



ORDINARY MINUTES

DATE: Tuesday, 27 August 2013

TIME: 3:00pm

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

John Fathers
ACTING CHIEF EXECUTIVE OFFICER

MEMBERSHIP – Quorum (5)

Membership:

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

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	KIM TYRER – CEO - GALAFREY WINES.....	2
4.2	BEVAN LANG – SPEAKING TO ITEM 9.1.1.....	2
4.3	DAVID PLANT – MILNE AGRIGROUP - ITEM 9.1.1 AND 9.1.2....	3
4.4	KATE MCCORMACK – AURORA ENVIRONMENTAL – ITEM 9.1.1 AND 9.1.2.....	3
5	DISCLOSURE OF INTEREST	3
6	APPLICATIONS FOR LEAVE OF ABSENCE	5
7	CONFIRMATION OF MINUTES.....	5
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	5
9	REPORTS OF COMMITTEES AND OFFICERS.....	6
9.1	DEVELOPMENT SERVICES REPORTS.....	6
9.1.1	LOT 702 MUIR HIGHWAY CORNER QUANGELLUP ROAD, MOUNT BARKER - NOXIOUS INDUSTRY - ROTATIONAL OUTDOOR PIGGERY.....	6
9.1.2	LOCATIONS 504, 505, 523, 524, 525, 681 AND 1034 BUNKER ROAD, HAPPY VALLEY ROAD AND MARTAGALLUP ROAD, KENDENUP - NOXIOUS INDUSTRY - ROTATIONAL OUTDOOR PIGGERY.....	17

9.1.3	LOT 51 PORONGURUP ROAD MOUNT BARKER - SCHEME AMENDMENT REQUEST	24
9.1.4	LOT 9000 WARBURTON ROAD MOUNT BARKER - OVERSIZE OUTBUILDING	28
9.1.5	TOWN PLANNING SCHEME POLICY NO. 22 - ADVERTISING SIGNS – SUBMISSION RECEIVED.....	33
9.2	WORKS AND SERVICES REPORTS.....	37
9.3	COMMUNITY SERVICES REPORTS	37
9.3.1	RECREATION CENTRE - NAME CHANGE.....	37
9.3.2	COMMUNITY SPORT AND RECREATION FACILITIES FUND - GRANT PRIORITISATION - NARRIKUP CRICKET CLUB	40
9.4	CORPORATE SERVICES REPORTS	43
9.4.1	FINANCIAL STATEMENTS – JULY 2013.....	43
9.4.2	LIST OF ACCOUNTS - JULY 2013	45
9.4.3	POLICY REVIEW – INVESTMENTS.....	47
9.4.4	MOUNT BARKER TOURIST BUREAU INC – FINANCIAL ASSISTANCE GRANT	51
9.4.5	POLICY REVIEW - INSURANCE	54
9.5	EXECUTIVE SERVICES REPORTS.....	56
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	56
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	56
12	CONFIDENTIAL.....	57
12.1.1	LOCATIONS 5700 AND 7045 PORONGURUP ROAD - GROUP RATING REQUEST.....	57
13	CLOSURE OF MEETING.....	59

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:01pm The Presiding Member declared the meeting open.

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

Members Present:

Cr K Clements	Shire President
Cr M Skinner	Deputy Shire President
Cr B Bell	Councillor
Cr A Budrikis	Councillor (Left the Chambers at 4:02pm, returned at 4:04pm)
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor (Left the Chambers at 4:00pm, returned at 4:01pm)
Cr J Moir	Councillor
Cr C Pavlovich	Councillor (Left the Chambers 3:21pm, returned 3:40pm)

In Attendance:

Mr John Fathers	Acting Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mr Peter Kent	Acting Manager Works and Services
Mrs Linda Sounness	Executive Secretary
Mr Vincent Jenkins	Planning Officer

There were seven members of the public present.

Previously Approved Leave of Absence:

Cr L Handasyde – 29 August 2013 to 7 September 2013 inclusive.

Emergency Evacuation Procedures/Disclaimer:

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

Mr Fathers 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

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 KIM TYRER – CEO - GALAFREY WINES

Ms Tyrer voiced her concern regarding the enforcement of non compliance and in particular relating to Item 9.1.1 and the application for retrospective approval.

4.2 BEVAN LANG – SPEAKING TO ITEM 9.1.1

Cr Ken Clements, John Fathers, Councillors, ladies and gentlemen.

My submission today is with regard to the the piggery application on Muir Highway that adjoins our property on Jones Road.

Council did inform us of the proposals and ask for input.

We had put considerable time into a previous submission regarding the initial application for a piggery next door. We had many reservations about issues such as sound, noise, smell, effluent and *visual amenity*.

Almost all of these concerns have been allayed with the current operation.

The visual amenity is the only thing that we can be critical about. Considering the size of this particular property, to have a large number of pigs and their enclosures on display to the tourists seems ill advised.

The Plantagenet region has the perceived image of a clean vibrant environment that produces quality produce. It may seem a little incongruous to hide what we may be known for but our image may be more important than the principle.

The supposition of a man's home is his castle might be extended to his farm with perceived principle that a man can do as he pleases in his own house. The varied land uses in this region lay testament to that. We recognise the right of anyone to be as productive as much as possible on their own land. The new plans show expansion or relocation of some operations to the north, ROP area 3.

These will probably be visible to more adjoining properties, mine being one. We all have to consider our neighbours in our own land use though. I'm surrounded by vineyards and so have to consider spray drift from my property in my operations.

We would hope that the approval conditions would consider the visual impact to any property.

We all need to consider each other just and get on with it.

4.3 DAVID PLANT – MILNE AGRIGROUP - ITEM 9.1.1 AND 9.1.2

Mr Plant spoke in support of the Items 9.1.1 and 9.1.2 and gave an overview of Milne AgriGroup's activities within the region and in particular with the supply of pork from this region to Coles Supermarkets.

4.4 KATE MCCORMACK – AURORA ENVIRONMENTAL – ITEM 9.1.1 AND 9.1.2.

Ms McCormack provided some clarification on buffer/separation distances for piggeries and specifically outdoor rotation piggeries.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr Andrus Budrikis

A Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration regulations) Perceived interests (Clause 2.3 Code of Conduct) was disclosed in Item 9.1.1. Nature of interest – Member of Wine Producer's Association.

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) and Proximity (section 5.60 (B) LGA) Interest was disclosed in Item 9.4.4. Nature of Interest – Business partner and relative of owner of land neighbouring the Mount Barker Tourist Bureau.

Cr Ken Clements

A Code of conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct) was disclosed in Item 9.1.2. Nature of interest – Wife is employed by Plantagenet Sheds and Steel.

Cr Gert Messmer

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest was disclosed in Item 9.4.3. Nature of interest – Director of Mount Barker Community Bank.

A Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct) was disclosed in Item 12.1.1. Nature of interest – Proponent works for my wife.

Cr J Moir

A Code of conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct) was disclosed in Item 12.1.1. Nature of interest – Have group rating on contiguous titles with different names on titles.

Cr Chris Pavlovich

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest was disclosed in Item 9.1.1. Nature of interest – financial, Milne Feeds.

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest was disclosed in Item 9.1.2. Nature of interest – financial, Milne Feeds.

A Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct) was disclosed in Item 9.1.3. – Nature of interest – Speedway President.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Cr Michael Skinner requested Leave of Absence from 28 August 2013 to 16 September 2013.

Moved Cr L Handasyde, seconded Cr B Bell:

That Cr Skinner be granted Leave of Absence from 28 August 2013 to 16 September 2013.

CARRIED (9/0)

NO. 189/13

Cr Jeff Moir requested Leave of Absence for the 17 September 2013.

Moved Cr L Handasyde, seconded Cr B Bell:

That Cr Moir be granted Leave of Absence for the 17 September 2013.

CARRIED (9/0)

NO. 190/13

7 CONFIRMATION OF MINUTES

Moved Cr S Etherington, seconded Cr M Skinner

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 30 July 2013 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 191/13

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 LOT 702 MUIR HIGHWAY CORNER QUANGELLUP ROAD, MOUNT BARKER - NOXIOUS INDUSTRY - ROTATIONAL OUTDOOR PIGGERY

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest was disclosed by Cr C Pavlovich. Nature and Extent of Interest – Financial, Milne Feeds.

A Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived Interests (Clause 2.3 Code of Conduct) was disclosed by Cr A Budrikis. Nature and Extent of Interest – Member of Wine Producer's Association.

3:21pm Cr C Pavlovich withdrew from the meeting.

File No: N27518

Attachments: [Location Plan](#)
[Site Location](#)
[Property Layout and Proposal](#)
[Soil and Landscape Subsystems](#)
[APL Fact Sheet 2011](#)
[Summary of Submissions](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 27 August 2013

Applicant: Aurora Environmental for Milne Agrigroup and Mount Barker Estate

PURPOSE

The purpose of this report is to consider a proposal for a rotational outdoor piggery at Lot 702 Muir Highway corner Quangellup Road, Mount Barker.

BACKGROUND

Council records show the registered owner of Lot 702 (previously Lot 54) Muir Highway corner Quangellup Road is Mount Barker Estate.

