



ORDINARY MINUTES

DATE: Tuesday, 15 December 2009

TIME: 2.45 pm

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

John Fathers
ACTING CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:45pm The Presiding Member declared the meeting open.

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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

Members Present:

Cr Ken Clements	Shire President
Cr Michael Skinner	Deputy Shire President
Cr Sue Etherington	JPCouncillor
Cr Andrus Budrikis	Councillor
Cr Simon Grylls	Councillor
Cr Len Handasyde	Councillor

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Mr Dominic Le Cerf	Manager Works and Services
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Ms Cobie MacLean	Administration Officer (Planning)
Mrs Kaye Skinner	Executive Secretary

There were three member(s) of the public in attendance.

There were nil (0) member(s) of the media in attendance.

Previously Approved Leave of Absence:

Cr Michael Skinner 15 December 2009.

Apologies

Cr Jeff Moir	Councillor
Cr Brett Bell	Councillor

4 PUBLIC QUESTION TIME

Section 5.24 Local Government Act 1995

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

5.1 MR DAVID PLANT – MILNE AGRIGROUP AND MR DANIEL MARTIN – MOUNT BARKER ESTATE

Overview

Milne AgriGroup is a family agri-business run by the Lake family. They grow feed grain for pigs, turkeys, chickens, cows and sheep. Mount Barker Chickens is a subsidiary company.

Milne AgriGroup is developing the free range concept. They are working closely with the Royal Society for the Prevention of Cruelty to Animals (RSPCA) to develop brands.

A presentation has been handed out (attached to these minutes).

Mr Martin will be a contract grower for Milne AgriGroup. Milne AgriGroup retains ownership of all animals and is responsible for the veterinary health and well being of those animals. Mr Martin provides the location, labour and accommodation for the animals. The free range model is based on European farms.

Milne AgriGroup had produced a manual for free range piggery. The growing and breeding of pigs is a very structured process.

A Management Team will be working closely with Mr Martin at all times. Weaners will be taken away to be finished off.

Shire President, Cr K Clements asked about the potential for pigs to escape.

Mr Plant replied that they cannot have animals escaping. If animals stray from the farm they can not be returned to the farm due to bio-control issues. The property will have a hot wire and stock fencing. The barrier fencing will be designed to keep pigs in and animals out due to health issues which can affect the pigs.

Cr M Skinner asked about the retention of stormwater and effluent disposal.

Mr Martin replied that all water runoff from the area which the pigs use will run into an effluent dam. From there treated water will be pumped onto vegetation areas. Nothing can escape into the creek systems. They are working closely with LandCare to establish and maintain sustainable agriculture.

Cr L Handasyde asked what would happen with a heavy storm event.

Mr Martin replied that the ponds will retain all nutrients. Most heavy storm events are at the start of the growing season when the ponds are relatively empty but there is a second pond available if necessary.

Cr L Handasyde asked about odour issues.

Mr Plant replied that Mr V Jenkins, Planning Officer for the Shire of Plantagenet, inspected one of the Milne AgriGroup properties in Cranbrook. This facility is considerably larger and has minimal odour issues.

Cr S Grylls asked about the stocking rates which, according to the report, are more than recommended by the Department of Agriculture and Food (DAF).

Mr Plant replied that they are working with the RSPCA. Stocking densities will be less. They will be approximately 10 sows per ha. The new site will allow for better rotation of animals and crops. Sites will be rotated every two years with crops and pigs.

Cr K Clements asked if the Department of Agriculture and Food, Department of Environment and Conservation and Department of Water are all satisfied with the application.

Mr Plant replied that originally there were concerns but these have been alleviated with the location of the new site, the object of the report.

6 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr Simon Grylls declared a Financial Interest – provided gravel to the Shire – in Item 12.2.2.

Cr Michael Skinner declared a Financial Interest – provided gravel to the Shire – in Item 12.2.2.

Cr Len Handasyde declared a Financial Interest – provided gravel to the Shire – in Item 12.2.2.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

8 CONFIRMATION OF MINUTES

Moved Cr Sue Etherington JP, seconded Cr Andrus Budrikis:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 24 November 2009 as circulated, be taken as read and adopted as a correct record.

CARRIED (6/0)

NO. 376/09

9 COMMITTEE MINUTES

Moved Cr Andrus Budrikis, seconded Cr Len Handasyde:

That the Minutes of:

[Minutes - 10 November 2009 - Recreation Advisory Committee](#)

[Minutes - 24 November 2009 - Recreation Advisory Committee](#)

be received.

CARRIED (6/0)

NO. 377/09

10 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- Wednesday 25 November 2009 – Cr M Skinner, Mr R Stewart and I attended a Southern Link Voluntary Regional Organisation of Councils (VROC) meeting in Kojonup. The Chief Executive Officers advised us at what stage various co-operative ventures were at: Asset Management, Records storage, etc.
- Thursday 26 November 2009 – Cr L Handasyde, Mr R Stewart and I attended a couple of meetings regarding the Regional Saleyards with Department of Agriculture and Food (DAF) representatives and a group of saleyard operators from the Eastern States.

- Friday 27 November 2009 – Mr R Stewart and I attended the Great Southern Zone Western Australian Local Government Association (WALGA) meeting. Cr L Handasyde attended as an observer.
- Saturday 28 November 2009 – I attended the Bi-annual Mount Barker Community Fair. Congratulations to the Fair Committee for putting on an excellent day.
- Saturday 28 November 2009 – Mrs R Clements and I attended the 70th anniversary dinner to recognise the St John Ambulance presence in the Shire.
- Wednesday 2 December 2009 – I attended the dedication of the new Plantagenet Community Medical Centre.
- Tuesday 8 December 2009 – I attended a board meeting of the Mount Barker Community Centre.
- Thursday 10 December 2009 – Mr D Le Cerf and I attended a meeting with the new Superintendent of Pardelup and some of his staff to discuss proposed work assignments for prisoners to undertake for the Shire of the next year.
- Friday 11 December 2009 – I attended the Mount Barker Primary School open day commemorating the closure of the school and the move to the new campus in 2010.
- Saturday 12 December 2009 – Mrs R Clements and I attended the Councillors' dinner at Windrush.
- Monday 14 December 2009 – Mr R Stewart and I attended a meeting with the Public Transport Authority (PTA) to discuss the future of the old railway storage shed (apple shed).
- Tuesday 15 December 2009 – Cr S Etherington JP, Mr R Stewart and I attended the Mount Barker Seniors Christmas lunch at the Plantagenet District Hall.

11 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr M Skinner

- Tuesday 15 December 2009 – The Audit Committee held a teleconference with the auditors. The meeting went well with this Audit Report being one of the best we have had for a while.

