sounness - Administration Officer who have responsibility for this area.

Policy Implications

The adoption of the recommendation will result in the revocation of the current Policy.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Council staff have determined that Shire of Plantagenet Local Law - Thoroughfares, Public Places and Trading Part 2, Division 1-3 (attached) covers verge maintenance and therefore consider the Policy to be superfluous.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr K Clements:

That Council Policy No. I/R/14 – Verge Maintenance And Development For Townsites:

Objective: To provide clear guidelines to landowners about conditions relating to verge maintenance and development.

Policy:

'The maintenance of the verge in front of private property is the responsibility of the landowner. It is the responsibility of the landowner to obtain "dial before you dig" before commencement of any works. Residents can develop the street verge in front of their property as follows:

(1) **Treatment One**

Plant and maintain lawn.

(2) **Treatment Two**

Plant and maintain a garden provided that:

- (a) Clear sight visibility must be maintained at all times for pedestrians and motorists in the vicinity of intersection corners and bends in the roadway. Landscaping inhibiting visibility may be removed at the discretion of Council.
- (b) No plant or other vegetation making up the garden is of a thorny or poisonous nature or may otherwise create a hazard.
- (c) At all times pedestrians must have two metres safe access along the verge adjacent to the kerb.

(3) **Treatment Three**

Install a hard verge over no more than one third ($\frac{1}{3}$) of the area of the verge (excluding any crossover) with an acceptable material and plant and maintain either a lawn or a garden on the balance provided that:

- (a) In the event that a garden is planted and maintained on the balance no person shall park on that balance.
- (b) Clear sight visibility must be maintained at all times for pedestrian and motorist in the vicinity of intersection corners and bends in the roadway. Landscaping inhibiting visibility may be moved at the discretion of Council.
- (c) No plant or other vegetation making up the garden is of a thorny or poisonous nature or may otherwise create a hazard.
- (d) At all times pedestrians must have two metres safe access along the verge adjacent to the kerb.

Directions for correct Planting Alignment

Corner Blocks – Trees on corner blocks should be planted 11 metres from the kerb line (the corner), should be 10 metres apart and 2.7 metres from the property boundary line.

Ordinary Frontage – Street trees for blocks with an ordinary frontage should be planted 10 metres apart and 2.7 metres from the property boundary line.

Use of Raised Edging

No Kerbing or other raised edging may be installed within two metres of the edge of road pavement. The use of all other kerbing is to be strictly at the discretion of the Manager of Works and Services. Refer also to Council's Specifications for Crossovers.

Verge Obstructions

Persons are not permitted to construct obstructions in the road verge, (ie: walls, posts, fences, placing of stones etc.) without written approval of Council. Council may require the landowner to carry public Liability Insurance to cover the possibility of accidents occurring during the obstructions.

An owner or occupier who installs and maintain a verge treatment shall;

- (a) Indemnify the Council against all or any damage or injury caused to any person or thing including any street, pavement, footpath or crossing of any pipe or cable and shall make good at such owner's or occupier's expense all such damage caused.**
- (b) Keep the treatment in good and tidy condition and ensure, where the verge treatment is a garden or lawn that no obstruction of any sort is caused to any footpath, pavement or street.**
- (c) Lay, install or pave a hard surface with an acceptable material only.**
- (d) Not place any obstruction on or around any verge treatment.**
- (e) Not water or maintain a verge treatment in such a manner.**

'Acceptable material' means brick, brick-paving, bitumen, concrete, concrete blocks and slabs.

The public utilities may undertake works that may disturb any of these treated verges in gaining the necessary access to their utilities. They do not necessarily have to reinstate planting or paving. Reinstatement may be at the property owner's cost and responsibility

Clear sight visibility must be maintained at all times for pedestrians and motorists in the vicinity of intersection corners and bends in the roadway. Landscaping inhibiting visibility may be removed at the discretion of the Director of Works and Services.'

be revoked.

CARRIED 8/0

No. 384/06

9.3 DEVELOPMENT SERVICES REPORTS

9.3.1 ALBANY LOCAL PLANNING STRATEGY - DRAFT

Location / Address:	City of Albany municipality
Attachments: (4)	Maps x 3 Strategic Planning Objectives
Name of Applicant:	N / A
File Reference:	GR/97/34
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	19 October 2006

Purpose

The purpose of this report is to advise of the Draft Albany Local Planning Strategy (ALPS).

Background

The City of Albany (the City), staff and numerous consultants have been preparing this ALPS for many years and a draft document was referred to the Western Australian Planning Commission for approval to advertise. On 9 August 2006 the City was advised that the Commission had granted its approval to advertise the draft subject to modifications being carried out.

In September 2006 a draft document was released for comment until 15 December 2006.

The draft consists of some 160 pages of text and a series of thirteen maps. The Manager Development Services has a compact disc of the draft and should Councillors wish, digital copies can be made available.

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967 – The Regulations specify the need to refer the planning strategy to the Western Australian Planning Commission and the requirements for public advertising.

Consultation

The City has referred the ALPS to various State Government agencies, adjoining local authorities and the public for comment until 15 December 2006.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The ALPS contains some maps that show impacts on the Shire of Plantagenet such as future water resources and macro corridors.

Officer Comment

The ALPS is a very broad strategic document that covers a vast array of matters including:

- State Planning Strategy
- Regional Plans (including the draft Lower Great Southern Strategy)
- Sustainability
- Environment
- Land Use Impacts
- Economy
- Industry
- Tourism
- Agriculture
- Housing
- Heritage
- Infrastructure
- Transport

The ALPS then provides Strategic Planning Objectives and a Settlement Strategy, Environment Strategy, Economic Strategy and a Social Strategy.

It would appear from the ALPS that a lot more work on various planning issues is yet to be carried out. The document is somewhat broad but it does provide some basic direction.

An example of where work is yet to be carried out is one strategy which relates to rural land. The ALPS states its recommendations will be reflected in modifications to the 1996 Local Rural Strategy based on findings of recent regional studies and a 2002 Rural Planning Issues Review. An 'Action' is to review the Local Rural Strategy whereas one would think that is what the ALPS should have done. In the implementation section, this review is listed as a Priority 2 which means it is to be carried out between 2010 and 2020.

The areas of impact on the Shire of Plantagenet referred to earlier are on Maps 3, 4 and 9A which have been attached to this report. Map 3 shows Indicative Macro Corridors (vegetation links) crossing parts of the Shire area. These corridors reflect the previous work of CALM in its macro corridor project. As they are broad concepts no objection is seen to them being shown. Map 4 shows surface water catchments impacting on the western part of the Shire together with a catchment south of Porongurup and various wetlands. These water resources have been provided by relevant State Government agencies and again no objection is seen to their incorporation into the ALPS. Plan 9A shows an arrow for one Indicative Macro Corridor linking towards South Stirling and the Stirling Range. It also shows the 132KV transmission lines and the potential water supply area to the west. No objections are seen to these inclusions on Plan 9A.

In fact looking at Plan 9A, this is more like the level of detail which is anticipated in the Lower Great Southern Strategy which is still yet to be finalised by the Western Australian Planning Commission. It tends to recognise that the City is part of the Region.

One thing that is shown on plan 9A is the 'Priority Agriculture' area which is a blanket over the north western part of the City. This has been hatched on the plan attached for ease of locating it. A good proportion of this land is actually in Reserve status or

Albany Local Planning Strategy – Draft (Cont.)

does not show on maps held by this Shire as good quality agricultural land. It is unlikely that the proposed Shire of Plantagenet Local Planning Strategy will show its priority agricultural land in this way. The ALPS could be altered to more accurately show the priority agricultural area to exclude large areas of reserves and areas not identified as good quality agricultural land by the Department of Agriculture and Food.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

That the City of Albany be advised the draft Albany Local Planning Strategy has been noted and the Council considers the 'Priority Agriculture' area shown on Map 9A should be altered to exclude large areas of Reserves and areas not identified as good quality agricultural land.

CARRIED 8/0

No. 385/06

9.3.2 WALPOLE WILDERNESS AREA - DRAFT MANAGEMENT PLAN

Location / Address:	Various western parts of Shire
Attachments: (3)	Council Letter of 28 January 2004 Extracts from draft document CALM letter of June 2004
Name of Applicant:	N / A
File Reference:	GR/97/7
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	23 October 2006

Purpose

The purpose of this report is to inform of the 'Walpole Wilderness Area and Adjacent Parks and Reserves' Draft Management Plan 2006.

Background

The Walpole Wilderness Area has been the subject of consideration for many years. The Department of Environment and Conservation and the Conservation Commission released the draft management plan for submissions up until 1 December 2006.

In 2004 the Department of Conservation and Land Management sought the Council's support for the reservation of land within the Walpole Wilderness Area as National Park. The Council at its meeting held on 13 April 2004 when considering this matter resolved:

'That with regard to the letters from the Executive Director of the Department of Conservation and Land Management (CALM) dated 13 January and 24 March 2004 seeking the Council's support for reservation of the land within the Walpole Wilderness Area as National Park the Department be advised that the Shire of Plantagenet will not support such reservation until such time as concerns raised by the Chief Executive Officer by letter to CALM dated 28 January 2004 are adequately responded to, and the future membership and existence of the management committee is confirmed.'

A copy of the letter referred to above is attached. It refers to a range of issues including gravel extraction, wildflower picking, wood for craft wood and fire wood, bush fire management, future water resources, heritage horse trails and indigenous involvement.

In June 2004 the Department of Conservation and Land Management responded to the Council and a copy of that letter is attached.

Statutory Environment

Conservation and Land Management Act 1984 – S.55 states that the term of a finalised management plan will be ten years or until superseded by a new management plan.

Consultation

This draft Management Plan has been released for submissions closing on 1 December 2006.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The draft management plan has included specific comments on the issues raised by the Council in 2004 and a series of extracts are attached. These extracts include:

- Pages from the introduction (pages 1 & 17)
- Fire Management (pages 110 - 111)
- Heritage Horse Trails (pages 123 & 153-154)
- Basic raw materials – gravel (pages 186 – 188)
- Bee keeping (pages 194 – 197)
- Wildflower picking (pages 197 – 199)
- Craft wood and firewood (pages 199 – 202)
- Water resources (pages 202 – 206)
- The twelve (12) maps
- A supplement – advice from the Advisory Committee

It is clear the Department has put effort into addressing the various issues raised by the Council.

In the long term it will be a matter of monitoring the performance of the management plan to determine how effective it is and how well the Advisory Committee works.

The draft Management Plan contains an objective to facilitate effective community involvement in management of the planning area.

