



## ORDINARY MINUTES

**DATE:** Tuesday, 1 May 2012

**TIME:** 2:45pm

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

**Rob Stewart**  
**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	MR STEVE SMITH – MOUNT BARKER CARAVAN PARK – RV FRIENDLY TOWN.....	2
4.2	MELANIE PRICE, AURORA ENVIRONMENTAL – LOT 859 HEALY ROAD, NARRIKUP – FEEDLOT FOR FREE RANGE TURKEY OPERATION.....	4
5	DISCLOSURE OF INTEREST .....	5
6	APPLICATIONS FOR LEAVE OF ABSENCE .....	6
7	CONFIRMATION OF MINUTES.....	6
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DECISION.....	6
9	REPORTS OF COMMITTEES AND OFFICERS.....	7
9.1	DEVELOPMENT SERVICES REPORTS.....	7
9.1.1	LOT 12 STRATA LOT 2 OATLANDS ROAD, MOUNT BARKER - RETROSPECTIVE CONSENT - GROUPED DWELLING AND OUTBUILDINGS.....	7
9.1.2	LOT 859 HEALY ROAD, NARRIKUP - FEEDLOT FOR FREE RANGE TURKEY OPERATION .....	15
9.2	WORKS AND SERVICES REPORTS.....	25
9.2.1	POLICY REVIEW - COUNCIL POLICY I/FM/2 - VEHICLE SPECIFICATIONS.....	25
9.2.2	POLICY REVIEW – COUNCIL POLICY OP/BP/1 – SAFETY .....	34

---

9.2.3	ROADWISE COMMITTEE - RESIGNATION OF MEMBER .....	37
<b>9.3</b>	<b>CORPORATE SERVICES REPORTS .....</b>	<b>39</b>
9.3.1	FINANCIAL STATEMENTS – MARCH 2012.....	39
9.3.2	LIST OF ACCOUNTS - MARCH 2012.....	41
<b>9.4</b>	<b>EXECUTIVE SERVICES REPORTS.....</b>	<b>43</b>
9.4.1	KENDENUP COMMUNITY RECREATION CENTRE (INC) - MEMORANDUM OF UNDERSTANDING.....	43
9.4.2	LOT 51 BRANSON ROAD TAKALARUP - NATURE RESERVE ..	46
9.4.3	STAFF ESTABLISHMENT - PROPOSED AMENDMENT .....	48
<b>10</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>51</b>
10.1	SOUNNESS PARK – CRICKET WICKET .....	51
<b>11</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....</b>	<b>51</b>
<b>12</b>	<b>CONFIDENTIAL.....</b>	<b>52</b>
12.1.1	SUPERANNUATION - CONTRIBUTIONS BY SENIOR STAFF....	52
<b>13</b>	<b>CLOSURE OF MEETING.....</b>	<b>54</b>

## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:45pm 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 (Left Chamber at 3.12pm, returned 3.15pm)
Cr B Bell	Councillor
Cr A Budrikis	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr J Moir	Councillor

### In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Dominic Le Cerf	Manager Works and Services
Mrs Linda Sounness	Executive Secretary
Mr Vincent Jenkins	Planning Officer
Mr Eric Howard	Environmental Health Officer

There were 8 members of the public present

### Previously Approved Leave of Absence:

Cr C Pavlovich – 1 May 2012 to 11 May 2012

Cr G Messmer – 1 May 2012 to 22 May 2012

### Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart then read aloud the following disclaimer:

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

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or

fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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

### **3 PUBLIC QUESTION TIME**

#### **3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

#### **3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995**

Nil

### **4 PETITIONS / DEPUTATIONS / PRESENTATIONS**

#### **4.1 MR STEVE SMITH – MOUNT BARKER CARAVAN PARK – RV FRIENDLY TOWN**

My wife and I, as proprietors of the Mt Barker Caravan Park, are very concerned with events that have happened since the implementation of the RV Friendly Town status. Why is it that caravan parks have to comply with the following rules and regulations to ensure the safety of its residents, yet, a free camping area provided by the Shire does not need to comply with the following requirements being:

Under the Caravan Parks and Camping Grounds Act (1995) Division 1, 6. Caravan Park or camping ground not to be operated without a licence. (1) On and after the appointed day a person must not operate a facility, or a facility of a prescribed type, unless the person holds the appropriate licence under this Act in relation to that facility. Penalty \$5,000,.Division 2, 13. Duties of the licence holder. (1) A person licensed to operate a facility must ensure that – (a) a manager or other responsible person – (i) resides in or near the facility; (ii) is responsible for the supervision of the facility; (iii) is accessible at all times in case of an emergency;

1. We feel that the 96 hour long term parking area that has been set out at the rear of the Plantagenet Shire administration building for self-contained recreational vehicles, is too long and, ask if this could be changed to a maximum stay of 12 hour day time parking. Or as an overflow area when the caravan parks in our shire are full.

2. The CMCA web-site lists that the road side rest area which is directly across the road from the caravan park is also a 96 hour long term parking area. We ask for this to be removed immediately. Information provided by Department of Main Roads, that owns/manages this land, states that this is NOT a camping area, nor is the Sturdee or Martigallup Road areas and the lay-by south of Mount Barker town site.
3. We would like you also to consider a small fee, (payable to the shire office), for people who wish to use the dump point located at the old railway station car park. Alternatively the Shire could provide discounted bays at the caravan parks, within the shire, to help support the RV Friendly Town status.
4. Main Roads are installing 'no camping' signs at the roadside rest areas located on the corners of Sturdee Road and Martigallup Road at Albany Hwy and ask you for your help in enforcing this.
5. In reference to the above points we would like you to consider the following:
  - a. safety of people camping for free in these areas;
  - b. rubbish disposal;
  - c. animal faeces;
  - d. open fires;
  - e. who will be responsible for policing the amount of time people stay; and how long do people stay away before they can use the free camping facilities again?
  - f. Public liability insurance for this free camping area
  - g. Does providing free camping for 96 hours set a possibility for squatters to camp longer term?
  - h. Ratepayers having to pay for the disposal of waste and providing water for the RV's

Surely the Shire's first obligation should be to the local ratepayers and businesses. If locals cannot obtain water and dump grey and black matter for free, then why should tourists be allowed this privilege at the expense of local ratepayers.

The Shire has been stating for the past 5 years that tourism is not the responsibility of the Shire but of the Visitor Centre.

One of the conditions for displaying the RV Friendly signs around town is that the Shire must have a Visitor's Centre. However, our Visitor's Centre is not an official centre as it is staffed by volunteers. Tourism WA has already

requested the use of the "official" Visitor Centre signs are removed from outside and inside the Centre. One of the pre-requisites to earn the title of a Visitor's Centre is that the Centre is staffed by paid staff and open regular hours.

The Local Government Act (1995) Section 3.18 states that the local government (b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; (c) are managed efficiently and effectively.

Please find attached a petition against the rear of the Plantagenet Shire Building as being a long term parking area (96hrs) for R.V (recreational vehicles).The majority of the signatures on this petition are from local business owners within the town site.

We appreciate your time and consideration in this matter.

**Moved Cr J Moir, seconded Cr B Bell:**

**That the petition bearing 48 signatures and stating: 'We, the undersigned, are concerned citizens who urge our Councillors and Shire Officers to act now to restrict the parking area stated above to a 12 hour daytime parking zone' be received and the Chief Executive Officer be requested to prepare a report to be presented to the meeting of the Council to be held 22 May 2012.**

**CARRIED (7/0)**

**NO. 65/12**

**4.2 MELANIE PRICE, AURORA ENVIRONMENTAL – LOT 859 HEALY ROAD, NARRIKUP – FEEDLOT FOR FREE RANGE TURKEY OPERATION**

Speaking in support of the amended Officers Recommendation Item 9.1.2.

Good afternoon Shire President, Councillors, Council Staff and members of the community.

My name is Melanie Price of Aurora Environmental. I have been working with Paul Hoult on the planning for his proposed turkey farm in Narrikup.

We would like to support the amended officer recommendation to approve the proposal with conditions. The initial recommendation to defer the determination of the proposal until October was based on the fact that the Department of Environment and Conservation made an error in their submission regarding the need for winter testing of groundwater. The matter has been clarified now, with DEC providing written advice that groundwater testing that has been undertaken is sufficient. Delaying the project until October would have resulted in significant financial hardship for Mr Hoult.



The application document submitted to Council and circulated for public comment summarises how the turkey farm will be run to meet both Council and State requirements. Mr Hoult has committed to following best practice in the enterprises operation.

The proposal meets each of the requirements of local and state policy, including:

- Complying with the Poultry Environmental Code of Practice;
- Buffer distances;
- Separation to groundwater; and
- Waste management.

The Department of Water had no concerns with the proposal and the major concern of the Department of Environment and Conservation was regarding depth to groundwater, which has been resolved.

To ensure that disposal of waste is not an issue – all litter and manure will be removed from the property as soon as is practicable after batches of turkey leave the property. No composting of material will occur on the site.

The site itself is ideal for the turkey farm as the grow-out area is on a gentle slope with suitable soils. It has good screening vegetation and more than adequate distances to surrounding residences.

It is important to note that this free range turkey farm is a relatively low impact class of rural enterprise when compared with shedded poultry or intensive stock feeding operations. I understand that most Councillors had the opportunity to visit the turkey farm in Wagin, which would have shown the basic setup and operation of this type of poultry enterprise.

Mt Barker Chickens will be purchasing and processing the turkeys produced by this farm and is integral to the expansion of this important local business.

The turkey farm will increase diversification of rural industries in the district. Also, it will contribute to employment (creating between 2 and 4 part time jobs). Overall the operation will add to the economic well being of the Shire of Plantagenet and its community and should be supported by you today. I urge you to adopt the officer's amended recommendation so that the project can commence.