The Council at its meeting held on 15 December 2009 resolved at Resolution No. 381/09:

'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.'*

In June 2012, it was brought to the Manager Development Services' attention that the extent of the rotational outdoor piggery at Lot 702 Muir Highway corner Quangellup Road may not be in accordance with the approval issued by the Council on 15 December 2009.

A site inspection conducted on 28 June 2012 by the Council's Planning Officer revealed the piggery was operating outside the approved piggery location marked on the approved revised plan. In addition, the vegetation screen required to be planted along the piggery site boundaries has not been installed.

By letter dated 12 July 2012, the Council advised Mr Martin at Mount Barker Estate (MBE) that the piggery was operating outside the conditions of approval granted by the Council and he was required to locate all farming operations of the piggery to be within the approved piggery location within 28 days. In addition, the vegetation screen needed to be installed.

On 21 August 2012, the Council received a letter advising MBE wished to amend the rotational area for the outdoor piggery and further sought an extension of time to prepare a formal planning application.

The Council in a letter dated 5 September 2013 advised MBE would need to submit an application for retrospective Planning Consent (PC) and that the PC application

had to address all of the requirements and standards set out in the *National Environmental Guidelines for Piggeries Second Edition (Revised) 2010*. The PC application including the plans and supporting detailed information had to be submitted within a period of 60 days ending on 5 November 2012.

By letter dated 9 October 2012, MBE was reminded it was required to submit the necessary planning application by 5 November 2012.

MBE breeds free range porker pigs under the care of and for delivery to Plantagenet Pork, a division of Milne Agrigroup. On 18 October 2012, the Council received an email from Mr. Plant at Plantagenet Pork requesting an extension of time for the submission of the retrospective PC application to 31 January 2013. The reason for the extension request was to allow time for Plantagenet Pork to fully assess the PC application process and to produce a template for all future Plantagenet Pork PC applications. In addition, Plantagenet Pork intended to include new data obtained from Australian Pork Limited (APL) in the supporting information. The request for extension of time to 31 January 2013 was granted.

On 31 January 2013, the Council received a draft PC application prepared by Plantagenet Pork for a rotational outdoor piggery at Lot 702 Muir Highway corner Quangellup Road. The draft PC application however was incomplete.

By letter dated 19 February 2013, the Council advised Plantagenet Pork the draft PC application received on 31 January 2013 was incomplete. Plantagenet Pork was further advised the retrospective PC application had to address all of the requirements set in the Planning Principles of the pig industry *National Environmental Guidelines for Piggeries Second Edition (Revised) 2010* as part of their supporting paperwork. Plantagenet Pork was also reminded as the application was to be used as an example for other applications it had to be of a high standard. A copy of the letter to Plantagenet Pork was provided to MBE.

On 19 June 2013, the Council received a retrospective PC application for a rotational outdoor piggery at Lot 702 Muir Highway corner Quangellup Road. This PC application included supporting information prepared by environmental consultants Aurora Environmental. This proposal involves increasing the extent of the original rotational outdoor piggery area approved by the Council in December 2009 and adding two new rotational outdoor piggery areas.

This PC application was advertised for public comment from 9 July 2013 to 30 July 2013.

On 16 October 2012, Janine Price of APL briefed the Council on the Planning Principles set out in the *National Environmental Guidelines for Piggeries Second Edition (Revised) 2010* and recent APL data to develop best practice environmental management strategies for outdoor production to maintain a sustainable long-term pig production system.

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

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.

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 Department of Agriculture and Food Western Australia (DAFWA) pursuant to this guideline has classified the proposed rotational outdoor piggery as an extensive piggery. The Department has further classified the vineyard and winery (Galafrey Wines) at Lot 1 Quangellup Road corner Brunton Road as a 'sensitive' land use. A buffer distance of 1,000m is required between the rotational outdoor piggery and the sensitive land use. The north boundary for proposed rotational outdoor area 3 will need to be adjusted to be setback 1,000m from the most southern Galafrey Wines property boundary.

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 do not include farm houses 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.

National Environmental Guidelines for Piggeries Second Edition (Revised) 2010 (NEGP 2010).

The National Guidelines developed by Australian Pork Limited provide guidance for environmental assessments for developing piggeries and options for existing piggeries to achieve positive environmental outcomes. This document has received considerable support from stakeholders, including eastern states government departments, environmental authorities, the research community and pig producers.

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

This 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 characteristics requirements are based on scientific research and industry consultation.

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.

EXTERNAL CONSULTATION

In accordance with Delegation LG035 the proposal was advertised for comment for a 21 day period closing on 30 July 2013. Advertising included letters to 14 adjoining land owners, Main Roads WA (MRWA), Environmental Protection Authority (EPA), Department of Environment Regulation (DER), Department of Parks and Wildlife (DPAW), Department of Agriculture and Food WA (DAFWA) 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 14 submissions had been received and these are contained in the attached summary of submissions.

FINANCIAL IMPLICATIONS

The retrospective planning application fee of \$278.00 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 3.6km west of the Mount Barker Townsite on Muir Highway. Lot 702 is approximately 870ha in area and is currently used for a rotational outdoor piggery, cropping, grazing and blue gum plantations.

This PC application involves a breeding unit of 1,035 animals consisting of 35 boars, 600 sows and 400 piglets on three fixed rotational outdoor piggery areas.

The PC application approved by the Council on 15 December 2009 was mainly assessed pursuant to the Environmental Guidelines for New and Existing Piggeries in Western Australia May 2000 and the Shire of Plantagenet Health Local Law 2008. Although relevant at the time, both documents were more applicable to conventional intensive piggeries. That 2009 proposal involved in the order of 800 animals.

The supporting Environmental Management Plan (EMP) document to the current PC application was prepared pursuant to the NEGP 2010 and 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. When Janine Price briefed the Council on these new guidelines on 16 October 2012 it was pointed out that these piggeries are not extensive due to their method of operation.

A total of 14 submissions have been received from government agencies, adjoining and nearby landowners and the greater community. Two adjoining or nearby landowners object to the proposed rotational outdoor piggery operation. Concerns

raised by these landowners included adverse odour and visual impacts, separation distances, possible devaluation of properties and loss of business. Various matters involving these concerns are discussed in the summary of submissions (copy attached).

The DAFWA did not support this proposal on the basis that there is an insufficient buffer (separation) distance between rotational outdoor piggery area 3 (ROP Area 3) and the southernmost boundary of the nearest sensitive agricultural land use (Galafrey Wines). Further concerns from DAFWA included unsustainable levels of nutrients and nutrient leaching, soil monitoring, visual screening, stocking densities, disposal of dead animals and burial trench management and the total number of animals on the property.

The APL Fact Sheet 2011 requires a buffer distance of 200m for a rotational outdoor piggery (ROP) area to a public road carrying more than 50 vehicles per day. Quangellup Road north is located approximately 800m from the northern most ROP Area 3 boundary and conforms to the APL Fact Sheet 2011 buffer distance requirement. However, DAFWA pursuant to the EPA 2005 guideline has classified the proposed rotational outdoor piggery as an extensive piggery. The Department has further classified the vineyard and winery at Galafrey Wines abutting Quangellup Road north as a sensitive land use. A buffer distance of 1,000m is required between the rotational outdoor piggery and the sensitive land use based on the 2005 guideline. The EMP will need to be amended to show a 1,000m buffer distance between the northern most boundary of ROP Area 3 and the southern most property boundary of Galafrey Wines. Once the EMP is amended it will conform to all regulatory requirements except for the 5km buffer distance requirement for townsite boundaries and the 1km buffer distance requirement for isolated rural dwellings set out in the Shire of Plantagenet Health Local Law 2008.

The subject land is located in the upper Hay River catchment. DAFWA is concerned with unsustainable levels of nutrients within the ROP areas. These nutrients may leach causing potential impact downstream as the system drains into the Wilson Inlet. Research done by APL has shown that unsustainable levels of nutrients and nutrient leaching are highly unlikely to occur when manure nutrients are managed in ROP areas in conjunction with a maximum pig phase of two years and the cropping of ROP areas. The EMP addresses this issue.

DAFWA is concerned with soil conditions and monitoring. Plantagenet Pork piggeries including this piggery will be run in accordance with APIQ® standards. The APIQ® Soil Monitoring Standard require soil sampling and analysis to be done before pigs move onto the land if the pig phase is expected to exceed the two year period or at the end of the two year period. The EMP addresses this issue. This piggery will be required to registered with APIQ® as a condition of PC.

DAFWA and two submitters are concerned with adverse visual impacts of the three ROP areas on adjoining and nearby landowners and public roads. The EMP will need to be amended to show a 10m vegetation strip of retained blue gums along the adjusted north boundary of ROP Area 3. In addition, the EMP will need to be amended to show 10m vegetation strips of retained blue gums around all other ROP areas.

DAFWA commented that the number of animals at the property may increase during peak production periods. The proponent and Plantagenet Pork confirmed the

maximum animal number to be 1,035 at any one time and that animal production remains stable throughout out the year.

