



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council held in the
Frost Park Pavilion, McDonald Avenue, Mount Barker
2:45pm Tuesday 13 December 2005

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:49pm The Presiding Member declared the meeting open.

The Chief Executive Officer, Mr Rob Stewart, read aloud the following disclaimer:

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

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

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

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

Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Williss	Deputy Shire President - East Ward
Cr M Skinner	East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr K Hart	Kendenuk Ward
Cr J Moir	South Ward
Cr K Clements	Town Ward
Cr J Mark	Town Ward
Cr B Hollingworth	Town Ward
Mr R Stewart	Chief Executive Officer
Mr J Byrne	Executive Director Corporate and Community Services
Mr S Bell	Executive Director Technical and Development Services
Ms D Baesjou	Manager Development Services
Mrs K Skinner	Executive Secretary
Miss C Delmage	Administration Officer Minutes and Agenda

One (1) member of the public was present.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Peter Curwen – Tooraweenha Pastoral Company (RV/182/3955)

Mr Curwen noted that he had written a letter to the Council regarding the option of leasing or purchasing Lot 501 Chillinup Road after consultation with Mr Will McGowan.

Mr Curwen noted that he has several properties within the Shire including a property to the north of the 'tip block'. Mr Curwen noted that his family used an area of Lot 501 as an access road to take their children to school and that it was very important that they be able maintain that access.

Mr Curwen said that he would like to have the option of either leasing or purchasing Lot 501 Chillinup Road.

Mr Curwen also noted that he was happy and willing to work with the Council as much as possible and thanked the Councillors for their time.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Councillor Hart requested leave of absence for 14 February 2005.

Moved Cr J Cameron, seconded Cr J Mark:

That Councillor Hart be granted leave of absence for 14 February 2005.

CARRIED (9/0)

No. 340/05

7 CONFIRMATION OF MINUTES

Moved Cr J Mark, seconded Cr D Williss:

That the Minutes of the Ordinary Meeting of the Council held 22 November 2005 be confirmed.

CARRIED (9/0)

No. 341/05

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 23 November 2005 – The Shire President, Cr J Cameron and the Chief Executive Officer attended the Rainbow Coast Regional Council meeting held in Cranbrook to discuss the structural reform submission and other matters.
- 25 November 2005 – The Shire President, Deputy Shire President and the Executive Director Corporate and Community Services attended a Western Australian Local Government Association (WALGA) Zone Meeting in Broomehill and the State Council Agenda was discussed with some useful information being provided by Wayne Scheggia and Peter Hoare of WALGA.
- 25 November 2005 – The Shire President and his wife attended the Rotary function which was held at Bandicoot Nursery.
- 29 November 2005 – The Shire President attended the Great Southern Development Commission Christmas function which was well attended.
- 3 December 2005 – The Shire President opened Timbercorp's new premises located on Chester Pass Road, Albany. It was a nice function with approximately 150 people attending. The Shire President noted that the Shire of Plantagenet will be mentioned on a plaque at the front of the new building.
- 6-7 December 2005 – The Shire President attended a WALGA workshop on governance and the behaviour of participants at meetings.

The Christmas function was held in the evening with many invited guests including Minister Bowler, Cheryl Gwilliam and Menno Hannoveld – Commissioner of Main Roads. The Shire President considered the occasion to be both useful and enjoyable.

The Shire President attended a WALGA meeting on the Wednesday.
- December 2005 – The Shire President attended a One Community One College Management meeting with the architects for the project. Timelines are now in place for Stage One (1) of the project / development. They are now looking at what to develop for the \$7 million that has been allocated to Stage One (1). A rough concept has been created and they must now work out how to tie in the concept with the existing buildings.
- 13 December 2005 – The Councillors' Christmas Dinner is on tonight at Kelly's Steakhouse.
- The Shire President gave his thanks to Cr J Mark for representing the Council at the Mount Barker Senior High School Speech Night and to Cr K Clements for attending the Red Cross Seniors' Lunch.