Thank you for your attention.

## **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

Cr M Skinner

Disclosed a Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – Contract cattle work in Item 9.1.2.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 Local Government Act 1995

Councillor A Budrikis requested Leave of Absence for the 22 May 2012.

**Moved Cr L Handasyde, seconded Cr M Skinner:**

**That Cr A Budrikis Councillor be granted Leave of Absence for 22 May 2012.**

**CARRIED (7/0)**

**NO. 66/12**

**7 CONFIRMATION OF MINUTES**

**Moved Cr B Bell, seconded Cr J Moir:**

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 10 April 2012 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (7/0)**

**NO. 67/12**

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DECISION**

The Shire President distributed notes separately.

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 DEVELOPMENT SERVICES REPORTS

#### 9.1.1 LOT 12 STRATA LOT 2 OATLANDS ROAD, MOUNT BARKER - RETROSPECTIVE CONSENT - GROUPED DWELLING AND OUTBUILDINGS

<b>File No:</b>	<b>N22451</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Survey Strata Subdivision Plan</a> <a href="#">Site Plan</a> <a href="#">Floor Plan</a> <a href="#">Elevations</a> <a href="#">Outbuilding Locations</a> <a href="#">Outbuilding Plans</a> <a href="#">Letter from Occupant</a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>1 May 2012</b>
<b>Applicant:</b>	<b>Department of Housing – Government Regional Officers' Housing</b>

---

### PURPOSE

The purpose of this report is to consider a proposal for retrospective Planning Consent for one previously constructed grouped dwelling and one previously constructed outbuilding at Lot 12 Strata Lot 2 Oatlands Road, Mount Barker.

### BACKGROUND

Council records show the registered owner of Lot 12 Strata Lot 2 Oatlands Road is the Department of Housing.

Survey-strata Plan 55230 was approved for Lot 12 Oatlands Road by the Western Australian Planning Commission on 8 March 2009 (survey strata subdivision plan attached) creating four survey strata lots including a common property lot providing access to the strata lots.

In a letter received on 29 March 2010 the Department of Housing advised the Council that pursuant to the Local Government (Miscellaneous Provisions) Act 1960, it did not require building approval for the proposed government officer housing to be developed on Lot 12 Strata Lot 2 Oatlands Road. The Department further advised it engaged an independent assessor to confirm the house conforms to the Building Code of Australia. The Department also provided copies of the compliance certificate and final plans to the Council for information and record keeping purposes.

The Council on 8 April 2010 advised the Department of Housing it was required to apply for Planning Consent for a 'Grouped Dwelling' pursuant to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) prior to commencing any site or construction works. The Department requested confirmation on the Planning Consent application requirement and the Planning Officer on 6 May 2010 provided confirmation by email and further explained the need for the Department to obtain Planning Consent. The Department is exempt from gaining approval for a single house only, not a grouped dwelling.

On 15 June 2010 the Planning Officer noted a house being constructed at Lot 12 Strata Lot 2 Oatlands Road, the construction of which was at an advanced stage. Council records at the time showed no application for Planning Consent for Lot 12 Strata Lot 2 Oatlands Road had been received. The Department was then advised an application for retrospective Planning Consent will now be required. In an email dated 23 June 2010 the Council advised the Department on the requirements for retrospective planning application including increased application fees.

The Council on 23 March 2011 received an application for retrospective Planning Consent for one 'Grouped Dwelling' at Lot 12 Strata Lot 2 Oatlands Road, Mount Barker. The Planning Officer on 5 May 2011 noted an outbuilding had been constructed within the setback area at Lot 12 Strata Lot 2 Oatlands Road. The constructed outbuilding was not included in the Planning Consent application and further information was sought.

The government officer occupying the house had constructed the outbuilding. On 18 July 2011 this occupant submitted detailed plans (copy attached) for the outbuilding. The officer also submitted a letter on 21 December 2011 explaining the reasons for the construction and location of the outbuilding at the property.

The Council at its meeting held on 10 April 2012 resolved at Resolution No. 42/12:

*'That the question be adjourned until the meeting of the Council to be held 1 May 2012 to enable the Manager Development Services to discuss with the owner relocation options for the outbuilding on Lot 12 Strata Lot 2 Oatlands Road Mount Barker.'*

On 13 April 2012 the Department of Housing advised the Planning Officer it intended to construct a 9m<sup>2</sup> (3m x 3m) garden outbuilding at Strata Lot 2 in accordance with the Residential Design Codes. The Department further requested advice on locating this new outbuilding.

The Planning Officer on 17 April 2012 met with the officer occupying the house and advised of the Department of Housing's intention to construct a new 9m<sup>2</sup> garden outbuilding at the rear of Strata Lot 2. Alternative locations for the existing 20m<sup>2</sup> outbuilding were also examined.

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005 (PD Act)

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Residential (R12.5/20) – 'Grouped Dwelling' 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.

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.'*

WAPC - Planning Bulletin 94 (November 2008) – Approval Requirements for Public Works and Development by Public Authorities.

Paragraph 3 states;

*'Public works under a local planning scheme*

*Section 6 has the effect of exempting section 6 bodies from the requirement to obtain development approval for a public work under a local planning scheme. Despite this exemption, section 6 bodies are still required to comply with the requirements of section 6(2) and (3), namely:*

- *to have regard to the purpose and intent of the local planning scheme;*
- *to have regard to the principles of proper and orderly planning and the amenity of the area; and*
- *to consult with the local government when a proposal is being formulated for any public work, or the taking of land for a public work.*

*If a section 6 body undertakes a public work without consulting with the relevant local government under section 6(3), then it has breached the requirements of the PD Act.'*

The Department of Housing in this instance carried out work without consulting the Council. Lot 12 Strata Lot 2 is located in the Residential zone and a 'Grouped Dwelling' 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 public comment.

Residential Design Codes (RCodes)

Part 2.5.2 of the RCodes states:

*'Discretion shall be exercised having regard to the following considerations:*

- (a) *the stated purpose and aims of the scheme;*
- (b) *the provisions of parts;*
  - (i) *1-5 of the codes, as appropriate; and*
  - (ii) *the provisions of part 6 where the application involves a single house(s), grouped dwellings, or multiple dwellings in areas with a coding of less than R30;*
- (c) *the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
- (d) *the explanatory guidelines of the codes that correspond to the relevant provisions;*

- (e) *any local planning strategy incorporated into the scheme;*
- (f) *a provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- (g) *orderly and proper planning.'*

Discretion exists in this part of the RCodes for the Council to vary standards. The proposal involves retrospective Planning Consent for one previously constructed grouped dwelling located in the Residential zone with R12.5/20 coding. The proposal further involves retrospective Planning Consent for one previously constructed outbuilding located within the setback area and Planning Consent for a new garden outbuilding with reduced side and rear boundary setbacks.

The variation required here relates to 2.5.2(b) above as boundary setback requirements are in part 6 of the RCodes. The garden outbuilding is setback 0m from the side and rear boundaries where a 1.0m side and rear boundary setbacks are required.

Part 6.10.1 – Outbuildings, of the RCodes states under Acceptable Development:

*'A1 (vi) Outbuildings that are not within the primary street setback area.'*

One 20.0m<sup>2</sup> (3.22m x 6.21m) outbuilding has been constructed within the street setback area which is the area between the dwelling and the common property access lot.

Design Element 6.2 - Explanatory Guidelines, of the RCodes states under Development in Street Setback Areas – General:

*'As a generalisation, the street area should be open, enabling a clear view of the building from the street, and vice versa. There are both social and visual reasons for this.*

*From a social point of view, the street setback area forms a zone of transition between fully public and wholly private space, allowing for ease of communication and interaction between occupants and passersby or callers who may not be known to the occupants. The opportunity for casual and safe interaction enhances a sense of community.*

*At the same time, an open setback area provides for mutual surveillance between the street and building, enhancing security for the building (and its occupants) and for people passing by.*

*From a visual point of view, an open setback area provides a more attractive setting for the building.*

*The street setback area should also provide, depending on the location of essential services, adequate clearances from, and access to, essential services for reasons of safety and utility.*

*The same principles apply to communal streets and right-of-ways that provide frontage to dwellings.*

*There will, of course, be exceptions, principally where the street is an arterial road carrying significant volumes of traffic.'*

Part 6.2.1 Setbacks of buildings generally, of the RCodes states under Acceptable Development:

- 'A1.1 *Buildings setback from the primary street in accordance with table 1; or*
- (ii) *in the case of areas coded R15 or higher, where a single house or grouped dwelling (where the grouped dwelling is not adjacent to the primary street), has its main frontage to a communal street, right-of-way or shared pedestrian vehicle access way.'*

The R20 density code is applicable as Strata Lot 2 is connected to reticulated sewer. The R20 density code at Table 1 – General site requirements require a 6.0m street setback area in this instance.

Part 6.2.4 - Surveillance of the street, of the RCodes states under Acceptable Development:

- 'A4.1 *At least one habitable room window of the dwelling has a clear view of the street and the approach to the dwelling.'*

The outbuilding obstructs the view of the street and the approach to the dwelling.

Part 6.10.3 – Essential facilities, of the RCodes states under Acceptable Development:

- 'A3.1 *An enclosed, lockable storage area, constructed in a design and material matching the dwelling where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5m with an internal area of at least 4sq m, for each grouped or multiple dwelling.'*

An enclosed lockable storage area had not been provided in accordance with the RCodes. The current plans now include such a facility at the rear of the lot.

## **EXTERNAL CONSULTATION**

In accordance with Delegation LG035 the proposal was advertised for comment for a 21 day period closing on 30 March 2012. Letters were sent to the five adjoining and nearby land owners, 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 no submissions had been received.