This is to be achieved by:

- (1) Continuing to involve interested local individuals and organisations in conservation and land management programs within the planning area;
- (2) Continuing to liaise with local indigenous people, neighbours, land managers, local authorities, relevant agencies and other stakeholders to enhance management of the planning area;
- (3) Establishing new advisory arrangements for the community to provide advice to the Department in implementing the strategies of this plan; and
- (4) Continuing to support volunteer involvement in Department programs and the maintenance of the Department's volunteer database.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr M Skinner:

THAT:

- (1) The Department of Environment and Conservation be advised the Draft Management Plan for the Walpole Wilderness Area and Adjacent Parks and Reserves has been noted and the Council wishes that effective community involvement is given a high priority over the term of the plan to ensure access for particular uses / activities is maintained as put forward in the draft Management Plan.**
- (2) Further, the Council's previous concerns, as set out in correspondence to the Executive Director dated 28 January 2004 regarding access to road making materials, wildflower activities, bush fire management, access to water resources and the development of Heritage Horse Trails are again emphasised.**

CARRIED 8/0

No. 386/06

9.3.3 BUILDING REGULATIONS - ALTERATIONS TO REQUIRE BUILDING LICENCE APPLICATION FOR OUTBUILDINGS OVER WHOLE DISTRICT

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	DB/27/1
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	23 October 2006

Purpose

The purpose of this report is to seek an amendment to the Building Regulations 1989 to require proponents to apply for a building licence for Class 10 Buildings (Outbuildings) over the whole district of the Shire of Plantagenet.

Background

Presently Schedule 2 of the Building Regulations requires that a building licence is required to erect a Class 10 Building (Outbuilding) in all townsites in the Shire area. Many local authorities listed in that Schedule require a building licence application over the whole district not only in townsites.

Statutory Environment

Local Government Act 1995 – S.9.60

Local Government (Miscellaneous Provisions) Act 1960 – S433A

Building Regulations 1989

Consultation

This matter has been discussed with Mr Rob Stewart – Chief Executive Officer, Mr Alan Watkins – Principal Building Surveyor and Mr Paul Scalzi from the Department of Housing and Works.

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

Many Councils now require a building licence for the construction of a Class 10 building (outbuilding). Presently the only requirements in the Shire of Plantagenet is for within townsites which are Mount Barker, Narrikup and Rocky Gully. Kendenup is not an official townsite.

It is very important that all buildings are constructed correctly and safely and meet the standards of the Building Code of Australia. In these days of litigation, correct construction is very important to ensure an outbuilding will not collapse due to

Building Regulations – Alterations To Require Building Licence Application For Outbuildings Over Whole District (Cont.)

substandard construction and injure people, hence the current proposal to require the submission of a building licence application.

There have been examples in the State of outbuildings being poorly constructed and accidents occur and insurance companies refuse to pay on a claim. The requirement of a building licence should reduce the chance of this occurring.

Planning consent under the Shire of Plantagenet Town Planning Scheme No. 3 is not required unless a boundary setback variation is required and this will not alter as part of the current proposal.

The time taken to process a building licence application for an outbuilding is a maximum of one week, provided the correct details are submitted with the application.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr K Clements,

That the Building Codes and Regulation Branch of the Department of Housing and Works be requested to initiate the necessary action to amend Schedule 2 of the Building Regulations 1989 in Column 2 for the Shire of Plantagenet to replace 'All Townsites' with 'Whole District' for Class 10 buildings.

CARRIED 6/2

No. 387/06

9.3.4 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 42 - R2.5 TO R20 - BOOTH, MARTIN, OATLANDS AND FELLOWS – MOUNT BARKER

Location / Address:	Lots bounded by Booth Street, Martin Street, Oatlands Road & Fellows Street
Attachments: (1)	Amendment No. 42
Name of Applicant:	N / A
File Reference:	LP/181/15
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	9 October 2006

Purpose

The purpose of this report is to consider a proposed Amendment to Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) to recode land bounded by Booth Street, Martin Street, Oatlands Road and Fellows Street from Residential (R2.5) to (R20).

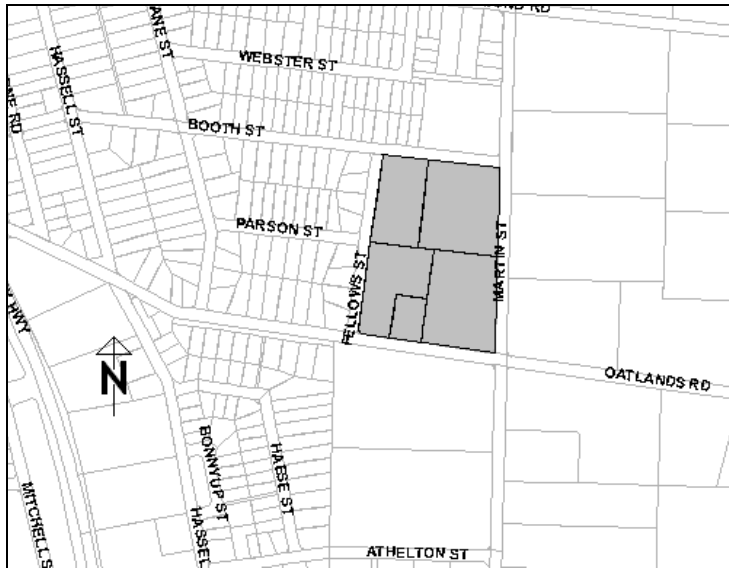
Background

In 1994 Amendment No. 8 TPS3 examined the opportunity to rezone land to Residential, increase densities and create Rural Residential zoning to the east of Martin Street. Adoption of Amendment No. 8 increased densities up to R20 throughout the existing Residential zoned land of the Townsite.

The lots the subject of this Amendment No. 42 were rezoned from Rural to Residential (R2.5) through Amendment No. 8 despite land immediately to the north of Booth Street being rezoned from Rural to Residential (R20). The land to the west had densities increased from (R10) to (R10/20). Amendment No. 8 noted that larger lots should be retained on the periphery of the Townsite in order to provide a transition between the rural landscape and the urban core. The Rural Residential land between Sounness Street and Martin Street provides an adequate transition area.

Amendment No. 8 failed to consider the option of providing reticulated sewer to the subject area. With the provision of sewer to the subject area it is capable of a higher density coding.

Town Planning Scheme No. 3 - Amendment No. 42 - R2.5 TO R20 – Booth, Martin, Oatlands & Fellows - Mount Barker (Cont.)

**Statutory Environment**

Planning and Development Act 2005

Town Planning Regulations 1967 – these have set procedures for Amending a Town Planning Scheme including once initiated by the Council, referral to the Environmental Protection Authority (EPA) for twenty-eight days. Once cleared by the EPA a forty-two day advertising period applies. Once advertised the Council must consider any submissions lodged within forty-two days and refer its recommendation to the Western Australian Planning Commission and the Minister within twenty-eight days.

Consultation

Preliminary discussions have been held with the land owners directly affected by the proposed Amendment.

Policy Implications

There are no policy implications for this report.

Financial Implications

Should the Council initiate the Amendment and should the EPA authorise it to proceed, there will be the cost of advertising and if finalised, the cost of publishing a notice in the Government Gazette.

The cost of having the Department for Planning and Infrastructure prepare the amending maps was \$104.50.

Strategic Implications

Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 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

There has been little subdivision or new housing constructed within the Townsite in past years. With an increase in demand and a noticeable limited supply, property values have risen. This has made subdivision a viable option for individual property

Town Planning Scheme No. 3 - Amendment No. 42 - R2.5 TO R20 – Booth, Martin, Oatlands & Fellows - Mount Barker (Cont.)

owners and developers as potential property sale prices cover the associated costs of development. The proposed Amendment seeks to recode land from Residential R2.5 to R20 to enable possible subdivision within the existing residential area. The proposed recoding does not require current owners to undertake subdivision at any particular time. It will be up to the owners if and when they wish to subdivide their land.

The proposed Amendment includes a Subdivision Concept Plan. The major components of the plan include an indicative road layout, lot layout, dual use pathways, drainage features and the inclusion of street trees/ retention of existing verge trees. Whilst the proposed plan is conceptual, future subdividers will be required to have regard to the plan. The lot sizes and layout is able to be modified as many of the proposed lots are greater in area than that possible under an R20 density coding.

If initiated by the Council and authorised by the EPA, the Amendment will be advertised by way of notice in the press, a sign on site, letters to government agencies and letters to neighbours.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr D Williss:

THAT:

- (1) Pursuant to the Town Planning Regulations 1967, Amendment No. 42 to the Shire of Plantagenet Town Planning Scheme No. 3 be initiated; and**
 - (a) Referred to the Environmental Protection Authority.**
 - (b) Upon authorisation from the Environmental Protection Authority, be advertised for a period of forty-two (42) days to enable comment to be made.**
- (2) After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held 10 April 2007.**

CARRIED 8/0

No. 388/06

9.3.5 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 40 - WINDFARM

Cr Forbes advised that he owns land one (1) kilometre away from the site (Lot 500) but as he is not an adjoining landowner, he is not required to declare an interest.

Location / Address:	Lot 1 Albany Highway, north of Mount Barker
Attachment: (3)	Location Plan Copy of Resolution Pages Separate Attachment – Copy of Amendment
Name of Applicant:	Sky Farming Pty Ltd
File Reference:	LP/181/11
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	27 October 2006

Purpose

The purpose of this report is to consider a proposal to amend Town Planning Scheme No. 3 to include Lot 1 Albany Highway in Schedule 2 – Additional Uses to allow a windfarm consisting of three (3) turbines.

Background

Sky Farming Pty Ltd has made presentations to the Council on three (3) occasions from September 2005 on the concept of establishing a windfarm on appropriate land near Mount Barker.

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967 – these set the procedure for amending a Town Planning Scheme including referral to the Environmental Protection Authority (EPA) and then public advertising for forty-two days.

Town Planning Scheme No. 3 – Lot 1 is zoned Rural

Consultation

If the Amendment is initiated by the Council, one copy will be referred to the EPA for authorisation to proceed. Once authorised by the EPA then the Amendment will be advertised for forty-two days by way of a sign on site, notices in the press and at the Council's offices, letters to neighbours and various government agencies.

The Amendment document explains the level of consultation carried out by the proponent.

Policy Implications

There are no policy implications for this report.

Financial Implications

The necessary fee of \$3,300.00 has been paid by the proponent. The proponent, in a letter dated 23 October 2006 stated 'In recognition of the community aspect of the project, we kindly ask the Shire to consider waiving the associated fee for the planning amendment.'

Town Planning Scheme No. 3 – Amendment No. 40 – Windfarm (Cont.)

To get the proposed amendment to this stage, staff have already spent considerable time by providing editorial suggestions to the proponent and the public advertising is likely to require staff resources with enquiries. To waive the \$3,300.00 fee is not considered appropriate as there will be costs of several hundred dollars in advertising and in the final notice in the Government Gazette.