- The Shire President asked for all Councillors to give attention to a document he received in Perth that has guidelines regarding relationships to / with developers. The Shire President noted it was good reading and that the document would be distributed to all Councillors after the meeting.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 COMMUNITY SERVICES REPORTS

9.1.1 PLANTAGENET CHILD CARE CENTRE - LONG FORM FUNDING AGREEMENT

Location / Address:	Marmion Street, Mount Barker
Attachments: (1)	Long Form Funding Agreement between the Department of Family and Community Services and the Shire of Plantagenet
Name of Applicant:	Department of Family and Community Services
File Reference:	CS/9/1
Author:	John Byrne - Executive Director Corporate and Community Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	6 December 2005

Purpose

The purpose of this report is to grant the Shire President and the Chief Executive Officer authority to sign and affix the Common Seal of the Council to the Plantagenet Child Care Centre Long Form Funding Agreement held between the Commonwealth of Australia, represented by the Department of Family and Community Services and the Shire of Plantagenet.

Background

The Shire of Plantagenet entered into a funding agreement with the Commonwealth of Australia, represented by the Department of Family and Community Services, in November 2002 for funding of the Plantagenet Child Care Centre. The Shire further entered into a Variation to Agreement in May 2004 and a further extension to the Agreement for the period 1 July to 30 September 2005. The Department is now offering a new Long Form Funding Agreement for the period 1 October 2005 – 30 June 2006. This funding was formerly referred to as 'Disadvantaged Area Subsidy (DAS)' and is now known as 'Sustainability Assistance'.

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred with the Child Care Centre Director, Gillian Thirlwall.

Policy Implications

There are no policy implications for this report.

Financial Implications

This funding is reviewed annually and the Department has amended its funding arrangements for the 2005 / 2006 financial year. Funding offered for the 2005 / 2006 financial year is as follows:

Plantagenet Child Care Centre – Long Form Funding Agreement (Cont.)

	2005/2006 Financial Year
3 month extension of current Agreement (1/07/2005 to 30/09/2005)	\$10,158.42
Funding (excl. GST 1/10/2005 to 30/06/2006)	\$22,995.00
GST component	\$ 3,315.34
Total New Funding	\$36,468.76

The Child Care Centre is also eligible for transitional funding of \$3,660.00 in the 2005 / 2006 financial year (1/10/2005 to 20/06/2006), as follows:

	2005/2006 Financial Year (1/10/2005 to 30/06/2006)
Transitional Funding (excl. GST)	\$3,660.00
GST Component	\$ 366.00
Total Transitional Funding	\$4,026.00

The combined total of the funding is therefore \$40,494.76. The budgeted income for the Sustainability Assistance for the 2005 / 2006 financial year is \$39,759.00. The revised income represents an increase of \$735.76.

Strategic Implications

Key Result Area 3 - Community Services aims 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

Payment of the varied funding amount will not be made by the Department of Family and Community Services until such time as the Agreement is signed and affixed with the Common Seal of the Council. It is therefore recommended that the Council approve the signing and affixing of the Common Seal to the new Agreement.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr D Williss:

That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Plantagenet Child Care Centre Long Form Funding Agreement for the period 1 October 2005 to 30 June 2006.

CARRIED (9/0)

No. 342/05

9.2 EXECUTIVE SERVICES REPORTS

9.2.1 COMMITTEE MINUTES

Location / Address:	N / A
Attachments: (3)	Committee Minutes
Name of Applicant:	N / A
File Reference:	RO/103/6; WM/103/3; LP/103/3
Author:	Cherie Delmage - Administration Officer Minutes and Agenda
Authorised By:	John Byrne - Executive Director Corporate and Community Services
Date of Report:	23 November 2005

Purpose

The purpose of this report is to receive the following Committee Minutes:

- Heavy Haulage Advisory Committee – 17 November 2005
- Chillinup Landfill Site Management Committee – 17 November 2005
- Townscape Review Steering Committee – 29 November 2005

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Any issues or recommendations arising from these Minutes will be the subject of a separate report to the Council.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr K Hart:

That the following Committee Minutes be received:

- Heavy Haulage Advisory Committee – 17 November 2005
- Chillinup Landfill Site Management Committee – 17 November 2005
- Townscape Review Steering Committee – 29 November 2005

CARRIED (9/0)

No. 343/05

9.2.2 LEASE ASSIGNMENT - CHILLINUP ROAD

A Financial Interest was declared by Cr D Williss.

