



ORDINARY MINUTES

DATE: Tuesday, 4 February 2014

TIME: 3:00pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

MEMBERSHIP – Quorum (5)

Membership:

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

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

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	PUBLIC QUESTION TIME.....	2
3.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
3.2	PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995.....	2
4	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
4.1	ROBERT LEAHY – ROTATIONAL OUTDOOR PIGGERY LEANNE ROAD AND HALSEY ROAD MOUNT BARKER.	2
4.2	JUDY LEAHY – OUTDOOR PIGGERY LEANNE ROAD AND HALSEY ROAD MOUNT BARKER.	2
4.3	SHERYLLE BAKER – OUTDOOR PIGGERY LEANNE ROAD AND HALSEY ROAD MOUNT BARKER.	2
4.4	MARCUS MCPHARLIN - OUTDOOR PIGGERY LEANNE ROAD AND HALSEY ROAD MOUNT BARKER.....	2
5	DISCLOSURE OF INTEREST	3
6	APPLICATIONS FOR LEAVE OF ABSENCE	6
7	CONFIRMATION OF MINUTES.....	6
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	6
9	REPORTS OF COMMITTEES AND OFFICERS.....	7
9.1	DEVELOPMENT SERVICES REPORTS.....	7
9.1.1	LOTS 350,351, 742-744, 769-771 AND 790-794 LEANNE ROAD AND HALSEY ROAD, MOUNT BARKER - ROTATIONAL OUTDOOR PIGGERY - GROW-OUT.....	7
9.1.2	TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 60 - LOTS 200 AND 60 ALBANY HIGHWAY AND ROAD RESERVE, MOUNT BARKER - SUBMISSIONS RECEIVED	17

9.1.3	TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 62 - LOT 1 ALBANY HIGHWAY, MOUNT BARKER - SCHEDULE 2 - ADDITIONAL USES	21
9.1.4	TOWN PLANNING SCHEME POLICY NO. 18.1 - PLANNING VISION - REVIEW - PUBLIC ADVERTISING CONCLUDED	24
9.1.5	TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 64 – REZONING VARIOUS LOTS IN MOUNT BARKER FROM SERVICE INDUSTRIAL TO COMMERCIAL AND RESIDENTIAL (R17.5)	30
9.1.6	LOT 2191 DENMARK-MOUNT BARKER ROAD, DENBARKER – ROTATIONAL OUTDOOR PIGGERY – BREEDING	35
9.1.7	RESERVE 10338 LOT 640 LOWOOD ROAD, MOUNT BARKER - AUTO DETAILING	42
9.1.8	LOT 52 LOWOOD ROAD CORNER MCDONALD AVENUE AND LOT 149 MCDONALD AVENUE, MOUNT BARKER - ADDITION TO TENNIS CLUB CLUBHOUSE.....	46
9.2	WORKS AND SERVICES REPORTS.....	49
9.2.1	CONFERENCE ATTENDANCE - 2014 WA TRANSPORT AND ROADS FORUM.....	49
9.2.2	LOT 60 ALBANY HIGHWAY MOUNT BARKER – PROPOSED PERMANENT ROAD CLOSURE	51
9.2.3	POLICY REVIEW - COUNCIL POLICY I/FM/2 (PART) - VEHICLE SPECIFICATIONS	54
9.2.4	POLICY REVIEW - GRAVEL AND SAND ACQUISITION	58
9.3	COMMUNITY SERVICES REPORTS	61
9.4	CORPORATE SERVICES REPORTS	61
9.4.1	BUDGET REVIEW – DECEMBER 2013	61
9.4.2	FINANCIAL STATEMENTS – DECEMBER 2013.....	68
9.4.3	LIST OF ACCOUNTS - DECEMBER 2013.....	70
9.4.4	POLICY REVIEW – A/PA/16 – NOTIFICATION TO ABSENTEE LANDOWNERS – ELECTORAL ROLL	72
9.5	EXECUTIVE SERVICES REPORTS.....	74
9.5.1	GENERAL MEETING OF ELECTORS - MINUTES - 2012/2013...	74
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	76

10.1 COUNCIL MEETINGS SCHEDULE..... 76

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF THE MEETING..... 77

11.1 SALEYARDS COMMITTEE – APPOINTMENT 77

12 CONFIDENTIAL..... 79

13 CLOSURE OF MEETING..... 80

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:05pm The Presiding Member declared the meeting open.

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

Members Present:

Cr K Clements	Shire President (Left Chambers at 4:17pm, returned 4:26pm) (Left Chambers at 4:29pm, returned 4:32pm)
Cr B Bell	Councillor (Left Chambers at 3:53pm, returned 4:07pm) (Left Chambers at 4:28pm, returned 4:29pm)
Cr A Budrikis	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Deputy Shire President
Cr G Messmer	Councillor
Cr J Moir	Councillor
Cr J Oldfield	Councillor (Left Chambers at 3:53pm, returned 4:07pm) (Left Chambers at 4:28pm, returned 4:29pm)
Cr C Pavlovich	Councillor (Left Chambers at 3:53pm, returned 4:07pm) (Left Chambers at 4:17pm, returned 4:26pm) (Left Chambers at 4:28pm, returned 4:29pm).

In Attendance:

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

There were 17 members of the public present (including 2 children).

Previously Approved Leave of Absence:

Nil

Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 ROBERT LEAHY – ROTATIONAL OUTDOOR PIGGERY LEANNE ROAD AND HALSEY ROAD MOUNT BARKER.

Mr Leahy spoke against the Officer's Recommendation in Item 9.1.1 (Copy attached to these Minutes).

4.2 JUDY LEAHY – OUTDOOR PIGGERY LEANNE ROAD AND HALSEY ROAD MOUNT BARKER.

Mrs Leahy spoke against the Officer's Recommendation in Item 9.1.1 (Copy attached to these Minutes).

4.3 SHERYLLE BAKER – OUTDOOR PIGGERY LEANNE ROAD AND HALSEY ROAD MOUNT BARKER.

Mrs Baker spoke against the Officer's Recommendation in Item 9.1.1. (Copy attached to these Minutes).

4.4 MARCUS MCPHARLIN - OUTDOOR PIGGERY LEANNE ROAD AND HALSEY ROAD MOUNT BARKER.

Mr McPharlin spoke in support of the Officer's Recommendation in Item 9.1.1 and clarified stocking densities and truck specifications.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr B Bell

Item: 9.1.1
Type: Proximity (section 5.60(B)LGA
Nature: Proximity
Extent: Not required

Item: 9.1.4
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA), Proximity (Section 5.60(B) LGA
Nature: Owner of property in the Shire of Plantagenet.
Extent: Property owner – Lot 1 Location 16 Albany Highway Mount Barker

Item: 9.1.6
Type: Financial/Indirect Financial Interest (Section 5.60(A) and 5.61 LGA)
Nature: Financial
Extent: Not required

Cr A Budrikis

Item: 9.1.1
Type: Code of Conduct Disclosure (s5.103 LGA/Reg 34C Local Government Administration Regulations). Perceived interest (Clause 2.3 Code of Conduct).
Nature: Purchased grapes off Lorraine Heckler in 2007 to make wine which I sell.
Extent: No subsequent purchase or intention to purchase since 2007

Item: 9.1.4
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA), Proximity (Section 5.60(B) LGA
Nature: Owner of property in the Shire of Plantagenet.
Extent: Ownership of property Lot 306 Lake Matilda Road, Kendenup Lot 371 Forster Road Kendenup. Financial Interests in properties Lot 369 Hawker Road Kendenup and Lot 701 Albany Highway Mount Barker.

Cr K Clements

Item: 9.1.4
Type: Proximity (Section 5.60(B) LGA
Nature: Owner of property in the Shire of Plantagenet.
Extent: Ownership of property – Lot 287 Mondurup Street Mount Barker.

Item: 9.1.5
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA), Proximity (Section 5.60(B) LGA)
Nature: Director of a company that owns land involved
Extent: Not required

Item: 9.1.7
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA), Proximity (Section 5.60(B) LGA)
Nature: Director of company that owns land opposite
Extent: Not required

Cr S Etherington

Item: 9.1.4
Type: Closely Associated Person (Section 5.62 LGA)
Nature: Partner owns property in the Shire of Plantagenet.
Extent: Partner has ownership of property 8B Lot 2 Athelton Street and 10 Athelton Street Mount Barker.

Cr L Handasyde

Item: 9.1.4
Type: Proximity (Section 5.60(B) LGA)
Nature: Owner of property in the Shire of Plantagenet.
Extent: Ownership of properties: Lots 13,14,22 and 21 Hay Location 37 Forest Hill and Hay Location 994 Boyup Road Forest Hill.

Cr G Messmer

Item: 9.1.4
Type: Proximity (Section 5.60(B) LGA)
Nature: Owner of property in the Shire of Plantagenet.
Extent: Ownership of properties Lot 2 Location 5483 Muir Highway Mount Barker and Lot 4 Location T94 Langton Road Mount Barker.

Cr J Moir

Item: 9.1.4
Type: Proximity (Section 5.60(B) LGA)
Nature: Owner of property in the Shire of Plantagenet.
Extent: Ownership of property location 2605, 6592 and 3981 Narrikup Road Narrikup.

Item: 11.1
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)
Nature: Financial
Extent: Cattle Farmer, Employee of Elders

Cr J Oldfield

Item: 9.1.1
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)
Nature: Business association with Milne Agrigroup.
Extent: Not required

Item: 9.1.4
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA), Proximity (Section 5.60(B) LGA)
Nature: Owner of Property in the Shire of Plantagenet.
Extent: Lot 462 Mitchell Street Mount Barker business asset, 120 Happy Valley Road Kendenup personal residence, Hay Location 525, 1034, 681, 505, 1298, 504, 524 and 523 business asset farming land.

Item: 9.1.6
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61LGA)
Nature: Financial
Extent: Business association with Milne Agrigroup.

Cr C Pavlovich

Item: 9.1.1
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61LGA)
Nature: Financial
Extent: Milne Agrigroup customer.

Item: 9.1.4
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61LGA), Proximity (Section 5.60(B) LGA)
Nature: Joint and owner of property within the Shire of Plantagenet
Extent: Joint property owner 124 Braidwood Road Mount Barker, property owner 31672 Albany Highway and 6 Braidwood Road Mount Barker.

Item: 9.1.5
Type: Proximity (Section 5.60(B) LGA)
Nature: Related Interest (Property)
Extent: Property in zoning owned by parents.

Item: 9.1.6
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61LGA)
Nature: Financial
Extent: Milne Agrigroup customer.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

7 CONFIRMATION OF MINUTES

Moved Cr B Bell, seconded Cr L Handasyde:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 10 December 2013 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 1/14

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 LOTS 350,351, 742-744, 769-771 AND 790-794 LEANNE ROAD AND HALSEY ROAD, MOUNT BARKER - ROTATIONAL OUTDOOR PIGGERY - GROW-OUT

Cr A Budrikis

Item: 9.1.1
Type: Code of Conduct Disclosure (s5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of conduct).
Nature: Purchased grapes off Lorraine Heckler in 2007 to make wine which I sell.
Extent: No subsequent purchase or intention to purchase since 2007

Cr B Bell

Type: Proximity (section 5.60(B)LGA)
Nature: Proximity
Extent: Not required

Cr J Oldfield

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA),
Nature: Business association with Milne Agrigroup
Extent: Not required

Cr C Pavlovich

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61LGA)
Nature: Financial
Extent: Not required

3:53pm Cr B Bell, Cr Oldfield and Cr Pavlovich withdrew from the meeting.

File No: N29200

Attachments: [Location Plan](#)
[Submission Location Plan](#)
[Consultant's Response to Submissions](#)
[Department of Environment Regulation](#)
[Comment](#)
[Manager Development Service Letter](#)
[Site Location](#)
[Property Layout and Proposal](#)
[Soil and Landscape Units](#)
[APL Fact Sheet](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 4 February 2014

Applicant: Aurora Environmental for Milne Agrigroup and
Lorraine Heckler and Marcus McPharlin

PURPOSE

The purpose of this report is to consider a proposal for a rotational outdoor piggery (grow-out) at Lots 350, 351, 742 - 744, 769 - 771 and 790 - 794 Leanne Road and Halsey Road, Mount Barker.

BACKGROUND

Council records show the registered owners of the properties are L Heckler and M and G McPharlin.

The Council at its meeting held on 17 August 2010 when considering a different piggery proposal on this land resolved at Resolution No. 197/10:

'That the proposal for a noxious industry (piggery) at Lots 769 and 770 Halsey Road, Mount Barker be refused on the grounds that it is contrary to the orderly and proper planning of the locality and the preservation of the amenity of the locality in that the properties do not meet the Environmental Protection Authority and Health Local Law 2008 recommended buffer separations of 1,000m.'

On 1 November 2013, the Council received this current Planning Consent (PC) application for a rotational outdoor piggery at Lots 350, 351, 742 - 744, 769 - 771 and 790 - 794 Leanne Road and Halsey Road, Mount Barker. This PC application included supporting information prepared by environmental consultants Aurora Environmental (AE). This proposal involves a grow-out unit for a maximum of 6,380 animals on four fixed rotational outdoor piggery areas. The maximum number of animals at the subject land at any one time will be 6,380 with an approximate yield of 20,800 animals annually.

The supporting Environmental Management Plan (EMP) document to the current PC application was prepared pursuant to the Environmental Guidelines for Rotational Outdoor Piggeries 2013 and Australian Pork Limited Fact Sheet, Design and Management of Outdoor Free Range Areas for Pigs July 2011 (APL Fact Sheet

2011). These two documents are more up to date and relevant when proposing to develop rotational outdoor piggeries as they include the latest scientific data and provide specific advice on development requirements for rotational outdoor piggeries.

Australian Pork Limited released the Environmental Guidelines for Rotational Outdoor Piggeries (EGROP 2013) during October 2013. These environmental guidelines are specific to rotational outdoor piggery operations (free-range). Rotational outdoor piggeries are not seen as extensive due to their method of operation.

This PC application was advertised for public comment from 7 November 2013 to 29 November 2013. Eleven submissions were received of which four are from government agencies. Seven submissions are from adjoining and nearby landowners of which six raised objection to the proposal.

Concerns raised by these landowners included amenity, environmental, health, road safety and lifestyle matters. Further concerns raised included insufficient supporting information, regulatory non-compliance and land value matters.