Strategic Implications

This Amendment, should it reach finalisation, will lead to the development of a wind farm that will generate a similar amount of electricity to that consumed by Mount Barker.

Officer Comment

A full copy of the Amendment has been provided for each councillor with this Agenda.

The intention of the document is to include the subject land within Schedule 2 (Additional Uses) to allow for the facility and to set development standards and conditions. The Amendment also proposes to introduce the Western Australian Planning Commission standard definition of 'wind farm or wind energy facility' into Schedule 1 (Interpretations).

With the additional use listing of the property, the current Rural zoning of the land will remain in place.

The actual development which will result once the Amendment is finalised will consist of three turbines accessed off a 4m wide roadway within the property with access to Albany Highway. The vehicular entry point will need to be to the satisfaction of Main Roads Western Australia. The three turbine sites are located in cleared parts of the site. The turbines will be linked to the 22kV power line on the southern boundary of the site.

During the preparation of the Amendment, the proponents have carried out extensive public consultation and have received positive feedback in most instances. The landowners of Lot 501 to the north have not provided their support and the Amendment report at page 31 explains how the original proposed location of the turbines has been altered. The turbine sites have been moved further southwards and marginally adjusted in their location in an attempt to conceal them as much as possible from the house on Lot 501. The house is located 1km from the nearest turbine. With the adjustment to the location of the turbines, one is to be partially obscured by the shed on Lot 501 and another by a stand of tall trees. The third will be too far south to be visible from the house. The formal public advertising will provide the opportunity for the owners of Lot 501, or any other persons, to lodge a submission should they have concerns and the Council can consider these following the advertising.

The Western Australian Planning Commission released a Planning Bulletin (No. 67) entitled 'Guidelines for Wind Farm Development' in May 2004. That Bulletin provides guidance on the particular issues that need to be addressed in considering wind farms. The Amendment document does address those factors.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr J Moir, seconded Cr J Mark:

THAT:

- (1) Pursuant to the Town Planning Regulations 1967, Amendment No. 40 to the Shire of Plantagenet Town Planning Scheme No. 3 be initiated; and
 - (a) Referred to the Environmental Protection Authority.
 - (b) Upon authorisation from the Environmental Protection Authority, be advertised for a period of forty-two (42) days to enable comment to be made.
- (2) After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held 10 April 2007.
- (3) The proponent be advised that the Council is not prepared to waive the required fee for the Scheme Amendment application.

AMENDMENT:

Moved Cr K Clements, seconded Cr M Skinner:

That a Part (4) be added to the Motion as follows:

An ex gratia donation of \$1,000.00 be granted to the applicants subject to reallocation from the next budget review, to show the Shire's support for measures that decrease greenhouse emissions.

CARRIED 7/1

No. 389/06

COUNCIL DECISION

THAT:

- (1) Pursuant to the Town Planning Regulations 1967, Amendment No. 40 to the Shire of Plantagenet Town Planning Scheme No. 3 be initiated; and
 - (a) Referred to the Environmental Protection Authority.
 - (b) Upon authorisation from the Environmental Protection Authority, be advertised for a period of forty-two (42) days to enable comment to be made.
- (2) After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held 10 April 2007.
- (3) The proponent be advised that the Council is not prepared to waive the required fee for the Scheme Amendment application.
- (4) An ex gratia donation of \$1,000.00 be granted to the applicants subject to reallocation from the next budget review, to show the Shire's support for measures that decrease greenhouse emissions.

CARRIED 8/0

No. 390/06

9.3.6 PARKING RESTRICTIONS IN LOWOOD ROAD UPGRADE AREA

Location / Address:	Lowood Road between Marion Street and Muir Street, Short Street and Council Offices Car Park
Attachments: (5)	Lowood Road Upgrade Plans (4) Short Street Plan
Name of Applicant:	N / A
File Reference:	RO/50/2
Author:	Peter Duncan - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	24 October 2006

Purpose

The purpose of this report is to assign time restrictions on car parking bays in Lowood Road between Marion Street and Muir Street, Short Street and Council Offices car park in accordance with the Shire of Plantagenet Parking and Parking Facilities Local Laws 1998.

Background

The upgrading works in Lowood Road are progressing well with the kerbing and sealing having been completed. The car parks to the south of the Council's administration building have also been constructed. The linemarking of the parking bays will be carried out in January 2007 (contractors permitting) after the hot mix has had time to cure and bleed out.

Statutory Environment

Local Government Act 1995

Shire of Plantagenet – Parking and Parking Facilities Local Laws 1998 – Part 2, Clause 7(c) states that the Council may indicate by signs the permitted time and conditions of parking.

Consultation

The matter has been discussed with Mr Rob Stewart - Chief Executive Officer and Mr Ian Bartlett - Manager Works and Services.

Councillors held a workshop on the proposals on 24 October 2006.

Policy Implications

There are no policy implications for this report.

Financial Implications

The budget for the Lowood Road upgrade works includes provisions for the line marking of car parking spaces and the installation of parking restriction signs. No funding has been allocated for the Short Street improvements however it is expedient to approve the restrictions now and when funding becomes available for the works the restrictions decision has already been made.

Strategic Implications

There are no strategic implications for this report.

Parking Restrictions In Lowood Road – Upgrade Area (Cont.)**Officer Comment**

The plans attached show the proposed time restrictions, loading bays, taxi bays and disabled bays. For ease of reference the plans have been numbered 1 to 5.

Plan 1 shows the car parks to the north, south and east of the new administration building. The car park to the north will be time limited for 2 hours. The one to the south will be signed – ‘Staff and Councillor Parking Only’. The one to the east will be time limited for 3 hour.

Plan 2 shows the area north of Marion Street and suggests a 2 hour limit apply except for two (2) x 15 minute bays near the post office and two (2) x 1 hour bays near the junction of Langton Road.

Plan 3 extends from Langton Road to the Westpac Bank (Short Street). It is proposed to introduce one (1) disabled bay to the north of the pedestrian nib, one (1) x 15 minute bay adjacent to the disabled bay and two (2) loading bays north of the chemist but only between 8.30am and 11.00am. The remainder of the bays will be limited to 1 hour. The Co-op has agreed to have their car park limited to 2 hours and to provide one (1) taxi bay, two (2) x 15 minute bays and two (2) disabled bays. The Co-op will fund its linemarking and signage.

Plan 4 extends from Short Street on the west side and 1 hr on the east side. One (1) taxi bay is shown.

Plan 5 shows a possible upgrading concept for Short Street with angled bays on the north. All bays on the north side will be limited to 2 hour. A loading bay and a disabled bay are shown also. There will be four (4) x 15 minute bays on the south side. As stated earlier, no funding has been allocated for the upgrading of Short Street but it is expedient to adopt the parking restrictions now whilst the process is being run. If and when funding becomes available then the restrictions are already in place.

All of the time limits will be marked as applicable only between 8.30am to 5.00pm Monday to Friday and 8.30am to 1.00pm on Saturday.

With the suggested limits in place it will provide a series of options for shoppers and visitors depending upon their business they have to attend to. The limits being adopted by the Council resolution under the Local Law will mean they will be able to be enforced by the Council’s Ranger. Under the Local Law the penalty for ‘Standing Contrary to Signs or Limitations’ is \$35.00.

In respect to the issue of caravan parking, Plan 1 shows an area of such parking between the Council’s administration building and the railway line. There will be instances when additional parking is needed for caravans and this overflow area will be on the fire training track at the rear of the fire station. The Council’s Manager Works and Services will be addressing the issue of directional signage to this area. There also is the ability for caravans to park at the visitor centre car park off Albany Highway.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr K Hart:

That pursuant to Clause 7(c) of the Shire of Plantagenet Parking and Parking Facilities Local Laws 1998, the permitted times and conditions of parking for the Lowood Road redevelopment area and Short Street as shown on the plans numbered sheets 1 - 5 inclusive entitled 'Shire of Plantagenet Lowood Road Parking Restrictions' attached to this report, be applied.

CARRIED 8/0

No. 391/06

9.3.7 DRAFT TOWN PLANNING SCHEME POLICY NO. 13 - FEEDLOTS

Location / Address:	N / A
Attachment: (1)	Draft Feedlot Policy
Name of Applicant:	N / A
File Reference:	LP/120/2
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	17 October 2006

Purpose

The purpose of this report is to consider any submissions made and adopt Town Planning Scheme Policy No. 13 (Feedlots) with or without modifications.

Background

At the Council meeting held on 12 September 2006 the Council resolved,

'THAT:

- (1) The Draft Town Planning Scheme Policy No. 13 'Feedlots' be advertised in accordance with Clause 7.6.2 (a) of Town Planning Scheme No. 3 for a period of twenty-one days, once a week for two (2) consecutive weeks in a registered paper.*
- (2) At the conclusion of the advertising period a further report be prepared for consideration of the Council no later than its meeting to be held 14 November 2006.'*

Statutory Environment

Planning and Development Act 2005

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

Consultation

The draft policy was advertised in the Albany Advertiser on two (2) occasions and also within the Plantagenet News. No comments were received.

Policy Implications

Existing Town Planning Scheme Policies No. 8 and No. 10 will need to be revoked with the adoption of the Town Planning Scheme Policy No. 13.

Financial Implications

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

Strategic Implications

Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 indicates that the Council will 'Develop and Review Town Planning Policies'.

Draft Town Planning Scheme Policy No. 13 – Feedlots (Cont.)**Officer Comment**

The policy amalgamates Town Planning Scheme Policy No. 8 and No. 10 into one updated and effective policy. The policy includes an application for planning consent flow chart for clarity of the process. The proposed policy does not require any modifications as a result of public advertising.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Moir:

That Town Planning Scheme Policy No. 13 (Feedlots) be adopted without modification in accordance with clause 7.6 of Town Planning Scheme No. 3 and that Town Planning Scheme Policies No. 8 and No. 10

be revoked.

CARRIED 8/0

No. 392/06

**9.3.8 LOTS 45, 46 & 47 ALBANY HIGHWAY, MOUNT BARKER -
RECONSIDERATION OF CONDITION FOR OFFICE ADDITIONS &
ALTERATIONS**

Location / Address:	Lot 45, 46 & 47 Albany Highway, Mount Barker
Attachments: (1)	Elevations
Name of Applicant:	Richard Currie on behalf of Plantagenet Wines
File Reference:	RV/182/1448
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	16 October 2006

Purpose

The purpose of this report is to reconsider a condition of planning consent issued at the Council meeting held 12 September 2006 for office additions and alterations at Lots 45, 46 and 47 Albany Highway, Mount Barker.