Cr S Etherington JP

- Attended a Tourist Bureau meeting. There are a few problems which will be brought to the Council early next year.

Cr L Handasyde

- Wednesday 25 November 2009 – RoadWise Committee Meeting.
- Thursday 26 November 2009 – DAF meetings regarding saleyards.
- Friday 27 November 2009 – WALGA Great Southern Zone meetings. Attended as an observer only.
- Wednesday 2 December 2009 – Medical Centre opening.
- Friday 11 December 2009 – Primary School closing day.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 DEVELOPMENT SERVICES REPORTS

12.1.1 LOT 20 WHITWORTH ROAD, FOREST HILL – CHALETS, HOUSE AND FARM MANAGER'S HOUSE

File No:	N13538
Attachments:	Locality plan Site plan Floor plan and elevations Summary of submission Letter from applicant
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	15 December 2009
Applicant:	MJ, KA, AK and ME Eastwell

PURPOSE

The purpose of this report is to consider an application for four chalets, house and farm manager's house at Lot 20 Whitworth Road, Forest Hill.

BACKGROUND

Council records show the registered owners of Lot 20 Whitworth Road, Forest Hill are MJ, KA, AK and ME Eastwell.

The proponents, the Eastwell family, purchased the property in November 2007 and have since been running a business under the Highbury Farm company name. A 6ha vineyard and 6ha olive grove were established on the farm between 1998 and 2000. In March 2009 the proponents obtained a Producer's Licence from the Department of Liquor and Gaming to produce wine.

At present there is no house or farm manager's accommodation on site. The proposed house and farm manager's accommodation will each consist of two bedroom houses with cooking and associated facilities. The proponents intend to develop a rural tourist facility consisting of four two bedroom chalets. The chalets, house and farm manager's accommodation will be of the same design.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural. Chalet is a discretionary 'SA' use under TPS3 meaning that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with Clause 6.2.

Town Planning Scheme Policy No. 14 (TPS Policy 14) (Rural Tourist Accommodation and Additional Houses) contains a range of planning consent requirements for chalets including a road upgrading contribution.

Building Code Australia (BCA).

EXTERNAL CONSULTATION

The proposal was advertised for a 21 day period closing on 26 November 2009. Letters were sent to four adjoining and nearby land owners, notices were placed in the Plantagenet News, Albany Advertiser and on the Council's notice board and a sign placed on site.

A letter of objection was received from the land owners of Lot 2 Whitworth Road 800m to the north. Those owners are concerned about the possible harmful impact of additional effluent disposal systems due to soil types in the locality. They are also concerned about increased traffic and road safety on the Whitworth Road (which is unsealed), the economic viability of the proposed development and possible future permanent accommodation if the venture fails.

FINANCIAL IMPLICATIONS

The application fee of \$1,740.00 and a bond of \$500.00 for advertising costs have been paid.

In accordance with TPS Policy 14 the Council may require a once off financial contribution towards maintenance of the gravel road at the time of approval. The fee is currently set in the Annual Budget (2009/2010) at \$3,080.00 per chalet.

POLICY IMPLICATIONS

TPS Policy 14

Policy criteria 3 read as follows:

'Tourist accommodation units must be primarily accessed from a bitumen sealed road. A small scale operator (4 units or less) is able to access off a gravel road but should not expect the Council to upgrade the road pavement to bitumen standards. The Council may require a once off financial contribution to maintenance of the gravel road at the time of approval. This fee will be set in the Council's Annual Budget.'

The proponent has submitted a letter requesting a significant reduction in the once off financial contribution to maintenance of the gravel road at time of approval.

Policy criteria 5 read as follows:

'Each tourist accommodation unit (such as a Chalet) will be a maximum of 2 bedrooms.'

Policy criteria 11 read as follows:

'The applicant of an additional house will be required to substantiate that the house is needed for management purposes of an existing rural enterprise or for a family member. A maximum of two additional houses will be permitted on any one Rural zoned lot over 10ha.'

Policy criteria 12 read as follows:

'In considering additional houses, specifically for a rural enterprise, the Council will require the applicant to substantiate that progress has been made towards bringing the rural venture into operation.'

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Plan 2003 Key Result Area 4 Development Services seeks to:

'encourage new businesses that will create long term sustainable local employment'.

OFFICER COMMENT

The subject land is located approximately 17km west of Mount Barker and 1.2km off Muirs Highway on Whitworth Road.

In considering additional houses for farm management purposes TPS Policy 14 requires proof that progress has been made towards bringing a rural venture into operation. A rural enterprise of 6ha vineyard and 6ha olive grove is established on the farm and in March this year the proponent's obtained a Producers Licence from the Department of Liquor and Gaming to produce wine.

The property is rectangular in shape and 42.33ha in area. Two chalets are to be positioned 65m and 85m from the boundary abutting Whitworth Road and all chalets are to be positioned a minimum 200m away from all other lot boundaries. The proponents will screen all the chalets with vegetation to minimise the visual impact on the locality.

The Hay River abuts the northern boundary of the lot. The nearest proposed house to the river boundary is over 200m away and as such there will be no negative impact on the river.

No difficulties are seen with the number and size of effluent disposal systems to be installed given the size of the lot being 42.33ha. Council policy (TPS Policy 14) may require a once off financial contribution to maintenance of Whitworth Road at the time of approval. The fee required for four chalets is \$12,320.00 and the moneys are to be kept for the maintenance of Whitworth Road. The viability of the rural tourist venture is not a planning consideration.

The proposal is in accordance with the requirements set in TPS Policy 14. The proposed use is not likely to affect the landscape, rural character or amenity of the area. The use is not likely to affect existing horticultural activities on adjoining land to the south west.

The case put by the proponent does not justify the Council not charging the road contribution as the intention of TPS Policy 14 is to encourage this form of development on land with bitumen road frontage.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Andrus Budrikis, seconded Cr Michael Skinner:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the development including the house, farm manager's house and tourist accommodation (four chalets) at Lot 20 Whitworth Road, Forest Hill be approved subject to:

- 1. Development being in accordance with the plans dated 9 October 2009.**
- 2. Compliance with the relevant requirements of the Building Code of Australia.**
- 3. The payment of a once off financial contribution toward the maintenance of the gravel Whitworth Road. The fee is currently set in the 2009/2010 Annual Budget at \$3,080.00 per chalet which totals \$12,320.00.**
- 4. The provision of 92,000 litre potable water tanks with appropriate fittings for fire fighting purposes for both houses and each of the four chalets.**
- 5. The provision and maintenance of Hazard Separation Zones for fire safety around both houses and all chalets to comply with the Council's annual firebreak notice.**
- 6. Compliance with the relevant requirements of the Council's Town Planning Scheme Policy No. 14 (Rural Tourist Accommodation and Additional Houses).**
- 7. A crossover for the tourist accommodation (four chalets) being constructed and drained to the satisfaction of the Manager Works and Services.**
- 8. All stormwater shall be disposed of to the satisfaction of the Manager Works and Services.**

CARRIED (6/0)

NO. 378/09

12.1.2 LOT 408 MUIR STREET, MOUNT BARKER - OVERSIZE OUTBUILDING

File No: N13472
Attachments: [Locality Plan](#)
[Site Plan](#)
[Elevations](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Vincent Jenkins
Planning Officer
Proposed Meeting Date: 15 December 2009
Applicants: Daniel and Sharon Baker

PURPOSE

The purpose of this report is to consider a proposal for an oversize outbuilding at Lot 408 Muir Street, Mount Barker.