DAFWA raised the issue of the proposed density of pigs per hectare shown in the EMP and recommends a maximum density of 20 sows and boars per hectare. The proposed boar and sow densities shown in the EMP (20 – 25 per hectare) conform to the Model Code of Practice for the Welfare of Animals – Pigs (Revised) 2007.

DAFWA is concerned with the lack of information in the EMP relating to the management and disposal of dead animals and burial trench management. DAFWA recommends that the requirements for burial trench construction, monitoring and management set out in the NEGP 2010 guideline be applied. This will be required as a condition of PC.

Two submitters are also concerned with the proposed burial trench locations at ROP Area 2 in close proximity to Muir Highway and Quangellup Road. The two burial trenches at ROP Area 2 are, as a condition of approval, to be relocated to an area approximately 300m northeast of the existing house at Lot 702 and 900m from Quangellup Road as shown on the attached Property Layout and Proposal Plan (Figure 4).

Given the amended EMP will in the main conform to regulatory requirements and the new national guidelines, then subject to appropriate conditions, the proposal is supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr L Handasyde, seconded Cr S Etherington:

That 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 and the Mount Barker Townsite at Lot 702 Muir Highway, Mount Barker be approved subject to:

- 1. A revised Environmental Management Plan for the rotational outdoor piggery at Lot 702 Muir Highway, Mount Barker being submitted to the satisfaction Manager Development Services showing:**
 - a. All remnant vegetation areas abutting Rotational Outdoor Piggery Areas being fenced to the satisfaction of the Manager Development Services.**
 - b. The northern boundary of Rotational Outdoor Piggery Area 3 being adjusted southwards to be a minimum 1,000m from the southern most property boundary of Lot 1 Quangellup Road corner Brunton Road, Mount Barker (Galafrey Wines) to the satisfaction of the Manager Development Services.**
 - c. A 10m vegetation strip of blue gums being retained along the adjusted north boundary of Rotational Outdoor Piggery Area 3 to the satisfaction of the Manager Development Services.**

- d. 10m vegetation strips of blue gums being retained around all other Rotational Outdoor Piggery Areas to the satisfaction of the Manager Development Services.
 - e. The two burial trenches at Rotational Outdoor Piggery Area 2 being relocated to an area 300m northeast of the existing house at the property and 900m from Quangellup Road to the satisfaction of the Manager Development Services.
2. The revised Environmental Management Plan being submitted within 30 days of the Council granting Planning Consent.
 3. The piggery being registered and operated in accordance with the Australian Pork Industry Quality Assurance Program (APIQ®).
 4. Burial trenches being designed, constructed and maintained in accordance with the National Environmental Guidelines for Piggeries Second Addition (Revised) 2010.
 5. All Rotational Outdoor Piggery Areas being adequately fenced to contain all pigs to the satisfaction of the Manager Development Services.
 6. All pigs being relocated within 30 days from the currently used unauthorised Rotational Outdoor Piggery Area abutting Muir Highway to within the Rotational Outdoor Piggery Areas defined in the revised Environmental Management Plan once they are established.
 7. No effluent or contaminated liquids entering the Main Roads WA drainage system.
 8. No additional access driveways from Muir Highway 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 Muir Highway.

AMENDMENT

Moved Cr B Bell, seconded Cr A Budrikis:

That in Parts 1 c. and 1 d. the word 'permanent' be added after '10m' and the words 'or similar' be added after 'blue gums'.

CARRIED (8/0)

NO. 192/13

AMENDMENT

Moved Cr K Clements, seconded Cr G Messmer:

That the motion be recast and a new Part 2. be added with the words:

'Staff arrange a schedule of twice yearly inspections of this piggery for a period of three years to ensure compliance'.

CARRIED (8/0)

NO. 193/13

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 and the Mount Barker Townsite at Lot 702 Muir Highway, Mount Barker be approved subject to:
 - a. A revised Environmental Management Plan for the rotational outdoor piggery at Lot 702 Muir Highway, Mount Barker being submitted to the satisfaction Manager Development Services showing:
 - i) All remnant vegetation areas abutting Rotational Outdoor Piggery Areas being fenced to the satisfaction of the Manager Development Services.
 - ii) The northern boundary of Rotational Outdoor Piggery Area 3 being adjusted southwards to be a minimum 1,000m from the southern most property boundary of Lot 1 Quangellup Road corner Brunton Road, Mount Barker (Galafrey Wines) to the satisfaction of the Manager Development Services.
 - iii) A 10m permanent vegetation strip of blue gums or similar being retained along the adjusted north boundary of Rotational Outdoor Piggery Area 3 to the satisfaction of the Manager Development Services.
 - iv) 10m permanent vegetation strips of blue gums or similar being retained around all other Rotational Outdoor Piggery Areas to the satisfaction of the Manager Development Services.
 - v) The two burial trenches at Rotational Outdoor Piggery Area 2 being relocated to an area 300m northeast of the existing house at the property and 900m from Quangellup Road to the satisfaction of the Manager Development Services.
 - 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 Addition (Revised) 2010.
 - e. All Rotational Outdoor Piggery Areas being adequately fenced to contain all pigs to the satisfaction of the Manager Development Services.

- f. All pigs being relocated within 30 days from the currently used unauthorised Rotational Outdoor Piggery Area abutting Muir Highway to within the Rotational Outdoor Piggery Areas defined in the revised Environmental Management Plan once they are established.
 - g. No effluent or contaminated liquids entering the Main Roads WA drainage system.
 - h. No additional access driveways from Muir Highway 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 Muir Highway.
2. Staff arrange a schedule of twice yearly inspections of this piggery for a period of three years to ensure compliance.

CARRIED (8/0)

NO. 194/13

9.1.2 LOCATIONS 504, 505, 523, 524, 525, 681 AND 1034 BUNKER ROAD, HAPPY VALLEY ROAD AND MARTAGALLUP ROAD, KENDENUP - NOXIOUS INDUSTRY - ROTATIONAL OUTDOOR PIGGERY

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest was disclosed by Cr C Pavlovich. Nature and Extent of Interest – Financial, Milne Feeds.

A Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government administration Regulations) Perceived Interest (Clause 2.3 Code of Conduct) was disclosed by Cr K Clements. Nature and Extent of Interest – Wife is employed by Plantagenet Sheds and Steel.

File No:	N27871
Attachments:	<u>Location Plan</u> <u>Site Location</u> <u>Property Layout and Proposal</u> <u>Soil and Landscape Subsystems</u> <u>APL Fact Sheet</u> <u>Summary of Submissions</u>
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	27 August 2013
Applicant:	Aurora Environmental for Milne Agrigroup and Oldfield Contracting

PURPOSE

The purpose of this report is to consider a proposal for a rotational outdoor piggery at Locations 504, 505, 523, 524, 525, 681 and 1034 Bunker Road, Happy Valley Road and Martagallup Road, Kendenup.

BACKGROUND

Council records show the registered owners of the properties are BJ and JL Oldfield.

On 18 June 2013, the Council received a Planning Consent (PC) application for a rotational outdoor piggery at Locations 504, 505, 523, 524, 525, 681 and 1034 Bunker Road, Happy Valley Road and Martagallup Road. This PC application included supporting information prepared by environmental consultants Aurora Environmental. This proposal involves a grow-out unit for approximately 6,400 animals consisting of 3,080 weaners and 3,300 growers on four fixed rotational outdoor piggery areas. A maximum number of 6,400 animals will be at the subject land at any one time with an approximately yield of 20,000 animals annually.

The supporting Environmental Management Plan (EMP) document to the current PC application was prepared pursuant to the National Environmental Guidelines for Piggeries Second Edition (Revised) 2010 (NEGP 2010) 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.

On 16 October 2012, Janine Price of Australian Pork Limited (APL) briefed the Council on the Planning Principles set out in the 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 9 July 2013 to 30 July 2013.

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

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.

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 Department of Agriculture and Food Western Australia (DAFWA) pursuant to this guideline has classified the proposed rotational outdoor piggery as an extensive piggery. The piggery proposal conforms to the EPA 2005 buffer requirement.

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 do not include farm houses 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.

National Environmental Guidelines for Piggeries Second Edition (Revised) 2010 (NEGP 2010).

The National Guidelines developed by Australian Pork Limited provide guidance for environmental assessments for developing piggeries and options for existing piggeries to achieve positive environmental outcomes. This document has received considerable support from stakeholders, including eastern states government departments, environmental authorities, the research community and pig producers.

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 characteristics requirements are based on scientific 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.

EXTERNAL CONSULTATION

In accordance with Delegation LG035 the proposal was advertised for comment for a 21 day period closing on 30 July 2013. Advertising included letters to 13 adjoining land owners, Environmental Protection Authority (EPA), Department of Environment Regulation (DER), Department of Agriculture and Food WA (DAFWA) 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 seven submissions had been received and these are contained in the attached summary of submissions.

FINANCIAL IMPLICATIONS

The planning application fee of \$139.00 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 17km north of Mount Barker and approximately 6km from Albany Highway on Bunker Road, Happy Valley Road and Martagallup Road. The cumulative area for the subject land (Locations 504, 505, 523, 524, 525, 681 and 1034 is approximately 470ha and is currently used for cropping and small compartments of plantation trees.