Background

At its meeting held 12 September 2006, the Council resolved:

'That planning consent be granted in respect of Application No. 40/06 for Office Additions and Alterations on Lots 45, 46 and 47 Albany Highway, Mount Barker in accordance with the plans dated 10 August 2006 and 5 September 2006, subject to the following conditions:

- (1) The proposed windows to include appropriate treatments that form a similar crossed pattern as the existing windows.*
- (2) The office additions and alterations to ensure compatibility with existing buildings.*
- (3) A detailed landscaping plan incorporating trees and shrubs being submitted, for the area between the Wine Storage warehouse and Albany Highway, to the Council for assessment prior to commencement of development and landscaping being installed in accordance with the approved plan.*
- (4) Internal public driveways and car parking bays being paved, drained and line marked to the Council's satisfaction.*
- (5) Lots 45, 46 and 47 shall be amalgamated into one lot on a compiled Diagram of Survey and application for a new Certificate of Title shall be lodged with the Land Titles Office and new titles shall be created prior to the issuing of the building licence.'*

The applicant seeks to have Condition (1) removed from the planning consent.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – *zoned Special Site*

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 2003, Key Result Area 4 indicates the Council will *'retain local businesses and encourage new businesses that will create long-term sustainable local employment'*.

Officer Comment

The applicant seeks a reconsideration of condition one (1) of the planning consent issued by the Council at its meeting held 12 September 2006 which relates to altered window treatments. The applicant's justification as follows:

- Provision of stick on glazing bars will detract from the aesthetics of the project;
- The proposed façade should not attempt to replicate the existing portion of the building with the wooden element incorporated into the design to distinguish / separate the two structures;
- The proposed windows are modern providing maximum light into the new office area;
- Stick on glazing bars are not a long term building product and detract from the quality;
- Stick on glazing bars preclude easy cleaning; and
- The new design includes similar elements to the existing building (ie: rooflines and window proportions).

The purpose of the condition was to 'connect' the new and existing portions of the building through the use of a similar window treatment. The applicant, an architect, indicates that using similar rooflines, material colours and general window geometry, the existing and new building will be compatible. In considering the additional comments made by the applicant it is agreed the stick on glazing bars will not improve the aesthetic appearance of the addition. The additions and alterations are compatible with the existing building.

In respect to the remaining conditions two (2) to five (5) the architect has advised:

- Condition 2 has been satisfied;
- Condition 3 - a detailed landscaping plan will be submitted shortly with the work carried out throughout the next twenty-four months;
- Condition 4 - public car parking area to be upgraded throughout the next twenty-four months; and
- Condition 5 - the amalgamation application is currently being finalised for submission to the Western Australian Planning Commission.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr J Cameron:

That planning consent, Application No. 40/06, for additions and alterations on Lots 45, 46 and 47 Albany Highway, Mount Barker be altered by the deletion of condition (1) which reads as follows:

'The proposed windows to include appropriate treatments that form a similar crossed pattern as the existing windows.'

CARRIED 8/0

No. 393/06

**9.3.9 LOT 12, LOCATION 2484 MOUNT BARKER - PORONGURUP ROAD,
PORONGURUP - CHALET**

Location / Address:	Lot 12 of Location 2484 Mount Barker - Porongurup Road, Porongurup
Attachments: (4)	Site Plan Plan of Subdivision Floor Plan Elevations
Name of Applicant:	Thomas Peter Thorn
File Reference:	RV/182/619
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	1 November 2006

Purpose

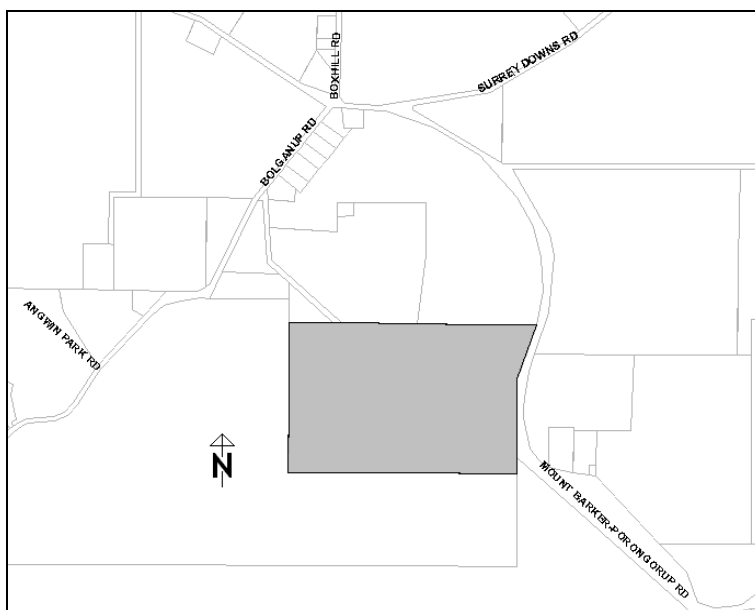
The purpose of this report is to consider an application for planning consent for a Chalet at Lot 12, Location 2484 Mount Barker – Porongurup Road, Porongurup.

Background

In this instance the proposal is a Use Not Defined in Schedule 1 (Interpretations) and is not listed within Table 1, the Zoning Table of Town Planning Scheme No. 3.

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.'*



Lot 12, Location 2484 Mount Barker-Porongurup Road, Porongurup – Chalet (Cont.)

Shire records show the owner to be Thomas P Thorn.

Statutory Environment

Planning and Development Act 2005

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

Consultation

The proposed development application shall require advertising for twenty-one days in accordance with Clause 6.2.3 of TPS3.

Policy Implications

The proposed application has been considered in relation to the draft Town Planning Scheme Policy No. 14 - Rural Tourist Accommodation and Additional Houses which is currently out for public comment and is consistent with that draft.

Financial Implications

The cost of advertising is to be met from the Town Planning Advertising Budget.

Strategic Implications

Shire of Plantagenet Strategic Plan, Key Result Area 4 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

The applicant owns Millinup Estate Wines and Thorns Mountain Retreat. There is currently one (1) existing rural tourist accommodation unit (chalet) and there are two (2) other dwellings on the property of which one is an old cottage and the other the main residence of the property. This proposal would increase the number of tourist accommodation units to two (2) resulting in a total of four (4) dwelling-type structures.

There is an approved deposited plan for the subdivision of Loc 2484 which shows the intention to create Lots 11 and 12. The applicant is intending to lodge the deposited plan with the Department of Land Information for finalisation of the subdivision and the issue of new titles. This must be lodged by the 9 April 2011 for finalisation otherwise the subdivision will become void.

The proposed chalet is currently in a central location on the property. With the lodgement and finalisation of the subdivision the chalet will have a setback of 5m from the eastern boundary, overlooking the cricket pitch and a clearance of 20m from remnant vegetation.

Voting Requirements

Absolute Majority (Use Not Listed)

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Cameron:

THAT:

- (1) The application for a Chalet at Lot 12, location 2484 Mount Barker – Porongurup Road, Porongurup be advertised in accordance with Clause**

Lot 12, Location 2484 Mount Barker-Porongurup Road, Porongurup – Chalet (Cont.)

6.2.3 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 23 January 2007.

CARRIED 8/0

No. 394/06

9.3.10 PESTICIDE LEGISLATION REVIEW - POLICY AND RECOMMENDATIONS REPORT

Location / Address:	N / A
Attachments: (2)	Executive Summary from Policy and Recommendation Report Structure of Code of Practice
Name of Applicant:	N / A
File Reference:	PH/90/7
Author:	Eric Howard - Environmental Health Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	31 October 2006

Purpose

The purpose of this report is to advise of the current status of the Western Australian Pesticide Legislation Review and subsequent Discussion Paper together with the resultant 'Policy and Recommendations Report'. These are now under public review and subject to further comments from representative industry, local government and the wider community by 1 December 2006.

Background

A report was presented to the Council at its meeting held 13 December 2005 seeking the Council's endorsement of the response provided by the Shire's Legislation Review Working Party that was formed to consider and comment on the 'Pesticide Legislation and Policies in Western Australia – Discussion Paper'.

The Shire's response document made numerous recommendations for the development of a legislative model capable of supporting operational Codes of Practice for the supply, storage, use, application and disposal of pesticides. Further recommendations included the development of offence provisions for persons causing or allowing pesticide spray drift or non-target contact likely to cause adverse effect.

In response to the legislation review process, the Department of Health has now circulated the 'Policy and Recommendations Report' detailing the preferred legislative model for the control of pesticide use in Western Australia seeking comment.

In summary, the Policy and Recommendations Report represents a significant advancement for the safe use and control of pesticides in accordance with the general principles of the National Agvet Chemical Management System. It is proposed that a comprehensive Code of Practice be produced detailing methods for the safe control of use of pesticides, including provisions for preventing the likely cause of adverse effect from the use of pesticides.

Existing pesticide legislation will be amended to refer to the Code of Practice and each responsible agency (Agriculture, Environmental, Health and Veterinary) will respond to enquiries and complaints relating to their particular area of expertise as per the existing arrangements.

Statutory Environment

There is no statutory environment for this report.

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 legislative model and corresponding code of practice, policies and procedures recommended in the review document have addressed the specific issues identified by the Shire's Legislation Review Working Party.

Those primary objectives include ensuring absolute safety of the public, protection of agricultural and commercial activities from adverse chemical exposure and protection of the natural environment. These objectives can be achieved through the delivery of safe and responsible pesticide use regulated under the proposed legislative model.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr M Skinner:

That the Department of Health be advised the Plantagenet Shire Council endorses the recommendations in the Department of Health 'Review of Pesticide Legislation and Policies in Western Australia – Policy and Recommendation Report' document and request the Code of Practice model be adopted as a matter of high priority.

CARRIED 8/0

No. 395/06

**9.3.11 LOCATION 6052 MOUNT BARKER - PORONGURUP ROAD,
PORONGURUP - AFFIX COMMON SEAL**

Location / Address:	Location 6052 Mount Barker - Porongurup Road, Porongurup
Attachments: (2)	Notification of Section 70A Subdivision Plan
Name of Applicant:	John Kinnear & Associates on behalf of Murfett Group Holdings Pty Ltd
File Reference:	LP/158/41
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	23 October 2006

Purpose

The purpose of this report is to provide the Shire President and the Chief Executive Officer with authority to sign and affix the Common Seal of the Council to Notification of Section 70A.

Background

The Council considered the twenty six lot subdivision at this meeting held 11 April 2006. The subdivision was the subject of Amendment No. 29 to Town Planning Scheme No. 3 (TPS3) which included a Fire Management Plan (FMP). The Western Australian Planning Commission (WAPC) issued the conditional approval to the subdivision on 2 June 2006 with Condition 15 stating:

'Implementation of the Fire Management Plan (FMP) for the land to the satisfaction of the Western Australian Planning Commission, including but not limited to:

- i) Lodgement of a Section 70A on the Certificates of Title for all lots created, advising of the fire hazard and property owner's responsibilities in accordance with Sections 7.1 and 8.2 of the FMP; ...'*

The Council resolution did not allow for the Shire President and the Chief Executive Officer to affix the Shire of Plantagenet Common Seal to the Notification under Section 70A of the Transfer of Land Act 1995 which informs all prospective owners of their legal requirement to enforce the Fire Management Plan.