Nature of Interest: Closely associated person

3:03pm Cr D Williss withdrew from the meeting.

Location / Address: N / A
Name of Applicant: N / A
File Reference: RV/182/3955
Author: Rob Stewart - Chief Executive Officer
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 5 December 2005

Purpose

The purpose of this report is to advise that Mr M Williss has notified the Council that he has purchased property owned by the Warburton family on Chillinup Road and that he would like the lease of Lot 501 Chillinup Road (formerly potential waste disposal site) assigned to him and extended. At present the lease is to the Warburton family.

Background

Councillors will recall that the original lease to the Warburtons of Lot 501 Chillinup Road was a Waste Disposal Site which was effected by the Great Southern Regional Council. On the winding up of that Regional Council the Shire of Plantagenet took over the administration of the land (and therefore the lease) as trustee on behalf of all five (5) owners being the City of Albany and Shires of Cranbrook, Denmark, Gnowangerup and Plantagenet.

The last time that the Council considered the lease was at its meeting held on 22 March 2005 when a minor amendment was made to a clause within the lease.

Statutory Environment

The provisions of Section 3.58 of the Local Government Act 1995 relating to the disposition of the property were met by the Great Southern Regional Council.

Consultation

The sale of the Warburton property has been discussed with Mr Warburton and the Chief Executive Officer and formal confirmation for the assignment of the lease is presently being sought.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report. Lease payments are \$20,250 per annum (ex GST).

Strategic Implications

There are no strategic implications for this report.

Lease Assignment – Chillinup Road (Cont.)**Officer Comment**

The assignment to the lease is recommended, subject to the agreement of the other four (4) owners of the property.

The matter was to be discussed at the meeting of the Chillinup Landfill Site Management Committee scheduled to be held on 17 November 2005. The meeting did not occur due to the lack of a quorum and was adjourned '*sinedie*'.

The lease does not provide for extension and therefore prior to the conclusion of the present lease, the matter would need to be addressed by the owners and advertised generally in accordance with Section 3.58 of the Local Government Act 1995.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That subject to the agreement of the City of Albany, and the Shires of Cranbrook, Denmark and Gnowangerup the lease of Lot 501 Chillinup Road between the Shire of Plantagenet and WM, SG and BP Warburton be assigned to Mr M Williss for the remainder of the term of the lease, expiring 31 January 2007.

Moved Cr J Cameron, seconded Cr J Mark:

THAT:

- (1) The proposed assignment of the lease of Lot 501 Chillinup Road between the Shire of Plantagenet (acting as Trustee for the City of Albany and the Shires of Cranbrook, Denmark and Gnowangerup) and WM, SG and BP Warburton to M Williss be advertised pursuant to Section 3.58 (2)(3)(4) of the Local Government Act 1995.**
- (2) The City of Albany and the Shires of Cranbrook, Denmark and Gnowangerup be advised of the Council's action with regard to the proposed assignment of Lot 501 Chillinup Road and their endorsement sought.**
- (3) The matter be referred back to the Council at such time that the submission period has closed and responses from the other Councils has been received.**

Reason For Change

Councillors noted an alternative recommendation circulated by the Chief Executive Officer.

AMENDMENT

Moved Cr M Skinner, seconded Cr B Hollingworth:

That a part (4) be added to the motion:

- (4) The assignment documentation include a condition that as part of the assignment the assignee be required to permit access by Tooraweenah Pastoral Company for the duration of the current lease.