The Planning Officer met with the officer occupying the house and advised of the Department of Housing's intention to construct a new 9m<sup>2</sup> garden outbuilding at the property. Alternative locations for the existing 20m<sup>2</sup> outbuilding were also examined. The officer occupying the house was satisfied the garden outbuilding to be erected by the Department will provide sufficient space for storage of equipment and tools. The officer was further satisfied with the Planning Officer now recommending removal of the existing 20m<sup>2</sup> outbuilding located at the front of the dwelling.

## **FINANCIAL IMPLICATIONS**

The application fee of \$1,539.00 for retrospective approval and a bond of \$500.00 for advertising costs have been paid. The application was not processed until these fees had been paid.

## **POLICY IMPLICATIONS**

WAPC - Development Control Policy 1.3 Strata Titles (DC1.3).

WAPC - Development Control Policy 2.2 Residential Subdivision (DC 2.2).

### **STRATEGIC IMPLICATIONS**

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

*'Supporting sustainable and managed growth within existing urban settlements and encourage the development of a variety of housing opportunities. The Shire also seeks to plan a safe and healthy living environment.'*

### **OFFICER COMMENT**

The survey-strata subdivision consists of four survey strata lots of which three are located in tandem for residential purposes. This fourth lot is the common property lot providing access to Oatlands Road for Strata Lots 2 and 3 and also provides access to the rear of Strata Lot 1.

Strata Lot 1 is located at the front and is 846m<sup>2</sup> in area and has a house and gardens.

Strata Lot 2, the subject of this application, is 459m<sup>2</sup> in area. Current development at Strata Lot 2 consists of a three bedroom single storey grouped dwelling. This dwelling is 206.63m<sup>2</sup> in area together with an alfresco area and a double carport on this strata lot. Further development at the strata lot involves a 20m<sup>2</sup> outbuilding constructed within the common property street setback area.

Strata Lot 3 is located at the rear, is 569m<sup>2</sup> in area and is currently undeveloped.

The proposal meets the majority of the standards required for this R20 development set by the RCodes except for the proposed 4.5m street setback for the double carport at the front of the dwelling. A further exception is the 0m garden outbuilding setback from side and rear boundaries to two adjoining properties. A 20m<sup>2</sup> outbuilding was also constructed at the front of the dwelling within the setback area.

Clause 5.3.3 of TPS3 allows residential development to be regulated by the RCodes and all residential development shall conform to the provisions of the RCodes. The RCodes provide the basis for controlling the siting and design of residential development in Western Australia.

The proposed setback of the carport falls within the extent of the streetscape requirements and performance criteria of the RCodes and meets the acceptable development provisions of the RCodes. The proposed setback reduction for the carport is supported.

The outbuilding at the front is located within the common property street setback area and is setback 0.8m from the side boundary abutting Strata Lot 1 to the north and setback 3.6m from street boundary (access lot). The outbuilding location does not fall within the extent of the incidental development requirements and performance criteria of the RCodes and does not meet the acceptable development provisions of the RCodes. Provision 6.10.1 A1 vi (Outbuildings) of the RCodes prohibits outbuildings within the street setback area and the outbuilding obstructs the view of the common property street and the approach to the dwelling. Retrospective Planning Consent for the outbuilding is not supported.



The proposed alternative location for the 20m<sup>2</sup> outbuilding at the front of the dwelling within the primary street setback area along the side boundary abutting Strata Lot 3 to the south was also examined. This proposed alternative outbuilding location as with the previous outbuilding location does not meet the acceptable development provisions of the RCodes but is a more appropriate location. The fact that Strata Lot 3 is located to the south of the subject lot means the RCode standards cannot be met.

The garden outbuilding will be 9m<sup>2</sup> (3m x 3m) in area with a wall height of 2m. The external walls and roof will be finished in Colorbond® to blend in with the house. The garden outbuilding is setback 0m to the north side boundary abutting the Strata Lot 1 Oatlands Road and 0m to the west rear boundary abutting Lot 13 Oatlands Road. The RCodes at Table 1 – General site requirements, require a 1.0m side and rear boundary setbacks in this instance. The garden outbuilding location is well screened by a 1.8m high Colorbond® fence on both adjoining property boundaries (Lot 13 and Strata Lot 1). The proposed reduced side and rear boundary setbacks are not likely to adversely affect the amenity of the locality. The 0m setbacks are supported for this outbuilding.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr M Skinner, seconded Cr J Moir:**

**That:**

- 1. Retrospective approval be granted for one grouped dwelling at Lot 12 Strata Lot 2 Oatlands Road, Mount Barker in accordance with clause 2.5.2 of the Residential Design Codes and clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, with a reduced street boundary setback for the carport of 4.5m subject to:**
  - a) The development being in accordance with the plan dated 29 March 2010.**
  - b) Stormwater being disposed of to the satisfaction of the Manager Works and Services.**
  - c) Fencing in front of the building setback line being a maximum of 1.2m in height.**
- 2. Planning Consent be granted for the garden outbuilding at Lot 12 Strata Lot 2 Oatlands Road, Mount Barker in accordance with clause 2.5.2 of the Residential Design Codes and clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, with reduced side and rear boundary setbacks of 0m.**
- 3. Retrospective approval be refused for the outbuilding at the front of Lot 12 Strata Lot 2 Oatlands Road, Mount Barker in accordance with clause 2.5.2 of the Residential Design Codes and clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, as it fails to meet the**

acceptable development standards of the Residential Design Codes by being located within the front setback area.

4. The owner of Lot 12 Strata Lot 2 Oatlands Road, Mount Barker be provided Notice under the Shire of Plantagenet Town Planning Scheme No. 3 for the removal of the outbuilding currently located within the front setback area from this property to the Council's satisfaction within a period of 90 days.

**CARRIED (6/1)**

**NO. 68/12**

**9.1.2 LOT 859 HEALY ROAD, NARRIKUP - FEEDLOT FOR FREE RANGE TURKEY OPERATION**

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr M Skinner. Nature and Extent of interest – Contract cattle work.

3:12pm Cr M Skinner withdrew from the meeting.

**File No:** N22500

**Attachments:** [Location](#)  
[Property Layout Plan](#)  
[Details of Brooder Shed](#)  
[Turkey Grow-Out Area](#)  
[Details of Turkey Grow-out Shelters and Enclosures](#)  
[Waste Management Plan](#)  
[Summary of Submissions](#)

**Responsible Officer:** Peter Duncan  
Manager Development Services

**Author:** Vincent Jenkins  
Planning Officer

**Proposed Meeting Date:** 1 May 2012

**Applicant:** Paul Hoult

---

**PURPOSE**

The purpose of this report is to consider a proposal for a free-range turkey operation at Lot 859 Healy Road, Narrikup.

**BACKGROUND**

Council records show the registered owner of Lot 859 Healy Road is P Hoult.

The Council at its meeting held on 27 September 2011 resolved at Resolution No. 216/11:

*'That:*

- 1. The owner of the composting facility at Lot 859 Healy Road, Narrikup be provided Notice under the Shire of Plantagenet Town Planning Scheme No. 3 advising as, in the opinion of the Council, the facility is not being operated and conducted in accordance with the Council's approval of 25 September 2007 and his environmental consultants recommendations, the facility is to be closed, all material removed and the site rehabilitated to the Council's satisfaction within a period of 90 days.*
- 2. At the end of the 90 day period the registration of the premises as an Offensive Trade under the Shire of Plantagenet Health Local Law 2008 will be withdrawn.*
- 3. Mount Barker Chicken be advised of 1. and 2 above.'*

The Council served written Notice dated 4 October 2011 on Mr Hoult requiring him to close the full composting operation, remove all the composting material and rehabilitate the site to the Council's satisfaction within a period of 90 days. The Council in a letter dated 7 October 2011 advised Mount Barker Chicken it had served a Notice on Mr Hoult to close the full composting operation. Mount Barker Chicken was the company delivering chicken waste material to Mr Hoult for composting.

On 19 January 2012 the Environmental Health Officer carried out an inspection of the composting operation at Lot 859 Healy Road and determined that all composting material was removed and the site rehabilitated.

In September 2011 Mr Paul Hoult made contact with the Shire for advice on establishing a turkey operation at Lot 859 Healy Road. The Planning Officer provided advice on the requirement to assess the depth of the water table as part of any Planning Consent application for poultry farming. The Planning Officer further advised it would be advantageous to carry out the groundwater assessment at that time as it was Spring. Mr Hoult, on 26 September 2011, lodged an application for Planning Consent to develop Lot 859 Healy Road for the purpose of a poultry farm. That application however was incomplete and was returned to Mr Hoult on 12 October 2011 with a request for more detail.

On 5 December 2011, the Council received a fresh Planning Consent application for a poultry farm at Lot 859 Healy Road. This Planning Consent application included supporting information prepared by environmental consultants Aurora Environmental.

The Department of Agriculture and Food (DAFWA) and the Department of Environment and Conservation (DEC) were requested to review the supporting information on 14 December 2011. The Council, on 3 January 2012, received advice from the DEC stating a number of aspects of the proposal were inadequately addressed or omitted and needed to be improved in the supporting information. A copy of the DEC letter dated 20 January 2011 was forwarded to Mr Hoult.

On 1 February 2012 the Council received a letter from Aurora Environmental providing additional supporting information in response to those aspects identified by the DEC. This additional supporting information was referred to the DEC on 3 February 2012. The DEC advised the proposal did not demonstrate compliance in all respects with the *Environmental Code of Practice for Poultry Farms in Western Australia 2004* (The Code) particularly waste management, groundwater separation, fly breeding and odour. A copy of the DEC advice was then forward to Aurora Environmental on 7 February 2012.

The Council, on 14 February 2012, received additional supporting information concerning waste management, fly breeding and odour. Further supporting information on groundwater separation was received from Aurora Environmental on 7 March 2012.