Statutory Environment

Transfer of Land Act 1983

Local Government Act 1995

Planning and Development Act 2005

Shire of Plantagenet 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.

Location 6052 Mount Barker-Porongurup Road, Porongurup – Affix Common Seal (Cont.)

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 to the subdivision with a condition requiring the lodgement of a Section 70A notifying all prospective purchasers of their requirement to adhere to the Fire Management Plan. As this condition 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 J Moir, seconded Cr J Mark:

That authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the Notification under Section 70A of the Transfer of Land Act 1983 between Murfett Group Holdings Pty Ltd and the Shire of Plantagenet pertaining to the subdivision of Location 6052 Mount Barker – Porongurup Road, Porongurup.

CARRIED 8/0

No. 396/06

9.3.12 POLICY REVIEW - HALLS – DISTRICT HALL CEILING INTERFERENCE

Location / Address: N / A
Name of Applicant: N / A
File Reference: CP/120/5
Author: Peter Duncan - Manager Development Services
Authorised By: Rob Stewart – Chief Executive Officer
Date of Report: 10 October 2006

Purpose

The purpose of this report is to review Council Policy No. A/AP/2 Halls – District Hall – Ceiling Interference.

Background

Council Policy No. A/AP/2 reads as follows:

'That access to the District Hall Ceiling be restricted to authorised repair workmen and staff only.'

The intention is to stop unauthorised persons tampering with the ceiling of the main Shire Hall.

Statutory Environment

There are potential legal implications of unauthorised persons to injure themselves and / or damage the ceiling.

Consultation

Consultation has taken place with Mr Rob Stewart – Chief Executive Officer, Mr John Fathers – Deputy Chief Executive Officer, Ms Nicole Selesnew – Manager Community Services and Mr Alan Watkins – Principal Building Surveyor.

Policy Implications

This policy review is presented to the Council as part of the ongoing Council Policy review cycle.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Councils strategic Plan Key Result Area 1, New Initiative 1.4 provides the following:

- 1.4 Ensure the Administrative system and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence; and
- Promote and provide access to policies, procedures, standards and legislation.

Policy Review – Halls – Ceiling Interference (Cont.)**Officer Comment**

This policy means that unauthorised persons are not allowed to enter the ceiling space or tamper with the ceiling to install decorations and so on. Decorations can be varied from balloons and streamers through to floral displays, disco balls and sails, etc.

The policy presently only applies to the district hall in Muir Street, Mount Barker.

The policy to not allow unauthorised workers access to the ceiling or roof spaces should be retained but it should be expanded to apply to all Council buildings.

The Council also has other buildings under its control and these include a total of eight halls listed as follows:

- Plantagenet District Hall
- Kendenup Hall
- Narrikup Hall
- Rocky Gully Hall
- Porongurup Hall
- Kamballup Hall
- Woogenellup Hall
- Scout Hall.

Other buildings which have roof and / or ceiling space include various gazebos, toilet buildings, buildings at Frost Park, the present library building and the visitor centre buildings.

It is appropriate to broaden out this present policy to include all buildings and structures that have roof and / or ceiling space.

There needs to be the ability for the Chief Executive Officer to approve entry by other persons for instances such as installing decorations for functions such as weddings. This must be conditioned that those persons have appropriate public liability insurance to cover any accidents that may occur in the installation or removal of decorations.

A note must be included in the relevant paperwork for hire proposals advising people of the need for liability insurance and the details of the policy.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr J Mark:

THAT:

- (1) **Amended Council Policy No. A/AP/2: 'Council Buildings – Ceiling and / or Roof Interference' as follows:**

Objective:

To clarify access restrictions to ceiling and roof spaces in Council owned buildings.

Policy:

That access to the ceiling / roof space in any of the buildings under Council's care and control be restricted to authorised repair contractors and staff only and that any entry by other persons is subject to:

- (1) The approval by the Chief Executive Officer; and**
- (2) The parties having appropriate public liability insurance to cover any event, which indemnifies Council against any claim.'**

be endorsed.

- (2) All necessary documentation relating to the hire or use of the Council buildings will be subject to the applicant having necessary public liability insurance to indemnify the Council against any claim from the set up and function, through to the clean up afterwards.**

CARRIED 8/0

No. 397/06

9.3.13 LOT 502 MARTIN STREET, MOUNT BARKER - APPLICATION FOR TEMPORARY ACCOMMODATION

Location / Address:	Lot 502 Martin Street, Mount Barker
Attachments: (2)	Site Plan Locality Map
Name of Applicant:	E Klein
File Reference:	RV/182/4643
Author:	Eric Howard - Environmental Health Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	9 October 2006

Purpose

The purpose of this report is to consider an application for Temporary Accommodation at Lot 502 Martin Street, Mount Barker.

Background

An application has been received from the owner of Lot 502 Martin Street, Mount Barker seeking approval to occupy a caravan also located on that Lot for a period of twelve (12) months during the construction of the Class 1a dwelling.

A Building Licence has been issued for a Class 1a dwelling (Building Licence No. 2645). The applicant intends to reside within a caravan located on the property and connect ablution facilities located within an outbuilding, to the effluent disposal system approved for the dwelling.

Statutory Environment

Caravan Parks and Camping Grounds Act 1995

Caravan Parks and Camping Ground Regulations 1997 Section (11) (2) states as follows:

- '(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
 - (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.'
-

Consultation

This application has been discussed with Mr Alan Watkins - Building Surveyor.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The owners of Lot 502 Martin Street, Mount Barker have been living within a caravan in a recently constructed outbuilding (BL No. 2548) located on the Lot and were unaware that Council approval was required to temporarily occupy the site.

The applicants were intending to reside on-site during the construction of their dwelling to maintain site security and to expedite the building project.

The applicants have been sleeping in the caravan, showering at the Mount Barker Caravan Park and washing their clothing at the local laundromat.

The temporary accommodation has been inspected and found to comply with basic health and safety requirements for this type of facility however the effluent disposal system approved for use with the dwelling has not been installed.

The applicants have agreed to comply with the provisions and conditions expressed in the Council information document 'Application for Temporary Accommodation' and have subsequently agreed to install shower and laundry facilities within the outbuilding. The applicants have further agreed to construct and connect the on-site effluent disposal system approved for use with the Class 1a dwelling to the temporary accommodation ablution facilities.

It is expected that the dwelling will be constructed to a habitable standard within twelve 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 J Cameron, seconded Cr J Mark:

That approval be granted to E Klein to occupy Temporary Accommodation at Lot 502 Martin Street, Mount Barker for a maximum period of twelve (12) months subject to:

- (1) Approval to commence occupation of the temporary accommodation is subject to inspection and certification by the Council's Environmental Health Officer that the facility meets all health and safety standards.**

Lot 502 Martin Street, Mount Barker – Application For Temporary Accommodation (Cont.)

- (2) The installation of shower and laundry facilities within the outbuilding being connected to the onsite effluent disposal system approved for use with the Class 1a dwelling.
- (3) Satisfactory progress being achieved with the construction of the Class 1a dwelling.
- (4) The approval to occupy temporary accommodation may be revoked at any time within the twelve (12) month approval period should satisfactory progress not be made with the dwelling.

CARRIED 8/0

No. 398/06

9.3.14 LOT 901 YELLANUP ROAD, NARRIKUP - APPLICATION FOR TEMPORARY ACCOMMODATION

Location / Address:	Lot 901 Yellanup Road, Narrikup
Attachments: (2)	Site Plan Locality Map
Name of Applicant:	B Eatts and M DeJong
File Reference:	RV/182/359
Author:	Eric Howard - Environmental Health Officer
Authorised By:	Peter Duncan - Manager Development Services
Date of Report:	9 October 2006

Purpose

The purpose of this report is to consider an application for Temporary Accommodation at Lot 901 Yellanup Road, Narrikup.

Background

An application has been received from the owners of Lot 901 Yellanup Road, Narrikup seeking approval to occupy a caravan located on Lot 901 Yellanup Road, Narrikup for a period of twelve (12) months during the construction of their Class 1a dwelling, to be erected on that Lot.

A Building Licence has been issued for a Class 1a dwelling (Building Licence No. 2652). The applicants intend to reside within a caravan located on the property and have connect the ablution facilities provided within an existing outbuilding to an effluent disposal system approved for use with the outbuilding.

Statutory Environment

Caravan Parks and Camping Grounds Act 1995

Caravan Parks and Camping Ground Regulations 1997 Section (11) (2) states as follows:

- '(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
 - (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.'
-

Consultation

This application has been discussed with Mr Alan Watkins - Building Surveyor.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The applicants have agreed to comply with the provisions and conditions expressed in Councils 'Application for Temporary Accommodation' information document.

The applicants wish to reside on site during the construction of their dwelling to maintain site security and to expedite the building project.

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

The temporary accommodation facilities have been inspected and found to conform to the health and safety standards required for this type of accommodation.

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 J Cameron, seconded Cr M Skinner:

That approval be granted to B Eatts and A DeJong to occupy Temporary Accommodation at Lot 901 Yellanup Road, Narrikup for a maximum period of twelve (12) months subject to:

- (1) 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.**
- (2) Satisfactory progress being achieved with the construction of the Class 1a dwelling.**
- (3) The approval to occupy temporary accommodation may be revoked at any time within the twelve (12) month approval period should satisfactory progress not be made with the dwelling.**

CARRIED 8/0

No. 399/06

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr J Mark, seconded Cr D Williss:

That new business of an urgent nature, namely:

- Sale of Old Station House
- Mount Barker Library

be introduced to the meeting.

CARRIED 8/0

No. 400/06

11.1 SALE OF OLD STATION HOUSE

Location / Address: Lot 700 (11) Albany Hwy, Mount Barker, Offer of Sale

Name of Applicant: N / A

File Reference: RV/182/2072

Author: Donna Stevens - Senior Administration/Human Resources Officer

Authorised By: Rob Stewart - Chief Executive Officer

Date of Report: 13 November 2006

Purpose

The purpose of this report is to consider the offer of sale for Lot 700 (11) Albany Highway, Mount Barker (Old Station House).

Background

At its ordinary meeting held on 10 October 2006 the Council resolved that:

- (1) *Pursuant to Section 3.58 of the Local Government Act 1995, the Council advertise its intent to dispose by sale Lot 700 (11) Albany Highway, Mount Barker to Barry Neil Hegarty and Valerie May Hegarty.*
- (2) *Any submissions received during the advertising period be considered by the Council prior to accepting the Offer of Sale.*
- (3) *The Chief Executive Officer be delegated the authority to finalise the sale of the above blocks subject to no submissions being received at the conclusion of the advertising period.'*

The offer of sale by Mr & Mrs Hegarty was subject to the sale of their property in Parmelia. As at the contract deadline they did not have an offer on their property and their request to extend the contract was denied.