BACKGROUND

Council records show the registered owners of Lot 408 are Daniel and Sharon Baker.

The proposal is for an outbuilding of 120m² with a wall height of 3m. Town Planning Scheme Policy No. 16 (Outbuildings) sets a maximum wall height of 3m together with the maximum cumulative total floor area for outbuildings in residential areas at 80m².

The reason provided by the proponent for the oversize outbuilding is that he owns a number of vehicles (Ute, tool trailer and boat) and a carpentry business. These vehicles and carpentry building material will be stored in the outbuilding for protection and safety.

STATUTORY ENVIRONMENT

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Residential (R12.5).

Clause 6.3.2 of TPS3 states:

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

Residential Design Codes (RCodes).

The RCodes – discretion exists for the Council to vary standards at clause 2.5.2 as follows:

‘Discretion shall be exercised having regard to the following considerations:

- a) *the stated purpose and aims of the scheme;*
- b) *the provisions of parts 1-7 of the codes, as appropriate;*
- c) *the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
- d) *the explanatory guidelines of the codes that correspond to the relevant provisions;*
- e) *any local planning strategy incorporated into the scheme;*
- f) *a provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- g) *orderly and proper planning.’*

The variation required here relates to 2.5.2(b) above as the outbuilding requirements are in part 6 of the RCodes.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

TPS Policy No. 16 (Outbuildings) limits outbuildings to a maximum wall height of 3m and a maximum cumulative floor area of 80m² for Residential zones. The floor area of the proposed outbuilding is 120m² and the wall height of the proposed outbuilding is 3m. Given the large size of the lot (3,975m²), the total area of the outbuilding is considered acceptable in this instance. The Council must have regard to a Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The property is located north of Muir Street and east of Viv Skinner Park in Mount Barker and is 3,975m² in area. The north boundary of the lot abuts Sounness Park and the lot is currently vacant, however the proposed house has been approved but not as yet constructed.

The proposed outbuilding is setback 85m from the street boundary and 1.5m from west side boundary abutting Viv Skinner Park. The outbuilding location is approximately 2m below the constructed recreation area at Viv Skinner Park.

The proposed outbuilding will be constructed in colorbond with the external walls finished in dune colour and the roof in woodland grey colour. The colours are sympathetic to the surrounding area. No difficulties are seen with the area of the outbuilding being 120m² and the wall height of 3m given the size of the lot.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Sue Etherington JP, seconded Cr Len Handasyde:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the development consisting of the outbuilding situated at Lot 408 Muir Street, Mount Barker be approved with a floor area of 120m² subject to:

1. The development being in accordance with the plans dated 6 October 2009 and 30 November 2009.
2. A crossover being constructed, drained and sealed to the satisfaction of the Manager Works and Services.
3. All stormwater being disposed of to the satisfaction of the Manager Works and Services.
4. The outbuilding not being used as a business but only for the storage of vehicles and materials.

CARRIED (6/0)

NO. 379/09

12.1.3 LOT 54 MUIRS HIGHWAY CORNER QUANGELLUP ROAD, MOUNT BARKER - NOXIOUS INDUSTRY - FREE RANGE PIGGERY

File No:	N13539
Attachments:	<u>Locality Plan</u> <u>Proponent's Proposal</u> <u>Land Use Plan</u> <u>Plan of Proponent Proposal</u> <u>Plan of Revised Proposal</u> <u>Summary of Submissions</u>
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	15 December 2009
Applicant:	Mount Barker Estate

PURPOSE

The purpose of this report is to consider a proposal for a free-range piggery at Lot 54 Muirs Highway corner Quangellup Road, Mount Barker.

BACKGROUND

Council records show the registered owner of Lot 54 Muirs Highway, Mount Barker is Mount Barker Estate.

Lot 54 is approximately 870ha in area and is used for plantations and for both pasture and cropping.

The proponent intends breeding free-range porker pigs under the care of and for the delivery to Plantagenet Free Range Pork. The proponent if successful with this application will enter into a franchise agreement with Plantagenet Free Range Pork, a division of Milne AgriGroup, to provide porker grade pigs to the market place.

The free-range piggery consists of four pens covering an area of approximately 13ha (see proponent's plan attached). The pigs are kept in four pens consisting of a set of service pens used for breeding and weaning. The two other pens will be used for farrowing and gilt and boar training purposes. The breeder farm (farrowing pen) will be stock fenced for bio security measures and prevent vermin access. The interior fencing will consist of a network of fibreglass poles and hotwire powered by solar energiser with battery backup.

The pig population will consist of 300 to 350 sows, 14 to 20 boars and approximately 400 piglets.

The piggery will have a 4m buffer zone around its boundary and contain an on site fire unit. The site will be kept clear of combustibles with the exception of straw required for the piggery. The straw will be contained in one area to reduce any fire risk.

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 which is a discretionary ‘SA’ use under TPS3 meaning that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with Clause 6.2.

Environmental Protection Act 1986

Environmental Protection Regulations 1987 - works approval or licence is currently not required for a piggery with straw-based housing (semi-intensive housing).

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

Health Local Laws 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>

Part 9 Offensive Trade, Division 2, Effluvia, Vapours, Gases or Dust

Clause 9.6.2 reads:

‘The occupier shall provide, use and maintain in a state of good repair and working order, appliances and preventive measures capable of effectively destroying or of rendering harmless all offensive effluvia, vapours, dust or gasses arising in any process of his business or from any material, residue or other substance which may be kept or stored upon the premises.’

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 New and Existing Piggeries May 2000 (Guidelines).

The Guidelines were developed by the Department of Agriculture and Food, Environmental Protection Authority, Waters and Rivers Commission, Health Department of WA, and West Australia Pork Producers' Association. The guidelines apply to the management of piggeries in Western Australia, including intensive and extensive operations, straw-based housing and combinations of these.