A total of seven submissions have been received from government agencies, adjoining and nearby landowners and the greater community.

The DAFWA did not object to this proposal subject to sufficient buffers, screening and setback distances being maintained in accordance with EPA guidelines. However, DAFWA was concerned with unsustainable levels of nutrients and nutrient leaching, soil monitoring and the total number of animals on the property.

The subject land is located in a distant part of the Kalgan River catchment. DAFWA is concerned with unsustainable levels of nutrients within the rotational outdoor

piggery (ROP) areas. These nutrients may leach causing potential impact downstream as the system drains into the Kalgan River. Research done by APL has shown that unsustainable levels of nutrients and nutrient leaching are highly unlikely to occur when manure nutrients are managed in ROP areas in conjunction with a maximum pig phase of two years and the cropping of ROP areas. The EMP addresses this issue.

DAFWA is concerned with soil conditions and monitoring. Plantagenet Pork piggeries, including this piggery, will be run in accordance with APIQ® standards. The APIQ® Soil Monitoring Standard requires soil sampling and analysis to be done before pigs move onto the land if the pig phase is expected to exceed the two year period or at the end of the two year period. The EMP addresses this issue. This piggery will be required to registered with APIQ® as a condition of PC.

DAFWA commented that the number of animals at the property may increase during peak production periods. This piggery is a grow-out unit and animals are delivered to the site from other Plantagenet Pork pig breeding units. This operating method means animal numbers are controlled resulting in numbers not exceeding 6,400 at the property at any one time with an approximately yield of 20,000 animals annually.

One adjoining landowner raised concerns about adverse odour, nutrient loss from the subject land and possible devaluation of properties in the location. The proposal conforms to all the regulatory requirements including site characteristics, buffer and separation distance requirements set out in the NEGP 2010 and the APL Fact Sheet 2011. Odour emissions from the proposed rotational outdoor piggery areas are unlikely to impact on adjoining and nearby properties. A condition of approval will require the existing interception drain currently located just west of ROP Area 3 to be extended up to the remnant vegetation abutting the north boundary of ROP Area 3. This should ensure surface water run-off does not enter the contour drain at Lot 2 Bunker Road or Lot 2. The possible devaluation of properties in the location is not a planning consideration.

The EMP will conform to all regulatory requirements including the NEGP 2010 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.

Revisions to the EMP requiring fencing of remnant vegetation and extension of an interception drain 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

That 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 Locations 504, 505, 523, 524, 525, 681 and 1034 Bunker Road, Happy Valley Road and Martagallup Road, Kendenup be approved subject to:

1. A revised Environmental Management Plan for the rotational outdoor piggery on these properties being submitted to the satisfaction Manager Development Services showing:
 - a. All remnant vegetation areas abutting Rotational Outdoor Piggery Areas being fenced to the satisfaction of the Manager Development Services.
 - b. The existing interception drain west of Rotational Outdoor Piggery Area 3 being extended up to the remnant vegetation abutting the north boundary of Rotational Outdoor Piggery Area 3 to the satisfaction of the Manager Development Services.
2. The revised Environmental Management Plan being submitted within 30 days of the Council granting Planning Consent.
3. The piggery being registered and operated in accordance with the Australian Pork Industry Quality Assurance Program (APIQ®).
4. Burial trenches being designed, constructed and maintained in accordance with the National Environmental Guidelines for Piggeries Second Addition (Revised) 2010.
5. All Rotational Outdoor Piggery Areas being adequately fenced to contain all pigs to the satisfaction of the Manager Development Services.

COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Moir:

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 Locations 504, 505, 523, 524, 525, 681 and 1034 Bunker Road, Happy Valley Road and Martagallup Road, Kendenup 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 to the satisfaction of the Manager Development Services.**

- ii) The existing interception drain west of Rotational Outdoor Piggery Area 3 being extended up to the remnant vegetation abutting the north boundary of Rotational Outdoor Piggery Area 3 to the satisfaction of the Manager Development Services.
 - 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 Addition (Revised) 2010.
 - e. All Rotational Outdoor Piggery Areas being adequately fenced to contain all pigs to the satisfaction of the Manager Development Services.
2. Staff arrange a schedule of twice yearly inspections of this piggery for a period of three years to ensure compliance.

CARRIED (8/0)

NO. 195/13

Reason for Change

Councillors considered that twice yearly inspections for three years were necessary to ensure compliance with health and planning conditions.

3:40pm Cr C Pavlovich returned to the meeting.

9.1.3 LOT 51 PORONGURUP ROAD MOUNT BARKER - SCHEME AMENDMENT REQUEST

A Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived Interests (Clause 2.3 Code of Conduct) was disclosed by Cr C Pavlovich. Nature and Extent of Interest – Speedway President

File No: N27851

Attachments: [Locality Plan](#)
[Scheme Amendment Request](#)
[Request to Waive Advertising of SAR](#)
[Summary of Submissions](#)

Responsible Officer: John Fathers
Acting Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 27 August 2013

PURPOSE

The purpose of this report is to consider a Scheme Amendment Request (SAR) to rezone Lot 51 Porongurup Road Mount Barker from Special Site (R12) to Rural Residential (Equestrian Theme).

BACKGROUND

The Shire records show the owners of the subject land as a series of various owners of Strata lots which are administered by Strata Asset Services (WA) Pty Ltd for the Hambley Farm Body Corporate.

The SAR was originally submitted on 30 April 2013 and following discussions with staff, the final SAR was received on 2 July 2013. In accordance with Council Policy No. TP/SDC/6 copies were forwarded to the Department of Planning (DOP), the Department of Water (DOW) and the Department of Environment and Conservation (DEC) for comment by 7 August 2013.

The DEC has been split into two agencies being the Department of Parks and Wildlife (DPAW) and the Department of Environment Regulation (DER). Responses were received from both those agencies and the DOW. The DOP provided a late response received on 14 August 2013. The responses are contained in the attached Summary of Submissions.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Town Planning Regulations 1967 – set the procedure for Amending a Town Planning Scheme.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS 3) – Lot 51 is zoned Special Site (R12) which allows the following uses:

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

- 2. Common Property
 - (i) Rural use

EXTERNAL CONSULTATION

The SAR has been referred to the government agencies in accordance with the Council's SAR Policy to obtain feedback. If the Council agrees the SAR could be advertised for a 42 day period to obtain public feedback.

FINANCIAL IMPLICATIONS

The SAR application fee of \$705.00 has been paid.

POLICY IMPLICATIONS

Council Policy No. TP/SDC/6 – Scheme Amendment Requests applies.

Clause 4 of that Policy reads:

4. SAR submitted to the Council

The SAR is to be submitted with an officer's report and recommendation to the Council for consideration. Potential outcomes are:

- a) *The Council decides to seek community feedback on the SAR if the application warrants it.*
- b) *The Council agrees to the SAR to allow further detailed documentation of the proposal and a subsequent assessment process to initiate the Scheme Amendment. (Note: detailed documentation may identify unresolved issues not known on initial SAR and as such the Amendment may not be initiated.)*
- c) *The Council considers the proposal to be unacceptable and advises the proponent that it would be unlikely to support a request to initiate a Scheme Amendment.*
- d) *The Council may acknowledge there is potential for the land to be rezoned but advise the applicant that the proposal is premature until the Council has agreed to a suitable structure plan or planning strategy for the locality to co-ordinate and integrate development in accordance with adopted strategic documents.*

Note: Applicants who proceed after being advised as above do so at their own risk and cost.'

TPS No. 18 (Planning Vision) – Lot 51 is shown as an area to be rezoned from Special Site to Rural Residential (equestrian). This is also reflected in the Local Planning Strategy which is presently with the DOP following the Council's 30 July 2013 meeting.

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 2.2.1 – Encourage appropriate major land developments’

OFFICER COMMENT

From the comments offered by the government agencies, any subsequent formal Scheme Amendment will need to address the following matters raised:

- Preparation of a Local Water Management Strategy as part of the Amendment to the satisfaction of the DOW.
- Preparation of an assessment of the remnant vegetation on site to the satisfaction of the DPAW.
- Separation requirements for horse stabling set by the EPA, DOW, Department of Health and the Department of Agriculture and Food.

As the site is in close proximity to the Mount Barker Speedway and Rifle Range the Amendment will need to pay special attention to these activities that have the potential to create noise disturbance problems for both future residents and any horses on site. It is acknowledged that Lot 50 Porongurup Road which is located between the subsequent land and the speedway and rifle range has a house on it and the owners have horses and sheep.

As the site is presently under a Strata Title subdivision, the proponents intend to conclude the Strata subdivision and re-subdivide the land into freehold title lots. The proponents do not intend pursuing further tree plantation activity.

The SAR refers to a potential yield of in the order of 100 lots (including the existing 30 strata lots). If appropriate equestrian facilities are included then the total yield of 100 lots may not be achieved. The detailed planning design as part of a Scheme Amendment will determine a more accurate potential lot yield.