Sale Of Old Station House (Cont.)

Another offer of sale has since been received from Mr Malcolm Mallaby for \$190,000.00.

This is the same amount as accepted by the Council on the 10 October 2006.

During the advertising period for the first offer the Council received one submission opposing the sale of the Old Station House.

This submission was received from the Department of Indigenous Affairs on behalf of Mr Kimberley Krakouer and Mr Charlie Colbung.

They have requested that the premises be leased to Mr Krakouer and Mr Colbung at a peppercorn rental to allow for the establishment of an indigenous art centre within Mount Barker. The centre would be utilised as both a studio and gallery, by the applicants.

They believe that the premises provide an ideal location for the centre due to its highway frontage and the fact that the building is already fitted with gallery tracks and lighting, potential setup costs could be reduced considerably.

Both Mr Krakouer and Mr Colbung have experienced international recognition for their art with overseas exhibitions and see the centre as a way of expanding the profile of indigenous art.

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 Roy Weston Mount Barker, the Department of indigenous Affairs, Ms Nicole Selesnew - Manager of Community Services and Mr Rob Stewart – Chief Executive Officer.

Policy Implications

There are no policy implications for this report.

Financial Implications

Any proceeds from the sale of this property, will be in addition to budgeted funds.

The Real Estate Agent's total commission is \$7,134.00.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The concept outlined in the Department of Indigenous Affairs submission has previously been presented to the Ms N Selesnew and Mr R Stewart for consideration and the merits of the proposal have been acknowledged.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr J Cameron:

THAT:

- (1) The submission received from the Department of Indigenous Affairs to lease Lot 700 (11) Albany Highway, Mount Barker to Mr Kimberley Krakouer and Mr Charlie Colbung be denied.**
- (2) Pursuant to Section 3.58 of the Local Government Act 1995, the Council advertise its intent to dispose of by sale Lot 700 (11) Albany Highway, Mount Barker to Mr Malcolm Mallaby for the sum of one hundred and ninety thousand dollars (\$190,000.00).**
- (3) Any submissions received during the advertising period be considered by the Council prior to accepting the Offer of Sale.**
- (4) The Chief Executive Officer be delegated the authority to finalise the sale of the above blocks subject to no submissions being received at the conclusion of the advertising period.**

CARRIED 8/0

No. 401/06

11.2 PETITION - LIBRARY**Location / Address:** N / A**Name of Applicant:** N / A**File Reference:** RV/182/2252**Author:** Rob Stewart - Chief Executive Officer**Authorised By:** Rob Stewart - Chief Executive Officer**Date of Report:** 13 November 2006

Purpose

The purpose of this report is to formally deal with a petition which was received by the Council at its meeting held on 24 October 2006 regarding the Mount Barker Library.

Background

At its meeting held on 24 October 2006 a Petition was presented to the Council by Mr Brett Bell praying that the Council not relocate the Mount Barker Library.

Councillors will be aware that a proposal to co-locate the Mount Barker Library with the Mount Barker Visitors Centre was being explored such that the Council could take over the running of the Visitors Centre which has been experiencing financial difficulties.

It is pertinent to note that the Mount Barker Tourist Bureau (Inc) at its Annual General Meeting held on 23 October 2006 received insufficient nominations to form a board, necessitating the calling of a special general meeting to discuss the winding up of that body.

It is somewhat disappointing that the Council's response to the continued provision of a Visitors Centre (through the co-location of the Library) received such little support at the public meeting held on 17 October 2006. With positive support, the Council would have been able to take on an extra service at a monetary cost of something less than the two (2) services presently cost.

The petition is silent as to the reason or reasons that the Petitioners may have regarding leaving the Library in its present location. It could be assumed that the main objection for the relocation of the Library was the co-location with the visitors centre, rather than relocation alone.

Further, with regard to the Library land, the excision from an encroachment with Sounness Park and land suitable for a Medical Centre is almost complete. When this is complete the Council would be in a position to advertise its intention to sell the Library building to the Baptist Church of Mount Barker.

Once sold, consideration of the placement of interim Library facilities will be necessary. Possibly the Town Hall may need to be used until such time as a new facility is constructed. Or, possibly, the Church may be able to utilise the Town Hall for their purposes. This would hold up the sale process and it would be preferable to receive the sale proceeds to begin construction of the new facilities.

Petition – Library (Cont.)**Statutory Environment**

The Council has a deed of arrangement with the State Library of WA (SLoWA) to provide Library services in Plantagenet.

Also, Section 3.58 of the Local Government Act 1995 relates to disposal of property.

Policy Implications

There are no policy implications for this report.

Financial Implications

Preliminary indications are that the funds generated from the sale of the present Library would fund a majority of the cost to construct and fit out a purpose built Library.

Strategic Implications

The Council's adopted Strategic Plan, at Community Services, notes the Council's aim to deliver or facilitate the delivery of a range of services which respond to and reflect the physical, social and cultural wellbeing of the community. New initiatives include: evaluate different options for providing community services and facilities.

Officer Comment

The State Library of New South Wales has prepared a document titled '*People Places – A Guide for Public Library Buildings in New South Wales*'. This guide has been endorsed by SLoWA and is currently being considered by the West Australian Local Government Association as the recommended standard for Public Library buildings for Western Australia.

The guide includes methods for determining the appropriate size for a Public Library. The 'Service Based Benchmark' is the preferred calculation for libraries located in small rural towns or towns with a declining population. The calculation determines the required size of a library based on the future collection size and the type and range of services and core functions that the proposed library building will incorporate. These requirements are translated into a floor area for each functional area and used cumulatively to develop the size requirement for the library. The methodology defines six (6) broad types of library space:

- Collection area (books, volumes, non print material, digital and virtual resources);
- Reading and study areas (meeting areas, study carrels, tables and chairs);
- Resource areas (catalogues, photocopiers, scanners, fax machines);
- Staff areas (service desk, staff work room, offices, work areas, storage etc);
- Amenities and storage areas (toilets, store rooms, maintenance areas etc); and
- Additional service areas (story telling, family history, multipurpose rooms etc).

The following calculations have been based on the existing Library service located in the old Recreation Centre, Lowood Road, and a proposed new Library service.

Petition – Library (Cont.)

Functional Area	'People Places' Guide (%)	Existing Library (%)	Future Library (%)
Collection area	100 (mandatory)	100	100
Reading and Study areas			
Meeting areas	10	8 There is only one small room which can be sectioned off for meetings. The location of the room is not ideal as parents and children pass through the meeting room to access the Toy Library. Other areas within the Library may be used as meeting rooms but they cannot be separated from the normal Library activities (eg the Reference Room or the lobby area outside the squash courts). There is no after-hours access to meeting rooms.	12 A meeting room which is separated from the main Library area would enable meetings for small community groups that may not be able to afford the venue hire for larger facilities. The meeting room can also be used for a study area and for special activities, for example book readings, holiday programs and childrens' story time.
Study areas	15	10 Desks and chairs are available near the reference area and other chairs are scattered about the Library. Other than the meeting room referred to above, there is no 'quiet area' that can be sectioned off from the rest of the Library.	5 If the study area is incorporated within the meeting room, then little other study space would be required. Consideration should be given to some small desks and chairs near reference areas and scattered strategically throughout the building.
Browsing, Display, Information	5	20 The area adjacent to the squash courts and Basketball Court is the current display / information area. There is ample room throughout the building for browsing.	5 The display and information area can be greatly reduced and provided information was updated regularly, a smaller area would be more than adequate.
Resource Areas			
Catalogues, photocopiers etc.	10	5	5
Vending machines, telephones	5	- The Library doesn't provide telephone or vending machine services.	- If the Library was relocated closer to the main street precinct, neither of these services would be required.
Staff Areas			
Service Desk	15	10 The existing service desk provides enough room for the computer system, an exchange counter and book storage behind the counter.	10 The Shire's population combined with the relative spread of Library users throughout the day means that the Library does not need a large service desk area.

Petition – Library (Cont.)

Staff Work Area	15	15 The existing staff work area is separated into two rooms, the meeting room which is used for book exchanges and book repairs, and the Librarian's office.	12 The staff work area can be scaled back with more efficient office furniture and work spaces. The work area needs to remain large enough for book exchanges (150 book transfers) and book repairs.
Storage	5	5 There is a small storage room adjacent to the work room in which Council records are currently stored. Ideally, records should be kept in a fire and vermin proof area which has a stable environment. The Library's existing fire alarm system has been sufficient for this purpose.	5 Storage will still be required for Council records – however consideration should be given to a proper storage environment.
Amenities			
Foyer, Lobby, Corridors	10	30 The nature of the existing Library building is such that the foyer and lobby areas are very large and underutilised.	10 The architecture of a new Library should be designed to create a welcome and civic appearance and to provide maximum usage of space. Many Libraries buildings are designed on an open floor space which minimise the need for corridors.
Toilets, Restrooms, Storage etc	5	12 The existing Library building was the Shire Recreation Centre and therefore the toilet facilities have been designed for large groups of people including change rooms and showers. These facilities are underutilised in the buildings new role.	5 If the new Library building is positioned close to the Administration Office then staff will be able to share the existing kitchen and toilet facilities. One set of public toilets (disabled) would be required for public in the Library building.
Plant equipment, maintenance	5	- These services are not required in the Library and could be accommodated in the existing work areas if required.	- These services would not be required in the Library in the short term, but could be accommodated in the work areas if required.
Optional Additional Service Areas			
Children's Storytelling Area	5 – 10	10 While this service is currently not provided, there is sufficient area surrounding the childrens' book shelves for a children's storytelling area.	- A childrens' storytelling area can be incorporated in to the Meeting Room.

Petition – Library (Cont.)

Young Adult Area	5 – 10	- Other than general Library areas, there is no particular Young Adult area.	- The current population within Plantagenet is not large enough to justify establishing a Young Adult area, however consideration should be given to Young Adult specific reading material on dedicated shelves within the Library and displays aimed at Young Adults. If a study room was required, this could be incorporated into the meeting room. Consideration should also be given to the Baptist Church's intention to provide programs and services for young adults within the existing Library building if they were to purchase the premises.
Specialist Genre Collection Area	5 - 10	- There is no specialist genre collection area in the current Library layout other than the reference area and the separation between large print and small print items.	- Again, population size would preclude the need to incorporate specialist genre collection areas within the Library. The Librarian has indicated that the separation between large and small print items is appreciated by users and this layout should be continued. A reference area should still exist, but does not need to be separated into a specific room.
Specialist room, Local and Family History	10 – 15	- There are no specialist rooms within the Library other than the general use Reference area. Historical information is provided at the Historical Society with some records kept at the Library.	- There is no current need for a specialist room or history room. If room was required for short term projects, this could be serviced by a meeting room.
Multipurpose, Training, AV Room	20 – 25	-	- The meeting room would provide this service. If a larger area was required, there are plenty of other Council facilities within the Shire that would service larger groups of people.
Bookshop, Coffee Shop	10 – 15	-	- If the Library was relocated to the centre of town, local businesses would provide the service of coffee shop. There is a possibility to operate a commercial venture such as a bookshop from either Library building which would need to be explored further.