This application was advertised for public comment from 15 March 2012 to 10 April 2012.

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural. The proposed use falls into the category ‘Poultry Farm’ under TPS3. In the Rural Zone a poultry farm is a ‘P’ use and only permissible provided it complies with the relevant standards and requirements laid down in TPS3 and conditions imposed by the Council in granting planning consent.

Shire of Plantagenet Health Local Laws 2008, Part 5 Feedlots - The proposed use falls within the category ‘Feedlot’.

Part 5 Feedlots clause 5.5.2 reads:

- (1) *No premises shall be used as a feedlot unless approved by the local government;*
- (2) *Subject to subsection (3), no premises shall be approved as a feedlot by the local government unless every portion of such feedlot complies with the minimum separation distances listed in Table 1; 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 feedlot will not give rise to a health nuisance.*

*Table 1. Required Buffer Distances for feedlots*

<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>

Lot 859 Healy Road does not satisfy these particular separation requirements however the proposed use may be permissible at the discretion of the Council if it is satisfied approving the feedlot will not give rise to a health nuisance once it has been advertised for public comment. The turkey grow-out area is located 4.7km from the Townsite of Narrikup.

Environmental Protection Act 1986 – Guidance for the Assessment of Environmental factors – Separation Distances between Industrial and Sensitive Land Uses No.3 June 2005.

#### Separation Distance Requirements

Industry	Poultry industry
Description	Intensive farming
DEC Licence or Registration Category	Not required
Key Government Agencies for Advice or Approvals	Local Government

Code of Practice (CoP)/Environmental requirements		Code of Practice 1999
Impacts	Gaseous	No
	Noise	Yes
	Dust	Yes
	Odour	Yes
	Risk	No
Buffer Distance in metres and Qualifying Notes		300 - 1,000 metres depending on size

The key issues for concern for turkey farms are noise, odours and dust with the recommended buffer distance to sensitive land uses (such as houses) being between 300m and 1,000m depending on the size of the operation.

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

Environmental Code of Practice for Poultry Farms in Western Australia May 2004 (The Code).

This Code was developed by the Poultry Industries in Western Australia, in close liaison with the Department of Agriculture and Food, Department of Environment and Conservation, Department of Planning, Department of Health and Local Government for the Poultry Industries in Western Australia. The Code is a fundamental point for reference to all industry members, planners, developers, government departments and members of the public. The Code outlines clear and precise guidelines, not only in planning and bio-security, but also in good management practices. Its recommendations are underpinned by various Codes, such as the Model of Practice for the Welfare of Domestic Poultry, the Avian Industries Bio-securities Plan and the Western Australian Planning Commission's (WAPC) State Planning Policy No. 4.3 for Poultry Farms.

Table 1 – Recommended minimum buffer distances states:

Facility	Poultry sheds (same farm operator)	Poultry sheds (different farm operator)	Existing or future residential zone	Existing or future rural residential zone	Farm Boundary	Water supply bores	Wetlands, waterways and floodways <sup>#</sup>	Water table
<b>New poultry sheds</b>	20m (less than this distance is acceptable for tunnel sheds)	1000m	500m	300m	100m	50m from discharge area	50m	2m

<b>New free to range sheds</b> <i>(buffer starts 20m outwards from the shed perimeter)</i>	20m between enclosures	1000m	500m	300m	100m	50m	200m	3m
<b>Manure storage compounds *</b> <i>(construction in accordance with Figure 5)</i>	300m	1000m	500m	300m	100m	50m	50m	2m
<b>Burial of dead birds</b> <i>(where permitted) (buffer starts from closest edge or base of burial pit)</i>	N/A	N/A	N/A	N/A	N/A	100m	50m	3m
<b>Manure/litter application to land</b> <i>(in accordance with recommendations – see Appendix 7.4)</i>	20m	100m	500m	300m	50m	50m	50m	2m

\* Integrators may negotiate some of these buffers

# Recommended minimum distance to adequately vegetated buffer, actual buffer should be determined using biophysical criteria.

Notes:

1. Sources of date: Statement of Planning Policy No. 4.3 – Poultry Farms Policy (1998), Water Quality Protection Note – Poultry Farms in PDWSA, Water Note – Wetland Buffers, Consensus view presented by working party.
2. N/A means not applicable.

### Environmental Protection Act 1986

The proposed turkey operation does not constitute a prescribed activity and does not require works approval or licence from the Department of Environment and Conservation.

### EXTERNAL CONSULTATION

The proposal has been advertised for comment for a 25 day period closing on 10 April 2012. Advertising included letters to 12 adjoining and nearby property owners, notices were placed in the Albany Advertiser, Plantagenet News, the Council's noticeboard and a sign placed on site. The proposal was also referred to four government agencies and the Wilson Inlet Catchment Committee for comment.

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

### FINANCIAL IMPLICATIONS

The application fee of \$640.00 and a bond of \$500.00 for advertising costs have been paid.

## POLICY IMPLICATIONS

WAPC Statement of Planning Policy No. 4.3 – Poultry Farms Policy

Paragraph 5.1 under New Poultry Farms states:

*‘5.1.1 Poultry farming is essentially a rural activity and new poultry farms should be located on rural zoned land.*

*Because of their potential impacts, new poultry farms should avoid:*

- *existing or proposed residential areas and land identified for future residential development in current planning strategies or town planning schemes;*
- *existing or proposed rural-residential areas identified in current planning strategies or town planning schemes;*
- *Priority 1 surfaces and groundwater catchment areas. (Proposed developments on water resource areas are required to comply with the Waters and Rivers Commission Draft Guidelines for Poultry Sheds).*

*5.1.2 New Poultry sheds will only be permitted in accordance with the following general buffer guidelines:*

- *500 metres from any existing or future residential zone;*
- *300 metres from any existing or future rural-residential zone;*
- *100 m metres from the boundary of the poultry farm.*

*5.1.3 A sign indicating the type of operation, hours of operation and possibly undesirable environmental impacts on the surrounding areas should be required as a condition of development approval (see schedules 1 and 2).*

*5.1.4 Poultry farm buildings and sheds on prominent sites and locations should have adequate landscaping so as not to be visible from public places such as public open space reserves, private recreation facilities and road with high exposure.’*

## STRATEGIC IMPLICATIONS

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

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

Town Planning Scheme Policy No. 18 - Planning Vision, Lot 859 Healy Road is located in Rural Planning Unit 8 (South Kokonup-Narrakup) and is identified as ‘General Agriculture’.

Paragraph 3.1.3 under Strategies and Actions – Rural District states:

*‘3.1.3 General Agriculture*

*3.1.3.1 Purpose*

*The purpose of General Agriculture is to provide for the sustainable use of rural land which primarily accommodates a range of rural*



*pursuits compatible with the capability of the land and which retains the rural character and amenity of the locality.*

### 3.1.3.2 Objectives

*The Council's objectives in managing and guiding land use, development and subdivision within General Agriculture will be to:*

- (i) encourage the protection of the rural infrastructure and land resource;*
- (ii) encourage the use of rural land for commercial agricultural production including grazing, cropping, agro forestry, tree plantations, intensive agricultural production;.....'*

## OFFICER COMMENT

The proposed turkey site location is approximately 5.1km west of Albany Highway and approximately 1.0km off Spencer Road on Healy Road. The Townsite of Narrikup is 4.7km from the proposed free range turkey grow-out area.

The property is rectangular in shape, 64.7ha in area and is located in the Rural zone. The current development on the lot consists of a house, two outbuildings, two water tanks, four farm dams and a hardstand area previously used for the composting operation. The farm is also used for both pasture and cropping.

A total of eight submissions have been received from government agencies and adjoining and nearby landowners. Three adjoining or nearby landowners object to the proposed turkey farm operation. Concerns raised are waste management, nutrient export, groundwater separation, vermin control, disposal of dead birds, odour and separation distances. Further concerns raised are amenity of the locality, increased vehicle traffic on Healy Road, possible devaluation of properties and restricting development at properties.

The proponent intends to establish a free range turkey grow-out facility and associated brooder outbuilding under the care of Mount Barker Chicken.

Turkey chicks will be reared in a brooder outbuilding located approximately 50m from the existing farmhouse at the property. Turkeys over four weeks old will then be relocated to the grow-out area.

The turkey grow-out area is to be positioned on a ridge approximately 180m from the boundary abutting Lot 860 Healy Road to the north. The turkey grow-out area is to be 210m from the boundary abutting Lot 103 Spencer Road to the west and 320m from the boundary abutting Lot 1022 Healy Road to the south. The turkey grow-out area will also be 460m from Healy Road to the east and 150m from the existing house at the property (see property layout plan). The turkey grow-out area is well screened by vegetation at Lot 859 Healy Road and adjoining properties except to the southeast. The proponent intends to install additional screening vegetation on the south-east of the property.

The turkey grow-out area is to be 2.5ha in area and will contain 14 turkey grow-out units. The turkey grow-out area will also include one alternate rotation area. Each free range turkey grow-out unit will consist of one 168m<sup>2</sup> skid shelter together with a

fenced 490m<sup>2</sup> area for free range purposes. The total number of 26,000 turkeys will be raised per year consisting of 17 to 18 batches of 1,500 poults.

Aurora Environmental (AE), on behalf of the proponent prepared a comprehensive document in support of the free range turkey proposal. The 'Turkey Farm Application Supporting Information Lot 859 Healy Road Narrikup Shire of Plantagenet' document considers the planning framework and management of the proposed turkey operation. The AE document considered matters such as the policy framework for the establishment of poultry farm, land capability, separation distances and sensitive receptors (neighbours and environment). The AE document further considered the processes and management of the proposed turkey operation.