The Council at its meeting held on 10 December 2013 when considering this piggery proposal resolved at Resolution No. 310/13:

'That:

- 1. Consideration of the application for the rotational outdoor piggery at Lots 350, 351, 742 - 744, 769 - 771 and 790 - 794, Leanne Road and Halsey Road, Mount Barker be adjourned to enable the proponent's environmental consultants to respond to the submissions made during the public advertising period.*
- 2. A further report be prepared for consideration of the Council no later than its meeting to be held on 4 February 2014.'*

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural. A piggery falls within the definition of a Noxious Industry that is a discretionary 'SA' use under TPS3. This means that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with Clause 6.2.

Environmental Protection Act 1986

Rotational outdoor piggeries do not constitute a prescribed activity under the Environmental Protection Act 1986 and therefore do not require works approval or licence from the Department of Environment Regulation (DER).

Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No. 3 June 2005 (EPA 2005).

This document provides generic buffer (separation) distances referred to in the State Buffer Policy 1997 (Government of Western Australia). These generic distances set out in Appendix 1 are based on the experience of the Department of Environment Regulation and other regulatory authorities for industries that historically have been

associated with amenity impacts from gaseous, dust, noise and odorous emissions as well as with elevated levels of off-site risk to the public.

Appendix 1

<i>Industry</i>	<i>Description of industry</i>	<i>Buffer distance in metres and qualifying notes</i>
<i>Piggery - extensive</i>	<i>premises on which pigs are fed, watered and housed in outside paddocks or enclosures.</i>	<i>1,000 for all extensive piggeries.</i>

The buffer distances included in the EGROP 2013 and the APL Fact Sheet 2011 are specific to rotational outdoor piggery operations (free-range) and these guidelines are more up to date and relevant when proposing to develop rotational outdoor piggeries. The guidelines include the latest scientific data and provide specific advice on buffer requirements for rotational outdoor piggeries. Rotational outdoor piggeries are seen as intensive due to their method of operation.

Health Act 1911 (as Amended) - Piggery is defined as an offensive trade and must be registered with the local authority on an annual basis.

Shire of Plantagenet Health Local Law 2008, Part 5 Piggeries and Part 9 Offensive Trades

Part 5 Piggeries

Clause 5.6.2 reads:

- (1) No premises shall be used as a piggery unless approved by the local government;*
- (2) Subject to subsection (3), no premises shall be approved as a piggery by the local government unless every portion of such piggery complies with the minimum separation distances listed in Table 2; or if it is an intensive piggery, the minimum separation distances listed in Table 3; and*
- (3) Sites unsuitable to satisfy the separation may be approved at the discretion of the local government, if the local government is satisfied that approving the piggery will not give rise to a health nuisance.*

Table 2. Required Buffer Distances for Piggeries

<i>Buffer</i>	<i>Distance</i>
<i>Townsite boundaries</i>	<i>5,000m</i>
<i>Isolated rural dwellings, dairies and industries</i>	<i>1,000m</i>
<i>Public roads and recreation areas</i>	<i>100m</i>
<i>Neighbouring rural property boundaries</i>	<i>50m</i>
<i>Major water course and water impoundments</i>	<i>300m</i>
<i>Bores, wells or soaks used for drinking, stock or irrigation</i>	<i>300m</i>
<i>Minor water courses</i>	<i>100m'</i>

The key issue of concern for piggeries is not to give rise to health nuisances with the recommended buffer distance to isolated rural dwellings being 1,000m.

Discretion exists for the Council to vary standards at clause 5.6.2(3). The EMP addresses the current management methods for this proposal and separation from

isolated dwellings will not be an issue. Health Department Guidelines from 2012 do not include farmhouses in their current separation standards.

Soil and Land Conservation Act 1945 - requires the use of appropriate land management to attain or maintain the stability of the land in perpetuity.

Environmental Guidelines for Rotational Outdoor Piggeries 2013 (EGROP 2013).

The EGROP 2013 encapsulates a national approach to environmental management for rotational outdoor piggeries. These guidelines include best practice environmental management for rotational outdoor piggeries and complement the industry's quality assurance program - APIQ® Free Range.

Australian Pork Limited Fact Sheet, Design and Management of Outdoor Free Range Areas for Pigs July 2011 (APL Fact Sheet 2011) (copy attached).

That fact sheet summarises the desired site selection characteristics, buffer distances and nutrient management actions specifically for free range piggeries. The fact sheet provides a reference for the assessment of the suitability of the site for the development of a free-range piggery and independent verification of the proposed management practices. These site selection requirements are based on extensive research and industry consultation. All four rotational outdoor piggery areas conform to site selection criteria and buffer requirements set out in the fact sheet.

Australian Pork Industry Quality Assurance Program (APIQ®)

APIQ® provides the framework and standards by which Australian pig producers can demonstrate they are responsible farmers who care for their animals and the environment by following safe and sustainable practices contained in the EGROP 2013.

EXTERNAL CONSULTATION

In accordance with Delegation LG035 the proposal was advertised for comment for a 21 day period closing on 29 November 2013. Advertising included letters to 13 adjoining landowners, Environmental Protection Authority (EPA), Department of Environment Regulation (DER), Department of Agriculture and Food WA (DAFWA), Department of Water (DOW), Department of Parks and Wildlife (DPAW) and the Department of Health (DOH). Notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site.

At the close of the advertising period 10 submissions had been received and these are contained in the attached summary of submissions.

The Council on 13 December 2013 received a late submission from DAFWA. A further late submission was also received from the DER on 15 January 2014. The Manager Development Services (MDS) responded to the DER submission on 20 January 2014. A copy of both the DER submission and the MDS response are attached.

A copy of the proponent's environmental consultant's response to the submissions made during the public advertising period is also attached.

FINANCIAL IMPLICATIONS

The planning application fee of \$1,280.00 and a bond of \$500.00 for advertising costs have been paid.

POLICY IMPLICATIONS

The Shire of Plantagenet Town Planning Scheme Policy No. 19 - Kendenup Rural Surrounds - the subject land is located within the 'Future Rural Smallholding Areas'. In assessing land use and subdivision proposals within the 'Future Rural Smallholding Areas' in the Kendenup rural surrounds, the following policy criteria below will be considered.

Policy Criteria 11 reads:

'Key objectives of these areas will be to:

- c) conserve and enhance the landscape quality of the area by ensuring development is sensitively designed and integrated with the landscape;*
- e) minimise the risk of land use conflict by not favouring inappropriate land uses without adequate buffers incorporated on site.'*

Policy Criteria 15 reads:

'Intensive agricultural pursuits (other than horticulture) such as piggeries, feed lotting and poultry farms will generally not be permitted due to buffer requirements. The keeping of livestock should be restricted to fenced pastured areas. Animal numbers should not exceed stocking rates recommended by the Department of Agriculture and Food.'

Rotational outdoor piggeries are seen as intensive due to their method of operation. However, rotational outdoor piggeries pose different amenity risks to those of conventional piggeries (indoor and deep litter piggeries). Comprehensive industry research has revealed very low levels of odour, dust and noise from rotational outdoor piggeries compared to conventional piggeries. All four proposed rotational outdoor piggery areas conform to site selection criteria and buffer requirements set out in the EGROP 2013 and the APL Fact Sheet 2011.

A copy of the report *'Data Collection to Underpin the Quantitative Assessment of Odour Dust and Noise Emission from Free Range Piggeries, Final Report - APL Project 2011/1015.417'* prepared by the University of Southern Queensland and National Centre for Engineering in Agriculture was provided to Councillors by Memorandum dated 13 January 2014.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 2.1 (Long term planning and development guided by the Planning Vision) the following Strategy:

'Strategy 2.1.5 – Encourage and promote the use of good agricultural land for food production.'

OFFICER COMMENT

On 14 January 2014, the Council received the proponent's environmental consultant's (AE) response to the submissions. AE's response sufficiently addresses concerns raised in the submissions made during the public advertising period. Particular attention was given to the submissions from Sherylle and Shane Baker and Judy and Robert Leahy.

The Council on 15 January 2014 received a late advice correspondence from the DER. The advice from the DER mainly related to noise and buffers however, this advice is seen as questionable. In a letter dated 20 January 2014, the MDS wrote to the DER and requested it revisit the details contained in its advice as they do not match the Code of Practice. A copy of both the DER advice and the MDS response to the DER are attached.

The EMP will conform to all regulatory requirements including the EGROP 2013 and the APL Fact Sheet 2011, except for the 1km buffer distance requirement for isolated rural dwellings set out in the Shire of Plantagenet Health Local Law 2008 for one dwelling nearby.

Revisions to the EMP requiring fencing of remnant vegetation, planting of vegetation strips and construction of additional interceptor drains will mean the amended EMP in the main will conform to regulatory requirements, and the new national guidelines. Subject to appropriate conditions, the proposal is supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr L Handasyde, seconded Cr A Budrikis:

- 1. In accordance with clause 5.6.2 of the Shire of Plantagenet Health Local Law 2008 and clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the proposed rotational outdoor piggery operation with reduced separation distances from isolated rural dwellings at Lots 350, 351, 742 - 744, 769 - 771 and 790 - 794 Leanne Road and Halsey Road, Mount Barker in accordance with the Environmental Management Plan dated 1 November 2013 be approved subject to:**
 - a. A revised Environmental Management Plan for the rotational outdoor piggery on these properties being submitted to the satisfaction Manager Development Services showing:**
 - i) All remnant vegetation areas abutting Rotational Outdoor Piggery Areas being fenced.**
 - ii) Interceptor drains being constructed west of Rotational Outdoor Piggery Cells 1 and 4.**
 - iii) A permanent vegetation strip being planted and maintained along the west boundary of Rotational Outdoor Piggery Cells 1 and 4.**

- iv) A permanent vegetation strip being planted and maintained along the east of the existing orchard abutting Rotational Outdoor Piggery Cell 3 up to the driveway to the north.
 - v) A permanent vegetation strip being planted and maintained along remainder the east boundary of the Rotational Outdoor Piggery area.
 - vi) Detailed advice on the use and construction of straw bale filters for surface water runoff management.
 - vii) Detailed advice on the rotation of shelters within rotational outdoor areas including animal numbers.
- b. The revised Environmental Management Plan being submitted within 30 days of the Council granting Planning Consent.
 - c. The piggery being registered and operated in accordance with the Australian Pork Industry Quality Assurance Program (APIQ®).
 - d. The burial trench being designed, constructed and maintained in accordance with the National Environmental Guidelines for Piggeries Second Edition (Revised) 2010.
 - e. All Rotational Outdoor Piggery Areas being adequately fenced to contain all pigs to the satisfaction of the Manager Development Services.
 - f. Heavy vehicle use associated with the operation of the rotational outdoor piggery being limited to a maximum B-double vehicle configuration for Halsey, Jutland and Fisher Roads.
 - g. The pipeline connecting the supplementary water source at Lot 743 being placed underground where it crosses unconstructed Leanne Road to the satisfaction of the Manager Works and Services.
- 2. Lots 350, 351, 742 - 744, 769 - 771 and 790 – 794 not being disposed of/sold to other persons not associated with this piggery due to water supply and buffer requirements.
 - 3. Staff arrange a schedule of quarterly inspections of this piggery operation for the initial 12-month period and then twice yearly inspections for a period of two years to ensure compliance.

AMENDMENT

Moved Cr J Moir, seconded Cr G Messmer:

That Part 1 f. be deleted and the motion be recast accordingly.

CARRIED (5/1)

NO. 2/14

COUNCIL DECISION

That:

1. In accordance with clause 5.6.2 of the Shire of Plantagenet Health Local Law 2008 and clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the proposed rotational outdoor piggery operation with reduced separation distances from isolated rural dwellings at Lots 350, 351, 742 - 744, 769 - 771 and 790 - 794 Leanne Road and Halsey Road, Mount Barker in accordance with the Environmental Management Plan dated 1 November 2013 be approved subject to:
 - a. A revised Environmental Management Plan for the rotational outdoor piggery on these properties being submitted to the satisfaction Manager Development Services showing:
 - i) All remnant vegetation areas abutting Rotational Outdoor Piggery Areas being fenced.
 - ii) Interceptor drains being constructed west of Rotational Outdoor Piggery Cells 1 and 4.
 - iii) A permanent vegetation strip being planted and maintained along the west boundary of Rotational Outdoor Piggery Cells 1 and 4.
 - iv) A permanent vegetation strip being planted and maintained along the east of the existing orchard abutting Rotational Outdoor Piggery Cell 3 up to the driveway to the north.
 - v) A permanent vegetation strip being planted and maintained along remainder the east boundary of the Rotational Outdoor Piggery area.
 - vi) Detailed advice on the use and construction of straw bale filters for surface water runoff management.
 - vii) Detailed advice on the rotation of shelters within rotational outdoor areas including animal numbers.
 - b. The revised Environmental Management Plan being submitted within 30 days of the Council granting Planning Consent.
 - c. The piggery being registered and operated in accordance with the Australian Pork Industry Quality Assurance Program (APIQ®).
 - d. The burial trench being designed, constructed and maintained in accordance with the National Environmental Guidelines for Piggeries Second Edition (Revised) 2010.
 - e. All Rotational Outdoor Piggery Areas being adequately fenced to contain all pigs to the satisfaction of the Manager Development Services.

- f. The pipeline connecting the supplementary water source at Lot 743 being placed underground where it crosses unconstructed Leanne Road to the satisfaction of the Manager Works and Services.
2. Lots 350, 351, 742 - 744, 769 - 771 and 790 – 794 not being disposed of/sold to other persons not associated with this piggery due to water supply and buffer requirements.
3. Staff arrange a schedule of quarterly inspections of this piggery operation for the initial 12-month period and then twice yearly inspections for a period of two years to ensure compliance.

CARRIED (5/1)

NO. 3/14

Pursuant to Section 5.21 (4) of the Local Government Act 1995 Cr Etherington requested that her vote be recorded against the motion.

4:07pm Cr Bell, Cr Oldfield and Cr Pavlovich returned to the meeting.

**9.1.2 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 60 - LOTS 200
AND 60 ALBANY HIGHWAY AND ROAD RESERVE, MOUNT BARKER -
SUBMISSIONS RECEIVED**

File No: N29069
Attachments: [Location Plan](#)
[Summary of Submissions](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 4 February 2014

PURPOSE

The purpose of this report is to consider submissions received on a proposed Amendment to Town Planning Scheme No. 3 to rezone Lot 200 and Road Reserve Albany Highway from Special Site R13 and unzoned to Special Site R7.

BACKGROUND

Council records show the owner of Lot 200 is the Commissioner of Main Roads and the owners of Lot 60 are Mr and Mrs S Smith. The unconstructed road reserve is owned by the Crown.