EXTERNAL CONSULTATION

The proposal was advertised for comment for a 21 day period closing on 10 November 2009. Letters were sent to 12 adjoining and nearby land owners, Main Roads WA (MRWA), Environmental Protection Authority (EPA), Department of Environment and Conservation (DEC), Department of Agriculture and Food (DAF) and the Department of Water (DOW). Notices were placed in the Albany Advertiser, on the Council's noticeboard, and a sign placed on site.

Eight submissions were received and these are contained in the attached summary of submissions.

FINANCIAL IMPLICATIONS

The application fee of \$132.00 and a bond of \$500.00 for advertising costs have been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 Development Services advocates:

'Retain local business and encourage new businesses that will create long-term sustainable local employment. The Shire also seeks to plan a safe and healthy living environment.'

OFFICER COMMENT

The property is located on the north side of Muirs Highway on the corner of Quangellup Road and approximately 5km west of Mount Barker. The land is approximately 870ha in area and used for plantations and for pasture and cropping.

The property is bounded to the south by Muirs Highway. To the north and east by Quangellup Road and to the west by Jones Road, Quangellup Creek and five adjoining rural properties.

The proposed piggery site is approximately 13ha in area and positioned within the south-western part of the property 150m from Muirs Highway and 500m from the western boundary. The Norfolk Ridge vineyard abuts Jones Road approximately

700m to the west and Galafrey Wines is located on Quangellup Road approximately 3.3km to the north.

The subject land is located within the catchment of the Hay River, which is a major tributary of the Wilson Inlet. The Wilson Inlet is a waterway of significant environmental, social and economic value to the region. The subject land contains several tributaries of the Hay River, including one watercourse in close proximity to the proposed piggery site. There is evidence of soil saturation just below and to the north-west of the dam within the proposed site. Soil moisture and plant indicator species confirmed that section was unsuitable for inclusion in the proposed piggery site.

Some of the sections of the proposed piggery site, have gradients up to approximately 1:10 which is considered excessive. The preferred slopes set in the Guidelines for this category of piggery are between 1:20 and 1:200. There is the risk of contaminated water impacting on the nearby creek lines via stormwater runoff and drainage from the pig pen areas. An existing dam will capture some of the runoff from the pig pens, however the farrowing pens and the pen area to the south west will not have any measures to capture and contain contaminated runoff. Additionally, there is no verification of the integrity of the existing dam, therefore there is the risk of contaminated water captured within the dam seeping or overflowing.

DAF excavated a soil test hole to a depth of approximately 60cm on a section of the proposed piggery site with the greatest slope. The soil appeared to be rich in iron. It would be reasonable to assume that it would have some inherent ability to retain phosphorus. Generally, the Phosphate Retention Index (PRI) is higher in these gravely soils. The soil should have an acceptable infiltration rate but with the increased slope may contribute to a risk of surface run-off in heavy rainfall events. This may direct to erosion and degradation of the land and adverse impact to local waterways.

Information provided by the applicant indicates that the overall stocking density will be between 23-27 animals per ha. The Guidelines recommend a maximum stocking density for extensive piggeries of 20 animals per ha for sows and boars (including sows with litters), and up to 50 animals per ha for growers and finishers. The soils appear to have a sufficient capability to withstand an extensive piggery operation, however given the slope of the land, it is recommended that stocking density is limited as advised in the Guidelines. This will prevent the risk of erosion and degradation of the land and prevent adverse impacts to local waterways.

Piggeries should be sited and operated to prevent unreasonable interference with the health, welfare, convenience, comfort or the amenity of any person. The Health Local Laws 2008 require a buffer zone of 1km from isolated rural dwellings. There are no houses within the 1km buffer zone on adjoining properties. The buffer zone, measuring 1km from the perimeter of the proposed piggery site, encroaches onto adjoining properties. The possible long term development of houses on lots 704, 705, 2910 and 505 could be adversely affected. The owner's of Norfolk Ridge to the west indicated that they intend applying for a manager's house and cellar sales facility in the near future.

With the constraints mentioned, it would be preferable to relocate the proposed extensive piggery to a more suitable site on the property (see plan showing revised proposal attached prepared by Council officers). A site considered to be more suitable is the parcel of cleared land immediately to the north-east of the proposed site.

The suggested new proposed piggery site does not contain soil saturation areas requiring exclusion from the piggery site. The slope of the suggested new proposed piggery site is gentler with a gradient of less than 1:10 which is considered more appropriate. The gentler slope will contribute to increasing the infiltration of surface water and decreasing the risk of surface run-off in heavy rainfall events. This will reduce the risk of erosion, degradation of the land and adverse impacts of contaminated water via stormwater runoff and drainage from the pig pens on local waterways.

The new proposed piggery site location is in accordance with all the separation distance (buffer) requirements of the Guidelines and the Health Local Laws 2008 except for the house of the proponent being 300m away from the perimeter of the new proposed piggery site. The 1km buffer zone requirement set in the Health Local Laws 2008 may be varied in accordance with Clause 5.6.2(3) by the Council if the Council is satisfied that approving the piggery will not give rise to a health nuisance. No difficulties are seen with the 300m separation distance in this instance.

The location of the proposed new piggery site and the 1km buffer zone from the perimeter of the piggery results in a significant reduction of encroachment of the buffer zone on adjoining properties. This will also reduce the possible adverse impact of odours on neighbours.

The new proposed piggery site location is totally cleared and used for pasture. The site is screened by remnant vegetation except for the view to Muirs Highway. Additional screening of a advanced native vegetation will be required to reduce the visual impact of the piggery from Muirs Highway.

Submissions received raise concerns regarding the containment of pigs within current boundaries of the property. A condition will require the fencing of the entire piggery area.

The Environmental Guidelines for New and Existing Piggeries (May 2000) provides comprehensive information on the design and management of piggeries (including extensive piggeries) to minimise environmental impacts. The proponent is advised and encouraged to design and manage the piggery in accordance with these guidelines.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Sue Etherington JP, seconded Cr Michael Skinner:

That in accordance with clause 5.6.2 (3) of the Shire of Plantagenet Local Health Laws 2008 and clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the development of a noxious industry (piggery) at Lot 54 Muirs Highway corner Quangellup Road, Mount Barker be approved subject to:

1. Development being in accordance with the plans dated 15 September and 4 December 2009.
2. The site for the piggery being located to the area shown on the Plan of Revised Proposal dated 4 December 2009.
3. The site for the piggery being secured by perimeter pig proof fencing and gates to ensure all pigs are contained within the piggery and do not stray across Lot 54 and escape the property.
4. Compliance with the relevant requirements of the Environmental Guidelines for New and Existing Piggeries (May 2000) Bulletin 4416 as published by the Department of Agriculture and Food.
5. The stocking rate for the piggery being to the satisfaction of the Department of Agriculture and Food that is 20 pigs per ha.
6. A screen of vegetation being planted along the piggery site boundaries as marked on the revised plan dated 4 December 2009 to prevent views of the piggery from Muirs Highway to the satisfaction of the Manager Development services.
7. No additional access driveways from Muirs Highway to the property being constructed and the existing access gate on Muirs Highway being setback to accommodate all heavy vehicles and the design of the crossover being constructed to accommodate all heavy vehicle movements to the satisfaction of Main Roads WA.
8. No effluent or contaminated liquids to enter the waterways or the Main Roads WA drainage systems.