The AE document has been referred to the DEC, DAFWA and the Department of Water (DOW). Comments offered by DOW and DAFWA did not raise concerns regarding site selection and adverse impacts at the location for the proposed turkey operation. The DEC however is concerned about nutrient impact on remnant vegetation, litter application at the lot, washwater from the brooder outbuilding and groundwater protection. The DEC cautioned the Council against approving any activity that cannot meet the Environmental Code of Practice for Poultry Farms (The Code) groundwater separation distance.

The Code requires free range enclosures to be sited where the ground surface is at least 3m above the water table. The proponent, in an attempt to satisfy this requirement carried out groundwater testing at the turkey grow-out area. Three test pits were excavated to a depth of 3m and one test pit was excavated to a depth of 2.7m to bedrock. Test Pit A was excavated on 9 February 2012 and Test Pits B, C and D were excavated on 29 February 2012 (see property layout plan). No moisture or groundwater was encountered in any of these test pits. Groundwater information from four other test pits (Test pits 1, 2, 3 and 4) excavated in close proximity to the hardstand used for the composting facility was also included in the AE document. Groundwater was encountered at Test Pit 4 at a depth of 1.5m excavated in June 2006.

The DEC was concerned about groundwater investigations being carried out in February 2012 when groundwater is likely to be at its lowest. Groundwater testing in the months of August and September would be more appropriate. The DEC is not confident the proponent has demonstrated conformity to the 3m groundwater requirement set in Environmental Code of Practice for Poultry Farms. Two submissions from adjoining and nearby owners also raised concerns with the 3m groundwater separation requirement not being met. The DOW however advised soil profiles at the proposed turkey grow-out site have the ability to assimilate nutrients from turkey waste to be deposited and the risk of groundwater movement at the site is low. The DAF did not object to the proposal and has no concerns with groundwater separation. To ensure the proposal demonstrates compliance with the 3m groundwater separation distance set in the Environmental Code of Practice for Poultry Farms groundwater testing should be carried out in the months of August or September when groundwater level would be at its highest.

The proponent, as part of this application intends to carry out a series of trials to spread turkey litter on a 1ha area of the property (see property layout plan). The reason is to determine if turkey litter is a suitable replacement for synthetic fertiliser for application to pasture. The turkey litter comprise of sawdust and manure

collected from the brooder outbuilding and turkey grow-out area. Comments offered by the DAF concerning these trials require waste in this instance to be managed to ensure nutrient applications are equivalent to a typical beef enterprise. The supporting information in the AE document does not demonstrate nutrient loading and target nutrient application rates to ensure soil holding capacity and reduce the risk of leaching nutrients through the soil into the groundwater. The trial application of turkey litter is not supported.

Lot 860 Healy Road is located north of Lot 859 Healy Road (application lot) sharing a property boundary. The landowners of Lot 860 Healy Road stated they intend to make application to construct an additional house to be located in close proximity to the shared property boundary with Lot 859 Healy Road. These landowners are amongst others concerned about odour and flies emanating from Lot 859 Healy Road.

Town Planning Scheme Policy No. 14 (TPS Policy 14) (Rural Tourist Accommodation and Additional Houses) requires an application for an additional house to substantiate that the house is needed for management purposes of an existing rural enterprise or for a family member. This has not been provided by the owners of Lot 680 Healy Road at this stage.

The Code recommends a minimum 100m separation distance for turkey grow-out area to a farm boundary, 300m to an existing and future Rural Residential zone and 500m to an existing or future Residential zone. The existing house location at Lot 860 Healy Road is 500m from the turkey grow-out area and both Lots 859 and 860 Healy Road are located in the Rural zone. The house located at Lot 860 is the closest house to the turkey grow-out area on an adjoining or nearby property.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION**

That:

1. The proposal for a free range poultry (turkey) farming operation at Lot 859 Healy Road, Narrikup be deferred until the proponent carries out groundwater testing in the months of August or September to ensure compliance with the Environmental Code of Practice for Poultry Farms in Western Australia (May 2004) recommended buffer separation of 3m for groundwater to the satisfaction of the Department of Environment and Conservation.
2. A further report be prepared for the consideration of the Council at its meeting to be held on 16 October 2012.

**COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr A Budrikis:

That in accordance with clause 5.5.2 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 free range turkey operation with a reduced separation distance to the Narrikup Townsite at Lot 859 Healy Road, Narrikup be approved subject to:

1. Development being in accordance with the plans dated 7 March 2012.
2. A maximum total number of 26,000 turkeys per annum being reared.
3. A soak for wastewater from the brooder outbuilding being constructed, sealed and maintained to the satisfaction of the Manager Development Services.
4. Odour assessment being carried out within six months of commencement of the operation to the satisfaction of the Manager Development Services.
5. All solid waste produced as a result of turkey operations being removed from the property.
6. Compliance with the Environmental Code of Practice for Poultry Farms in Western Australia May 2004.

**CARRIED (6/0)**

**NO. 69/12**

Reason for Change

The Acting Manager of Development Services informed the Council that an email from the Department of Environment and Conservation dated 27 April 2012, as attached, advised that the depth to ground water requirement in the Environmental Code of Practice for Poultry Farms has been demonstrated and as a consequence there was no further need to recommend deferral of consideration of the application.

3:15 pm Cr M Skinner returned to the meeting.

## 9.2 WORKS AND SERVICES REPORTS

### 9.2.1 POLICY REVIEW - COUNCIL POLICY I/FM/2 - VEHICLE SPECIFICATIONS

**File No:** N21857  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Megan Beech  
Senior Administration/Project Officer Works  
and Services  
**Proposed Meeting Date:** 1 May 2012

---

#### **PURPOSE**

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

#### **BACKGROUND**

This policy was last reviewed by the Council on 25 May 2010.

Council Policy I/FM/2 – Vehicle Specifications, reads as follows:

#### 'OBJECTIVE:

*To provide clear guidelines to staff regarding the specifications of new passenger vehicles purchased by the Shire of Plantagenet and when these vehicles should be replaced.*

#### POLICY:

- 1. Arrangements for the calling of tenders and / or quotes as applicable for the replacement of the Council's light fleet vehicles be at 60,000km for petrol and 80,000km for diesel, or two years (whichever occurs first) unless vehicles are under other contractual arrangements for purchase / changeover.*
- 2. Only vehicles available at a Government price shall be purchased.*
- 3. All existing PL. registration plates shall be retained at changeover.*
- 4. Specifications for all light fleet vehicles be according to the table as attached, unless negotiated otherwise and approved by the Chief Executive Officer.*
- 5. That Australian built vehicles be considered when vehicles are being purchased.*

Vehicle Specifications																	
	CEO	Deputy CEO	Manager Develop. Services	Manager Comm. Services	Manager Works & Services	Envir. Health Officer	Building Surveyor	Eng. Technical Officer	Ranger	Principal Works Supervisor	Maint. Supervisor	Storeman	Mechanic	Saleyards Manager	Parks & Gardens	Building Maint. Officer	Cleaning Services
Specifications	6 Cylinder Sedan	6 Cylinder Sedan	6 Cylinder Sedan	4WD Dual Cab Utility	6 Cylinder Wagon	6 Cylinder Sedan	6 Cylinder Sedan	4WD Dual Cab Utility	4WD Dual Cab Utility	4WD Dual Cab Utility	4WD Utility	2WD Utility	4WD Utility	4WD Utility	2WD Utility	2WD Utility	2WD Utility
Electronic Stability Control	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Airbags (front, side & curtain)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
ABS Brakes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Seatbelt Alert System	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Cargo Barriers	N/A	N/A	N/A	N/A	Yes	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Fire Extinguisher	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
First Aid Kit	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Factory Air Conditioning	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Mud Flaps	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Standard CD Player / Radio	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Lockable Fuel Cap	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Headlight Protectors	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Seat Covers	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Floor Mats	Carpet	Rubber	Rubber	Rubber	Rubber	Rubber	Rubber	Rubber	Rubber	Rubber	Rubber	Rubber	Rubber	Rubber	Rubber	Rubber	Rubber
Compliance Plates	To match year of supply	To match year of supply	To match year of supply	To match year of supply	To match year of supply	To match year of supply	To match year of supply	To match year of supply	To match year of supply	To match year of supply	To match year of supply	To match year of supply	To match year of supply	To match year of supply	To match year of supply	To match year of supply	To match year of supply
Tansmission	Auto	Auto	Auto	Manual	Auto	Auto	Auto	Manual	Manual	Auto	Manual	Manual	Manual	Manual	Manual	Manual	Manual
Power Steering	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Tow Ball	Optional	Optional	Reece Hitch	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

	CEO	Deputy CEO	Manager Develop. Services	Manager Comm. Services	Manager Works & Services	Envir. Health Officer	Building Surveyor	Eng. Technical Officer	Ranger	Principal Works Supervisor	Maint. Supervisor	Storeman	Mechanic	Saleyards Manager	Parks & Gardens	Building Maint. Officer	Cleaning Services
Bull Bar	No	No	No	Polished Aluminium	No	No	No	Polished Aluminium	Polished Aluminium	Polished Aluminium	Polished Aluminium	Polished Aluminium	Polished Aluminium	Polished Aluminium	Polished Alum	Polished Alum	Polished Alum
Tray	N/A	N/A	N/A	Steel Drop Side or Well Body	N/A	N/A	N/A	Steel Drop Side or Well Body	Steel Drop Side or Well Body	Steel Drop Side or Well Body	Steel Drop Side or Well Body	Steel Drop Side or Well Body	Steel Drop Side or Well Body	Steel Drop Side or Well Body	Steel Drop Side or Well Body	Steel Drop Side or Well Body	Steel Drop Side or Well Body
Canopy	N/A	N/A	N/A	Optional	N/A	N/A	N/A	Optional	Optional	Optional	Optional	Optional	Optional	Optional	Optional	Optional	Optional
Hoist	N/A	N/A	N/A	No	N/A	N/A	N/A	No	No	No	No	No	Yes	No	No	No	No
Immobiliser	Approved	Approved	Approved	Approved	Approved	Approved	Approved	Approved	Approved	Approved	Approved	Approved	Approved	Approved	Approved	Approved	Approved
Cruise Control	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4 Star ANCAP Rating or better	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>PREFERRED OPTIONS</b>																	
Automatic Low Intensity Lighting Device	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
GVG*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Fuel Consumption**	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

\*GVG – Using the Green Vehicle Guide, only vehicles with a combined score of 12 out of 20 or more for the combined greenhouse and air pollution ratings will be purchased.