Lot 60 Albany Highway is occupied by the Mount Barker Caravan Park. Lot 200 Albany Highway is occupied by the recently restored Round House and was formerly part of the strata title Special Site zone north of Muir Highway.

When Muir Highway and the roundabout with Albany Highway were built as part of the northern bypass, the now Lot 200, was cut off from the main strata lot to the north.

Main Roads WA has been restoring the Round House to the satisfaction of the Heritage Council of WA as the building is heritage listed. Main Roads WA has been in negotiation with the owners of the caravan park with the aim of selling Lot 200 incorporating the Round House to them.

When the Council considered this Amendment at its meeting held on 29 October 2013 it resolved:

‘That:

- 1. Amendment No. 60 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.*
- 2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.*

3. *After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held in February 2014.*
4. *Pursuant to Section 58 of the Land Administration Act 1997 local public notice be given of the proposal to permanently close the section of unnamed road reserve west of Albany Highway and that it be amalgamated into the adjoining Lot 60, as shown on the attached plan and that each person who is prescribed for the purposes of Section 58 be given written notice of the proposal and that submissions be invited.*
5. *A further report on the road closure be prepared for the Council's consideration at the conclusion of the advertising of the road closure no later than its meeting to be held in February 2014.'*

The Manager Works and Services is progressing the road closure matter at points 4 and 5 of the Council's decision.

The Amendment was forwarded to the Environmental Protection Authority (EPA) and that agency authorised the Amendment proceeding to advertising in a letter received on 12 December 2013.

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 EPA for 28 days. Once cleared by the EPA a 42 day advertising period applies. The Council must consider any submissions lodged within 42 days of the close of formal advertising and refer its recommendations to the Western Australian Planning Commission (WAPC) and the Minister within 28 days.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Special Site R7 lists the Restricted Use as:

'Commercial development including caravan park other than Road House or Service Station.'

Special Site R13 lists the Restricted Use as:

'1. Strata Lots

- (i) Grouped dwelling subject to prior approval of the Council.*
- (ii) Home occupation subject to the prior approval of the Council.*
- (iii) Rural use ancillary to the use of the strata lot for residential purposes but excluding the keeping of pigs or any commercial rural activity.*
- (iv) No stock shall be kept on those wholly vegetated strata lots delineated on the Strata Guide Plan.*

2. *Common Property
Rural Use'*

EXTERNAL CONSULTATION

The Amendment was advertised for 42 days with letters to affected landowners and government agencies, newspaper notices and a notice on site and on the Council's notice board.

At the closed of the advertising period eight submissions had been received (Summary of Submissions attached).

FINANCIAL IMPLICATIONS

The fee of \$4,840.00 (inc GST) has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.2: (Appropriate development which is diverse in nature and protects local heritage) the following strategies:

'Strategy 2.2.1 - Provide supportive planning and development guidance and liaison on major land development;'

'Strategy 2.2.5 - Encourage industry, business and residential development that is consistent with the individual character of towns;' and

'Strategy 2.2.6 - Support the conservation and maintenance of heritage buildings, heritage items and places of interest.'

OFFICER COMMENT

Councillors were provided with a copy of the Amendment document with the 29 October 2013 Agenda papers.

The Round House building is on the Heritage Council of WA State Register. It is not listed as a Place of Heritage Value in Schedule 11 of TPS3 and is not contained within the Council's Municipal Heritage Inventory.

The proposal involves removing the Round House Lot 200 from Special Site R13 (strata and plantation land north of Muir Highway) and including it and the adjoining portion of unconstructed road reserve into the Special Site R7 zone (caravan park). A request was also lodged to close the unconstructed road reserve portion and to amalgamate it into Lot 200.

The Council at its meeting held on 25 May 2010 agreed to a revised Development Plan for the long term development of the caravan park. That plan did not include the subject Lot 200 and the unconstructed road reserve. Included with this Amendment No. 60 is a revised Development Plan that now includes the additional land area.

The Amendment also proposes updating the land particulars for Special Site R7 to delete reference to Lot 584 Reserve No. 28095 and to insert the current land details of Lot 60, Lot 200 and the unconstructed road reserve.

As a result of the public advertising eight submissions were received and these are detailed in the Summary of Submissions attached. No modifications are required as a result of the submissions.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That:

1. The submissions lodged on Amendment No. 60 to Town Planning Scheme No. 3 be noted.
2. Amendment No. 60 to Town Planning Scheme No. 3 be adopted without modification and be forwarded to the Western Australian Planning Commission for the final approval of the Minister for Planning.
3. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to Amendment No. 60 once approved by the Honourable Minister.

CARRIED (9/0)

NO. 4/14

**9.1.3 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 62 - LOT 1
ALBANY HIGHWAY, MOUNT BARKER - SCHEDULE 2 - ADDITIONAL
USES**

File No:	N29244
Attachments:	Location Plan Amendment No. 62 (separate attachment)
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	4 February 2014

PURPOSE

The purpose of this report is to consider a proposed Amendment to Town Planning Scheme No. 3 to alter Schedule 2 (Additional Uses) for Site A3 at Lot 1 Albany Highway, Mount Barker. The Amendment will allow a solar energy facility to be established on site.

BACKGROUND

Council records show the owners of Lot 1 Albany Highway, Mount Barker are Gerard and Gweneth Wright.

In August 2007, Amendment No. 40 to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) created Lot 1 Albany Highway as Additional Use Site A3 in Schedule 2. The Additional Use permitted with that Amendment was a 'wind farm or wind energy facility'. A three turbine windfarm was established and commenced operations in 2011. The windfarm is operated by the Mount Barker Community Windfarm Inc which leases portion of Lot 1 from the land owners.

The proponents now propose to establish an area of the site for a series of solar panels to generate electricity particularly during times when wind is not operating the three turbines at their maximum efficiency.

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 28 days. Once cleared by the EPA a 42 day advertising period applies. The Council must consider any submissions lodged within 42 days of the close of formal advertising and refer its recommendations to the Western Australian Planning Commission (WAPC) and the Minister within 28 days.

TPS3 – Additional Uses Schedule 2 – Site A3 lists the permitted uses as 'Windfarm or wind energy facility' and the relevant development standards/conditions are:

- (i) Public Health and Aircraft, Socio-Economic Benefits, Construction, Infrastructure and Utilities, Landscape and Visual Impact, Noise, Other possible amenity impact to be to the satisfaction of the Council.*
- (ii) Maximum number of turbines is three, the maximum rotor diameter is 55m.*
- (iii) Noise generated shall not exceed 5dB(A) above the background sound level or 35dB(A) using a 10 minute Laeq, whichever is the greater, at surrounding nearby noise-sensitive premises.*
- (iv) Building licenses shall be required prior to construction*
- (v) Vehicular access routes shall be sited to minimise the visual impact.*
- (vi) Preparation of a decommissioning and rehabilitation plan detailing how the site will be rehabilitated at the end of the use.*
- (vii) Preparation and implementation of a drainage management plan and an erosion control plan for both wind and water.'*

EXTERNAL CONSULTATION

The Amendment will need to be advertised for 42 days with letters to affected landowners and government agencies, newspaper notices and a sign on site and a notice on the Council's notice board.

FINANCIAL IMPLICATIONS

The fee of \$2,750.00 (inc GST) for this level of a basic amendment has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.7 (Protection of natural environment) the following strategy:

'Strategy 2.7.4 - Promote and support community based environmental initiatives and protections.'

OFFICER COMMENT

Councillors have been provided with a full copy of the Amendment.

The proposal to introduce solar panels onto this site has necessitated this Amendment to TPS3 as the present permitted uses only refer to a windfarm or wind energy facility.

The Amendment alters the definition in Schedule 1 of TPS3 to refer to solar energy and alters Schedule 2 to introduce conditions relative to the solar component.

The solar facility will be developed on a 1.2ha portion of Lot 1 south of wind turbine 1 near the existing 22 kV overhead powerline. This 1.2ha area is cleared pasture which is screened from view from Albany Highway by existing remnant vegetation.

The solar facility will be located adjacent to the existing switchroom for the wind turbines. Two additional 600kVA transformers will be installed to enable connection to the existing electrical switchroom.

The solar panels will be raised in the order of 1m to 1.8m above ground level to allow livestock to graze under the panels as part of ongoing fire fuel reduction management.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr C Pavlovich:

That:

- 1. Amendment No. 62 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.**
- 2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.**
- 3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 24 June 2014.**

CARRIED (9/0)

NO. 5/14

**9.1.4 TOWN PLANNING SCHEME POLICY NO. 18.1 - PLANNING VISION -
REVIEW - PUBLIC ADVERTISING CONCLUDED**Cr B Bell

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA),
Proximity (Section 5.60(B) LGA)
Nature: Owner of property in the Shire of Plantagenet.
Extent: Property owner – Lot 1 Location 16 Albany Highway Mount Barker

Cr A Budrikis

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA),
Proximity (Section 5.60(B) LGA)
Nature: Owner of property in the Shire of Plantagenet.
Extent: Ownership of property Lot 306 Lake Matilda Road, Kendenup Lot 371
Forster Road Kendenup. Financial Interests in properties Lot 369
Hawker Road Kendenup and Lot 701 Albany Highway Mount Barker.

Cr K Clements

Type: Proximity (Section 5.60(B) LGA)
Nature: Owner of property in the Shire of Plantagenet.
Extent: Ownership of property – Lot 287 Mondurup Street Mount Barker.

Cr S Etherington

Type: Closely Associated Person (Section 5.62 LGA)
Nature: Partner owns property in the Shire of Plantagenet.
Extent: Partner has ownership of property 8B Lot 2 Athelton Street and 10
Athelton Street Mount Barker.

Cr L Handasyde

Type: Proximity (Section 5.60(B) LGA)
Nature: Owner of property in the Shire of Plantagenet.
Extent: Ownership of properties: Lots 13,14,22 and 21 Hay Location 37 Forest
Hill and Hay Location 994 Boyup Road Forest Hill.

Cr G Messmer

Type: Proximity (Section 5.60(B) LGA)
Nature: Owner of property in the Shire of Plantagenet.
Extent: Ownership of properties Lot 2 Location 5483 Muir Highway Mount
Barker and Lot 4 Location T94 Langton Road Mount Barker.

Cr J Moir

Type: Proximity (Section 5.60(B) LGA)
Nature: Owner of property in the Shire of Plantagenet.
Extent: Ownership of property location 2605, 6592 and 3981 Narrikup Road
Narrikup.

Cr J Oldfield

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA),
Proximity (Section 5.60(B) LGA)
Nature: Owner of Property in the Shire of Plantagenet.

Extent: Lot 462 Mitchell Street Mount Barker business asset, 120 Happy Valley Road Kendenup personal residence, Hay Location 525, 1034, 681, 505, 1298, 504, 524 and 523 business asset farming land.

Cr C Pavlovich

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61LGA), Proximity (Section 5.60(B) LGA)

Nature: Joint and owner of property within the Shire of Plantagenet

Extent: Joint property owner 124 Braidwood Road Mount Barker, property owner 31672 Albany Highway and 6 Braidwood Road Mount Barker.

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

Approval has been received from the Department of Local Government and Communities via a letter dated 20 January 2014 giving permission for Councillors B Bell, A Budrikis, K Clements, L Handasyde, G Messmer, J Moir, J Oldfield, C Pavlovich and S Etherington to participate in discussion and decision making procedures relating to Council's Planning Vision (town Planning Scheme Policy No. 18).

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

File No: N29070
Attachments: [Draft Town Planning Scheme Policy No. 18.1](#)
(separate attachment)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 4 February 2014

PURPOSE

The purpose of this report is to consider the result of public advertising of a review of the existing Town Planning Scheme Policy No. 18 – Planning Vision to become draft Town Planning Scheme No. 18.1.

BACKGROUND

The Council at its meeting held on 9 March 2010 when considering draft Town Planning Scheme Policy No. 18 – Planning Vision, resolved:

‘That in respect to the draft Town Planning Scheme Policy No. 18 (Planning Vision):

- 1. The final draft Town Planning Scheme Policy No. 18 (Planning Vision) be adopted subject to the modifications contained in the Schedule of Final Modifications being carried out.*
 - 2. The draft Town Planning Scheme Policy No. 18 be modified accordingly and then advertised publicly as being finalised.’*
-

The Council at its meeting held on 8 October 2013 when considering the reviewed draft Town Planning Scheme Policy No. 18.1 resolved:

'That:

1. *Draft Town Planning Scheme Policy No. 18.1 – Planning Vision be advertised in accordance with clause 7.6.2(a) of Town Planning Scheme No. 3 for a period of 42 days.*
2. *At the conclusion of the advertising period a further report be prepared for consideration of the Council no later than its meeting to be held in February 2014.'*

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

TPS3 Clause 7.6 'Power to Make Policies', which reads:

'7.6 POWER TO MAKE POLICIES

- 7.6.1 *In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the control of development.*
- 7.6.2 *A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:*
 - (a) *the Council, having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council;*
 - (b) *the Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy;*
 - (c) *Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.*
- 7.6.3 *A Town Planning Scheme Policy may only be altered or rescinded by:*
 - (a) *preparation and final adoption of a new policy pursuant to this clause, specifically worded to supercede an existing policy;*

- (b) *publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*

7.6.4 *A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.'*

To alter a policy, clause 7.6.3(a) is relevant as is the procedure involving advertising set by clause 7.6.2.

EXTERNAL CONSULTATION

In accordance with TPS3 Clause 7.6.2, the Council is required to advertise a draft policy once a week for two consecutive weeks within a newspaper circulating within the area. The advertisement is to contain details of where the draft policy may be inspected and in what form submissions can be made during a period of not less than 21 days.

The draft policy was advertised for comment for a 42 day period closing on 28 November 2013. Notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board.

At the close of the advertising period no submissions had been received.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This is an alteration to a Town Planning Scheme Policy adopted by the Council in March 2010.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.1 (Long term planning and development guided by the Planning Vision) the following Strategy:

'Strategy 2.1.1: Review, update and implement the Planning Vision.'

OFFICER COMMENT

When considering the Local Planning Strategy (LPS) for final adoption with the last WAPC modifications on 30 July 2013 it was agreed some of the content of the LPS was out of date. The reason for this was the LPS took five years to progress through the WAPC/DOP.

As part of the discussion on the LPS it was agreed that the Council's Planning Vision (Town Planning Scheme Policy No. 18) which was adopted on 9 March 2010 would be updated by staff. The Planning Vision is seen as the Council's long term (20 plus years) strategic planning document. There are parts of the Planning Vision the WAPC/DOP do not support based on government policies and ideology.