AMENDMENT

Moved Cr Andrus Budrikis, seconded Cr Len Handasyde:

That the words 'sows and boars' be added to part 5 of the motion after the number '20' and delete the word 'pigs'.

CARRIED (6/0)

NO. 380/09

COUNCIL DECISION

That in accordance with clause 5.6.2 (3) of the Shire of Plantagenet Local Health Laws 2008 and clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the development of a noxious industry (piggery) at Lot 54 Muirs Highway corner Quangellup Road, Mount Barker be approved subject to:

1. Development being in accordance with the plans dated 15 September and 4 December 2009.
2. The site for the piggery being located to the area shown on the Plan of Revised Proposal dated 4 December 2009.
3. The site for the piggery being secured by perimeter pig proof fencing and gates to ensure all pigs are contained within the piggery and do not stray across Lot 54 and escape the property.
4. Compliance with the relevant requirements of the Environmental Guidelines for New and Existing Piggeries (May 2000) Bulletin 4416 as published by the Department of Agriculture and Food.
5. The stocking rate for the piggery being to the satisfaction of the Department of Agriculture and Food that is 20 sows and boars per ha.
6. A screen of vegetation being planted along the piggery site boundaries as marked on the revised plan dated 4 December 2009 to prevent views of the piggery from Muirs Highway to the satisfaction of the Manager Development services.
7. No additional access driveways from Muirs Highway to the property being constructed and the existing access gate on Muirs Highway being setback to accommodate all heavy vehicles and the design of the crossover being constructed to accommodate all heavy vehicle movements to the satisfaction of Main Roads WA.
8. No effluent or contaminated liquids to enter the waterways or the Main Roads WA drainage systems.

CARRIED (6/0)

NO. 381/09

**12.1.4 PORTION OF RESERVE 1790 MCDONALD AVENUE, MOUNT BARKER -
DEMOLITION OF LEAN TO STRUCTURE AT FROST PARK**

File No: N13451
Attachments: [Location Plan](#)
[Buildings on Frost Park](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Alan Watkins
Principal Building Surveyor
Proposed Meeting Date: 15 December 2009

PURPOSE

The purpose of this report is to seek approval for the Mount Barker Turf Club to demolish a lean to structure on the eastern side of the Exhibition Shed at Frost Park on portion of Reserve 1790 McDonald Avenue, Mount Barker.

BACKGROUND

The Mount Barker Turf Club in conjunction with the Mount Barker Wine Producers Association have requested permission to demolish the lean to structure on the eastern side of the Exhibition Shed to utilise the area for wine and food stalls at the Mount Barker Grapes and Gallops event on 17 January 2010.

With the lean to removed it will allow scope for more stalls and an even pedestrian flow in the area. It will allow the stalls to be set well back from the race track and give less interference to the races and better vision for line of sight to the cameras.

The structure is a steel lean to connected to the Exhibition Shed and is 18.5m long and 3m wide and 2.5m high. It has a solid metal sheeted wall at the northern end with the eastern and southern sides being open.

The lean to is in reasonable condition but the posts are showing signs of rust at the base and the beam also has surface rust. The roof sheets are in good condition as are the gutters and down pipes.

It appears the lean to was erected by the Agricultural Society some years ago and the Turf Club has obtained written approval from the Society for the demolition.

STATUTORY ENVIRONMENT

Local Government (Miscellaneous Provisions) Act 1960 – S.374A – A demolition licence is required to be issued by the Principal Building Surveyor under delegated authority.

CONSULTATION

The Turf Club has advised that consultation has taken place with the President of the Agricultural Society, Mr Stephen Squire, and Ms Debbie Hook from the Riding for the Disabled Association of Western Australia.

FINANCIAL IMPLICATIONS

The demolition licence fee of \$50.00 will be required to be paid. The Turf Club will carry out the demolition at no cost to the Council.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Being a building erected on a Council reserve, the structure is the property of the Council. No objection is seen to the demolition of the lean to and this will have no bearing on the adopted precinct plan for Frost Park.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Sue Etherington JP, seconded Cr Andrus Budrikis:

That the demolition of the lean to structure adjacent to the eastern side of the Exhibition Shed on Reserve 1790 McDonald Avenue, Mount Barker be approved.

CARRIED (6/0)

NO. 382/09

12.2 WORKS AND SERVICES REPORTS

12.2.1 RESERVE 10751 – WOOGENELLUP ROAD – PROPOSED PERMANENT PARTIAL ROAD CLOSURE

File No:	N13460
Attachments:	Site Plan
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Sharon Williams Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date:	15 December 2009

PURPOSE

The purpose of this report is to consider submissions received in relation to the advertising of the proposal to close a section of unconstructed road reserve abutting the western boundary of Reserve 10751 Woogenellup Road.

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

BACKGROUND

The Council at its meeting held on 9 June 2009 resolved:

‘That the Department for Planning and Infrastructure be requested to:

- 1. Change the purpose of Reserve 10751 (Lot 8066) Woogenellup Road from ‘Stockyards’ to ‘Recreation’ with a management order in favour of the Council with power to lease.*
- 2. Close the portion of the road reserve abutting the western boundary of Reserve 10751 (Lot 8066) Woogenellup Road and that land be amalgamated with Reserve 10751 (Lot 8066).’*

STATUTORY ENVIRONMENT

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

EXTERNAL CONSULTATION

Public notice was provided in the Albany Advertiser on 10 September 2009, as required pursuant to Section 58 of the Land Administration Act 1997. A copy of the notice was also placed on the Administration Office Noticeboard and Noticeboards at the Mount Barker and Rocky Gully Libraries.

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

No Objection to Proposal

- Department of Regional Development and Lands;
- Telstra;
- WestNet Energy;
- WestNet Rail;
- Department of Planning;
- Public Transport Authority; and
- Main Roads WA.

No submissions were received in objection of the proposal.

FINANCIAL IMPLICATIONS

There will be administrative costs in the closure of the road reserve. It is estimated that this will cost approximately \$500.00 and be charged to account 20261.0312 (Public Works Overheads – Other Operating Costs).