Another important issue that must be addressed as part of a Scheme Amendment will be a fire management plan for the total site as this will have an influence on the eventual lot and road layout.

As this area of land has been identified for equestrian themed Rural Residential in the Council’s draft Local Planning Strategy since June 2008 and the Planning Vision since 2010 (both of which have been advertised for comment), the proponent’s request to not advertise this SAR is supported. Once a formal Scheme Amendment is initiated by the Council and authorised by the EPA to proceed, the Amendment will be advertised for 42 days to enable public comment to be made.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr S Etherington:

That:

1. The Scheme Amendment Request for Lot 51 Porongurup Road be agreed and the proponents be advised the Council will be prepared to consider a formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3.
2. This support is subject to the various matters raised including (but not limited to):
 - a) preparation of a Local Water Management Strategy;
 - b) an assessment of remnant native vegetation on site;
 - c) separation requirements of government agencies for horse stabling activities;
 - d) separation and noise impact from the speedway and rifle range;
 - e) preparation of a fire management plan; and
 - f) servicing, screening and other rural residential requirements; being addressed in the Amendment.

CARRIED (9/0)

NO. 196/13

**9.1.4 LOT 9000 WARBURTON ROAD MOUNT BARKER - OVERSIZE
OUTBUILDING**

File No:	N27460
Attachments:	Location Plan Plan of Subdivision Development Site Plan Development Plan Temporary Outbuilding
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	27 August 2013

PURPOSE

The purpose of this report is to consider a proposal for an oversize outbuilding at Lot 9000 Warburton Road, Mount Barker.

BACKGROUND

Council records show the registered owner of Lot 9000 Warburton Road is Skyflame Enterprises Pty Ltd.

Lot 9000 (previously Lot 12) Warburton Road has been zoned Rural Residential since 1998.

The Council on 22 January 2013 received an application (WAPC 147333) to subdivide Lot 9000 Warburton Road into 22 lots. The Council at its meeting held on 26 February 2013 supported the subdivision of Lot 9000 Warburton Road, Mount Barker subject to a range of conditions.

On 22 April 2013, the WAPC approved the subdivision (WAPC 147333) of Lot 9000 Warburton Road into 22 lots. This subdivision approval is subject to a range of conditions and is valid for a period of four years expiring on 22 April 2017.

On 11 June 2013 the Council received an application for Planning Consent to construct a 720m² (24m x 30m) outbuilding with a wall height of 5.4m at Lot 9000 Warburton Road. Town Planning Scheme (TPS) Policy No. 16.1 (Outbuildings) sets a maximum total floor area of 150m² and a maximum wall height of 3.5m for outbuildings in rural residential areas.

The oversize outbuilding is required for the storage of construction machinery and equipment required during construction of the approved subdivision that is in place over this land and possibly another approved subdivision located to the west of this land. The oversize outbuilding will be located on the subject land for a period of five years.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural Residential No. 12

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.'

FINANCIAL IMPLICATIONS

The application fee of \$800.00 has been paid.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 16.1 (Outbuildings) limits outbuildings to a maximum wall height of 3.5m and a maximum cumulative floor area of 150m² for rural residential areas. The floor area of this proposed outbuilding is 720m² with a wall height of 5.4m. 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

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

'Strategy 2.2.2 – Ensure quality, consistent and responsive development and building assessment approval processes and enforcement.'

OFFICER COMMENT

The subject land is located within the rural residential area of the Mount Barker Townsite abutting Warburton Road approximately 1.5km east of Albany Highway. The outbuilding location will be approximately 650m south of Warburton Road on proposed Lot 3 shown on the Plan of Subdivision (copy attached).

The proposed outbuilding as requested by the applicant does not conform to the height and total floor area standards set out in TPS Policy No. 16.1 (Outbuildings). In addition, the intended use does not conform to development provisions for this Rural Residential zone set out in TPS3.

The intended use of the proposed oversize outbuilding will be for the storage of construction machinery and equipment required during the development of the approved subdivision that is in place over this land. This subdivision was approved by the WAPC on 22 April 2013 and is valid for a period of four years expiring on 22 April 2017.

The proponent further intends for the oversize outbuilding to remain at Lot 9000 for a period of five years with an option for another five years after which the Council may require the outbuilding to be removed.

The proposed outbuilding location will be confined to the building envelope for Lot 3. The external walls will be finished in green Colorbond® and roof will be finished in zincalume.

Given the intent of the proponent's development proposal it is recommended that the outbuilding is to be used for storage for machinery and equipment to be used during

construction of the approved subdivision over Lot 9000 only. This approach will allow secure and sheltered storage for construction machinery and equipment during the construction stage. To allow the outbuilding to remain on site for other subdivisions nearby could mean this large structure is never removed and the use proposed remains which could cause problems for future rural residential landowners.

Should the subdivision approval (WAPC 147333) over Lot 9000 expire without the subdivision being constructed, the outbuilding will need to be removed within 60 days after the 22 April 2017 expiry date. In addition, should the conditions of subdivision be fulfilled prior to the 22 April 2017 expiry date, the outbuilding will need to be removed within 60 days of the date of the subdivision conditions being fulfilled. The outbuilding will also be restricted to storage purposes for the construction of approved subdivision WAPC 147333 over Lot 9000 Warburton Road only.

Support for the proposal is recommended subject to the outbuilding being used for storage purposes for machinery and equipment to be used during the construction of the approved subdivision over Lot 9000.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr S Etherington, seconded Cr M Skinner:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, Planning Consent be granted for one outbuilding for construction storage use only at Lot 9000 Warburton Road, Mount Barker which will mean Town Planning Scheme Policy No. 16.1 (Outbuildings) be varied resulting in the total floor area for the outbuilding being 720m² with the wall height being 5.4m, subject to:

- 1. Development being in accordance with the plans dated 19 July 2013.**
- 2. For the purpose of this Planning Consent, construction storage use means the storage of machinery and equipment to be used during the construction of subdivision approval (WAPC 147333) dated 22 April 2013 over Lot 9000 Warburton Road, Mount Barker only.**
- 3. The outbuilding being removed within a period of 60 days after the conditions of subdivision approval (WAPC 147333) dated 22 April 2013 having been fulfilled or otherwise the subdivision expiry date of 22 April 2017.**
- 4. The outbuilding external walls being finished in green Colorbond® to the satisfaction of the Manager Development Services.**

ADVICE NOTES

- (i) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including The Building Code of Australia.**

- (ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including The Shire of Plantagenet Town Planning Scheme No. 3.

AMENDMENT

Moved Cr K Clements, seconded Cr M Skinner:

That a part three be added to the advice notes 'The applicant is advised that it would be desirable to provide temporary toilet and water storage onsite near the building.

CARRIED (9/0)

NO. 197/13

AMENDMENT

Moved Cr C Pavlovich, seconded Cr L Handasyde:

That the words ', whichever occurs first' be added to Part 3 after the date 22 April 2017.

CARRIED (9/0)

NO. 198/13

COUNCIL DECISION

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, Planning Consent be granted for one outbuilding for construction storage use only at Lot 9000 Warburton Road, Mount Barker which will mean Town Planning Scheme Policy No. 16.1 (Outbuildings) be varied resulting in the total floor area for the outbuilding being 720m² with the wall height being 5.4m, subject to:

1. Development being in accordance with the plans dated 19 July 2013.
2. For the purpose of this Planning Consent, construction storage use means the storage of machinery and equipment to be used during the construction of subdivision approval (WAPC 147333) dated 22 April 2013 over Lot 9000 Warburton Road, Mount Barker only.
3. The outbuilding being removed within a period of 60 days after the conditions of subdivision approval (WAPC 147333) dated 22 April 2013 having been fulfilled or otherwise the subdivision expiry date of 22 April 2017, whichever occurs first.
4. The outbuilding external walls being finished in green Colorbond® to the satisfaction of the Manager Development Services.

ADVICE NOTES

- (i) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including The Building Code of Australia.
- (ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including The Shire of Plantagenet Town Planning Scheme No. 3.
- (iii) The applicant is advised that it would be desirable to provide temporary toilet and water storage onsite near the building.

CARRIED (9/0)

NO. 199/13

**9.1.5 TOWN PLANNING SCHEME POLICY NO. 22 - ADVERTISING SIGNS –
SUBMISSION RECEIVED**

File No:	N27658
Attachments:	<u>Submission</u> <u>Final Policy</u>
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	27 August 2013

PURPOSE

The purpose of this report is to consider one submission received on draft Town Planning Scheme (TPS) Policy No. 22 Advertising Signs.

BACKGROUND

There has been a lack of policy guidance for the control of advertising signage within the Shire of Plantagenet. In order to ensure proper and orderly planning and to preserve amenity, particularly from a visual perspective, draft TPS Policy No. 22 Advertising Signs has been prepared.

Draft TPS Policy No. 22 is a comprehensive document providing guidance and direction when considering proposals for advertising signs. If adopted, the policy will apply throughout the whole of the Shire of Plantagenet including the townships of Mount Barker and Kendenup, the rural districts and the rural villages of Narrikup, Porongurup and Rocky Gully.

A workshop was held with Councillors on 30 April 2013 to discuss the intentions of the draft policy.