Councillors on 17 September 2013 held a workshop to discuss the proposed alterations to the Planning Vision which essentially will bring the document up to date as at 2013. At that workshop it was agreed to increase the lower R Codings in Mount Barker from R2 to R5 and also to update and improve some of the photographs.

The Planning Vision still retains the proposal for supporting lots for intensive agricultural food production in the Forest Hill/Narrikup planning units P6 and P8 provided the property in question has adequate good quality soil and adequate on site water supplies.

The Planning Vision also retains long term Rural Residential lands south of O'Neill Road and east of Precinct 7 at Mount Barker. These areas may not be developed for 20 years but they should be identified. The document retains land north of Spencer Road, Narrikup for Rural Residential as the growth potential for Narrikup is extremely limited without this option.

The Planning Vision also retains the proposals for creating Rural Residential and Rural Smallholdings zonings in the already subdivided Kendenup area. Such zonings would then bring in subdivision controls and land use conflict controls in a more appropriate form than just retaining the present Rural zoning. This approach also reflects the Council's Town Planning Scheme Policy No. 19 (Kendenup Rural Surrounds) adopted on 1 March 2011.

The Vision includes an updated section on the Porongurup rural village by reference to the Structure Plan which was approved in September 2011 and Town Planning Scheme Policy No. 20 (Porongurup Rural Village Design Guidelines) adopted in July 2012.

The WAPC/DOP required reference to Landscape Protection zoning to be deleted from the LPS in 2009. This section has been reinserted into the Planning Vision as it recognises this is a legitimate zone within TPS3 and should not be ignored by deleting reference to it.

There are various other edits to the Planning Vision that update the document. These edits include changing government agency names to their present 2013 terminology, including reference to the windfarm, deleting reference to investigations for a new waste disposal site and updating areas where rezonings have been completed (such as the depot Industrial zone, the former Mount Barker Primary School site to Residential and the Enterprise zones at Kendenup and Rocky Gully).

It is recommended in this report that the draft Town Planning Scheme Policy No. 18.1 (Planning Vision) be adopted without alteration.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Bell, seconded Cr A Budrikis:

That Town Planning Scheme Policy No. 18.1 – Planning Vision, be adopted in accordance with Clause 7.6 of the Shire of Plantagenet Town Planning Scheme No. 3.

MOTION TO ADJOURN THE QUESTION

Moved Cr G Messmer, seconded Cr C Pavlovich:

That the question be adjourned to allow a workshop to be held on 4 March 2014 with a further report being presented at the meeting of the Council to be held on 1 April 2014.

CARRIED (7/2)

NO. 6/14

9.1.5 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 64 – REZONING VARIOUS LOTS IN MOUNT BARKER FROM SERVICE INDUSTRIAL TO COMMERCIAL AND RESIDENTIAL (R17.5)Cr K Clements

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA), Proximity (Section 5.60(B) LGA)
Nature: Director of a company that owns land involved
Extent: Not required

Cr C Pavlovich

Type: Proximity (Section 5.60(B) LGA)
Nature: Related Interest (Property)
Extent: Not required

4:17pm Cr K Clements, and Cr C Pavlovich withdrew from the meeting.

Deputy Shire President Cr L Handasyde assumed the Chair.

File No: N29245
Attachments: [Location Plan](#)
[Amendment No. 64](#) (separate attachment)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 4 February 2014

PURPOSE

The purpose of this report is to consider a proposed Amendment to Town Planning Scheme No. 3 to rezone various lots in Mount Barker from Service Industrial to Commercial and Residential (R17.5). This form of Amendment enacts recommendations contained within the Council's Local Planning Strategy (LPS) and the Planning Vision.

BACKGROUND

There are 28 lots presently zoned Service Industrial that are to be rezoned to Commercial. There are three lots which are to be rezoned to Residential (R17.5). All of these 31 lots are owned by a variety of different landowners.

The Council prepared its LPS as a draft in 2008. That LPS was finalised in 2013 with its adoption by the Council in July and endorsement by the Western Australian Planning Commission (WAPC) in August 2013. The proposals contained within this Amendment to rezone Service Industrial lots have been contained in the LPS from its initial adoption as a draft in 2008 through to its final endorsement in 2013.

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 EPA for 28 days. Once cleared by the EPA a 42 day advertising period applies. The Council must consider any submissions lodged within 42 days of the close of formal advertising and refer its recommendations to the WAPC and the Minister within 28 days.

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

- 28 lots are to be zoned Commercial and three are to be zoned Residential (R17.5).
- Existing land uses can continue to be carried out in accordance with the Non-Conforming Use provisions of Part 4 of the Scheme which reads:

'PART 4 - NON-CONFORMING USES

4.1 NON-CONFORMING USE RIGHTS

No provision of the Scheme shall prevent:

- (a) *the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme; or*
- (b) *the carrying out of any development thereon for which, immediately prior to that time, a Permit or Permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.*

4.2 EXTENSION OF NON-CONFORMING USE

A person shall not alter or extend a Non-Conforming Use or erect alter or extend a building used in conjunction with a Non-Conforming Use without first having applied for and having obtained the planning consent of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

4.3 CHANGE OF NON-CONFORMING USE

Notwithstanding anything contained in the Zoning Table the Council may grant its planning consent to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the existing use and is, in the opinion of the Council, closer to the intended uses of the zone or reserve.

4.4 DISCONTINUANCE OF NON-CONFORMING USE

- 4.4.1 *When a non-conforming use of any land or building has been discontinued for a period of six months or more, such land or building shall not thereafter be used other than in conformity with the provisions of the Scheme.*

4.4.2 *The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.*

4.5 DESTRUCTION OF BUILDINGS

If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 75% or more of its value the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the building shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.'

EXTERNAL CONSULTATION

The Amendment will need to be advertised for 42 days with letters to all affected landowners and various government agencies, newspaper notices, a notice on the Council's notice board and some strategically located signs.

FINANCIAL IMPLICATIONS

The mapping for the Amendment has been prepared by the Department of Planning at a cost of \$121.50.

The Amendment document has been prepared in-house. The advertising cost will be met by the Town Planning Advertising budget.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.1: (Long Term Planning and development guided by the Planning Vision) the following strategy:

'Strategy 2.1.1 - Review, update and implement the Planning Vision';

and at Outcome 2.2: (Appropriate development which is diverse in nature and protects local heritage) the following strategy:

'Strategy 2.2.1 - Provide supportive planning and development guidance and liaison on major land development;'

OFFICER COMMENT

Councillors have been provided with a full copy of the Amendment.

In respect to the proposals within the Amendment, the Council's LPS at Appendix 1 states:

'4.1 There is a large area of Service Industrial zoned land on Lowood Road between Mondurup Street and Montem Street and this has led to the establishment of some land uses that are not considered appropriate to this important entry to the town centre. This area should be rezoned to Commercial and once zoned the existing service industrial uses could remain subject to the normal non-conforming use Scheme requirements. There are two other areas of Service Industrial zoned land, one at the north west junction of Muir Street and Lowood Road and the other on the north east corner of Marion Street and Mount Barker Road and these areas should also be zoned Commercial. With these additional Commercial zoned areas, Mount Barker will have adequate Commercial land to allow for growth into the future.'

and

'6.3 An area of Service Industrial zoning on Marion Street between Eaton Avenue and Mount Barker Road is proposed to be zoned Residential as the Service Industrial zoning is not appropriate in this area which is largely housing.'

With the introduction of the Commercial zone to replace the Service Industrial zone, there are several land uses which will no longer be permissible. These uses are: Automotive Panel Beating Spraypainting, Automotive Repairs, Automotive Wrecking, Builders Storage Yard, Dog Kennel, Fuel Depot, Marine Collectors Yard, Motor Repair Station. Having said that, there are some of those uses which are already established in the subject area. In accordance with the Non-Conforming Use provisions Part 4 of TPS3, those established uses can continue. Any proposal to alter or extend a non-conforming use must receive the approval of the Council.

With the introduction of the Commercial zoning, there are other uses which will become permissible and these include: Bed and Breakfast, Consulting Rooms, Craft Shop and Gallery, Education Establishment, Eating House, Fast Food Take Away, Hospital, Hotel, Grouped Dwelling, Restaurant and Tourist Accommodation.

There is a range of other uses that are permissible under both the Commercial and Service Industrial zones. Examples of these are: Office, Open Air Display, Place of Public Worship, Single House, Service Station, Shop, Showrooms, Tavern, Transport Depot, Veterinary Consulting Rooms and Warehouse.

There are three lots fronting Eaton Avenue, Marion Street and Mount Barker Road (Lots 37, 23 and 37) which are to be zoned Residential (R17.5) in this Amendment. Lot 37 Mount Barker Road and Lot 23 Marion Street have houses on them. Lot 37 on the corner of Eaton Avenue and Marion Street is being used for storage of truck trailers as part of a former transport depot use of that land. On 1 November 1995 a condition of the Council approval to establish a transport depot at Lot 7653 Albany Highway read:

'6) that the zoning of the current Transport Depot site at Marion Street, Mount Barker be changed – in due course – to residential at the applicants expense.'

That condition of approval has never been acted on. This Amendment will zone that lot Residential (R17.5). Recently a grouped dwelling development has been completed on Lot 36 Eaton Avenue to the north and a Plantagenet Village Homes residential development is under construction on Lot 98 Marion Street to the south and as such a Residential zoning of Lot 37 is considered more appropriate than Service Industrial.

The change in zoning proposed by this Amendment will enact proposals set out in the Council's 2013 LPS. These proposals are also shown in the Council's TPS Policy No. 18.1.

Existing land uses that may not be permissible in either the Commercial zone or Residential zone can continue to operate under the Non-Conforming Use provisions of the Scheme.

Over time, some of these sites may be redeveloped with conforming land uses considered to be more appropriate to the centre of Mount Barker.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr G Messmer, seconded Cr S Etherington:

That:

- 1. Amendment No. 64 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.**
- 2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.**
- 3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 24 June 2014.**

MOTION TO ADJOURN THE QUESTION

Moved Cr A Budrikis, seconded Cr G Messmer:

That the question be adjourned to enable consultation with affected landowners notifying them of the intention of the proposed amendment and a further report being presented to the Council no later than its meeting to be held on 29 April 2014.

CARRIED (5/2)

NO. 7/14

4:26pm Cr Clements and Cr Pavlovich returned to the meeting.

Shire President Cr C Clements resumed the Chair.

9.1.6 LOT 2191 DENMARK-MOUNT BARKER ROAD, DENBARKER – ROTATIONAL OUTDOOR PIGGERY – BREEDING

Cr B Bell

Type: Financial/Indirect Financial Interest (Section 5.60(A) and 5.61 LGA)
Nature: Financial
Extent: Not required

Cr J Oldfield

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61LGA)
Nature: Financial
Extent: Business association with Milne Agrigroup.

Cr C Pavlovich

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61LGA)
Nature: Financial
Extent: Milne Agrigroup customer.

4:28pm Cr B Bell, Cr J Oldfield and Cr C Pavlovich withdrew from the meeting.

File No: N29210

Attachments: [Location Plan](#)
[Summary of Submissions](#)
[Proposal Layout](#)
[Site Location](#)
[Soil and Landscape Subsystems](#)
[APL Fact Sheet](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 4 February 2014

Applicant: Aurora Environmental for Milne Agrigroup and
Jeremy and Josie Keam

PURPOSE

The purpose of this report is to consider a proposal for a rotational outdoor piggery at Lot 2191 Denmark-Mount Barker Road, Denbarker.

BACKGROUND

Council records show the registered owners of the properties are JC and JD Keam.

On 9 October 2013, the Council received a Planning Consent (PC) application for a rotational outdoor piggery at Lot 2191 Denmark-Mount Barker Road, Denbarker. This PC application included supporting information prepared by environmental consultants Aurora Environmental. Preliminary assessment of the supporting Environmental Management Plan (EMP) revealed the proposal needed to be refined to address some requirements set in the Environmental Guidelines for Rotational Outdoor Piggeries 2013 (EGROP 2013) and the Australian Pork Limited Fact Sheet, Design and Management of Outdoor Free Range Areas for Pigs July 2011 (APL Fact Sheet 2011).

These two documents are more up to date and relevant when proposing to develop rotational outdoor piggeries as they include the latest scientific data and provide specific advice on development requirements for rotational outdoor piggeries.

The Council on 10 December 2013 received an amended EMP and this latest proposal is the subject of this report. This proposal involves a breeding unit for approximately 1,035 animals consisting of 35 boars, 600 sows and 400 piglets on three fixed rotational outdoor piggery areas. The maximum number of animals at the subject land at any one time will not exceed 1,100 animals with an approximately yield of 10,800 animals annually.

On 16 October 2012, Janine Price of Australian Pork Limited (APL) briefed the Council on the Planning Principles set out in the National Environmental Guidelines for Piggeries Second Edition (Revised) 2010 (NEGP 2010) and recent APL data to develop best practice environmental management strategies for outdoor production to maintain a sustainable long-term pig production system. Ms Price further pointed out that these piggeries are not extensive due to their method of operation.

This PC application was advertised for public comment from 19 December 2013 to 10 January 2014.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural. A piggery falls within the definition of a Noxious Industry that is a discretionary ‘SA’ use under TPS3. This means that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with Clause 6.2.

Environmental Protection Act 1986

Rotational outdoor piggeries do not constitute a prescribed activity under the Environmental Protection Act 1986 and therefore do not require works approval or licensing from the Department of Environment Regulation (DER).

Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No. 3 June 2005 (EPA 2005).

This document provides generic buffer (separation) distances referred to in the State Buffer Policy 1997 (Government of Western Australia). These generic distances set out in Appendix 1 are based on the experience of the Department of Environment Regulation and other regulatory authorities for industries that historically have been associated with amenity impacts from gaseous, dust, noise and odorous emissions as well as with elevated levels of off-site risk to the public.

Appendix 1

<i>Industry</i>	<i>Description of industry</i>	<i>Buffer distance in metres and qualifying notes</i>
<i>Piggery - extensive</i>	<i>premises on which pigs are fed, watered and housed in outside paddocks or enclosures.</i>	<i>1,000 for all extensive piggeries.</i>

The buffer distances included in the EGROP 2013 and the APL Fact Sheet 2011 are specific to rotational outdoor piggery operations (free-range) and these guidelines are more up to date and relevant when proposing to develop rotational outdoor piggeries. The guidelines include the latest scientific data and provide specific advice on buffer requirements for rotational outdoor piggeries. Rotational outdoor piggeries are seen as intensive due to their method of operation even though they may be on a large property.