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

All submissions received indicated that there were no objections to this proposal. WestNet Rail however noted that there is to be no water run off from this site into the rail corridor.

Given that no submissions were received in objection of the proposal, it is therefore recommended that the Council resolve to request to the Minister for Lands to permanently close the section of unconstructed road reserve abutting the western boundary of Reserve 10751 Woogenellup Road. The closed section of road should then be amalgamated with Reserve 10751 Woogenellup Road.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Len Handasyde, seconded Cr Sue Etherington JP:

That:

- 1. The Minister for Lands be requested to permanently close the section of unconstructed road reserve abutting the western boundary of Reserve 10751 (Lot 8066) Woogenellup Road as shown on the attached plan dated 3 December 2009 under Section 58 of the Land Administration Act 1997.**

2. The closed portion being amalgamated into the adjoining Reserve 10751 Woogenellup Road by the Department of Regional Development and Lands.

CARRIED (6/0)

NO. 383/09

12.2.2 POLICY REVIEW – ROAD BUILDING MATERIALS – GRAVEL

A Financial Interest was disclosed by Crs Simon Grylls, Michael Skinner and Len Handasyde.

Nature of Interest: Provided gravel to the Shire.

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

Approval has been received from the Department of Local Government and Regional Development via letter dated 30 November 2009, giving permission for Cr L Handasyde, Cr J Moir, Cr M Skinner and Cr S Grylls to participate in discussion and decision making procedures relating to Council's adoption of a policy concerning access/purchaser of road building materials from local landholders.

Crs Handasyde, Moir, Skinner and Grylls received a copy of the letter which is attached to these minutes.

File No: N13117
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Sharon Williams
Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date: 15 December 2009

PURPOSE

The purpose of this report is to review Council Policy No. NRM/EI/1 – Road Building Materials – Gravel.

BACKGROUND

This policy was last reviewed by the Council on 14 October 2008.

Council Policy NRM/EI/1 – Road Building Materials – Gravel reads as follows:

OBJECTIVE:

To provide clear guidelines to staff and landowners regarding the acquisition of gravel for road making and maintenance purposes.

POLICY:

That wherever possible the Council obtain gravel and other road building materials for road making purposes from private property by consultation with the landowner, in accordance with Schedule 3.2 of the Local Government Act 1995, with the Council responsible for:

1. *Satisfactory rehabilitation of the pit area, including drainage, upon completion of extraction.*

2. *Construction where necessary and satisfactory repair of affected haul roads, gates, fences or other structures.*
3. *Negotiated compensation to the landowner for materials extracted and associated justifiable imposts.'*

At its meeting held on 10 November 2009 Councillors Skinner, Handasyde, Moir, and Grylls all declared an interest in this item. As one position of councillor is at present vacant, a quorum was not available.

To enable this matter to be considered, an exemption was sought, pursuant to Section 5.69 of the Local Government Act 1995 for Councillors Skinner, Handasyde, Moir and Grylls to participate in discussion and decision making procedures relating to the matter under Section 5.69 of the Act.

By letter dated 30 November 2009 the Department of Local Government advised that it has approved the Council's application for Councillors Skinner, Handasyde, Grylls and Moir to participate subject to the disclosing members declaring their nature and extent of their interest at the Council meeting to be held on 15 December 2009.

STATUTORY ENVIRONMENT

The Local Government Act 1995 provides under Schedule 3.2 (Particular things local governments can do on land even though it is not local government property) 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

Private works required in lieu of a cash payment are to be carried out as per the Council's adopted schedule of fees and charges.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Council's Strategic Plan Key Results Area 1, New Initiative 1.4 provides the following:

- '1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisations to be undertaken.*

To achieve this we will:

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

OFFICER COMMENT

Many landowners within the Shire believe that they should be compensated for providing sand or gravel as quite often once the pit has been rehabilitated it may not be suitable for pasture for a few seasons.

The current policy states that the Council will negotiate compensation to the landowner for materials extracted and associated justifiable imposts however it doesn't provide a value for gravel and sand or guidelines for the Council to undertake private works as a form of payment.

It is recommended that the policy be amended to include a value for gravel and sand so the rates can be regularly reviewed. It is also suggested that a statement be included to allow for the Manager Works and Services to make such arrangements for private works to be carried out in lieu of a cash payment to the valuation of the landowner contribution to the road works.

Private works may be carried out on the property which materials have been extracted from and are to be carried out as soon as practicable as agreed by the landowner and the Manager of Works and Services. During peak construction periods authorised officers may only negotiate cash payments due to the limited availability of plant to undertake private works.

It is also suggested that the policy provide a provision for the authorised officers to negotiate a higher value for gravel and sand where materials are already stock piled and no reinstatement is required.

It is considered that, as this policy relates to acquisition of gravel and sand, the policy be renamed 'Gravel and Sand Acquisition'.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Michael Skinner, seconded Cr Sue Etherington JP:

That amended 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. That wherever possible the Council obtain materials for construction and maintenance purposes from private property 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. 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 in 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 which materials have been extracted from, 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.'

be endorsed.

CARRIED (6/0)

NO. 384/09

12.3 COMMUNITY SERVICES REPORTS

Nil

12.4 CORPORATE SERVICES REPORTS

12.4.1 AUDIT REPORT - YEAR ENDING 30 JUNE 2009

File No:	N13478
Attachments: (1)	<u>2008/2009 End Of Year Audit Report (Separate Attachment)</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Cherie Delmage Accountant
Proposed Meeting Date:	15 December 2009

PURPOSE

The purpose of this report is to present the Annual Financial Audit and Management Report for the year ending 30 June 2009.

BACKGROUND

On 28-29 October 2009, Mr W Chai and Mr P Zhao of UHY Haines Norton attended the Shire office to conduct an end of year audit for 2008/2009 and to follow-up on matters raised during the interim audit report. It should be noted that the audit is designed primarily to enable the auditors to form an opinion on the financial statements and therefore does not extend to all of the Council's systems and procedures.

STATUTORY ENVIRONMENT

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

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

EXTERNAL CONSULTATION

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

FINANCIAL IMPLICATIONS

There are no direct financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

A copy of the UHY Haines Norton Management Report has been enclosed. Responses to the matters raised within that report are as follows:

Comment On Financial Position & Financial Management Practices

The auditors noted an adverse trend in two key ratios as shown below, although there are a number of mitigating factors:

	2009	2008	2007	2006	2005
<i>Current Ratio</i>	0.649	0.885	0.682	1.671	1.149
<i>Untied Cash to Untied Trade Creditors Ratio</i>	0.026	0.565	0.009	0.536	1.085

The Current Ratio gives an indication of short term liquidity. That is the ability to meet financial obligations when they fall due. It is calculated by:

Current assets minus restricted current assets

Current liabilities minus liabilities associated with restricted assets

The Untied Cash to Trade Creditors Ratio indicates the ability to meet immediate obligations to creditors with unrestricted / untied cash. It is calculated by:

Untied cash

Unpaid trade creditors

A value greater than 1 is desirable for both of these ratios and both are currently below this value. In 2007/2008 the likelihood that these ratios would worsen again was acknowledged as most of the Council's committed capital funds would be spent on the HACC building and medical centre project.