CARRIED (9/0)

No. 344/05

COUNCIL DECISION

THAT:

- (1) The proposed assignment of the lease of Lot 501 Chillinup Road between the Shire of Plantagenet (acting as Trustee for the City of Albany and the Shires of Cranbrook, Denmark and Gnowangerup) and WM, SG and BP Warburton to M Williss be advertised pursuant to Section 3.58 (2)(3)(4) of the Local Government Act 1995.
- (2) The City of Albany and the Shires of Cranbrook, Denmark and Gnowangerup be advised of the Council's action with regard to the proposed assignment of Lot 501 Chillinup Road and their endorsement sought.
- (3) The matter be referred back to the Council at such time that the submission period has closed and responses from the other Councils has been received.
- (4) The assignment documentation include a condition that as part of the assignment the assignee be required to permit access by Tooraweenah Pastoral Company for the duration of the current lease.

CARRIED (8/0)

No. 345/05

3:20pm Cr D Williss returned to the meeting.

9.2.3 MEDICAL FACILITIES IN MOUNT BARKER - DEVELOPMENT PROPOSAL

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	PH/151/1
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	2 December 2005

Purpose

The purpose of this report is to present a proposal relating to the development of new medical facilities in Mount Barker.

Background

Councillors have previously been informally advised that the operators of the Medical Centre in Langton Road, Mount Barker were considering relocating to an alternative site due to the need for more space and better facilities.

Further, a request was made regarding the possibility of the Council actually undertaking the development of any new medical centre on a commercial lease back basis.

Some preliminary research has been done regarding this concept and before any more time is invested in the concept, Council direction will be necessary.

The proposal to construct a new medical centre revolves around the expressed need for bigger and more modern facilities than are at present available. Further, the capital required for such an investment by the private sector would appear not to be available.

The proposal would require the Council to raise sufficient funds to acquire land, construct a purpose built facility and then lease it back.

Statutory Environment

Section 3.58 of the Local Government Act 1995 empowers a Local Government to sell, lease or otherwise dispose of local government property.

Section 3.59 of the Local Government Act 1995 relates to commercial enterprises and major trading undertakings by local government and the need for the development of business plans and the undertaking of public consultation.

Consultation

Notwithstanding the need for public consultation should such a proposal be considered, the Chief Executive Officer has met with the principals of the existing medical practice and also has had meetings with employees of the Area Consultative Committee.

Policy Implications

The involvement of the Shire in commercial enterprises will need to be closely examined. Councils are not necessarily prohibited from entering into commercial enterprises and a good example of this relates to the Great Southern Regional Cattle

Medical Facilities In Mount Barker – Development Proposal (Cont.)

Saleyards. This is defined as a business undertaking and the provisions of the Act with regard to business plans were followed.

From a policy development point of view, Councillors would need to be comfortable with the concept of commercial risk. There is no doubt that with regard to the saleyards there existed a very real risk that asset valuation would decrease unless affirmative action was taken by the Council.

With regard to medical facilities, the existing situation is that a commercial enterprise is presently providing general practitioner facilities in Plantagenet (and Cranbrook) and if the Council becomes involved, it would be involved in a commercial enterprise and the possibility of commercial profit / loss. The 'trade off' would be the concept of the provision of a necessary service.

Financial Implications

A five hundred square metre medical building would cost between \$500,000.00 and \$800,000.00 to construct.

At present the Council's debt servicing is higher than it has been in the past due to major capital infrastructure works. Nevertheless, this debt servicing is within prudent financial parameters and meets treasury approval. However, borrowings of a further \$500,000.00 to \$800,000.00 would significantly add to this debt burden and in the medium term would be difficult to recommend unless an alternative funding source was available.

It should be noted that lease payments and possible state funding could also be accounted for.

Officer Comment

The Federal Government through the Department of Transport and Regional Services, has funds available for the construction of 'walk in – walk out' community medical facilities to assist small rural Councils.

In fact the funding criteria notes 'in some rural areas, the cost of establishing and maintaining suitable premises and facilities (for medical practices) has a heavy impact on the viability of general practice. The high cost is a deterrent for doctors to establish private practices in these areas. An increasingly mobile general practitioner workforce means that some doctors are reluctant to make such a significant and long term investment.'