Health Act 1911 (as Amended) - Piggery is defined as an offensive trade and must be registered with the local authority on an annual basis.

Shire of Plantagenet Health Local Law 2008, Part 5 Piggeries and Part 9 Offensive Trades

Part 5 Piggeries

Clause 5.6.2 reads:

- (1) No premises shall be used as a piggery unless approved by the local government;*
- (2) Subject to subsection (3), no premises shall be approved as a piggery by the local government unless every portion of such piggery complies with the minimum separation distances listed in Table 2; or if it is an intensive piggery, the minimum separation distances listed in Table 3; and*
- (3) Sites unsuitable to satisfy the separation may be approved at the discretion of the local government, if the local government is satisfied that approving the piggery will not give rise to a health nuisance.*

Table 2. Required Buffer Distances for Piggeries

<i>Buffer</i>	<i>Distance</i>
<i>Townsite boundaries</i>	<i>5,000m</i>
<i>Isolated rural dwellings, dairies and industries</i>	<i>1,000m</i>
<i>Public roads and recreation areas</i>	<i>100m</i>
<i>Neighbouring rural property boundaries</i>	<i>50m</i>
<i>Major water course and water impoundments</i>	<i>300m</i>
<i>Bores, wells or soaks used for drinking, stock or irrigation</i>	<i>300m</i>
<i>Minor water courses</i>	<i>100m'</i>

The key issue of concern for piggeries is not to give rise to health nuisances with the recommended buffer distance to isolated rural dwellings being 1,000m.

Discretion exists for the Council to vary standards at clause 5.6.2(3). The Environmental Management Plan addresses the current management methods for this proposal and separation from isolated dwellings will not be an issue. Health Department Guidelines from 2012 (Guidelines for Separation of Agricultural and

Residential Land Uses) do not include farmhouses in their current separation standards.

Soil and Land Conservation Act 1945 - requires the use of appropriate land management to attain or maintain the stability of the land in perpetuity.

Environmental Guidelines for Rotational Outdoor Piggeries 2013 (EGROP 2013).

The EGROP 2013 encapsulates a national approach to environmental management for rotational outdoor piggeries. These guidelines include best practice environmental management for rotational outdoor piggeries and complement the industry's quality assurance program - APIQ® Free Range.

Australian Pork Limited Fact Sheet, Design and Management of Outdoor Free Range Areas for Pigs July 2011 (APL Fact Sheet 2011) (copy attached).

That fact sheet summarises the desired site selection characteristics, buffer distances and nutrient management actions specifically for free range piggeries. The fact sheet provides a reference for the assessment of the suitability of the site for the development of a free-range piggery, and independent verification of the proposed management practices. These site selection characteristic requirements are based on extensive research and industry consultation. All four rotational outdoor piggery areas conform to site selection criteria and buffer requirements set out in the fact sheet.

Australian Pork Industry Quality Assurance Program (APIQ®)

APIQ® provides the framework and standards by which Australian pig producers can demonstrate they are responsible farmers who care for their animals and the environment by following safe and sustainable practices contained in the EGROP 2013.

Data Collection to Underpin the Quantitative Assessment of Odour Dust and Noise Emission from Free Range Piggeries, Final Report - APL Project 2011/1015.417.

A copy of this document prepared by the University of Southern Queensland and National Centre for Engineering in Agriculture was provided to Councillors by Memorandum dated 13 January 2014.

EXTERNAL CONSULTATION

In accordance with Delegation LG035 the proposal was advertised for comment for a 21 day period closing on 10 January 2014. Advertising included letters to 10 adjoining land owners, Environmental Protection Authority (EPA), Department of Environment Regulation (DER), Department of Agriculture and Food WA (DAFWA), Department of Health (DOH), Main Roads WA, Department of Parks and Wildlife (DPAW) and the Department of Water (DOW). Notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site.

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

FINANCIAL IMPLICATIONS

The planning application fee of \$800.00 and a bond of \$500.00 for advertising costs have been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 2.1 (Long term planning and development guided by the Planning Vision) the following Strategy:

‘Strategy 2.1.5 – Encourage and promote the use of good agricultural land for food production.’

OFFICER COMMENT

The subject land is located approximately 18km west of Narrikup village and approximately 500m south of the Spencer Road/Denmark-Mount Barker Road junction on Denmark-Mount Barker Road. Lot 2191 is approximately 400.45ha in area and is currently used for pine and blue gum plantations and pasture.

The NEGP 2010 state that optimal slope for rotational outdoor piggery compartments is between 2-6%. The slope assists in optimising drainage without promoting erosion. However ideal slopes depend on soil type, land use, vegetative cover, rainfall intensity, agronomic practices and soil conservation methods.

The maximum slope for rotational outdoor piggery site 1 is 9.2%, for rotational outdoor piggery site 2 is 10% and for rotational outdoor piggery site is 10.2%. Although the sites exceed the slope guide limits, a number of environmental and operational factors indicate that the site is suitable for an rotational outdoor piggery. These environmental and operational factors include:

- Well drained soils, minimising surface runoff;
- Low proportion of fine materials in surface soil layers, minimising erosion risk;
- Rotational piggery sites are located high in the local catchment areas which means minimal surface flow across the site;
- Layout of the pig operation is designed to follow land contours to minimise surface runoff;
- Straw bale filters are placed within active pig areas slowing any surface flow and capturing any sediment; and
- Interceptor drains and dams to reduce runoff leaving the site.

The combination of these factors will act to minimise the potential risks associated with rotational outdoor piggery operations on land areas with slopes exceeding the guideline limit. The DOW was satisfied the mitigation strategies set in the EMP are appropriate to minimise the risk of off site contamination.

The DOW is concerned with the potential for contaminated runoff from rotational outdoor piggery sites 2 and 3 entering the adjoining waterway. The DOW recommends that a buffer of riparian vegetation being planted along the waterway

where it adjoins these rotational outdoor piggery sites to intercept surface water runoff and protect water quality. A condition of planning consent will require a 10m riparian buffer to be planted along the full length of the waterway where it adjoins rotational outdoor piggery sites 2 and 3.

The DOW is further concerned with animals entering the waterway and recommends the waterway and soak being fenced to exclude stock. A further condition of planning consent will require the waterway including the soak and the riparian vegetation planted to be fenced.

The EMP will conform to all regulatory requirements including the EGROP 2013 and the APL Fact Sheet 2011, except for the 1km buffer distance requirement for isolated rural dwellings set out in the Shire of Plantagenet Health Local Law 2008 and the slope of land areas within rotational outdoor piggery sites exceeding the guideline limit.

Revisions to the EMP requiring planting of riparian vegetation, fencing of riparian and remnant vegetation and pesticides being managed pursuant to the Health (Pesticides) Regulations 2011 will mean the amended EMP in the main will conform to regulatory requirements, and the new national guidelines. Subject to appropriate conditions, the proposal is supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That:

- 1. In accordance with clause 5.6.2 of the Shire of Plantagenet Health Local Law 2008 and clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the proposed rotational outdoor piggery operation with reduced separation distances from one isolated rural dwelling at Lot 2191 Denmark-Mount Barker Road, Denbarker be approved subject to:**
 - a. A revised Environmental Management Plan for the rotational outdoor piggery on these properties being submitted to the satisfaction Manager Development Services showing:**
 - i) All remnant vegetation areas abutting Rotational Outdoor Piggery Sites being fenced.**
 - ii) A 10m strip of vegetation being planted along the waterway abutting Rotational Outdoor Piggery Sites 2 and 3.**
 - iii) The 10m strip of vegetation at ii) above including the soak being fenced.**
 - iv) Pesticides being managed pursuant to the Health (Pesticides) Regulations 2011 at clause 5.8 (Chemicals and Fuels).**
 - b. The revised Environmental Management Plan being submitted within 30 days of the Council granting Planning Consent.**

- c. The piggery being registered and operated in accordance with the Australian Pork Industry Quality Assurance Program (APIQ®).
 - d. Burial trenches being designed, constructed and maintained in accordance with the National Environmental Guidelines for Piggeries Second Edition (Revised) 2010.
 - e. All Rotational Outdoor Piggery Sites being adequately fenced to contain all pigs to the satisfaction of the Manager Development Services.
 - f. No stormwater, effluent or contaminated liquids entering the Main Roads WA drainage system.
 - g. No additional access driveways from Denmark-Mount Barker Road to the property being constructed and approval being obtained from Main Roads WA prior to any modifications being carried out to the existing access driveway at Denmark-Mount Barker Road.
2. Staff arrange a schedule of twice-yearly inspections of this piggery operation for a period of three years to ensure compliance.

CARRIED (6/0)

NO. 8/14

4:29pm Cr B Bell, Cr J Oldfield and Cr C Pavlovich returned to the meeting.

**9.1.7 RESERVE 10338 LOT 640 LOWOOD ROAD, MOUNT BARKER - AUTO
DETAILING**Cr K Clements

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA),
Proximity (Section 5.60(B) LGA

Nature: Director of company that owns land opposite

Extent: Not required

4:29pm Cr K Clements withdrew from the meeting.

Deputy Shire President Cr L Handasyde assumed the Chair.

File No: N29424

Attachments: [Location Plan](#)
[Site Plan](#)
[Floor Plan](#)
[Summary of Submissions](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 4 February 2014

Applicants: John Cullen, Susan Carroll and Damien Pato

PURPOSE

The purpose of this report is to consider an application for an auto detailing operation at Crown Reserve 10338 Lot 640 Lowood Road, Mount Barker.

BACKGROUND

The proposed auto detailing operation will be carried out at Lot 640 Lowood Road previously occupied Chris & Joy's Preloved Goods retail shop. Lot 604 is part of Crown Reserve 10338 and is controlled by the Public Transport Authority (PTA) under a Management Order.

The auto detailing proposal will include interior and exterior detailing of motor vehicles and will exclude detailing of the engine compartment. All auto detailing operations will be carried out in the existing building consisting of an office, wash bay and vehicle-detailing area.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Railway Local Scheme Reserve.

Part II – Reserves, Clause 2.2 'MATTERS TO BE CONSIDERED BY THE COUNCIL', of TPS3 states:

'Where an application for planning consent is made with respect to land within a Reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority before granting its consent.'

Clause 6.3.2 of TPS3 states:

'The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality may refuse to approve any application for planning consent or may grant its' approval unconditionally or subject to such conditions as it thinks fit.'

Metropolitan Water Supply, Sewerage and Drainage Act 1909

Metropolitan Water Supply, Sewerage and Drainage By-laws 1982

An industrial waste permit is required to be issued by the Water Corporation prior to the discharge of industrial or trade waste into the reticulated sewer network.

EXTERNAL CONSULTATION

Letters were sent the Department of Water (DOW), Water Corporation (WC) and the PTA. Two submissions had been received from the PTA and the DOW and these are contained in the attached summary of submissions.

FINANCIAL IMPLICATIONS

The planning application fee of \$147.00 has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

'Strategy 2.2.5 – Encourage industry, business and residential development that is consistent with the individual character of towns.'

OFFICER COMMENT

The subject portion of Lot 640 Lowood Road is 547.2m² in area and is located in the Railway Local Scheme Reserve. Existing development at the subject portion of Lot 640 consists of one building that was previously used for the purposes of a shop. The building is 369m² in area and will be upgraded to improve its appearance, functionality and security. The two existing advertising signs on the building will be replaced with new advertising signs that will be similar in size and location.

The nature of exterior vehicle detailing operations to be carried out will involve the cleaning and bringing back the shine to a vehicle's paintwork, windows, wheels, tyres and other visible exterior components. The washing of vehicles will be carried

out in the enclosed wash bay area. Wastewater runoff from the wash bay area will be collected and disposed off into the existing wastewater gully trap linked to the reticulated sewer network.

The nature of interior vehicle detailing operations to be carried out will involve the cleaning of the whole interior including the boot compartment of vehicles. All of the dash area, panels, windows, seats and carpets of vehicles will be cleaned and vacuumed. All vehicle detailing operations including the polish of paintwork will occur within the existing building excluding the lean-to structure to the front elevation of the building.

This subject portion of Lot 640 is 547.2m² in area with the existing building covering 369m² (67% of the lot area) of the lot meaning an area of only 178.2m² remains for further development. There are no development provisions set in TPS3 for the Railway Local Scheme Reserve. The size and placement of the existing building will only allow for the provision of three car parking bays and no sensible area for landscaping. In addition, the areas not occupied by the existing building are covered in bitumen seal. The restricted area for development on this lot due to the presence of the existing building is a relevant consideration in supporting the provision of only three car parking bays and not requiring landscaping in this instance.

A maximum number of five vehicles will be permitted at the lot for auto detailing. This is to ensure the number and extent of vehicles at the lot does not adversely affect the amenity of location. In addition, these vehicles will need to be located within the building at all times.

Subject to appropriate approval conditions, the proposed auto detailing operation is not likely to adversely affect the amenity of the location. The proposal is supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr C Pavlovich:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the application for Auto Detailing at Reserve 10338 Lot 640 Lowood Road, Mount Barker be approved subject to:

- 1. Development being in accordance with the plans dated 14 November 2013 and 12 December 2013.**
- 2. All auto detailing operations occurring within the existing building only, excluding the lean-to structure to the front of the building.**
- 3. All auto detailing operations being restricted to Monday to Saturday between 8:00am and 6:00pm.**
- 4. No engine detailing operations being permitted.**
- 5. A maximum number of five vehicles being kept at the property for auto detailing and all the vehicles being located inside the building, excluding the lean-to structure to the front of the building.**

6. A minimum of three on site car parking bays being provided to the satisfaction of the Manager Works and Services.
7. All car bays being a minimum of 2.7m x 5.5m with a 6.0m manoeuvring space and being constructed and drained to the satisfaction of the Manager Works and Services.
8. The carparking layout being approved by the Manager Works and Services prior to commencement of any parking site works.
9. Wastewater being collected and disposed off into the reticulated sewer network to the satisfaction the Manager Development Services and the Water Corporation.
10. The external appearance of the building being upgraded to the satisfaction of the Manager Development Services.
11. Advertising signs conforming to the Shire of Plantagenet Town Planning Scheme Policy No. 22 (Advertising Signs).

CARRIED (8/0)

NO. 9/14

4:32pm Cr K Clements returned to the meeting.

Shire President Cr K Clements resumed the Chair.