Petition – Library (Cont.)

Toy Library	10 – 20	10 The Toy Library is housed at the rear of the Library.	10 There are a number of synergies between Library services and Toy Libraries. Toy Library members are a ready audience for activities such as Childrens' Storytime and Better Beginnings. If delivered correctly, these style of programs encourage the use of Libraries by young people from a very young age and encourage continued use over their life.
Community Services, Bank Services	5	-	-
Storage Area for Archival Materials	5	Covered under 'Storage'	Covered under 'Storage'
Mobile Library Services Area	5	- The Library staff currently run a Homebound delivery service for people that are unable to source materials for themselves (eg people in hospital, seniors with limited mobility). The current work areas are sufficient to allow for this service.	- The Homebound delivery service is a very important community service and should be encouraged and developed further with the aid of volunteers. No additional room should be required within a Library building other than existing work areas. The population size within the Shire does not warrant the establishment of a Mobile Library service, however opportunities may exist to support the Libraries in schools and TAFE's.
Central or Regional Work Area	5	-	-
Central or Regional Community Offices	5	-	-
Other			
Art Gallery		35 The art gallery currently contains: - Claude Hotchin Gallery - 41 pieces - Acquisitive Collection - 10 pieces - Other - 35 pieces (donated items, photographs and items on loan).	25 Modern display systems for art would decrease the area required to display the pieces in the art gallery. The gallery requirements would also decrease if the Acquisitive pieces were displayed in other areas, for example the Administration centre, as discussed by the Council in the past.

Petition – Library (Cont.)

Library Contents			
Printed items (volumes) and Non-Print items (CD's, cassettes, Talking Books, DVD's etc)		11,100 5653 State Library stock 5447 local and donated stock	7,205 5,764 State Library stock 1,441 local and donated stock
			The population has declined by an average of 0.5% from 2001 to 2004 (ABS Statistics). Given the perceived growth in the district over the past two years, it could be assumed that this statistic has reversed and the district population is increasing. However, without the 2006 census data this cannot be verified. The projected Library content has been calculated against a population of 4,611, as detailed in the ABS population details (2004). The State Library provides 1.25 resources (both print and non print items) per head of population. The number of State Library items required amount to 5,764 . The Regional Librarian recommends that donations and local stock shouldn't exceed more than one quarter of the total Library stock. Local stock would therefore total 1,441 .
Percentage of printed items on loan at any one time		35	35
Periodical Titles		200	200
Number of public computer terminals used solely for catalogues		1	1
Total Floor Area Required		262m2 Total floor area in the existing building – 711m2	162m2

Below are some population projections to provide a guide for future Library services if the population was to increase significantly.

Population Growth *			Projected Library Floor Size Required to Suit Population Growth by the Year 2026 (m ²)
Growth (%)	Increase / year	Total population (yr 2026)	
0.5	23	5072 people	172
1	46	5,533 people	182
2	92	6,455 people	202
3	138	7,378 people	222
4	184	8,300 people	269**
5	230	9,222 people	291**
10	461	13,833 people	402**

Petition – Library (Cont.)

*Population growth has been calculated from the ABS information (4611 people in 2004).

** Once the projected population figures doubled from the Shire's existing population, additional requirements were included in the projected Library floor plan. These include increasing the study area within the Library, integrating a Young Adult Area and a Specialist Room.

Council discussions to date have highlighted the potential location for a new Library adjacent to the southern side of the Administration building, facing Lowood Road. *People Places* highlights twelve points that should be taken into consideration when establishing a new Library building:

Library Location Requirements	Proposed Library Site
1. Main street or shopping area location	The proposed site is opposite the post office, café and grocery store and in close proximity to the shops on the northern side of the roundabout.
2. Highly visible location, particularly from the shopping area	The building would be visible from the shops on the southern side of the Lowood Road / Langton Road intersection roundabout. Visibility is limited on the northern side of the roundabout.
3. Street frontage with the Library on a ground floor and not hidden from the road by trees or another building.	Street frontage would be appropriate and the Library should be constructed at ground level (at additional cost – refer to the costings summary in the report). Visibility of the Library would be blocked by the Administration centre when looking south from the Co-operative and other businesses across the street.
4. Fully accessible for people with limited mobility	If the Library is constructed at road level then the building would be accessible for people with limited mobility. Careful planning should ensure no steps or steep gradients occur.
5. Close to and / or accessible from local schools and educational facilities	Not applicable.
6. Potential for an outdoor area to be attached to the Library	The area surrounding the Administration building will be landscaped. An outdoor area adjacent to the building would be limited depending on the size of the Library building.
7. Priority pedestrian access which is safe and attractive, particularly for older residents, children and parents with prams	The Library would be situated adjacent to footpaths and access roads.
8. Walking distance from public transport	Not applicable.
9. Access to convenient and safe car parking with priority for people with a disability, older residents, parents with prams, staff and night time users	Car parking is already well utilised near the proposed Library location by people accessing the post office, ATM and other businesses. It is envisaged that Library users would use existing Shire staff and Councillor parking areas which will impact on the Council.
10. Accessible for community buses, mobile libraries, deliveries and other vehicles	The proposed site is easily accessible by all vehicles, large and small. Parking would be an issue.
11. Site able to accommodate future expansion of the library if required.	The size of the site would be sufficient to allow for population growth of 10% (13,833 people).

Petition – Library (Cont.)

<p>12. Safety principals</p>	<p>The proposed site is located in the main street precinct, increasing public surveillance of the building. Street lighting is immediately adjacent to the site and landscaping surrounding the Administration Centre would create a well maintained surrounding, reducing the likelihood for criminal activities.</p>
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The proposed site has been measured and there is room to accommodate a building with a floor size of 300m². The distance between the staff car park and the footpath along Lowood Road is 15m (with consideration given for kerbing etc) and the distance from the road between the Administration building and the Fire and Rescue Brigade, to the edge of the Administration building, is 20m.

The cost to establish a building on this site is dependent on the type of building materials to be used. Several quotes have been sourced recently from different building companies for other projects and these prices have been used to determine a cost estimate to build a new, 162m² Library building on the proposed site.

Building Component	Cost (\$)
Site works to excavate to 600mm, compact with clean fill, engage a structural engineer to prepare plans for footings and construct footings (recommended by the Council's Building Surveyor if the building is to be established at road level. If the building was to be built up from the ground, ramps will need to be installed to ensure access for people with limited mobility. Ramp gradients must not exceed 14:1).	\$20,000 (indicative cost provided by the Council's Building Surveyor)
Relocate sewer pipeline This is an indicative figure and will need to be clarified by OPUS engineering consultants.	\$60,000
Building options:	
Modular style building with hardiplank and colourbond exterior, including provision for one public toilet, office spaces and air conditioning. This is a very basic building style which is preconstructed and transported to the site. This style of building would not blend well with the Administration Centre (in particular the exterior hardiplank cladding) and internal fittings such as carpet etc would not be 'top of the range'. *	Total cost \$223,884 Cost /m ² = \$1,382
Domestic construction building with concrete ground slab, steel or timber load bearing frame, Colorbond roof cladding, painted fibre cement wall cladding, insulation, internal linings, vinyl and carpet floor tiling. Includes air conditioning. *	Total cost \$235,710 Cost /m ² = \$1,455
Commercial construction building Discussion with architects has indicated that \$1,500 is an average cost per square metre for commercial buildings.	Total cost \$243,000 Cost / m ² = \$1,500
Building Component	Cost (\$)
Fitout – including lighting, some new shelving, art gallery partitions for hanging art, an extension to the computer network and office furniture	\$85,000 (estimated)
Parking and outdoor lighting (if new parking areas are to be constructed). The existing staff car park area is 522m ² . This size has been used to calculate a new parking area.	\$57,200 \$100/m ² to construct a carpark and \$5,000 for outdoor lighting.
Professional fees (architect, consultants etc)	\$75,000

Petition – Library (Cont.)

Connection to Services	\$10,000
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* - Telstra has indicated that the network services that pass by the proposed site would be sufficient for a Library and no charges would be incurred for additional service installations.

The Council has received an offer of \$450,000.00 from the Mount Barker Baptist Church to purchase the existing Library building.

An unquantifiable cost that is worth noting is that which may be incurred if the old Recreation Centre was not sold. The Mount Barker Baptist Church plans to purchase the Library building to establish a Community Centre which will run throughout the week, with church activities occurring on Sundays. It is proposed the Community Centre will be run by a Committee which operates independently from the church, identifying and providing programs and services for groups including youth, young families and people from different cultures. The church has funds available to employ a full time Youth Officer for a three (3) year period. The Community Centre would also incorporate office space for programs that may be seeking a base to operate from, for example Free Legal Services and the Migrant Resource Centre.

If the development of a Community Centre was not to proceed, the provision of some of these services may fall back to Local Government to provide.

The existing Library building is in good condition. The Council's Building Surveyor recently inspected the building and has suggested \$43,000.00 worth of minor improvements and maintenance (for example polishing tiles, ceiling repairs, fixing roof leaks and painting) which could be carried out over a number of years.

If the building was to remain a Library then several alterations may be considered in order to improve the transition from an old recreation centre to a Library, for example suspended ceilings in the squash courts and basketball court to minimise heating and cooling costs and installing automatic opening doors at the building entrance.

Following is a comparison of the advantages and disadvantages of the existing Library building and a new Library building.

Existing Library Building	
Advantages	Disadvantages
Ample parking, away from Lowood road.	The front doors are heavy for elderly and frail people to manage. <i>Installation of automatic doors will alleviate this issue.</i>
Room for growth of Library services within the building.	High ceilings make it difficult to control the climate. <i>Suspended ceilings in the Basketball and Squash courts will assist.</i>
Large work and staff areas.	No external access to meeting room.
Meeting room.	Distance from the town precinct.
Quiet location.	
No steps or steep gradient to access the building.	
Kitchen facility and plenty of public toilets.	
Proposed Library Building	
Advantages	Disadvantages
Purpose built with dual function rooms and designed to improve Library functions (and an opportunity to decrease operating costs).	Limited parking unless existing staff and Councillor parking areas are utilised.