The Council, at its meeting held on 28 May 2013 in respect to this draft policy resolved:

'That:

- 1. Draft Town Planning Scheme Policy No. 22 – Advertising Signs be advertised in accordance with Clause 7.6.2 (a) of the Shire of Plantagenet Town Planning Scheme No. 3 for a period of 21 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 on 27 August 2013.'*

Councillors were provided a copy of the draft TPS Policy No. 22 with the 28 May 2013 agenda.

STATUTORY ENVIRONMENT

Planning and Development Act 2005 – S 150 provides the head of power for regulating signs and advertising devices under local planning schemes.

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

Clause 5.6 'Control of Advertisements', which reads:

'5.6 CONTROL OF ADVERTISEMENTS

5.6.2 Power to Control Advertisements

5.6.2.1 For the purpose of this Scheme, the erection, placement and display, and, subject to the provisions of Clause 5.6.6, the continuance of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Such a planning consent is required in addition to any licence pursuant to Council's Signs and Hoarding and Bill Posting Bylaws.

5.6.2.2 Applications for Council's consent pursuant to this Part shall be submitted in accordance with the provisions of Part 6 of the Scheme and shall be accompanied by completed Additional Information Sheet in the form set out at Schedule 9 giving details of the advertisement(s) to be erected, placed or displayed on the land.

5.6.5 Exemptions from the Requirement to Obtain Consent

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 5.6.2.1, the Council's prior consent is not required in respect of those advertisements listed in Schedule 10 which for the purpose of this Part are referred to as 'exempted advertisements.'

The exemptions listed in Schedule 10 do not apply to places, buildings, conservation areas or landscape protection zones which are either:

- (i) listed by the National Trust;*
- (ii) listed on the register of the National Estate;*
- (iii) included in local authority town planning schemes because of their heritage or landscape value.*

5.6.6 Discontinuance

Notwithstanding the Scheme objectives and clause 5.6.5 where in the opinion of the Council, an exempted or existing advertisement so seriously conflicts with the objectives of this Part, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.'

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.'

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 required 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 21 day period closing on 27 June 2013. Letters were sent to 17 real estate agencies located in Albany, Bremer Bay, Denmark and Mount Barker. Notices were also placed in the Plantagenet News, Albany Advertiser and the Council's notice board.

At the close of the advertising period one submission had been received (copy attached).

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This is a new Town Planning Scheme Policy.

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 2.2.3 – Control advertising signage'

OFFICER COMMENT

The purpose of this policy is to guide the design, materials and siting of advertising structures and signs in the Shire of Plantagenet and to provide a clear direction in respect to all advertising sign types.

The policy intends to safeguard visual amenity and enhance traffic safety affected by a range of different advertising signs. It further prescribes the standards, location, height, bulk, scale and appearance of advertising signs and structures.

The submission received pointed out that home open signs were not covered in this draft signs policy. Given the infrequent occurrence of open home inspection days within the Shire of Plantagenet the inclusion of home open signs in this draft signs policy is not a major issue. However, a new paragraph 8.6 has been added requiring such signs to be removed following the open time.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr C Pavlovich:

That Town Planning Scheme Policy No. 22 – Advertising Signs, be adopted in accordance with Clause 7.6 of the Shire of Plantagenet Town Planning Scheme No. 3.

CARRIED (9/0)

NO. 200/13

9.2 WORKS AND SERVICES REPORTS

Nil

9.3 COMMUNITY SERVICES REPORTS

9.3.1 RECREATION CENTRE - NAME CHANGE

File No: N27891
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 27 August 2013

PURPOSE

The purpose of this report is to consider renaming the Mount Barker School Community Recreation Centre (the Centre) to 'The Rec.Centre'.

BACKGROUND

The Council considered the renaming of the Centre following problems with members of the public confusing the Centre with the Community Resource Centre (CRC). There have been several instances of programs cancelled at the CRC resulting in people not attending programs at the Centre, confusing the cancellation with active programs. People regularly attend the Centre looking for meetings that are occurring at the CRC. Deliveries and invoices are often mixed up between the two facilities.

A proposed name 'Plantagenet Fitness' was presented to the Council for consideration.

At its Ordinary Meeting held on 25 June 2013, the Council resolved:

'That the question be adjourned until the meeting of 27 August 2013 to allow for the Recreation Advisory Committee to review the proposed name change.'

A Recreation Centre Advisory Committee meeting was held on Tuesday 23 July 2013 at 6.00pm. The Committee reviewed the proposed name 'Plantagenet Fitness'. The Committee proposed an alternate name being 'The Rec.Centre'.

STATUTORY ENVIRONMENT

The Shire of Plantagenet has a licence agreement with the Department of Education to operate the Mount Barker School Community Recreation Centre. The licence agreement details the functions of the Centre, access times and cost sharing agreements.

EXTERNAL CONSULTATION

Consultation occurred with the Mount Barker Community College when a name change was first considered. The College is supportive of a change and asked that a name that embodied fun, socialisation, health and fitness be considered.

A community wide survey was also held to find a new name for the Recreation Centre. The survey was promoted in the Plantagenet News and at the Recreation Centre. A box was placed at the Centre counter for people to submit their ideas. People were also encouraged to e-mail or post their proposals to the Shire.

Thirty two names were proposed by the community, with four names proposed more than once. The four more common names were:

- Plantagenet Fitness Centre;
- Plantagenet Recreation Centre;
- Plantagenet Sports Centre; and
- Plantagenet Leisure Centre.

Recreation Centre staff reviewed the proposed names and recommended the adoption of 'Plantagenet Fitness'. The recommendation was based on a pertinent, short name that encompassed all the services and programs on offer.

The Recreation Centre Advisory Committee reviewed all the community and staff proposals and identified a different proposal, this being the 'The Rec.Centre'.

FINANCIAL IMPLICATIONS

The estimated cost of signage alterations will be in the vicinity of \$1,000.00. This can be accommodated in the Centre's operating budget.

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 strategies:

'Strategy 1.5.2: Promote sporting, recreation and leisure facilities and programs in the District; and

Strategy 1.5.5: Improve and promote Recreation Centre services and programs to encourage increased patronage.'

OFFICER COMMENT

The Recreation Centre Advisory Committee has proposed the Centre be renamed to 'The Rec.Centre'.

The Committee agreed that the community associated 'The Rec.Centre' with the Centre. By using a commonly associated name, less effort and resources would be required to change the community's mind set. 'The Rec.Centre' is much sharper than the existing name, the Mount Barker School Community Recreation Centre, and with the inclusion of the full stop within the name it will give it a modern theme.

The name will not alleviate the confusion with the CRC in the short term, however as the name is used more often in marketing and promotion materials then people will start to identify a difference.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr C Pavlovich:

That the Mount Barker School Community Recreation Centre be re-named 'The Rec. Centre'.

CARRIED (9/0)

NO. 201/13

**9.3.2 COMMUNITY SPORT AND RECREATION FACILITIES FUND - GRANT
PRIORITISATION - NARRIKUP CRICKET CLUB**

File No: N27894
Attachments: [Narrikup Pitch Photos](#)
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 27 August 2013

PURPOSE

The purpose of this report is to seek support for the submission of an application to the Department of Sport and Recreation's 2013 / 2014 Community Sport and Recreation Facilities Fund (CSRFF) - Small Grants Round.

BACKGROUND

The CSRFF grant scheme is managed by the Department of Sport and Recreation and provides grant funding for facility and infrastructure provision / upgrades to sport and recreation clubs and local government. CSRFF is provided in two rounds, a Small Grants Round (for projects with a total budget not exceeding \$150,000.00) and the Annual/Forward Planning Grants Round (for projects of \$150,000.00 and above). The grant scheme is advertised annually by the Department.

The CSRFF grant scheme generally funds projects on a basis of one third of the total project cost. Applications are to be submitted to the local government for endorsement and a ranking (if more than one application is submitted), prior to a review by the regional Department of Sport and Recreation office then final consideration by the Department's State Office.

The CSRFF Small Grants Round has recently closed and one application has been submitted for consideration. The Narrikup Cricket Club has applied for funding to upgrade their cricket training facilities and install a tank, pump and irrigation system to water the oval.

STATUTORY ENVIRONMENT

The Narrikup Cricket Club is a member of the Narrikup Combined Sporting Association Incorporated. A Memorandum of Understanding exists between the Combined Sporting Association and the Shire for the Narrikup Sporting Grounds.

EXTERNAL CONSULTATION

Consultation has taken place with representatives from the Narrikup Cricket Club, Western Australian Cricket Association (WACA) and the Department of Sport and Recreation – Great Southern Branch.

FINANCIAL IMPLICATIONS

The total project cost to upgrade the cricket training facilities and install facilities to water the oval is \$39,500.33 (GST exclusive). The Narrikup Cricket Club has

received \$1,500.00 funding from the WACA and will contribute \$10,726.33 of cash and in-kind donations. A budget shortfall of \$13,637.00 exists and the Club has identified the Shire as a potential funding source.