The auditors also advise that there are several other negative indicators in respect of the financial position of the Shire, particularly relating to deficit budgeting, reserve levels being relatively low for a Shire of this size, gross debt being at the higher end of acceptable levels and provision of a large overdraft. The auditors recommend that it is imperative for the Council to monitor this situation into the future and takes steps to improve these areas, which will improve the balance sheet position of the Shire and help to restore the current ratio.

Management has advised the auditors that over the past three to four years, the Council's budget deliberations have been a difficult balance between the cost of providing major new facilities, maintaining operating service levels and allocating sufficient money to the Council's reserve funds.

Four years ago, the Council had to replace its administration building as the former building was literally falling down. A sum of \$2.7 million was borrowed on top of borrowings of \$2.8 million (largely for the Great Southern Regional Cattle Saleyards). In 2008/2009 the Council took advantage of an interest free loan of \$200,000.00 from the local Bendigo Community Bank as part of a funding strategy for a new state of the art medical centre for the Shire. Whilst it is acknowledged that the debt levels are comparatively high, they are considered to be within an acceptable range.

Over the past couple of years, the Council has decided to operate a deficit budget to ensure necessary works are undertaken and to shelter the ratepayer from higher rate increases. 2009/2010 was projected to be a difficult year for ratepayers due to the global financial crisis and the failure of managed investment scheme tree farms which had the capacity to affect many local landowners and businesses.

Nevertheless, the Council has recognised the effect of these (and other) matters on the financial status of the Shire and has recently completed Stage One of a ten year Long Term Financial Plan (LTFP). The LTFP provides a number of broad goals, directions and guidelines for achieving long term financial sustainability, responsibly matched with the Council's capacity to deliver the following outcomes:

- Maintenance of current service levels;
- A capital works program that meets adequate asset renewal requirements;
- Optimal plant replacement program;
- Balanced budget (by 2010/2011);
- Appropriate debt levels and financial ratios; and
- Adequate reserve funds.

Depreciation Of Infrastructure

The Auditors have again raised the matter of the methodology of depreciation of infrastructure. The calculation of depreciation on roads for the year ended 30 June 2009 was again performed using a weighted average methodology (as was the case in previous years).

However, as in past years, the auditors recommend that the Council review the current method of recording and depreciating road infrastructure with a view to implementing a system that will allow each road to be dissected into its component parts. This will enable a more reliable record of Council's road network to be maintained as well as helping to ensure depreciation is correctly reflected.

During the 2008/2009 year, staff consulted with UHY Haines Norton representatives and various local governments with a view to determining an appropriate way to proceed with this matter. A lot of work was done to split roads into component parts however staff are still investigating the best way to incorporate this into the Council's business systems. This will continue to be progressed in 2009/2010.

Nevertheless, from their testing and review, the depreciation expense arrived at was seen to be reasonable and no adjustment to the calculation was required.

Statutory Compliance

In the Auditor's Report, it was noted that the Shire did not comply with the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 by not providing a Form 2 and Form 3 to the landowner when the Council disposed of land due to non-payment of rates. This related to one block in Rocky Gully and several in the Valley View Strata tree farm.

This matter was raised in the Interim Audit Report conducted in May 2009. Forms 2 and 3 were not provided to the ratepayers during the process of land repossession (due to non-payment of rates) as staff incorrectly interpreted the provisions of the Local Government Act 1995 at the time. Staff are now aware of the correct procedures to follow in the future.

Corrected Misstatement

There were two areas within the draft annual financial report provided to the auditors that required correction above \$3,000.00. These related to Provision for Doubtful Debts and Current Outstanding Rates (due to rates received in advance). These have now been corrected in the final financial report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Michael Skinner, seconded Cr Len Handasyde:

That the Annual Financial Audit and Management Report for the year ending 30 June 2009 as issued by Mr David Tomasi of UHY Haines Norton be received.

CARRIED (6/0)

NO. 385/09

12.4.2 DRAFT ANNUAL REPORT - YEAR ENDING 30 JUNE 2009

File No:	N13477
Attachment:	<u>Draft Annual Report (Separate attachment)</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Cherie Delmage Accountant
Proposed Meeting Date:	15 December 2009

PURPOSE

The purpose of this report is to receive the Shire of Plantagenet's 2008/2009 Annual Report.

BACKGROUND

The annual financial audit for 2008/2009 was conducted by representatives of the Council's auditors, Mr W Chai and Mr P Zhao of UHY Haines Norton in October 2009.

STATUTORY ENVIRONMENT

Section 5.54 of the Local Government Act 1995 governs the acceptance of annual reports.

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

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

The draft Annual Report notes that 2008/2009 was a very busy year with quite a few major projects in progress and issues for consideration, including:

- Local Government Structural Reform;
 - Creation of Voluntary Regional Organisation Of Councils (VROC) consisting of Shire of Plantagenet, Shire of Kojonup, Shire of Cranbrook and Shire of Broomehill-Tambellup;
 - Continuing construction and development of new Medical Centre;
 - Continuing construction and development of the new Mount Barker Cemetery;
-

- Continuing of environmental initiatives and future ownership discussions in relation to the Great Southern Regional Cattle Saleyards;
- Continuation of Lowood Road redevelopment/beautification program;
- Continuation of capital roadworks program;
- Completion and opening of new HACC day centre building;
- Continuing investigations for a new waste disposal facility;
- Completion of strategic recreation plan;
- Demolition of old Sounness Park clubrooms;
- Continuing investigations into decontamination of old depot site; and
- Start of construction and development on the existing library building to create the Mount Barker Community Centre and co-located library facility.

Rate revenue increased from \$3.62 million in 2007/2008 to \$3.88 million in 2008/2009. Outstanding borrowings increased from \$4.88 million in 2007/2008 to \$5.04 million in 2008/2009 due to the new \$200,000.00 loan for the Plantagenet Medical Centre and \$187,000.00 self supporting loan for the Mount Barker Golf Club.

A sum of \$88,587.00 remains unspent on Loan 89 – Remedial Works – Saleyards.

Grants and contributions for the development of assets increased from \$2.20 million in 2007/2008 to \$2.91 million in 2008/2009. Total grants and contributions increased from \$3.92 million to \$5.23 million. This increase was largely due to the \$1.07 million Royalties for Regions funding and early payment of a portion of 2009/2010 Financial Assistance Grants. The level of reserve funds reduced from \$481,397.00 in 2007/2008 to \$431,308.00 in 2008/2009.