**9.1.8 LOT 52 LOWOOD ROAD CORNER MCDONALD AVENUE AND LOT 149
MCDONALD AVENUE, MOUNT BARKER - ADDITION TO TENNIS CLUB
CLUBHOUSE**

File No: N29301

Attachments: [Location Plan](#)
[Site Plan](#)
[Floor Plan, Elevations and Section](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 4 February 2014

Applicant: Mount Barker Tennis Club Inc

PURPOSE

The purpose of this report is to consider an application for an addition to the Mount Barker Tennis Club (MBTC) clubhouse at Lot 52 Lowood Road corner McDonald Avenue and portion of Lot 149 McDonald Avenue, Mount Barker.

BACKGROUND

Council records show Lots 52 and 149 are owned by the Council. Lot 52 is currently being used for tennis courts however, the tennis courts encroach onto Lot 149 (Sounness Park). In addition, the MBTC clubhouse is located on a portion of Lot 149.

Mr TG Sounness gifted Lot 149 to the Shire of Plantagenet (then Plantagenet Road Board) in 1950. Mr Sounness died before the land could be conveyed to the Council. An agreement was drawn up between the Council and Mr Sounness' heirs recording conveyance of the land (Sounness Park) to the Council in the form of a Trust. The agreement requires the land to always be used as a sporting ground.

The resolution of boundary encroachment onto lot 149 has been ongoing for some time involving the Council's solicitors, the State Solicitor and the Department of Lands. This should be resolved shortly. Following that, Lot 52 can be amalgamated with Lot 149.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) - Lot 52 is located in the Recreation Local Scheme Reserve and Lot 149 is located in the Public Purpose Local Scheme Reserve.

Part II – Reserves, Clause 2.2 'MATTERS TO BE CONSIDERED BY THE COUNCIL', of TPS3 states:

'Where an application for planning consent is made with respect to land within a Reserve, the Council shall have regard to the ultimate purpose intended for the

reserve and the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority before granting its consent.'

Clause 6.3.2 of TPS3 states:

'The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality may refuse to approve any application for planning consent or may grant its' approval unconditionally or subject to such conditions as it thinks fit.'

Local Government (Miscellaneous Provisions) Act 1960 – A building permit is required to be issued by the Principal Building Surveyor under delegated authority.

Australia New Zealand Food Standards Code - Food Safety Standards (Australia) sets the requirements for food premises, fixtures, fittings, equipment and food transport vehicles.

FINANCIAL IMPLICATIONS

The planning application fee of \$147.00 has been paid.

A building permit fee will be required to be paid for the addition.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) the following strategy:

'Strategy 1.5.2 – Promote sporting, recreation and leisure facilities and programs in the District.'

OFFICER COMMENT

The MBTC proposes to construct a 28.96m² (3.6m x 8.045m) addition to the west elevation of the clubhouse. The proposed addition will be used for the purpose of a kitchen. The kitchen will be completed in accordance with the Australia New Zealand Food Standards Code. The external walls and the roof will be Colorbond® to match the existing building.

The Manager Works and Services is currently improving access from the MBTC clubhouse car parking area to Sounness Park.

The existing lease between the Shire of Plantagenet and the Mount Barker Tennis Club Inc is valid for Lot 52 only. The tennis club clubhouse is located on a portion of Lot 149 (Sounness Park). However, the clubhouse location honours the sporting ground use requirement set in the Trust. A new lease agreement is required to address the anomaly of the clubhouse location on portion of Lot 149.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr A Budrikis:

That:

1. No objections be raised for the Mount Barker Tennis Club Inc to construct a kitchen addition to the Mount Barker Tennis Club clubhouse on a portion of Lot 149 McDonald Avenue, Mount Barker.
2. In accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the application for a kitchen addition to the Mount Barker Tennis Club clubhouse on a portion of Lot 149 McDonald Avenue, Mount Barker be approved subject to:
 - a. The development being in accordance with the plans dated 19 November 2013.
 - b. The Mount Barker Tennis Club acknowledging the kitchen addition will become the property of the Council.
 - c. The Mount Barker Tennis Club retaining all maintenance responsibilities for the kitchen addition.
3. A further report be prepared for the Council to consider the new lease agreement between the Shire of Plantagenet and the Mount Barker Tennis Club Inc no later than its meeting to be held on 4 March 2014.

CARRIED (9/0)

NO. 10/14

9.2 WORKS AND SERVICES REPORTS

9.2.1 CONFERENCE ATTENDANCE - 2014 WA TRANSPORT AND ROADS FORUM

File No: N29056
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Kaye Skinner
Administration Officer
Proposed Meeting Date: 4 February 2014

PURPOSE

The purpose of this report is to recommend the attendance of Shire President Cr Ken Clements, Deputy Shire President Cr Len Handasyde and Cr Chris Pavlovich at the forthcoming 2014 WA Transport and Roads Forum to be held on 6 March 2014 at the Crown Perth, Burswood.

BACKGROUND

Shire President Cr Clements and Cr Handasyde attended the 2012 WA Transport and Roads Forum on behalf of the Council.

Cr Handasyde is the Council's representative on the Regional Road Group, Heavy Haulage Committee and Chairperson of Roadwise Committee. Cr Clements is the Council's deputy representative on the Regional Road Group. Cr Pavlovich is Reserve Deputy to act on behalf of Cr Handasyde when Cr Handasyde and Cr Clements are both unable to attend on the Regional Road Group. Councillor Pavlovich is also on the Heavy Haulage Committee.

FINANCIAL IMPLICATIONS

This event is free for Local Government representatives. Accommodation, meals and transport/parking costs are expected to be in the vicinity of \$1,000.00 in total and would be funded from account 20026.0029 (Conferences, Training and Accommodation).

POLICY IMPLICATIONS

Council Policy No. CE/CS/1, Elected Member Expenses to be Reimbursed, applies to the three Councillors attending the Forum. This policy notes that elected members shall receive reimbursement of specific expenses while attending, 'Conferences and training sessions specifically authorised by the Council.'

STRATEGIC IMPLICATIONS

The Council's Strategic Community Plan (2013-2023) under Goal 2 (Enhancing Natural and Built Environment) provides at Outcome 2.4. (Safe and reliable transport infrastructure) the following Strategy 2.4.4:

'Investigate and respond to road safety and traffic issues throughout the district.'

OFFICER COMMENT

Representation at the Forum will ensure the Shire remains up to date on information and issues regarding road funding policies and direction. It is also a valuable networking opportunity for Councillors and the Shire of Plantagenet.

It is recommended that the three Councillors representing the Shire be granted authority to attend the 2014 WA Transport and Roads Forum.

The Manager Works and Services will seek approval from the Chief Executive Officer to attend the Forum.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr J Oldfield:

That authority be granted for Cr Clements, Cr Handasyde and Cr Pavlovich to attend the 2014 WA Transport and Roads Forum to be held at the Crown Perth, Burswood on 6 March 2014 with accommodation, meals and transport/parking costs to be met from account 20026.0029 (Conferences, Training and Accommodation) pursuant to Council Policy CE/CS/1.

CARRIED (9/0)

NO. 11/14

**9.2.2 LOT 60 ALBANY HIGHWAY MOUNT BARKER – PROPOSED
PERMANENT ROAD CLOSURE**

File No: N29249
Attachments: [Road Closure Plan](#)
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Amy Chadbourne
Senior Administration/Project Officer Works
and Services
Proposed Meeting Date: 4 February 2014

PURPOSE

This report considers submissions received responding to the advertising of the proposal to close the section of unnamed and unconstructed road reserve west of Albany Highway and recommends that it be amalgamated into the adjoining Lot 60 (Mount Barker Caravan Park), as shown on the attached plan.

This report also recommends the Minister for Lands makes the necessary order to close the section of unnamed road reserve permanently.

BACKGROUND

The unnamed and unconstructed road reserve, which is owned by the Crown, sits between two lots. These lots are Lot 200 which is vested in the Commissioner of Main Roads WA and Lot 60 which is owned by Mr and Mrs Smith of the Mount Barker Caravan Park.

Lot 60 Albany Highway is occupied by the Mount Barker Caravan Park. Lot 200 Albany Highway is occupied by the recently restored Round House. When Muir Highway and the roundabout with Albany Highway were built as part of the northern bypass, Lot 200 was cut off from the main strata lot to the north.

Main Roads WA has been restoring the Round House to the satisfaction of the Heritage Council of WA as the building is heritage listed. Main Roads WA has been in negotiation with the owners of the caravan park with the aim of selling Lot 200 (incorporating the Round House) to them.

At the Council Meeting held on 29 October 2013, Councillors were asked to consider a proposed Amendment to Town Planning Scheme No. 3 to rezone Lot 200 and Road Reserve Albany Highway from Special Site R13 and unzoned to Special Site R7.

The Amendment also proposed updating the land particulars for Special Site R7 to delete reference to Lot 584 Reserve No. 28095 and to insert the current land details of Lot 60, Lot 200 and the unnamed and unconstructed road reserve

At the meeting held on 29 October 2013, the Council resolved:

'That:

4. *Amendment No. 60 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.*
5. *Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.*
6. *After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held in February 2014.*
4. *Pursuant to Section 58 of the Land Administration Act 1997 local public notice be given of the proposal to permanently close the section of unnamed road reserve west of Albany Highway and that it be amalgamated into the adjoining Lot 60, as shown on the attached plan and that each person who is prescribed for the purposes of Section 58 be given written notice of the proposal and that submissions be invited.*
5. *A further report on the road closure be prepared for the Council's consideration at the conclusion of the advertising of the road closure no later than its meeting to be held in February 2014.'*

STATUTORY ENVIRONMENT

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

EXTERNAL CONSULTATION

As required by Section 58 of the Land Administration Act 1997, public notice of the proposal was placed both in the Albany Advertiser and the Plantagenet News on Wednesday 4 December 2013. No submissions to the proposal were received from members of the public prior to the submission end date.

Written notice of the proposal inviting submissions to be forwarded to the Shire in writing by 8 January 2014, was provided to various parties as detailed in Section 58 of the Land Administration Act 1997. Responses were received from the Department of Planning, Telstra and Main Roads WA, each of which raised no objections to the proposal.

FINANCIAL IMPLICATIONS

The fee of \$562.00 has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 under Goal 2 (Enhancing Natural and Built Environment) provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following strategies:

'Strategy 2.2.1 - Provide supportive planning and development guidance and liaison on major land development;'

'Strategy 2.2.5 - Encourage industry, business and residential development that is consistent with the individual character of towns;' and further

'Strategy 2.2.6 - Support the conservation and maintenance of heritage buildings, heritage items and places of interest.'

OFFICER COMMENT

The responses received from public utilities and government departments provided no objection to this proposal.

As there has been no objection to the proposal, it is recommended that the Council resolve to request the Minister for Lands to permanently close the section of unnamed and unconstructed road reserve west of Albany Highway, situated between Lot 60 and Lot 200 Albany Highway, and that it be amalgamated into the adjoining Lot 60 (Mount Barker Caravan Park) as shown on the attached plan.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr L Handasyde:

That the Minister for Lands be requested to permanently close the section of unnamed and unconstructed road reserve west of Albany Highway, situated between Lot 60 and Lot 200 Albany Highway Mount Barker, and it be amalgamated into the adjoining Lot 60 as shown on the attached plan according to Section 58 of the Land Administration Act 1997.

CARRIED (9/0)

NO. 12/14

9.2.3 POLICY REVIEW - COUNCIL POLICY I/FM/2 (PART) - VEHICLE SPECIFICATIONS

File No:	N28487
Attachments:	I/FM/2 - Vehicle Specifications
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Kaye Skinner Works Administration Officer
Proposed Meeting Date:	4 February 2014

PURPOSE

The purpose of this report is to review (in part) Council Policy No I/FM/2 – Vehicle Specifications.

BACKGROUND

This policy was last reviewed by the Council on 26 March 2013.

STATUTORY ENVIRONMENT

Motor Vehicle Standards Act 1989 governs the national standards for vehicle safety and environmental requirements.

Some vehicles are covered in employee contractual requirements.

EXTERNAL CONSULTATION

There has been no external consultation in regard to this report.

FINANCIAL IMPLICATIONS

The purpose in bringing this report before the Council again so soon is to clarify some anomalies found under Part 14, Vehicle Designation.

14. Vehicle Designation

Position	Vehicle Class
Shire President, Chief Executive Officer	Prestige large or medium sedan/wagon
Deputy Chief Executive Officer, Manager Development Services, Manager Community Services, Manager Works and Services, Environmental Health Officer, Building Surveyor, Planning Officer	Medium to large sedan, wagon, utility or SUV
Principal Works Supervisor, Assistant Works Supervisor, Supervisor Parks and Gardens, Ranger, Community Emergency Services Manager	Dual cab 4x4 utility

Engineering Technical Officer, Building Maintenance Officer	Space cab 4x4 utility
Saleyards Manager	Single cab 4x4 utility
Parks and Gardens Utility Team , Depot/ Traffic Control Team Utility , Mechanic, Workshop Supervisor, Cleaner, Building Maintenance Officer	Single cab one tonne 2x4 utility

POLICY IMPLICATIONS

The review of this policy is presented outside of the Council's normal policy review cycle in order to advise the Council of discrepancies found.

STRATEGIC IMPLICATIONS

The Council's Strategic Community Plan 2013-2023 under Goal 2 (Enhancing Natural and Built Environment) provides at Outcome 2.6 (Assets and infrastructure managed over the long term to meet current and future needs) the following Strategy 2.6.1:

'Develop and implement long-term Service and Asset Management Plans for all Council assets, having regard for current and future asset needs and the Shire's long-term financial plan.'

OFFICER COMMENT

As noted under the Financial Implications heading, the current Council Policy regarding vehicle designations needs to be clarified. There is no requirement for the Building Maintenance Officer to be issued with a 4x4 vehicle. A 2WD utility is sufficient. Possibly this was a misprint in the previous report and it was unintentionally carried forward into the Council recommendation.

Reference to the Parks and Gardens Utility has been changed to read 'Parks and Gardens Team', and Depot Utility has been changed to 'Depot/Traffic Control Team'.

Further, the CEO is proposing that no vehicle be provided for the Manager Community Services when a new appointment is made. Instead that position will receive a transport allowance.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr C Pavlovich:

That Part 14 of Council Policy I/FM/2 – Vehicle Specifications – Vehicle Designation be amended as follows:

Position	Vehicle Class
Shire President, Chief Executive Officer	Prestige large or medium sedan/wagon
Deputy Chief Executive Officer, Manager Development Services, Manager Works and Services, Environmental Health Officer, Building Surveyor, Planning Officer	Medium to large sedan, wagon, utility or SUV
Principal Works Supervisor, Assistant Works Supervisor, Supervisor Parks and Gardens, Ranger, Community Emergency Services Manager	Dual cab 4x4 utility
Engineering Technical Officer	Space cab 4x4 utility
Saleyards Manager	Single cab 4x4 utility
Building Maintenance Officer, Parks and Gardens Team, Depot/Traffic Control Team, Mechanic, Workshop Supervisor, Cleaner	Single cab one tonne 2x4 utility

MOTION TO ADJOURN THE QUESTION

Moved Cr J Moir,

That the question be adjourned.