\*\* Using the ADR 81A testing regime, vehicles will not be considered if the fuel consumption exceeds 10 litres per 100 kilometres travelled.

## STATUTORY ENVIRONMENT

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

## EXTERNAL CONSULTATION

Consultation has occurred with Ms Kendra Green, RoadWise Officer for the Great Southern Region.

A number of vehicle specifications policies from other Shires throughout the region have been reviewed as part of investigations for this policy review.

A draft copy of the amended policy was circulated to Council staff that regularly drive a Council vehicle. Comments and suggestions were discussed at a Managers meeting in March 2012.

## FINANCIAL IMPLICATIONS

The Council's annual budget includes provision for light fleet vehicles, as required according to this policy.

While there are no immediate financial implications relating to this report, this policy determines the types of vehicles the Council will purchase as part of its light vehicle fleet.

It is considered that standardisation and purchase of vehicles with high overall vehicle ratings (according to the Australian Government *Green Vehicle Guide*), will contribute to savings on vehicle running costs.

Savings can be made from a standard fuel type (diesel has been recommended as preference). The Council currently receives a discount from the supplier for bulk fuel (diesel) delivered to the Shire Depot. The preference is for all Council light vehicles purchased in the future, to have a diesel fuel type. This will allow all staff to re-fuel at the Depot. This will further contribute to savings on vehicle running costs.

## POLICY IMPLICATIONS

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

## STRATEGIC IMPLICATIONS

The Council's Strategic Plan 2003, Key Results Area 1 Infrastructure, New Initiative 1.4 provides the following:

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

*To achieve this we will:*

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



**OFFICER COMMENT**

Extensive changes are recommended to the existing policy to ensure continuous improvement and a practical, cost effective approach to Council vehicle purchasing.

The existing policy does not consider items such as 'Cost of Ownership' and 'Contractual Requirements and Attraction and Retention of Staff'. While it is reasonable to assume these items are considered during vehicle acquisition deliberations, this has currently not been formalised.

Other items such as 'Safety' and 'Standardisation of Vehicles' are touched on in the existing policy, however have been included in more detail in the amended policy. It is considered that rotation of vehicles amongst officers (with like vehicles) is a key process to maximise use of the vehicles and decrease servicing times.

Diesel fuel has been recommended in the policy to standardise fuel purchases for all light vehicles. The Council currently acquires bulk diesel fuel at the Depot for a discounted rate. The installation of the new *Datafuel* system (due to be commissioned in early May 2012) will also provide an easy to use, accurate system for recording all fuel taken from the Depot. Currently the price offered to the Council is (on average) between five to 10 cents a litre less than the bowser price. This includes a standard four cents a litre discount for early payment of each invoice.

Vehicle disposal is recommended at 80,000km or three years (whichever occurs first). With the recommendation that all vehicles purchased be of diesel fuel type, there will be no need to specify 60,000km for petrol vehicles (in the future). Further, three years is considered a more appropriate time period to changeover vehicles, given a number of light vehicles are currently achieving low kilometres, even after two years have passed.

A table has been provided with the amended policy to indicate vehicle class which may be considered for purchase for each required position.

The positions of Shire President, Planning Officer and Community Emergency Services Manager have been included into the policy table as these were not previously noted. Although a separate policy exists for the Shire President's vehicle (Council Policy No.CE/CS/2 – Motor Vehicle Shire President) the policy does not detail specifications which need to be considered when purchasing this particular vehicle. The Shire President's vehicle is therefore considered applicable under this policy.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr B Bell:

That amended Council Policy I/FM/2 – Vehicle Specifications, as follows:

**OBJECTIVE:**

To provide a balanced light vehicle fleet (as far as practicable) which:

---

- a) Is fit for purpose and addresses the needs of specific roles of the Shire;
- b) Minimises vehicle ownership costs;
- c) Minimises the impact of the light vehicle fleet on the environment;
- d) Enhances the safety of staff and other road users;
- e) Addresses the requirements of individual employment contracts; and
- f) Takes advantage of the ability to tailor vehicle acquisition to attract and retain staff.

## **POLICY:**

### **Vehicle Selection**

The overriding principle in the selection of vehicles for inclusion in the Shire's light vehicle fleet is 'fit for purpose'. The light vehicle fleet should be functional and versatile with vehicles tailored to the needs of specific positions where required. The light vehicle fleet should include utilities, sedans and wagons. After considering 'fit for purpose', specific vehicle selections should have regard for the following.

#### **1. Cost of Ownership**

This is determined through consideration of purchase price and likely disposal price, running costs (maintenance and fuel) and costs of required accessories. In determining the cost of ownership, consideration should be given to the benefits of standardising a vehicle fleet, in order to permit vehicle rotation and decrease servicing times. The ability to service vehicles at recognised service centres (without voiding warranties) within the district should also be considered as a benefit in reducing cost of ownership.

#### **2. Safety**

Setting a minimum standard for vehicle safety is considered appropriate on the basis of organisational risk management as well as corporate responsibility. Minimum safety standards address pedestrian safety and also ensure safe cars are available to the community on disposal by the Shire. As a minimum, all sedans and wagons within the fleet are to be fitted with:

- a. Antilock Braking Systems (ABS);
- b. Electronic Stability Control (ESC); and
- c. Dual airbags.

In the case of four wheel drive utility vehicles, these should be fitted with ABS and dual airbags, with preference for utilities with ESC. All vehicles within the light vehicle fleet should have a minimum Australasian New Car Assessment Program (ANCAP) rating of four stars.

#### **3. Fuel Consumption / Vehicle Ratings**

Preference will be given for diesel vehicles rather than petrol vehicles. All vehicles purchased are to have fuel consumption of no more than 10L/100km, according to the Australian Government Green Vehicle Guide, unless otherwise approved by the Chief Executive Officer (or the Council). Preference will be given to vehicles with lower fuel

consumption ratios and higher vehicle ratings contained in the Australian Government Green Vehicle Guide ([www.greenvehicleguide.gov.au](http://www.greenvehicleguide.gov.au)).

4. **Contractual Requirements and Attraction and Retention of Staff**  
In determining vehicles for inclusion in the light vehicle fleet, consideration should be given to contractual obligations to individual staff (as approved by the Chief Executive Officer or the Council), as well as industry standards for individual positions and the level of positions. Any changes to contractual arrangements relating to vehicles should be referred to the Manager Works and Services by either the Chief Executive Officer or Senior Administration/Human Resources Officer once the contract is signed. Positions and vehicles types are identified below.
5. **Standardisation of Vehicles**  
Where possible the purchase of new vehicles should be standardised across the organisation including the general use of base 'mid' range vehicles with similar features in accordance with this policy.
6. **Contractual Negotiations**  
All vehicles/accessories purchased in accordance with contractual negotiations are to be approved by the Chief Executive Officer or the Council.
7. **Standard Inclusions**  
The following items should be standard inclusions for every new vehicle purchased (unless otherwise approved by the Chief Executive Officer or the Council):
  - a. Laminated tinted windscreens;
  - b. Window tinting;
  - c. Factory air conditioning;
  - d. Mud flaps;
  - e. Rubber floor mats;
  - f. Lockable fuel cap;
  - g. Electric windows;
  - h. Cruise control;
  - i. Headlight protectors;
  - j. Seat covers for all seats;
  - k. Current year compliance plates;
  - l. Registration expiry of 30 June;
  - m. Automatic transmission;
  - n. Power steering;
  - o. Approved immobiliser;
  - p. Daytime running lights;
  - q. Seatbelt alert system;
  - r. Active head restraints;
  - s. Standard spare tyre; and
  - t. Steel drop side tray or well body with either a tonneau cover or lockable canopy wherever appropriate.
8. **Fit for Purpose Inclusions (as approved by Chief Executive Officer or the Council)**
  - a. Manual transmission;

- b. Tow bar and ball with 7 pin electric plug;
- c. Carpet floor mats;
- d. Cargo barriers;
- e. Bull bar;
- f. Roof rack;
- g. Tipping tray; and
- h. Spotlights.

**9. Items to Retain and Re-fit**

The following existing items shall be retained at changeover, to be re-fitted into the new vehicle:

- a. First Aid Kit;
- b. Fire Extinguisher;
- c. PL Registration Plates;
- d. Flashing lights;
- e. Dog cages (where practical);
- f. Hoist; and
- g. Radio Communication Equipment.

**\*Note:** In a new vehicle purchased outright (where there is not a trade vehicle to remove items from), items a to c above become 'Standard' inclusions and items d to g become 'Fit for Purpose' inclusions.

**10. Vehicle Purchase**

The purchasing of vehicles is to occur by quotation in accordance with the Council's Purchasing Policy. Only vehicles available at a Government price shall be purchased (State Government Vehicle Tender). Consideration will be given to Australian built vehicles.

**11. Vehicle Disposal**

Vehicle disposal should occur where the cost of ownership of the vehicle is optimised. Generally, vehicles will be disposed of at 80,000km or three years (whichever occurs first) unless vehicles are under other contractual arrangements for purchase/changeover.

**12. Vehicle Rotation**

Vehicle rotation between officers, where the vehicle type is the same, shall be applied where possible when a vehicle is travelling too few or too many kilometres annually to achieve optimal ownership/changeover cost.