The final surplus carried forward figure for 2008/2009 was \$321,452.00 which is \$39,977.00 more than the \$281,475.00 (\$1,697,965.00 less restricted funds of \$1,416,490.00) provided for in the 2009/2010 budget.

A date and time for the Annual Meeting of Electors of 9 February 2010 at 8.00pm has been recommended.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Len Handasyde, seconded Cr Sue Etherington JP:

That:

- 1. The Draft Annual Report for the year ended 30 June 2009, as attached, be accepted.**
- 2. The Annual Meeting of Electors be held on 9 February 2010 at 8.00pm to receive the 2008/2009 Annual Report and provide an update to the community on key projects.**

CARRIED (6/0)

(Absolute Majority)

NO. 386/09

12.4.3 FINANCIAL STATEMENTS - NOVEMBER 2009

File No:	N13473
Attachment:	<u>Financial Statements (separate attachment)</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Cherie Delmage Accountant
Proposed Meeting Date:	24 November 2009

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 30 November 2009.

STATUTORY ENVIRONMENT

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

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Michael Skinner, seconded Cr Andrus Budrikis:

That the Financial Statement for the period ending 30 November 2009 be received.

CARRIED (6/0)

NO. 387/09

12.4.4 LIST OF ACCOUNTS - NOVEMBER 2009

File No: N13522
Attachment: [List of Accounts – November 2009](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Debtors/Creditors Officer
Proposed Meeting Date: 15 December 2009

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of November 2009.

STATUTORY ENVIRONMENT

Regulation 13 of the Local Government (Financial Management) Regulations 1996 defines the reporting requirements to the Council of the List of Accounts.

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.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Simon Grylls, seconded Cr Andrus Budrikis:

That:

1. **The payment of accounts for the month of November 2009 covering the following:**
 - a) **Electronic Payments and direct debits totalling \$414,883.10;**
 - b) **Municipal Cheques 40507 - 40602 totalling \$132,053.30; and**
 - c) **Trust Cheques 271 - 279 totalling \$45,286.80.**

be approved.

CARRIED (6/0)

NO. 388/09

12.5 EXECUTIVE SERVICES REPORTS

12.5.1 POLICY - BRIEFING SESSIONS FOR COUNCILLORS - PROPOSAL TO INTRODUCE

File No:	N13475
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	15 December 2009

PURPOSE

The purpose of this report is to bring before the Council a question which was adjourned at the meeting of the Council held on 24 November 2009 relating to a Notice of Motion proposed by Councillor Moir regarding the introduction of briefing sessions for Councillors.

BACKGROUND

At its meeting held on 24 November 2009 the Council resolved:

'That the question be adjourned to enable the Chief Executive Officer to prepare a further report regarding the introduction of briefing sessions to the Council including the type of issues that would be discussed at such briefing sessions be presented to the next meeting of the Council to be held on 15 December 2009.'

The matter first came before the Council as a result of recent training sessions which emphasised the need for Councillors to be well informed on the matters coming before them prior to voting.

STATUTORY ENVIRONMENT

The Act makes no reference to briefing sessions and therefore such a session should in no way be construed as a formal meeting of the Council. Therefore resolutions are unable to be made at a briefing session.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

At Key Result Area 1 Corporate Services New Initiative 1.4 notes:

'ensure that the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.'

This includes the revision of all policies and procedures.

OFFICER COMMENT

In Councillor Moir's original motion the request was that complex matters coming before the Council should be the subject of a briefing session for Councillors at least two weeks prior to the matter coming before the Council for decision. In this way the Chief Executive Officer may be advised as to what further information may be needed by Councillors to make an effective decision. Councillor Moir noted that 'complex' should include but not be limited to major town planning issues, major legal issues, major staffing issues and the acquisition or disposal of land or equipment at a value greater than \$100,000.00.

It will always be difficult to define terms such as 'complex' and it is suggested that a better result may be achieved by leaving the matter in the hands of the Chief Executive Officer and the Shire President as to what the term 'complex' shall define.

It is suggested that policy decision along the lines of:

'Where, in the opinion of the Chief Executive Officer in consultation with the Shire President, the Chief Executive Officer is of the opinion that Councillors will benefit and better decision making will result, the Chief Executive Officer will at least two weeks prior to the matter coming before the Council for decision arrange a Councillor briefing session to seek additional input regarding the matter.'

For the guidance of the Chief Executive Officer matters which could be considered for the briefing session could include, but not limited to major town planning issues, major legal issues, major staffing issues and the acquisition or disposal of land or equipment at a value of \$100,000.00.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Len Handasyde, seconded Cr Sue Etherington JP:

That new Council Policy No. CE/CS/6 – Briefing Sessions for Councillors, as follows:

OBJECTIVE:

To provide briefing sessions for Councillors to assist Councillors in becoming fully informed on complex matters.

POLICY:

When considering complex matters and where, in the opinion of the Chief Executive Officer in consultation with the Shire President, Councillors will benefit and better decision making will result, the Chief Executive Officer will at least two weeks prior to the matter coming before the Council for decision, arrange a Councillor briefing session.'

be adopted.

CARRIED (6/0)

NO. 389/09

12.5.2 COUNCIL REPRESENTATION - UWA ALBANY FOUNDATION INC

File No: N13480
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Kaye Skinner
Executive Secretary
Proposed Meeting Date: 15 December 2009

PURPOSE

The purpose of this report is to recommend that the Council appoint a representative to the UWA Albany Foundation Inc.

BACKGROUND

The Foundation was initiated in 1999, following the establishment of the University of Western Australia's Albany Centre in the same year. The main aims of the Foundation are to ensure the development of the UWA Albany Centre by building links with industry and raising funds to facilitate teaching and research in the region. To date, the Foundation has played a significant role in lobbying for government funds to support the Centre's activities and for the provision of Higher Education Contribution Scheme (HECS) places in Albany and is involved in promoting an undergraduate scholarship program.

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

The Foundation has representatives from the Shire of Denmark and the City of Albany on the Committee.

The Foundation meets three to four times a year in Albany. The date for the next meeting is 18 December 2009.

VOTING REQUIREMENTS

Simple Majority

Moved Cr Len Handasyde, seconded Cr Sue Etherington JP:

That Cr Andrus Budrikis be appointed as the Council's representative on the UWA Albany Foundation Inc.

CARRIED (6/0)

NO. 390/09

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

15 CONFIDENTIAL

Nil

16 CLOSURE OF MEETING

3:58pm The Presiding Member declared the meeting closed.

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