The Rural Medical Infrastructure Fund has been set up to contribute up to \$200,000.00 to the costs incurred by local Councils that purchase and fit out facilities.

Should the Council be able to attract \$200,000.00 from the Government and seek alternative funding of say another \$200,000.00 (donations?) then the \$800,000.00 total cost becomes more manageable.

Should the Council make an application pursuant to the Rural Medical Infrastructure Fund, it would need to be done through the auspices of the Area Consultative Committee whose next meeting is in February. A draft application for the Rural Medical Infrastructure Fund has already been completed, but obviously not submitted.

The maximum \$800,000.00 costs for building works does not take into account the cost of land although preliminary enquiries have been made with the Department of

Medical Facilities In Mount Barker – Development Proposal (Cont.)

Land Information to have vested in the Council land in Marmion Street opposite the Dementia Unit.

In conclusion, the Federal Government has recognised that general practitioners in regional areas are less inclined to make the substantial investments required to continue to provide up to date medical facilities. In recognising this issue, the Federal Government has made funds available to small rural Councils in this situation. It would appear that the situation recognised by the Federal Government is in fact occurring in Mount Barker now and therefore serious consideration should be given to the proposal.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That the Chief Executive Officer be authorised to finalise a submission for funds to the Rural Medical Infrastructure Fund for the purpose of construction of new medical facilities in Mount Barker.

Moved Cr J Cameron, Cr K Hart:

That the Chief Executive Officer not be authorised to finalise a submission for funds to the Rural Medical Infrastructure Fund for the purpose of construction of new medical facilities in Mount Barker.

LOST (3/6)

FURTHER MOTION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr M Skinner:

That the Chief Executive Officer be authorised to finalise a submission for funds to the Rural Medical Infrastructure Fund for the purpose of construction of new medical facilities in Mount Barker.

CARRIED (7/2)

No. 346/05

9.2.4 POLICY - ECONOMIC DEVELOPMENT

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	ED/125/5
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	2 December 2005

Purpose

The purpose of this report is to advise of progress made regarding the development of a policy for Economic Development in Plantagenet.

Background

At its meeting held on 26 October 2004 the Council resolved:

'That the proposal by the Chief Executive Officer to facilitate community workshops with regard to economic development in Plantagenet during March / April 2005 be endorsed and workshops be held for Councillors prior to and after the community workshops.'

Subsequently, although not resolved by the Council, general agreement was reached that the holding of the workshops referred to above should not occur due to other time consuming issues being undertaken by the Council and its administration, including development of Lowood Road, purchase of saleyards and the construction of the new administration centre.

Further, at the October 2004 meeting, Councillors considered a lengthy report prepared by the Chief Executive Officer addressing issues relating to economic development and community capacity in regional Australia. This report addressed issues such as ageing, youth, gender imbalance, decline of rural communities, cost benefit analysis and the role of local government. The report concluded that there was increased pressure on local government to act in a leadership role with regard to economic development.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

Within the Council's Strategic Plan, Key Result Area No. 5, the Council notes several aims and initiatives regarding Economic Development including:

- The development of Strategic Partnerships;
- The fostering of Regional Cooperation;
- Attracting and retaining small to medium size enterprises to Plantagenet;
- The coordination of long term planning for sustainable environmental economic and social development of the Shire and the Great Southern;

Policy – Economic Development (Cont.)

- The promotion of the decentralisation of government offices and departments into the Shire and the region;
- To work in partnership with the Great Southern Development Commission to encourage compatible industry into the Shire and the region;
- Develop partnerships to encourage appropriate economic development and employment opportunities within the Shire and region.

Officer Comment

In order to progress the issue of economic development it is the belief of the Chief Executive Officer that base line information needs to be gathered so that the Council is better armed to make well informed decisions. Therefore an application for funds has been made to the Great Southern Development Commission pursuant to that organisation's Regional Development Scheme. This project is entitled 'Plantagenet Economic Profile and Tourism Snapshot'.