**13. Policy Implementation**

The administration and management of the Council's light vehicle fleet is assigned as a responsibility of the Council's Manager Works and Services.

## 14. Vehicle Designation

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

be endorsed.

**CARRIED (7/0)**

**NO. 70/12**

**9.2.2 POLICY REVIEW – COUNCIL POLICY OP/BP/1 – SAFETY**

**File No:** N20654  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Lisa Reynolds  
Works Administration Officer – OS&H  
**Proposed Meeting Date:** 1 May 2012

---

**PURPOSE**

The purpose of this report is to recommend that Council Policy No. OP/BP/1 – Safety be reviewed.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 13 November 2007.

Council Policy No. OP/BP/1 – Safety reads as follows:

*Policy:*

- 1. That the Safety Induction Manual as presented and the policies, standards and procedures contained within it, be adopted as a policy of the Council.*
- 2. Authority be delegated to the Chief Executive Officer to approve minor updates to Section 9.0 of the Safety Induction Manual (Important Contact Details) and minor typographical and spelling changes between the Council review periods, to ensure the document stays relevant to new staff, contractors and volunteers.'*

**STATUTORY ENVIRONMENT**

Local Government Act 1995

**EXTERNAL CONSULTATION**

Consultation has occurred between the Shire of Plantagenet Occupational Safety and Health (OS&H) Committee and with Mr John Appleyard – Regional Risk Coordinator (Local Government Insurance Services).

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

This policy is presented to the Council as part of its ongoing Council Policy Review Cycle. The following Council Policies are referred to in the Safety Induction Manual:

- Workplace Drug and Alcohol Policy;
- Workplace Bullying Policy;
- Sexual Harassment Policy;
- Injury Management and Rehabilitation Policy; and

- Equal Employment Opportunity Policy.

### **STRATEGIC IMPLICATIONS**

The Council's Strategic Plan 2003, Key Results Area 1 Corporate Services, New Initiative 1.4 provides the following:

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

*To achieve this we will:*

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

### **OFFICER COMMENT**

A recent review of the Safety Induction Manual by the OS&H Committee resulted in a discussion about the purpose and need for Council Policy OP/BP/1 – Safety. This policy relates specifically to the Manual and requires that only changes (except for those as noted in Clause 2) be endorsed by the Council.

Given the operational nature of this Manual and the regular changes/additions being made it was considered that the policy be revoked. The framework of the manual is based on the Council Policies relating to OS&H which are referenced in the manual. This Manual will continue to be updated at an operational level, by the OS&H Committee as required.

It is recommended that this policy be revoked.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr M Skinner, seconded Cr J Moir:

That Council Policy No. OP/BP/1 – Safety, as follows:

**Objective:**

To provide a document to Council staff, contractors and volunteers, which clearly identifies the Shire of Plantagenet's safety policies, standards and procedures.

**Policy:**

1. That the Safety Induction Manual as presented and the policies, standards and procedures contained within it, be adopted as a policy of the Council.
2. Authority be delegated to the Chief Executive Officer to approve minor updates to Section 9.0 of the Safety Induction Manual (Important Contact Details) and minor typographical and spelling changes between the Council review periods, to ensure the document stays relevant to new staff, contractors and volunteers.'

be revoked.

**CARRIED (7/0)**

**NO. 71/12**



**9.2.3 ROADWISE COMMITTEE - RESIGNATION OF MEMBER**

**File No:** N22416  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Megan Beech  
Senior Administration/Project Officer Works  
and Services  
**Proposed Meeting Date:** 1 May 2012

---

**PURPOSE**

The purpose of this report is to note the resignation of one member of the RoadWise Committee and to consider the appointment of a replacement member.

**BACKGROUND**

The RoadWise Committee was created with the following functions:

- (1) *To provide a structured forum for stakeholders to consider and discuss road safety issues; and*
- (2) *To discuss and make recommendation regarding the identification and appropriate counter measure to negative attitudinal, behavioural and environmental factors linked to enforcement, engineering, education, encouragement and evaluation of road safety initiatives.*

Mr Norman Bario is a member of the RoadWise Committee representing the Mount Barker Community College Parents and Citizens (MBCC P&C).

**STATUTORY ENVIRONMENT**

Local Government Act 1995

The RoadWise Committee was created pursuant to Section 5.9(2)(c) of the Local Government Act 1995. This means that the Committee has as its members Council Members, Employees and other persons.

Sections 5.10 and 5.11 refer to 'Appointment of committee members' and 'Tenure of Committee membership.'

Standing Orders Local Law 2008 refers to 'Committees of the Council' at Part 14.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Council's Strategic Plan 2003, Key Result Area 5 Strategic Planning, includes the following aims: the development of strategic partnerships; and the fostering of regional cooperation.

**OFFICER COMMENT**

Mr Norman Bario, pursuant to Section 5.11 of the Act has vacated the office of committee member.

It would be proper to replace Mr Bario and it is suggested that his vacancy be filled by another member of the MBCC P&C.

Mr Greg Sounness has been appointed by the MBCC P&C as the representative to replace Mr Bario on the RoadWise Committee.

Mr Bario has served the Committee well and it is fitting that he be thanked for his service.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr B Bell, seconded Cr S Etherington:**

**That:**

- 1. The resignation of Mr Norman Bario from the RoadWise Committee be confirmed and Mr Bario be thanked for his service.**
- 2. Mr Greg Sounness be appointed as a member on the RoadWise Committee representing the Mount Barker Community College Parents and Citizens.**

**CARRIED (7/0)**

**NO. 72/12**

**Absolute Majority**

### 9.3 CORPORATE SERVICES REPORTS

#### 9.3.1 FINANCIAL STATEMENTS – MARCH 2012

<b>File No:</b>	<b>N22442</b>
<b>Attachment:</b>	<a href="#">Financial Statement (separate attachment)</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Brendan Webb</b> <b>Accountant / Office Manager</b>
<b>Proposed Meeting Date:</b>	<b>1 May 2012</b>

---

#### **PURPOSE**

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 31 March 2012.

#### **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 B Bell, seconded Cr J Moir:**

**That the Financial Statements for the month ending 31 March 2012 be received.**

**CARRIED (7/0)**

**NO. 73/12**

**9.3.2 LIST OF ACCOUNTS - MARCH 2012**

**File No:** N22228  
**Attachment:** [List of Accounts](#)  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Emma Gardner  
Accounts Officer  
**Proposed Meeting Date:** 1 May 2012

---

**PURPOSE**

The purpose of this report is to present the list of payments that were made during the month of March 2012.

**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 (10 May 2009). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr S Etherington, seconded Cr B Bell:

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 March 2012 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$353,041.89;
- b. Municipal Cheques 42736 – 42744, 42747 – 42757 and 42765 - 42809 totalling \$72,524.67; and
- c. Cancelled cheques 42745 – 42746 and 42758 – 42764.

**CARRIED (7/0)**

**NO. 74/12**

## 9.4 EXECUTIVE SERVICES REPORTS

### 9.4.1 KENDENUP COMMUNITY RECREATION CENTRE (INC) - MEMORANDUM OF UNDERSTANDING

<b>File No:</b>	<b>N22461</b>
<b>Attachments:</b>	<a href="#">KCRC Memorandum Of Understanding</a> <a href="#">Location - Lots 15 and 16 Beverley Road</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>1 May 2012</b>

---

#### **PURPOSE**

The purpose of this report is to present to the Council a Memorandum of Understanding (MOU) between the Shire of Plantagenet (the Shire) and the Kendenup Community Recreation Centre (Inc) (KCRC) relating to the future leasing of land (Lot 16 Beverley Road, Kendenup) by the Shire to the KCRC for the purpose of a Community Centre.

#### **BACKGROUND**

On 10 April 2012, a workshop was conducted with Councillors relating to proposals put forward by the KCRC to construct, on land owned by the Council at Kendenup, a Community Centre.

At that meeting Councillors indicated that they would be happy to consider entering into a MOU provided that such a document recorded that there would be no financial commitment from the Council.

#### **STATUTORY ENVIRONMENT**

Section 2.5 of the Local Government Act 1995 provides that a local government has the legal capacity of a natural person.

#### **EXTERNAL CONSULTATION**

Members of the KCRC and a Recreation Advisor (Jill Powell) addressed Councillors prior to the Council meeting held on 28 February 2012.

At that meeting the KCRC representatives spoke to the Feasibility Study that had been prepared by Jill Powell and Associates.

The KCRC representatives are now keen to proceed with the proposal to lease suitable land from the Council for the purpose of constructing a Community Centre.

#### **FINANCIAL IMPLICATIONS**

Apart from that mentioned under the heading Asset Management Implications, the MOU specifically provides for no financial contribution by the Shire.

---

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

Both Lots 15 and 16 are owned by the Council (that is, the land is not Crown land vested in the Council).

Discussion has taken place with Councillors and staff relating to the ownership of structures on Council land. It is reasonable to assume that any structure placed on Council land becomes the property of the Council unless specifically stated otherwise.

Examples relate to the Home and Community Care building constructed on land owned by the Council to the rear of the Town Hall in Memorial Road. In this instance the Council leases the land to the State Government while the building is specifically retained in the ownership of the State Government.

Alternatively, the Community Resource Centre, although built by the Baptist Church, is owned by the Council and both the land and built structure is leased to the Community Resource Centre.

In the instance of the Home and Community Care building, steps have been taken during the construction process for the building to be removed from Council land if necessary.

With regard to the Community Resource Centre, removal of the building would not be practical and therefore the Council does assume some risk if for any reason the lessees were no longer able to provide the services now provided.