Shire staff have advised the Club that the Shire's Financial Assistance Grants Round has closed for the current year and will not be available for an application until March 2014. In the interim, staff are working with the Club to find alternate funding sources to meet the shortfall.

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 1.5.1: Maintain and improve sporting and recreation facilities in the District based on catchment needs.'

OFFICER COMMENT

The Narrikup Cricket Club has been actively training and playing cricket from the Narrikup Combined Sports Ground (Reserve 17849 Narrikup) for the past four years. The Club is an affiliate of the Albany Cricket Association.

In June 2011 the Cricket Club renewed the cricket pitch in the centre of the oval. The renewal involved a new concrete pitch and new synthetic turf covering. The Shire contributed a Financial Assistance Grant of \$1,500.00 towards the pitch in the adopted 2012 / 2013 budget.

The current project involves renewing the practice wicket area and creating a second wicket. The attached photographs highlight the unsafe condition of the existing practice wicket.

The Club also proposes to install a tank, pump and irrigation system to water the oval immediately surrounding the wicket. The Club has already installed reticulation pipes throughout the oval area for this purpose and is seeking the funds to provide the infrastructure to deliver water to the existing pipes.

The Narrikup Cricket Club is working closely with the recently re-formed Mount Barker Cricket Club to ensure the sustainability of cricket in the district. Between the two Clubs they aim to field an A Grade and B Grade Seniors Team and an Under 17's team in the Albany Association.

In order to achieve this, both Clubs will need to maintain a good membership and good player numbers. In principle support for the Narrikup Cricket Club to improve their facilities will help their club to attract and maintain members.

Shire staff have indicated to the Narrikup Club that the development of Sounness Park is the Council's focus for sport and recreation expenditure and that a contribution from the Council should not be relied on for the improvements to the

Narrikup facilities. However, staff are also working closely with the Narrikup Club to find alternate funding sources to help them achieve their goals.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr A Budrikis:

That:

- 1. The proposal by the Narrikup Cricket Club to renew and expand the cricket training nets and to install irrigation infrastructure be endorsed; and**
- 2. The application submitted to the 2013 / 2014 Small Grants Round of the Community Sport and Recreation Facilities Fund for a total project cost of \$39,500.33 (GST exclusive), be supported.**

CARRIED (9/0)

NO. 202/13

9.4 CORPORATE SERVICES REPORTS

9.4.1 FINANCIAL STATEMENTS – JULY 2013

File No:	N27853
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	27 August 2013

PURPOSE

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

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 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 S Etherington, seconded Cr J Moir:

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

CARRIED (9/0)

NO. 203/13

9.4.2 LIST OF ACCOUNTS - JULY 2013

File No: N27862
Attachment: [List of Accounts – July 2013](#)
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 27 August 2013

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of July 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 L Handasyde, seconded Cr M Skinner:

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 July 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 \$1,704,626.33;
- b. Municipal Cheques 43900 – 43943 and 43945 - 43957 totalling \$62,756.19;
- c. Trust Cheques 344 and 345 totalling \$14,000.00; and
- d. Cancelled Cheque 43944.

CARRIED (9/0)

NO. 204/13

9.4.3 POLICY REVIEW – INVESTMENTS

A financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest was disclosed by Cr G Messmer. Nature and Extent of interest – Director of Mount Barker Community Bank.

4:00pm Cr G Messmer withdrew from the meeting.

File No: N27211
Attachments: [Policy F/RI/1 – Investments \(with amendments\)](#)
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: John Fathers
Acting Chief Executive Officer
Proposed Meeting Date: 27 August 2013

PURPOSE

The purpose of this report is to review Council Policy F/RI/1 – Investments.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 1 March 2011.

Up until 1 February 2012, deposits up to and including \$1 million in eligible authorised deposit-taking institutions were guaranteed by the Australian Government without charge under the Financial Claims Scheme. As a result of this, the current policy included a clause that investments are to be diversified with the aim of retaining less than \$1 million with each bank, thereby securing the Federal Government Guarantee on funds (Clause 4.6).

A new permanent cap of \$250,000.00 per person per institution on deposits guaranteed under the Financial Claims Scheme took effect from 1 February 2012. This new cap was announced by the Treasurer on 11 September 2011.

STATUTORY ENVIRONMENT

The authority for a local government to invest surplus funds comes from Section 6.14 of the Local Government Act 1995. Section 18 of the Trustees Act 1962 also details investment powers of trustees.

Local Government (Financial Management) Regulations 1996. Regulation 19C(2) has been adopted since this policy was last reviewed. This regulation states that *'when investing money under section 6.14(1), a local government may not do any of the following —*

- (a) deposit with an institution except an authorised institution;*
 - (b) deposit for a fixed term of more than 12 months;*
 - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
 - (d) invest in bonds with a term to maturity of more than 3 years;*
-

(e) *invest in a foreign currency.*'

An authorised deposit-taking institution is as defined in the Banking Act 1959 (Commonwealth) or the Western Australian Treasury Corporation.

FINANCIAL IMPLICATIONS

There are some financial implications to this report, depending on the spread of the Council's investments.

POLICY IMPLICATIONS

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

As a result of the changes to the Commonwealth Government Financial Claims Scheme provisions, it is recommended that Clause 4.6 be deleted. Unfortunately, this means that the Council's funds are not be subject to Federal Government Guarantee, although there is currently some discussion by the Government about imposing a levy in order to provide a fund aimed at covering bank bailouts.

Changes to the Local Government (Financial Management) Regulations 1996 have restricted the ability of local governments to investing in short term investments in banks and other authorised deposit-taking institutions. Nevertheless, the policy is relevant and should be retained, subject to the change mentioned above.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr L Handasyde:

That amended Council Policy F/RI/1 – Investments, as follows:

OBJECTIVE:

To document and provide the necessary information for the delegated officers to invest surplus funds.

POLICY:

1.0 Purpose of Policy

1.1 The purpose of this policy is to ensure that:

- a) The Council conforms with its fiduciary responsibilities under Section 6.14 of the Local Government Act and Section 18 (1)(a) of the Trustees Act 1962 (the 'Prudent Person' rule);
 - b) At all times, the Council has in place a current set of policies and delegations for its Investments Officers; and
 - c) Adherence to the guidelines by all officers with delegated authority to invest / control surplus funds.
-

1.2 This Policy is to be made available to all employees involved in daily investment decisions.

1.3 Notwithstanding the provisions of this Policy, the general financial management obligations imposed under the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 should at all times be complied with.

2.0 Prudent Person Rule

2.1 The investment options available to local government authorities in Western Australia were altered in June 1997 with changes to the Trustees Act. With the passage of changes to the Trustees Act, the list of prescribed investments has been removed and replaced by the Prudent Person rule.

2.2 The main features of the prudent person rule include:

- a. Exercising the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons; and
- b. A duty to invest funds in investments that are not speculative or hazardous.

2.3 In exercising powers of investment, there are important matters for consideration:

- a. The purpose of the investment and the needs and circumstances;
- b. The desirability of diversifying investments and the nature of and risk associated with existing investments;
- c. The need to maintain the real value of capital and income; The risk of capital or income loss or depreciation; The potential for capital appreciation;
- d. The likely income return and timing of the income return; The length of the term of the proposed investment;
- e. The liquidity and marketability of the proposed investment; The aggregate value of the investment;
- f. The effect of the proposed investment in relation to the tax liability (if any);
- g. The likelihood of inflation affecting the value of the proposed investment; and
- h. The costs of making the proposed investment; the results of a review of existing investments.

3.0 Investment Objectives

3.1 To add value through prudent investment of funds.

3.2 To support the local community bank without putting the Shire's surplus funds to any undue risk.

3.3 To have ready access to funds for day-to-day requirements, without penalty.

4.0 Authority to Invest

4.1 The Shire of Plantagenet's surplus funds are to be invested in term deposits or negotiable certificates of deposit with Bendigo Community Bank and other banks with branches in Mount Barker or Albany, subject to their Standard and Poor's long term credit rating

being at least BBB+ and the short term rating being at least A-2. Any proposal to invest funds in any other institution not referred to above, for whatever reason, is to be referred to the Council.

- 4.2 Investments from the municipal, loan, reserve and trust accounts are to be kept separate and distinct.
 - 4.3 Funds may be invested for terms ranging from one to six months based on predicted cash flow requirements.
 - 4.4 The Deputy Chief Executive Officer places, withdraws or re-invests sums up to \$500,000.00 jointly with the Accountant or Chief Executive Officer, in accordance with the Chief Executive Officer's delegation.
 - 4.5 The Chief Executive Officer places, withdraws or re-invests sums over \$500,000.00 jointly with the Deputy Chief Executive Officer or Accountant in accordance with the Chief Executive Officer's delegation.
- 5.0 Review and Reporting
- 5.1 A cash flow report is to be monitored by the Accountant at least weekly to ensure cash funds are available to meet commitments.
 - 5.2 Investments will be managed actively as they mature with reviews by the Deputy Chief Executive Officer on a monthly basis.
 - 5.3 Bendigo Bank's short term credit rating as defined by Standard and Poors is to be monitored on a monthly basis by the Deputy Chief Executive Officer. Any downgrading of the long term BBB+ or short term A-2 rating is to be reported to the Council.
 - 5.4 For audit purposes, certificates must be obtained from the bank confirming the amounts of investment held on the Council's behalf at 30 June each year.'

be endorsed.