Petition – Library (Cont.)

Located in the main street precinct.	Limited expansion opportunities.
Sharing office facilities with the Administration centre, for example the kitchen and staff toilets.	Cost.
Opportunity to share staff between Library and Administrative functions.	
Linking the non-regulatory Council service (Library operations) with the regulatory Council services normally conducted at the Administration centre.	

It is also worth noting the public comments that have been received regarding the co-location of the Library with the visitors centre and apply these concerns to the potential relocation of the Library to the site adjacent to the Administration Centre.

At the public meeting held on 17 October 2006 the following concerns were voiced:

Concerns	Relevance to potential Library relocation
What will happen to existing staff, the art gallery and the local stock?	There would be no expectation that changes would occur to Library staff, although a review must be conducted into the opening hours of the Library service regardless of where the building is located. Consideration has been given towards the continuation of the Art Gallery in the new building. Local and donated stock will continue to exist but the amount of stock needs to be reduced. The Regional Librarian recommends 75% state stock and 25% local stock. At present, the Library has close to the same amount of donated and local stock as State stock.
What will happen to the Toy Library?	The relocation of the Toy Library to the Library building was unplanned. However, there are many synergies between Library services and the Toy Library and consideration should be given to the continued co-location of both services, provided the Toy Library Committee continue to manage the service (at present the Library staff issue and receive toys, the Toy Library Committee is responsible for cleaning, maintaining and checking toys). The location of the Toy Library within the Library creates opportunities to engage the children in Childrens' Storytime activities and parents in programs such Better Beginnings.
Both the existing location and access to the building are very good. There is plenty of room for the Library to expand if required.	Relocation of the Library to the main street precinct has many advantages and is a key principle of the <i>People Places</i> recommendations for establishing a new Library. It would be very difficult to find another site that has the same ample parking space and distance from the main road as the existing Library building does. If the Library was relocated adjacent to the Administration Centre, parking will need to be addressed. If the service based benchmark is used to calculate the floor area of a Library, the population would need to reach 25,000 in order to justify expanding the existing Library site. It is highly unlikely that expansion would

Petition – Library (Cont.)

	ever occur at the existing building.
Space in the existing Library is excellent. People with wheelchairs and prams can move about the shelves easily. The donated stock is excellent and shouldn't be reduced.	If properly designed, access throughout the Library for the mobility impaired and parents with prams etc would not be impeded. Donated and local stock is a valuable resource within Libraries, however when the amount of local stock starts to impact on staff resources it needs to be addressed. The Regional Librarian has recommended that donated / local stock should not exceed 25% of the State Library stock and emphasised that libraries are not about the quantity of books, rather the quality of books.
Traffic movements surrounding the Library building need to be considered for safety reasons.	Traffic moving down Lowood Road should be travelling at 50km/hr and traffic moving along the link road would be travelling even slower. Parking would need to be addressed.
The Library regulations are based on minimum standards – why decrease the existing service to meet a minimum standard?	The SLoWA resource allocation of 1.25 resources / head of population is not negotiable. However, the Shire is able to stock as much donated and / or local stock as desired. As highlighted previously, the recommended guide for donated and local stock is 25% of the State Library stock. At present, the Library holds nearly the same amount of donated and local stock as SLoWA stock. The amount of donated and local stock should be reviewed and decreased which would free up staff resources to allow for program delivery, such as story telling, school holiday programs or study programs.

Correspondence has also been received at the Shire in relation to the co-location issue. The issues identified in the correspondence are listed below.

Concerns	Relevance to potential Library relocation
'We have a well run (although under resourced) Library, with lending and sharing schemes, parent info, art gallery... Why would anyone even consider shrinking it down to some substandard level?'	The focus of this e-mail was about co-location with the Visitors Centre, however it is interesting to note that the Library is referred to as under resourced. The present amount of donated and local stock well exceeds the recommended amount and the Library displays a large amount of public information (pamphlets, information brochures etc) in the foyer area. It could be assumed that this resident has perceived the Library as under resourced due to the large amount of space within the building.

Petition – Library (Cont.)

<p>Relocation of the Library to a smaller building would mean a reduction of up to two thirds of the Library stock. This will result in less people using the Library and eventually, the possible closure of the Library.</p>	<p>Regardless of whether the Library is relocated or not, serious consideration must be given to reducing the existing donated and local stock. At present, Library staffs resources are allocated to managing the present collection that there is not enough time to organise community programs and services at the Library. One of the key benefits of conducting programs, services, organising displays etc is that more users are encouraged into the Library. Therefore, in some respects, holding a large amount of stock can actually have a negative impact on attracting more customers into the Library unless staff resources are increased at the same rate. Library technology such as Inter-Library Loans also means that Libraries have access to a vast array of resources from throughout the state, therefore the amount of stock on hand is not critical.</p>
<p>'Both libraries and visitors' centres are important facets of towns particularly in a growing area such as the Shire of Plantagenet. As the Shire grows so should these facilities. To combine them and there by reduce what they can offer is a regressive step and you don't go backwards in this world.'</p>	<p>While these comments are based on the co-location of the Library with the Visitors Centre, the concerns regarding expansion opportunities are applicable to the relocation of the building. As detailed previously, the existing building size 'over caters' for the towns Library service requirements and there is sufficient room to build a building up to 300m² adjacent to the Administration Centre. The service based benchmark indicates that a building of this size would serve a population of 10,000 people.</p>
<p>Easy access is critical for children. Reducing open hours would be difficult for people that live out of town and reducing the number of books is very limiting. 'Don't make life difficult for those who read'.</p>	<p>The existing Library building has excellent parking facilities and the distance from the road makes it very safe for children to supervise themselves to and from the vehicle. If the service was to be relocated to the Administration Centre site then patrons could use the staff car parking area which would afford them the same degree of parking safety. However, Shire parking requirements would have to be reassessed. The open hours of the Library need to be addressed regardless of the building location. While this may cause an initial inconvenience to some users, proper public notice should alleviate many issues.</p>
<p>'..I agree with this concept as I consider the present premises unsuitable for this function'. Planning should be done with the future in mind, not a quick fix solution. Provision of adequate parking is very important.</p>	<p>The <i>People Places</i> guide emphasises public consultation and involvement when designing Libraries as the public are the main users of the facility. If this process was adopted, issues such as parking, resource requirements, access etc would be identified during this process.</p>

Petition – Library (Cont.)

<p>To replace the Library with a building of similar size would cost several million dollars. Selling the existing land and building would be a backwards step considering the location amongst community facilities.</p>	<p>To replace the Library with a building of similar size would cost an estimate \$1,066,500 (using the standard commercial building cost of \$1,500m²). There is no intention to build another building the same size as the existing Library as this would defeat the purpose of rationalising the infrastructure to suit the community need.</p>
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The resolution of Library services in Mount Barker is somewhat urgent should the sale of the Library building to the Baptist Church go ahead. Should the sale to the Baptist Church proceed, the Council will need to continue to provide Library services and a building will be needed for this. Furthermore, the Council will need to look at the storage of the Claude Hotchin collection and the Council's own Acquisitive collection. Both of these collections are worthy community assets and need proper care. Whether the Council continues to run the Toy Library Service is a matter for subsequent Council resolution.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) In response to the petition to the Council at its meeting held on 23 October 2006 praying that the Council not relocate the Mount Barker Library, the community be advised that it is the intention of the Council to no longer pursue co-location of the Library with the Visitors Centre in the Mount Barker Railway Station, but that the Council will continue to pursue relocation of Library services in a purpose built structure.
- (2) The Chief Executive Officer's advice that the transfer of Sounness Park from Old Title to New Title is imminent be noted.
- (3) The Chief Executive Officer's intention to continue to negotiate with the Baptist Church of Mount Barker regarding the sale of the present Library building be endorsed.
- (4) Upon successful subdivision of the Library building from adjacent land to be utilised preferably for a Medical Centre, authority be sought from the Council, pursuant to Section 3.58 of the Local Government Act to advertise the intended sale of the Library building to the Baptist Church of Mount Barker and submissions be sought.
- (5) The Chief Executive Officer be authorised to engage architectural services for the design of an appropriate Library facility to be constructed on Lot 625 Lowood Road, such facilities to meet the criteria set out in 'People Places – A Guide for Public Library Buildings in New South Wales' for a population of 5,500 and also, if possible the Claude Hotchin and Acquisitive collections.
- (6) A further report be prepared for the Council's consideration at its meeting to be held 23 January 2007 addressing the need to appoint a community based reference group to advise the Council regarding Library design, facilities and services.

Petition – Library (Cont.)

COUNCIL DECISION**Moved Cr Cameron seconded Cr Moir****THAT:**

- (1) In response to the petition to the Council at its meeting held on 23 October 2006 praying that the Council not relocate the Mount Barker Library, the community be advised that it is the intention of the Council to no longer pursue co-location of the Library with the Visitors Centre in the Mount Barker Railway Station.**
- (2) The Chief Executive Officer's advice that the transfer of Sounness Park from Old Title to New Title is imminent be noted.**

CARRIED 8/0**No. 402/06****Moved Cr Cameron seconded Cr Mark****The Chief Executive Officer's intention to continue to negotiate with the Baptist Church of Mount Barker regarding the sale of the present Library building not be endorsed.****CARRIED 5/3****No. 403/06**Reason For Change

The Council considered that it should not dispose of the current library site as it may be required in the future for uses complementary to the adjoining Sounness Park or a redevelopment of the Park.

12 CONFIDENTIAL

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr J Cameron, seconded Cr M Skinner:

4.25pm That the Council move into a Confidential Session to discuss this item under the terms of the Local Government Act 1995 Section 5.23(2) as follows:

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

CARRIED 8/0

No. 404/06

12.1 CEMETERY EXTENSION - PURCHASE OF LAND

Location / Address: N / A
Name of Applicant: N / A
File Reference: LP/181/4
Author: Rob Stewart - Chief Executive Officer
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 8 November 2006

Purpose

The purpose of this report is to advise that the subdivision and rezoning of land to extend the Mount Barker Cemetery is nearly complete.

MOTION TO PROCEED IN PUBLIC

Moved Cr K Hart, seconded Cr J Moir:

4.30pm That the meeting proceed in public.

COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Cameron:

THAT:

- (1) With regard to the purchase of Part Lot 1963 Mitchell Street, Mount Barker for the purposes of extension to the Mount Barker Cemetery, the Chief Executive Officer be authorised to increase the purchase price by \$12,500.00.
- (2) A suitable reallocation of funds be recommended at the January 2007 budget review process.

CARRIED 8/0

No. 405/06

(Absolute Majority)

13 CLOSURE OF MEETING

4.40pm The Presiding Member declared the meeting closed.

CONFIRMED: PRESIDING MEMBER _____ DATE:...../...../.....