The motion lapsed for want of a seconder.

PROCEDURAL MOTION

Moved Cr S Etherington

That the question be now put.

RULING OF PRESIDING MEMBER

The Presiding Member ruled the motion out of order as the mover had moved the substantive motion.

The motion was put.

CARRIED (9/0)

NO. 13/14

9.2.4 POLICY REVIEW - GRAVEL AND SAND ACQUISITION

File No:	N29003
Attachments:	NRM/EI/1 - Gravel and Sand Acquisition
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Kaye Skinner Administration Officer
Proposed Meeting Date:	4 February 2014

PURPOSE

The purpose of this report is to review Council Policy NRM/EI/1 – Gravel and Sand Acquisition.

BACKGROUND

This policy was last reviewed by the Council on 7 February 2012.

STATUTORY ENVIRONMENT

Local Government Act 1995

Schedule 3.2 (Particular things local governments can do on land even though it is not local government property) provides the power for a local government to take from land (among other things) gravel that is required for making or repairing a thoroughfare.

FINANCIAL IMPLICATIONS

The current policy provides a value for gravel and sand at a rate of \$1.00/m³. A higher value may be negotiated by the Manager Works and Services where deemed necessary.

The policy also provides options for landowners to choose private works to the value, in lieu of cash payment, or a combination of private works and cash payment for gravel and/or sand provided.

POLICY IMPLICATIONS

The review of this policy is presented to the Council as part of the ongoing Council policy review cycle.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 under Goal 2 (Enhancing Natural and Build Environment) provides at Outcome 2.4 (Safe and reliable transport infrastructure), the following strategy 2.4.1:

'Maintain and further develop roads and pathways at appropriate standards'.

OFFICER COMMENT

A Part 5 has been added to this policy to ensure that the process of purchasing gravel or sand is adequately concluded.

Also, Part 1 of the policy has been amended to reflect standard wording.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr C Pavlovich:

That Council Policy No. NRM/EI/1 – Gravel and Sand Acquisition as follows:

OBJECTIVE

To provide clear guidelines for the acquisition of gravel and sand for construction and maintenance purposes.

POLICY

1. The Council will, when materials for construction and maintenance purposes need to be sourced from private land, endeavour to obtain such material by consultation with the landowner or his/her authorised representative, in accordance with Schedule 3.2 of the Local Government Act 1995, with the Council responsible for:
 - 1.1 Satisfactory rehabilitation of the pit area, including drainage, upon completion of extraction.
 - 1.2 Construction where necessary and satisfactory repair of affected haul roads, gates, fences or other structures.
 - 1.3 Negotiated compensation to the landowner for materials extracted and associated justifiable imposts.
 - 1.4 The value of gravel and sand is to be at a rate of \$1.00/m³ (ex GST). A higher value may be negotiated by the Manager Works and Services in circumstances where materials are already stock piled and no reinstatement is required.
2. Where landowners contribute to road works by providing, without claim for compensation, gravel materials (for road construction or maintenance) or sand (for road construction, maintenance or general use), the Manager Works and Services be authorised to carry out private works at the request of the landowner, to the valuation of the landowner's contribution to the road works as assessed by the Manager Works and Services.
3. The private works in part 2 above may only be carried out on the property from which materials have been extracted, and subject to plant availability.
4. Prior to taking materials from private property, permission shall be obtained from the landowner or his/her authorised representative, in the form of a signed agreement.

5. Upon completion of all requirements of the agreement in part 4, the Manager Works and Services shall ensure the landholder is adequately satisfied, by way of a signed acceptance letter.'

be endorsed.

AMENDMENT

Moved Cr J Moir,

That in Part 1 point 1.4 the number '1.00' be deleted and replaced with the number '1.10'.

The motion lapsed for want of a seconder.

The Motion was put

CARRIED (9/0)

NO. 14/14

9.3 COMMUNITY SERVICES REPORTS

Nil

9.4 CORPORATE SERVICES REPORTS

9.4.1 BUDGET REVIEW – DECEMBER 2013

File No: N29260
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 4 February 2014

PURPOSE

The purpose of this report is to review and adjust the adopted 2013/2014 Annual Budget to recognise variations in actual income and expenditure.

BACKGROUND

The 2013/2014 annual budget was adopted by the Council at its meeting on 9 July 2013. This is the second quarterly review of the 2013/2014 Annual Budget. The Local Government (Financial Management) Regulations 1996 require that local governments conduct a budget review between 1 January and 31 March in each financial year.

STATUTORY ENVIRONMENT

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

Local Government (Financial Management) Regulations 1996. Regulation 33A states:

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2A) The review of an annual budget for a financial year must -*
- (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) consider the local government's financial position as at the date of the review; and*
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
-

- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.'*

In regard to the use of money set aside in reserve funds, Section 6.11(2) of the Local Government Act 1995, states as follows:

'(2) Subject to subsection (3), before a local government —

- (a) changes* the purpose of a reserve account; or*
(b) uses the money in a reserve account for another purpose,*

it must give one month's local public notice of the proposed change of purpose or proposed use.

** Absolute majority required.'*

FINANCIAL IMPLICATIONS

The purpose of a budget review is to ensure that the income and expenditure for the current year is monitored in line with the adopted budget and, where exceptions to the adopted budget occur, make amendments to the budget or work scope as necessary. The overall recommended effect on the budget is \$nil.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

This is the main budget review of the year. In terms of operating result, operating income is currently 1% below (year to date) budget and operating expenditure is 6% below (year to date) budget which is a good result. The actual surplus carried forward at 30 June 2013, as detailed in the audited 2012/2013 annual financial report, was \$1,498,106.00. The budgeted surplus carried forward was \$1,498,112.00. A variance of only \$6.00 exists between the budgeted and actual balance carried forward.

The capital works program is currently 31.5% under (year to date) budget. The majority of sealing works associated with the road program will be carried out in February and March 2014. Heavy plant purchases are scheduled for late in the financial year.

A number of issues are worthy of a budget amendment and the following action is recommended:

- The main issue to be dealt with in this budget review is the impact of changes implemented by the State Government regarding the Country Local Government Fund (CLGF), which have created a situation such that the final

payment (allocated for Stage One of Sounness Park) in the amount of \$593,798.00 will not be made. Although significant representation has been made to the Government regarding the unfairness of this decision, there has not as yet been any movement indicating a change of heart.

Therefore, as these funds have already been committed as part of our contractual obligations for the completion of Stage One, the funds will need to be raised elsewhere. In an already tight budget situation, there was always going to be some difficulty in finding such a large amount of money through reallocation and without borrowing. However, the Senior Staff have put their heads together to identify savings such that services to the community will not be unduly affected.

The suggested amendments are listed in the table below, and are generally in line with those described by the Chief Executive Officer in his memorandum to Councillors dated 8 November 2013.

Account No.	Description	Budget	New Budget	Available funding generated
10134.0197	Storm Damage Reimbursement (WANDRRA)	\$102,592.00	\$291,273.00	\$188,681.00
41202.0486	Transfer from Natural Disaster Reserve	\$0.00	\$25,000.00	\$25,000.00
20033.0367	Regional Cooperation Development Program	(\$30,000.00)	(\$10,000.00)	\$20,000.00
20049.0273	Professional Services	(\$60,000.00)	(\$40,000.00)	\$20,000.00
51501.0252	CRC Carpark Lighting	(\$5,000.00)	\$0.00	\$5,000.00
21311.0370	District and Area Promotion	(\$63,450.00)	(\$33,450.00)	\$30,000.00
20026.0032	Local Government Convention	(\$10,000.00)	\$0.00	\$10,000.00
51560.0250	Lowood Road Roundabout	(\$22,500.00)	\$0.00	\$22,500.00
51203.0250	Mount Barker Footpath construction	(\$70,000.00)	(\$20,000.00)	\$50,000.00
51442.0006	Software Management System - Pool	(\$8,500.00)	\$0.00	\$8,500.00
51440.0252	District Hall Ceiling	(\$10,000.00)	\$0.00	\$10,000.00
20173.0294	Heritage Inventory Review	(\$40,000.00)	\$0.00	\$40,000.00
41001.0486	Transfer from Waste Reserve	\$0.00	\$100,000.00	\$100,000.00
21211.0306	Outstanding Land Resumptions	(\$20,000.00)	\$0.00	\$20,000.00
20032.0262	Minute binding	(\$2,000.00)	\$0.00	\$2,000.00
20173.0353	Signs Policy	(\$2,000.00)	\$0.00	\$2,000.00
20173.0289	Local Planning Strategy	(\$2,000.00)	\$0.00	\$2,000.00
51500.0006	Barbeque Wilson Park	(\$1,685.00)	\$0.00	\$1,685.00
51486.0251	Wetlands Development	(\$162,319.00)	\$0.00	\$162,319.00
51565.0251	War Memorial Refurbishment	\$0	(\$35,000)	(\$35,000)
41120.0438	Wetlands Development Grants	\$20,000.00	(\$70,000)	(\$90,000.00)
Total		(\$386,862.00)	(\$207,823.00)	\$594,685.00

Most of these items are self explanatory, however some discussion is required in regard to funding both the project to pipe and infill the open drain next to the railway line in Mount Barker and also a refurbishment of the war memorial in Mount Barker.

In regard to the Wetlands Project, at its meeting held on 10 December 2013, the Council resolved that:

- '1. The Mount Barker Wetlands Project designs adopted by the Council at its Ordinary Meeting held on 20 December 2011 not be approved for construction.*
- 2. A series of drainage pipes within the existing open trenches be installed and suitably backfilled.*
- 3. Should Brookfield Rail have fencing requirements in relation to the proposal in Part 2 above, the works are not to proceed.'*

At this stage, the following grant funds have been returned:

- State NRM Office - WA NRM Program Funding - \$27,500.00;
- Department of Parks and Wildlife Natural Resources - Environmental Community Grants Funding - \$40,000.00;
- Foundation for Rural and Regional Renewal – Wetlands Funding - \$5,000.00.

Two other grants totalling \$20,000.00 will not be received.

The Manager of Works and Services has prepared a memorandum indicating that the project being undertaken in place of the full wetlands upgrade, namely to pipe and infill the open drain next to the railway line, can be funded from Budget Item Shire Wide Drainage Construction (51203.0250) at a cost of approximately \$35,000.00. This will not require a budget reallocation.

Given that part of the Council funds associated with the Wetlands Development are required to fund the shortfall of 2012-2013 CLGF funds, this proposal leaves a sum of \$35,000.00 for use elsewhere.

At recent workshops, councillors have discussed that some of the Council funds set aside for the Wetlands Project could be reallocated to a War Memorial upgrade. At its meeting held on 10 December 2013, the Council formed a working group to make recommendations to the Council on the proposed redevelopment of the war memorial site.

Two meetings of that Working Group have been held. The discussions so far have indicated that it is likely to be an ambitious project. Until final designs have been received from the landscape designer and a recommendation made by the working group, the extent of funding required is unknown.

It should be noted that \$35,000.00 will fund only a minor refurbishment of the war memorial in this financial year. It is anticipated that this would not fund the development of the proposed 'We Will Remember Them' boardwalk and story boards. Funds for a more extensive upgrade of the Mount Barker War Memorial should be included for consideration in the 2014/2015 budget, upon final receipt of landscape drawings and costings from the contracted landscape designer.

In regard to the transfer of money from the Natural Disaster and Waste Disposal Reserve, this would require public notification in accordance with Section 6.11(2) of the Local Government Act 1995.

With regard to the current financial state of play for the Sounness Park Development, the contract is currently running \$54,972.48 below budget, however there is a number of variations coming through which will reduce this.

Of the \$275,720.00 contingency budget, \$84,537.00 has been spent consisting of a \$67,624.00 power upgrade, carpet, signs for the entrance and freezers. Additional costs to come out of this include the Bolganup water line installation.

It is intended to provide final figures and funding recommendations to the Council at the next quarterly budget review.

- Costs associated with the 2013 elections amounted to \$15,240.00, which is less than the \$25,000.00 budget. The difference is available for reallocation.
- A \$10,000.00 grant was received from the Department of Local Government and Communities for the cat sterilisation program. New income and expenditure budget items have been created accordingly.
- The Budget included provision of \$140,000.00 to Plantagenet Community Financial Services to pay out the interest free loan for the Medical Centre, which is to be funded from the Medical Centre Reserve. The correct payout figure is actually \$120,000.00, so that amount will be required from the Reserve.

However, the gyprock wall lining in the kitchen wall at the Medical Centre needed to be replaced having been damaged about 12 months ago by an infestation of termites. This work will cost approximately \$4,500.00. It is recommended that a total sum of \$124,500.00 be transferred from that reserve for these purposes.

- A total of 36 additional domestic recycling bins had to be purchased as part of the roll-out of the domestic recycling program. An additional \$2,484.00 is required for the capital expenditure.
- Income from Development Application Fees is currently well below the \$25,000.00 budget figure. It is suggested that this be reduced to around \$14,000.00.
- In regard to capital roadworks, the budget figure of \$94,300.00 for St Werburghs Road - Hay River Road Intersection was based on an assumed Black Spot grant of \$62,867.00. The actual Black Spot grant is \$35,370.00. The project should therefore be reduced to a total of \$53,055.00. It is recommended that the excess Council contribution of \$13,748.00 be directed to the Mitchell Street - St Werburghs Road Intersection, where additional rehabilitation and white lining could be carried out.
- The Wilson Inlet Catchment Committee has relinquished its vehicle. The relevant expenditure and income accounts have been adjusted accordingly, which is a \$nil result.
- The Public Works Overheads budget has been increased by \$9,500.00 which relates to a superannuation payout on retirement for a former staff member. This sum has been recouped from another local government, so this is a \$nil impact.
- A number of depreciation and amortisation accounts are subject to over-expenditures. These either relate to depreciation on new items or increases in fair values. This is a \$nil cash impact.