CARRIED (8/0)

NO. 205/13

4:01pm Cr G Messmer returned to the meeting.

9.4.4 MOUNT BARKER TOURIST BUREAU INC – FINANCIAL ASSISTANCE GRANT

A Financial/Indirect Financial (section 5.60(A) and Section 5.61 LGA) and Proximity (Section 5.60(B) LGA) Interest was disclosed by Cr A Budrikis. Nature and Extent of Interest – Business partner and relative of owner of land neighbouring the Mount Barker Tourist Bureau.

4:02pm Cr A Budrikis withdrew from the meeting.

File No: N27855
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: John Fathers
Acting Chief Executive Officer
Proposed Meeting Date: 27 August 2013

PURPOSE

The purpose of this report is to consider a request from the Mount Barker Tourist Bureau Inc for a financial assistance grant.

BACKGROUND

At its meeting held 9 July 2013, the Council adopted the 2013/2014 Annual Budget. An application from the Mount Barker Tourist Bureau Inc for funding towards the costs of creation of a Skywalk logo was not included in the budget.

At a recent workshop to discuss the applications for financial assistance grants, Councillors raised some concern that the Council was being asked to fund the preparation of a logo retrospectively. Also, additional concern was raised in regard to branding of a feature which is controlled by the Department of Parks and Wildlife. Nevertheless, councillors indicated that they would be happy to consider other proposals from the Bureau for promotion of the Skywalk or other promotional activities.

Mr Jim Gilbert (Chairman) and Mr Eric Henderson (Secretary) from the Mount Barker Tourist Bureau Inc made a presentation to the Council at its meeting held on 30 July 2013 which clarified the Bureau's application for funding.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

This report recommends the approval of an unbudgeted financial assistance grant of \$7,500.00. That amount can be accommodated from Budget Item 'District and Area Promotion, which has a 2013/2014 budget of \$63,450.00.

POLICY IMPLICATIONS

The Shire's Policy No. CS/DG/2 – Financial Assistance to Incorporated Organisations and Clubs applies. That policy indicates that applicants will be categorised in several way in order to assist in determining priority of funding, one of which is as follows:

'Groups which undertake tourism and economic development activities which have a positive economic benefit to the Shire. Grant amounts will consider the scope of economic benefits provided.'

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013–2023 provides at Outcome 3.4 (A strong tourism region) the following Strategy:

'Strategy 3.4.1 – Promote and support local and regional tourism initiatives'

OFFICER COMMENT

The Tourist Bureau presentation clarified that the request through the Shire's financial assistance grants program was to establish seed funding to enable the Bureau to purchase and have printed merchandise for sale to promote the district. This was to have a two pronged effect, one to produce merchandise to promote the 'Walks, Wine and Wildflowers' logo, and the other to promote the 'Granite Skywalk'.

The Bureau is of the opinion that the region is well known; visitors are generally aware that this area is part of the 'Great Southern' which is part of 'Australia's South West'. However, the Shire of Plantagenet is not well known as a destination. The Bureau argues that merchandise is the most effective form of advertising because customers pay for the privilege of advertising a product. The most important role in having merchandise printed is to bring the logos together and establish an identity in a clear and precise manner that visitors can understand.

When people visit a visitor centre, they often want to buy something. The Bureau intends to produce merchandise that enables visitors to show that they have visited the Shire of Plantagenet. Suggested items are t-shirts, caps, beanies, pens, fridge magnets together with environmentally friendly bags. However, it is intended that the merchandise will be able to be purchased from all over the Shire, not just the visitor centre. This promotion will generate an ongoing income stream to support the development of the visitor centre and also assist visitors to understand that they are visiting the Shire of Plantagenet.

The Tourist Bureau has indicated that, with the Anzac centenary occurring next year, the Tourist Bureau has already been asked how much accommodation is available in the Shire. Given the probable increase in visitors around that time, this is a good opportunity to have merchandise available to promote the district. The Bureau would like to produce the merchandise by Spring, when they are expecting an influx of tourists. It is hoped that this will assist in getting the message across that there is an alternative 'down south' and that Plantagenet is a desired destination not just to visit, but to stay.

The request from the Tourist Bureau is supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Pavlovich, seconded Cr G Messmer:

That a financial assistance grant of \$7,500.00 be made to the Mount Barker Tourist Bureau Inc for the purchase of promotional merchandise.

CARRIED (8/0)

NO. 206/13

4:04pm Cr A Budrikis returned to the meeting.

9.4.5 POLICY REVIEW - INSURANCE

File No:	N25804
Attachments:	<u>Policy A/I/1- Insurance (with amendments)</u>
Responsible Officer:	John Fathers Acting Chief Executive Officer
Author:	Donna McDonald Senior Administration/Human Resources Officer
Proposed Meeting Date:	27 August 2013

PURPOSE

The purpose of this report is to review Council Policy A/I/1 – Insurance.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 22 March 2011.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no financial implications for this report.

OFFICER COMMENT

It is currently standard practice for the Shire to maintain insurance on buildings which are located on Council property or reserves under the control of the Council. Unless otherwise agreed, buildings which are constructed on land under the control of the Council become the property of the Council. This is dealt with by the Council on a case by case basis, depending on the circumstances.

It is appropriate that the Council maintain a policy to clarify the position regarding insurance. Currently, all of the buildings on Council controlled property are insured by the Council, with the exception of the following:

- Albany Cattle Association Shed at the Saleyards – The Council agreed that this shed would remain the property of the Association;
 - Narpanup Golf Club – The lease provides for the removal of improvements at the end of the lease, if required;
 - Kendenup Country Club – The lease provides for the removal of improvements at the end of the lease, if required;
-

- West Plantagenet Pony Club – The lease does not mention building insurance;
- WA Country Health Service (HACC) – The lessee owns the building and may remove it at the end of the lease;
- St John Ambulance Facility Kendenup – The lessee owns the building and may remove it at the end of the lease; and
- Plantagenet Company of Archers – Shed on McDonald Avenue Polocrosse Ground – The Company has a licence to store archery equipment in the shed.

Regardless of the differing scenarios, the matter of insurance relies on insurable interest. That means if the Council owns something, it has an insurable interest and may insure it. Conversely, if the Council does not own something, it has no legal right to insure it.

It is considered that the current policy should be amended to clarify that this matter relies upon an insurable interest due to building ownership or legal agreement. It is further recommended that this policy be renamed 'Insurance of Buildings on Council Controlled Land' to more appropriately reflect its purpose.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

That amended Council Policy A/I/1 – Insurance of Buildings on Council Controlled Land, as follows:

OBJECTIVE:

To clarify the Council's position on the responsibility for insurance costs of buildings erected on land owned by or under the care, control and management of the Council.

POLICY:

The Council will not accept responsibility for the cost of insurance of buildings erected by other organisations on land under Council control unless the Council has an insurable interest due to building ownership or legal agreement.'

be endorsed.

CARRIED (9/0)

NO. 207/13

9.5 EXECUTIVE SERVICES REPORTS

Nil

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL

12.1.1 LOCATIONS 5700 AND 7045 PORONGURUP ROAD - GROUP RATING REQUEST

A Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct) was disclosed by Cr G Messmer. Nature and Extent of Interest – Proponent works for my wife.

A Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct) was disclosed by Cr J Moir. Nature and Extent of Interest - Have group rating on contiguous titles with different names on titles.

File No: N27887
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: Leanne Briggs
Rates Officer
Proposed Meeting Date: 27 August 2013

PURPOSE

The purpose of this report is to consider a request to apply group rating to Locations and 5700 and 7045 Porongurup Road.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr L Handasyde, seconded Cr M Skinner:

4:07pm That the meeting be closed to members of the public pursuant to Section 5.23 (e) (iii) of the Local Government Act 1995 as the matter to be considered relates to information about the business, professional, commercial or financial affairs of a person.

CARRIED (9/0)

NO. 208/13

MOTION TO PROCEED IN PUBLIC

Moved Cr B Bell, seconded Cr L Handasyde:

4:20pm That the meeting proceed in public

CARRIED (9/0)

NO. 209/13

OFFICER RECOMMENDATION

Moved Cr M Skinner, seconded Cr L Handasyde:

That notwithstanding that Locations 5700 and 7045 Porongurup Road, Porongurup are contiguous and utilised for similar rural pursuits, it is the opinion of the Council that the Valuer General's Office policy relating to group rating cannot be applied due to different ownerships and therefore the request to apply group rating to the above lots be declined.

LOST (0/9)

COUNCIL DECISION

Moved Cr G Messmer, seconded Cr C Pavlovich:

That the request to apply group rating to Locations 5700 and 7045 Porongurup Road Porongurup be approved.

CARRIED (9/0)

NO. 210/13

Reason for Change

Councillors considered that the properties concerned satisfy requirements of the policy relating to group rating.

13 CLOSURE OF MEETING

4:21pm The Presiding Member declared the meeting closed.

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