With the matter of the KCRC, if the building cannot be practicably removed, it would effectively become the property of the Council and therefore maintenance issues would arise. Whole of life costing would indicate an amount in the vicinity of \$50,000.00 should be allocated annually for maintenance of a structure the construction cost of which was in the vicinity of \$2.5m dollars, based on 2% of capital cost.

**STRATEGIC IMPLICATIONS**

The Council's Strategic Plan at Key Result Area 3 (Community Services) notes that an aim of the Council is to *'Deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural well being of the community.'*

**OFFICER COMMENT**

During the workshop held with Councillors there appeared to be general agreement that a MOU between the Shire and the KCRC would be a positive move to assist a community group develop a community facility.

The MOU is written in such a way that it would expire on 30 June 2015 which should give ample time for the KCRC to negotiate and arrange their funding. In the event that the funding is not arranged within three years the MOU would expire although it



does provide for review. In any case if a lease of land is negotiated in the interim, the MOU would expire.

Councillors should be aware that the feasibility study presented to Councillors on 28 February noted an operating loss for the facility once running of \$9,125.00 for the first year. This is not referred to in the MOU.

Councillors should also note that other groups have interests in part of the subject land, including the Kendenup Tennis Club (lease) and the Kendenup Agricultural Grounds Committee (Inc) with whom a lease is being negotiated.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

**Moved Cr A Budrikis, seconded Cr S Etherington:**

**That the Draft Memorandum of Understanding between the Kendenup Community Recreation Centre (KCRC) and the Shire for the purpose of recognising the wish of the KCRC to lease land from the Council for the purpose of constructing a community facility be endorsed for further negotiations with the KCRC.**

### **AMENDMENT**

**Moved Cr J Moir, seconded Cr B Bell:**

**That a part 2 be added to the motion, 'Notwithstanding the above in part 1, the Council records that its primary interest/intent is the redevelopment of Sounness Park.'**

**CARRIED (7/0)**

**NO. 75/12**

### **COUNCIL DECISION**

**That:**

- 1. The Draft Memorandum of Understanding between the Kendenup Community Recreation Centre (KCRC) and the Shire for the purpose of recognising the wish of the KCRC to lease land from the Council for the purpose of constructing a community facility be endorsed for further negotiations with the KCRC.**
- 2. Notwithstanding the above in part 1, the Council records that its primary interest/intent is the redevelopment of Sounness Park.**

**CARRIED (7/0)**

**NO. 76/12**

**9.4.2 LOT 51 BRANSON ROAD TAKALARUP - NATURE RESERVE**

**File No:** N22349  
**Attachment:** [Location Map](#)  
[Aerial Map](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 1 May 2012

---

**PURPOSE**

The purpose of this report is to seek from the Council agreement that Lot 51 Branson Road Takalarup should be classified as a nature reserve.

**BACKGROUND**

Lot 51 Branson Road Takalarup has been purchased by the Government of Western Australia due to its high conservation value. The land is uncleared and contains wetland, nature flora and habitat for Carnaby's Cockatoo.

**STATUTORY ENVIRONMENT**

The State Government has used its own legislation to purchase this land and now simply seeks the Council's opinion regarding the classification of the land in to a nature reserve.

Section 6.26 of the Local Government Act provides that all land within a (Local Government) district is rateable land except that which is the property of the Crown and is being used for a public purpose.

**FINANCIAL IMPLICATIONS**

While in private ownership the subject property attracted rates of \$1,169.89 for the 2011/2012 financial year.

As the land has been purchased by the Government it will now become non rateable.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Council's Strategic Plan at Key Result Area 4 (Development Services) notes an aim of the Council is to '*conserve and enhance the natural environment...*'

**OFFICER COMMENT**

Although there is an ongoing loss of revenue due to the non rateable nature of the land, no objections are raised regarding the purchase of this land by the Government to bring about a desired outcome.

---

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr B Bell:**

**That the Department of Environment and Conservation be advised that no objections are raised for Lot 51 Branson Road Takalarup being declared as a nature reserve.**

**CARRIED (7/0)**

**NO. 77/12**

**9.4.3 STAFF ESTABLISHMENT - PROPOSED AMENDMENT**

<b>File No:</b>	<b>N22458</b>
<b>Attachments:</b>	<a href="#">Staff Establishment Chart-Funded positions - at 1 May 2012</a>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>1 May 2012</b>

---

**PURPOSE**

The purpose of this report is to recommend an amendment to the existing staff establishment to create the position of Occupational Safety and Health Officer at the equivalent of one day per week (0.2 Full Time Equivalent (FTE)).

**BACKGROUND**

The Staff Establishment of the Council was last amended on 20 March 2012. At that meeting the Council resolved:

*'That:*

1. *The attached Organisation Staff Establishment Chart (Funded positions) dated 20 March 2012 be adopted noting the addition of:*
  - a. *1.0 Full Time Equivalent Assistant Principal Works Supervisor;*
  - b. *0.5 Full Time Equivalent Saleyards Assistant Manager; and*
  - c. *1.0 Full Time Equivalent Executive Officer VROC.*
2. *The total of the Staff Establishment Funded Positions be set at 58.6 FTE.'*

**STATUTORY ENVIRONMENT**

Pursuant to Section 5.36 of the Local Government Act 1995 a Local Government is to employ (other than a Chief Executive Officer):

- *'...such other persons as the Council believes are necessary to enable the functions of the Local Government and the functions of the Council to be performed.'*

Further, Section 5.41 of the Act provides that the Chief Executive Officer's functions are to (among other things):

- *'...be responsible for the employment, management, supervision, direction and dismissal of other employees'.*

Therefore, once the Council has amended the Staff Establishment, the Chief Executive Officer becomes responsible for all other matters relating to those employees.

Occupational Safety and Health Act.

### **FINANCIAL IMPLICATIONS**

As this proposal will not involve any net increase to the Staff Establishment, there are no financial implications.

### **POLICY IMPLICATIONS**

Council Policy OP/HRS/3 Occupational Safety and Health applies.

### **OFFICER COMMENT**

The role of Occupational Safety and Health has, for several years, been absorbed into various Works and Services positions including the Senior Administration/Project Officer and the Administration Officer Works and Services.

The proposal now presented to the Council would reduce the Senior Administration/Project Officer position to a 0.8 FTE allowing the position of Occupational Safety and Health Officer to be created at 0.2 FTE.

In reality, this is the situation that has been in place for some time as the Senior Administration/Project Officer has been working the equivalent of 0.8 FTE and a casual officer has been employed one day per week to undertake Occupational Safety and Health duties.

Councillors would be aware that all employers in Western Australia have quite complex and onerous duties under the Occupational Safety and Health Act and Regulations and the ongoing attention in this area is crucial to protect not only the Council's interests but also to ensure the safety of the Council's employees and contractors.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION****Moved Cr S Etherington, seconded Cr L Handasyde:****That:**

- 1. The attached Organisation Staff Establishment Chart (Funded positions) dated 1 May 2012 be adopted noting the amendment to the position of Senior Administration/Project Officer from 1.0 FTE to 0.8 FTE;**
- 2. The creation of a position, Occupational Safety and Health Officer (0.2FTE); and**
- 3. The total of the Staff Establishment Funded Positions remain at 58.6 FTE.**

**CARRIED (7/0)****NO. 78/12**

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****10.1 SOUNNESS PARK – CRICKET WICKET**

Moved Cr J Moir, seconded Cr M Skinner:

That:

1. With regard to the playing of cricket at Sounness Park, any cricket wicket provided be synthetic rather than turf unless the Cricket Club or Sporting Association responsible for the operation of Sounness Park agrees to fund the full operating and ongoing maintenance costs of the wicket.
  
2. Should the Cricket Club or Sporting Association agree to condition 1 and a turf wicket is provided but later withdraws support for the wicket, the Shire will return the turf wicket area to a grass playing surface and any future construction of a new synthetic wicket would then be the responsibility of the Cricket Club or the Sporting Association.

**CARRIED (4/3)**

**NO. 79/12**

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

Nil

**12 CONFIDENTIAL****12.1.1 SUPERANNUATION - CONTRIBUTIONS BY SENIOR STAFF**

**File No:** N22465  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 1 May 2012

---

**PURPOSE**

The purpose of this report is to draw to the Council's attention an anomaly with the Contracts of Employment for the Chief Executive Officer, Deputy Chief Executive Officer and the Manager Community Services.

This anomaly relates to the level of superannuation contribution.

**OFFICER RECOMMENDATION/COUNCIL DECISION****MOTION TO PROCEED BEHIND CLOSED DOORS**

**4.07pm Moved Cr B Bell, seconded Cr S Etherington:**

**That the meeting be closed to members of the public pursuant to Section 5.23 (2) (a) of the Local Government Act 1995 as the matter to be considered relates to a matter affecting an employee or employees.**

**CARRIED (7/0)**

**NO. 80/12**

**MOTION TO PROCEED IN PUBLIC**

**4.08pm Moved Cr B Bell, seconded Cr S Etherington:**

**That the meeting proceed in public.**

**CARRIED (7/0)**

**NO. 81/12**



**Moved Cr J Moir, seconded Cr B Bell:**

**That:**

- 1. The intention of the Chief Executive Officer to amend the Contracts of Employment of the Deputy Chief Executive Officer and the Manager Community Services such that the Council will continue to contribute a maximum of 5% above the Superannuation Guarantee Levy subject to equal contributions by the respective Officers be noted.**
- 2. The Contract of Employment of the Chief Executive Officer be altered to provide that the Council will continue to contribute a maximum of 5% above the Superannuation Guarantee Levy, provided that the Officer contributes a similar amount.**

**CARRIED (7/0)**

**NO. 82/12**

**13 CLOSURE OF MEETING**

4:13pm The Presiding Member declared the meeting closed.

**CONFIRMED: CHAIRPERSON** \_\_\_\_\_ **DATE:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_