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. The Council adopted a 10% and a \$5,000.00

minimum for the reporting of material variances to be used in the statements of financial activity and the annual budget review.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That:

- 1. The budget review for the period 1 July 2013 to 31 December 2013 be adopted and the 2013/2014 Annual Budget be amended as follows:**

No.	Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
1	N/A	Difference in budget to Actual Surplus Carried Forward			(\$6)
2	20026.0032	Local Government Convention	(\$10,000)	\$0	\$10,000
3	20025.0030	Other Expenses - Elections - Professional Services	(\$25,000)	(\$15,240)	\$9,760
4	20032.0262	Minute binding	(\$2,000)	\$0	\$2,000
5	20033.0367	Regional Cooperation Development Program	(\$30,000)	(\$10,000)	\$20,000
6	10016.0224	Reimbursements - LSL	\$0	\$9,500	\$9,500
7	20049.0273	Professional Services	(\$60,000)	(\$40,000)	\$20,000
8	20079.0312	Office Expenses - Cat Sterilisation Program	\$0	(\$10,000)	(\$10,000)
9	10049.0089	Grant Revenue - Animal Control	\$0	\$10,000	\$10,000
10	40724.0486	Transfers from Reserve Funds	\$140,000	\$124,500	(\$15,500)
11	20122.0010	Medical Centre - Building Maintenance	(\$5,000)	(\$9,500)	(\$4,500)
12	50705.0213	Principal Repayments - Loan No 92 - Medical Centre	(\$140,000)	(\$120,000)	\$20,000
13	50850.0006	Purchase of Domestic Recycling Bins	\$0	(\$2,484)	(\$2,484)
14	20158.0034	Rubbish Collection - Depreciation - Furniture & Fittings	\$0	(\$6,000)	\$0
15	41001.0486	Transfer from Waste Reserve	\$0	\$100,000	\$100,000
16	20173.0289	Local Planning Strategy	(\$2,000)	\$0	\$2,000
17	20173.0294	Heritage Inventory Review	(\$40,000)	\$0	\$40,000
18	20173.0353	Signs Policy	(\$2,000)	\$0	\$2,000
19	10105.0038	Other Revenue - Development Application Fee	\$25,000	\$14,343	(\$10,657)
20	51440.0252	District Hall Ceiling	(\$10,000)	\$0	\$10,000
21	51442.0006	Software Management System - Pool	(\$8,500)	\$0	\$8,500
22	21105.0297	Recreation Centre - Amortisation	(\$67,723)	(\$78,780)	\$0
23	51486.0251	Wilson / Centenary Parks Wetlands Development	(\$162,319)	\$0	\$162,319
24	51565.0251	Mount Barker War Memorial Refurbishment	\$0	(\$35,000)	(\$35,000)
25	51500.0006	Barbeque Wilson Park	(\$1,685)	\$0	\$1,685
26	41120.0400	CLGF (R for R) - Sounness Park	\$1,384,456	\$790,658	(\$593,798)
27	41120.0438	Wetlands Development Grants	\$20,000	(\$70,000)	(\$90,000)
28	10119.0200	Parks and Recreation Grounds - Other Contributions	\$0	\$2,500	\$2,500
29	51501.0252	CRC Carpark Lighting	(\$5,000)	\$0	\$5,000
30	51203.0250	Mount Barker Footpath construction	(\$70,000)	(\$20,000)	\$50,000
31	51547.0250	St Werburghs Road - Hay River Road Intersection	(\$94,300)	(\$53,055)	\$41,245
32	51503.0250	Mitchell Street - St Werburghs Road Intersection	(\$25,844)	(\$39,592)	(\$13,748)
33	51560.0250	Lowood Road Roundabout	(\$22,500)	\$0	\$22,500
34	41201.0008	Direct Road Grants - Black Spot Funding	\$91,082	\$63,585	(\$27,497)
35	41202.0486	Transfer from Natural Disaster Reserve	\$0	\$25,000	\$25,000
36	21211.0306	Outstanding Land Resumptions	(\$20,000)	\$0	\$20,000
37	10134.0197	Storm Damage Reimbursement (WANDRRA)	\$102,592	\$291,273	\$188,681

38	21305.0307	Other Expenses - Vehicle Leases - Community Ag Ctr	(\$22,000)	(\$12,000)	\$10,000
39	11306.0228	Reimbursements - Vehicles	\$22,000	\$12,000	(\$10,000)
40	21311.0370	District and Area Promotion	(\$63,450)	(\$33,450)	\$30,000
41	20260.0130	Employee Costs - Salaries	(\$306,690)	(\$316,190)	(\$9,500)
42	20270.0036	Plant Operation - Depreciation - Plant & Equipment	(\$397,483)	(\$507,396)	\$0
	Total		\$191,636	\$64,672	\$0

2. **In accordance with Section 6.11(2) of the Local Government Act 1995, one month's local public notice be given of the proposed change of use of \$100,000.00 currently in the Waste Disposal Reserve and \$25,000.00 currently in the Natural Disaster Reserve, which is to be directed to the Sounness Park project.**

CARRIED (9/0)

NO. 15/14

Absolute Majority

9.4.2 FINANCIAL STATEMENTS – DECEMBER 2013

File No:	N29254
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	4 February 2014

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 31 December 2013.

STATUTORY ENVIRONMENT

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

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

The Statement is to be accompanied by:

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

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr G Messmer:

That the Financial Statements for the month ending 31 December 2013 be received.

CARRIED (9/0)

NO. 16/14

9.4.3 LIST OF ACCOUNTS - DECEMBER 2013

File No:	N29255
Attachment	List of Accounts - December 2013
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Emma Gardner Accounts Officer
Proposed Meeting Date:	4 February 2014

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of December 2013.

STATUTORY ENVIRONMENT

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

The Chief Executive Officer has delegated authority to authorise payments (28 May 2013). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended December 2013 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$963,940.63; and
- b. Municipal Cheques 44270 - 44327 totalling \$118,862.54.

CARRIED (9/0)

NO. 17/14

**9.4.4 POLICY REVIEW – A/PA/16 – NOTIFICATION TO ABSENTEE
LANDOWNERS – ELECTORAL ROLL**

File No: N29252
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 4 February 2014

PURPOSE

The purpose of this report is to review policy A/PA/16 - Notification to Absentee Landowners - Electoral Roll.

BACKGROUND

Council Policy A/PA/16 - Notification to Absentee Landowners - Electoral Roll reads as follows:

OBJECTIVE:

To provide timely advice to absentee landowners of the process required to make application to be on Owner/Occupier Roll.

POLICY:

That an 'Enrolment Eligibility Claim Form' together with advice as to the process required for an absentee owners to be entered on the Owner/Occupier Roll:

- 1. Be sent to all landowners who reside outside the Shire of Plantagenet in June of each year in which an ordinary election is to be held.*
- 2. Be issued to all new absentee landowners as part of the 'New Resident Pack' process.'*

This policy was last reviewed on 10 April 2012.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

The mail out and printing costs are approximately \$1,000.00 in each ordinary election year.

POLICY IMPLICATIONS

The review of this policy is presented to the Council as part of its ongoing policy review cycle.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

From the experience in the 2009 election, some absentee land owners (probably most) were unaware of the requirement to make application to be on the owner/occupier roll.

Past practice was to leave it up to individuals to take the initiative and submit an eligibility claim. The policy now provides for forms to be automatically sent to landowners who reside outside the Shire to ensure each eligible person is given the opportunity of being included on the roll and participating in local elections.

It must be noted that sending out these forms is no guarantee that elector participation will increase. However, it does provide some notification to absentee landowners who do wish to vote that that they must go through this process in order to do so. For the 2013 election, 81 people registered on the owner occupier roll as a result of the mail out.

It is considered that the current policy is sufficient and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr C Pavlovich:

That Council Policy A/PA/16 - Notification to Absentee Landowners - Electoral Roll, as follows:

‘OBJECTIVE:

To provide timely advice to absentee landowners of the process required to make application to be on Owner/Occupier Roll.

POLICY:

That an ‘Enrolment Eligibility Claim Form’ together with advice as to the process required for an absentee owners to be entered on the Owner/Occupier Roll:

1. Be sent to all landowners who reside outside the Shire of Plantagenet in June of each year in which an ordinary election is to be held.
2. Be issued to all new absentee landowners as part of the ‘New Resident Pack’ process.’

be endorsed.

CARRIED (9/0)

NO. 18/14

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 GENERAL MEETING OF ELECTORS - MINUTES - 2012/2013

File No:	N29075
Attachments:	General Meeting of Electors Minutes 10 December 2013
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	4 February 2014

PURPOSE

The purpose of this report is to receive the Minutes of the General Meeting of Electors held on 10 December 2013.

BACKGROUND

The General Meeting of Electors for the Shire of Plantagenet was held on 10 December 2013 for the purpose of receiving the Shire's 2012/2013 Annual Report and to consider any general business.

STATUTORY ENVIRONMENT

Pursuant to Section 5.27 of the Local Government Act (1995), a General Meeting of the Electors of the district is to be held once every financial year.

Further, pursuant to Section 5.32 of the Act, copies of the Minutes are to be made available for inspection by members of public before the Council Meeting at which decisions made at the General Meeting of Electors are first considered.

Pursuant to Section 5.33 of the Act all decisions made at an Electors Meeting are to be considered at the next Ordinary Meeting of the Council where practicable.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

There were no decisions made at the Electors Meeting needing consideration by the Council.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Bell:

That the Minutes of the General Meeting of Electors of the Shire of Plantagenet held on 10 December 2013 be received.

CARRIED (9/0)

NO. 19/14

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 COUNCIL MEETINGS SCHEDULE

Cr Moir has given notice pursuant to Clause 3.7 of Standing Orders, the following motion at the next Ordinary Meeting of the Council to be held on 4 February 2014.

Councillor Comment:

Upon reflection, the four weekly Council Meeting date interval adopted by the Council at its meeting held on 19 November 2013 is too great an interval between Council Meetings and is likely to create Agendas that are potentially large and cumbersome, thereby creating lengthy Council Meetings.

Further, by having Council Meetings more often, there will be a higher level of Community Service in ensuring that Council decisions are made in a timely manner. I accept that fortnightly meetings create too much of an imposition upon the Council's Administration who would otherwise always be in 'Agenda Mode'.

Four other Councillors have indicated their support of this motion, being Councillors Handasyde, Etherington, Messmer and Bell.

Moved Cr J Moir, seconded Cr G Messmer:

That:

- 1. The Ordinary Meetings of the Council for February to December 2014 inclusive be held at three weekly intervals on a Tuesday commencing on 25 February and then as follows:**
 - 18 March**
 - 8 April**
 - 29 April**
 - 20 May**
 - 10 June**
 - 1 July**
 - 22 July**
 - 12 August**
 - 2 September**
 - 23 September**
 - 14 October**
 - 4 November**
 - 25 November**
 - 16 December**
- 2. All Ordinary Meetings of the Council to commence at 3.00 pm and be held in the Council Chambers Lowood Road Mount Barker.**
- 3. All meeting dates and times be advertised Pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.**

LOST (3/6)

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

Moved Cr L Handasyde, seconded Cr J Oldfield

That new business of an urgent nature, namely:

Saleyards Committee – Appointment
be introduced to the meeting.

CARRIED (9/0)

NO. 20/14

11.1 SALEYARDS COMMITTEE – APPOINTMENT

Cr J Moir

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)

Nature: Financial

Extent: Cattle Farmer, Employee of Elders

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

Approval has been received from the Department of Local Government via a letter dated 4 February 2014 giving permission for Councillor J Moir to participate in the discussion and decision making procedures relating to the Mount Barker Regional Saleyards.

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

File No: N29154
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 4 February 2014

PURPOSE

The purpose of this report is to recommend the appointment of an 'Other Person' to the Saleyards Advisory Committee.

BACKGROUND

At a Special Meeting of the Council held on 29 October 2013 it was resolved:

'That:

1. *The Saleyards Advisory Committee be reconstituted pursuant to Section 5.9(2)(d) of the Local Government Act 1995.*
2. *Committee membership shall be set at three Councillors and one other industry person.*
3. *Cr B Bell, Cr J Moir and Cr L Handasyde be appointed.*
4. *Cr J Oldfield be appointed as Deputy to act on behalf of any individual member appointed in part 3 when that member is unable to attend.*
5. *The position of 'other industry person' be advertised locally seeking nominations.*
6. *The existing brief of the Committee be endorsed.'*

Further, the matter of the appointment of an 'other industry person' was considered by the Saleyards Committee at its meeting held 4 February 2014. The Committee's recommendation is at the conclusion of the report.

STATUTORY ENVIRONMENT

The Saleyards Advisory Committee has been constituted pursuant to Section 5.9 (2) (d) of the Local Government Act 1995. This means that the Committee can be made up of Councillors and 'Other Persons' who are not Councillors and who are not employees of the Council.

CONSULTATION

In accordance with the Council's resolution, the position of 'Other Industry Person' has been advertised locally seeking nominations.

An advertisement was placed in the Plantagenet News on 4 December 2013 with nominations closing on 10 January 2014.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Community Plan (2013-2023) notes at Outcome 3.5 (Appropriate Infrastructure that supports sustainable economic development) Strategy 3.5.5:

'Manage and maintain the saleyards to ensure that the facility is successful and self sustaining.'

It is expected that the appointment of a person involved in the cattle industry who is not a Councillor, will bring in information from alternative sources to assist with the Council's decision making processes.

OFFICER COMMENT

At close of applications two submissions had been received, being from Warren Forbes and Michael Skinner.

Michael Skinner notes:

Membership of the WA Farmers Federation, including holding the position of President of the Albany Zone from 1990 to 1997.

Membership of the Council's Saleyards Committee from prior to the construction of the present saleyards through to October 2013 at which time he did not seek re-election to the Shire of Plantagenet as a councillor.

Beef cattle breeding and raising experience from the 1960s to the present.

Warren Forbes notes:

His cattle are bought and sold through the Saleyards.

He has close contact with people who use the yards including graziers, feedlot operators, live export feeders, shipping companies and trade slaughter cattle.

He conducts a small livestock transport business, delivering to and from the yards, including 'hands on' use of the facilities at the yards.

There is no doubt that either of the applicants would bring valuable input to the committee's deliberations. However, unless the council resolved to increase the number of 'other persons' to two, a choice between Messrs Forbes and Skinner will need to be made.

VOTING REQUIREMENTS

Absolute Majority

COMMITTEE RECOMMENDATION

Moved Cr S Etherington, seconded Cr C Pavlovich:

That Michael Skinner be appointed as a member of the Saleyards Advisory Committee in the category 'Other Industry Person'.

CARRIED (9/0)

NO. 21/14

Absolute Majority

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

5:21pm The Presiding Member declared the meeting closed.

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