The Chief Executive Officer is of the opinion that there exists no readily available economic information relating specifically to the Shire of Plantagenet. If the grant application is successful (and it has made it through the first stage) it would be proposed to develop what an economist would call a gross domestic product of the district. Some of this information is already published in the Great Southern Economic Perspective put out by the Department of Local Government and Regional Development. However, this information is largely across the Great Southern rather than by local government district. Should the grant application be successful the economic perspective document would include demographic indicators, labour force indicators, break down of agricultural production, mining production, value of tourism etc. Again, we already have a lot of this information in various different publications, although some of it is quite old. (For example we know that the value of strawberries in 2001 / 2002 was \$1,851,560.00.) It is intended for all of these type of figures to be brought together into one document such that any person wishing to invest in the district would have ready access to pertinent information.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr J Mark:

That the advice of the Chief Executive Officer noting that he has sought funding from the Great Southern Development Commission to complete a Plantagenet Economic Profile and Tourism Snapshot be noted.

CARRIED (9/0)

No. 347/05

9.2.5 REDMAN HOUSE - REQUEST TO GIFT / LEASE

Location / Address:	Lord Street, Mount Barker
Name of Applicant:	Mount Barker Returned and Services League
File Reference:	CS/150/1
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	5 December 2005

Purpose

The purpose of this report is to consider a request from the Mount Barker Sub Branch Returned and Services League (RSL) asking the Council to consider gifting Redman House to their organisation.

Background

Councillors will recall that two (2) organisations currently operate out of Redman House these being the RSL and the Mount Barker Infant Health Centre.

Both of these organisations were given access rights to Redman House as the construction of new administration offices required their relocation with both of these relocations working well.

Statutory Environment

Section 3.58 of Local Government Act 1995 empowers a Council to dispose of property.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The RSL advises that it is planning for the future with a view to creating facilities for ex-servicemen and women and the larger family of the defence service community. The RSL also advises that it is presently discussing the potential for Redman House to be used for other community purposes including Apex, Red Cross, Rotary etc.

The RSL also advises that it may be possible to include professional offices.

The RSL is therefore looking for permanent premises and the ability to raise revenue from those premises.

Councillors will recall that the Lesser Hall in Muir Street Mount Barker was offered to the RSL with a view to the RSL being able to let the hall for reward in return for maintenance of the hall. The RSL has rejected this proposal.

Redman House – Request To Gift / Lease (Cont.)

The RSL also seeks the subdivision of the vacant part of the Redman House block immediately to the north of the building. This is not supported.

The concept of Redman House being utilised for community purposes is attractive. Whether the RSL should be the head lessee or owner will require more consideration and public consultation.

Nevertheless, the continued ownership of Redman House by the Council is problematic. In fact, the Council has in the past considered divesting itself of the property and no long term commitment should be made until the Council is sure that it wants to retain the property.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr K Clements:

That the Mount Barker Sub Branch Returned and Services League (RSL) be advised that the Council is not prepared to enter into long term leasing arrangements of Redman House until such time as the Council has determined its own needs for the property.

CARRIED (9/0)

No. 348/05

9.3 CORPORATE SERVICES REPORTS

9.3.1 FINANCIAL STATEMENTS - NOVEMBER 2005

Location / Address:	N / A
Attachments:	Financial Statements – November 2005
Name of Applicant:	N / A
File Reference:	FM/65/1
Author:	David Blurton - Accountant
Authorised By:	John Byrne - Executive Director Corporate and Community Services
Date of Report:	1 December 2005

Purpose

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 30 November 2005.

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 amounts 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'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr D Williss:

That the financial statements for the month ending 30 November 2005 be received.

CARRIED (9/0)

No. 349/05

9.3.2 LIST OF PAYMENTS – NOVEMBER 2005

Location / Address:	N / A
Attachments:	List of Payments – November 2005
Name of Applicant:	N / A
File Reference:	FM/63/3
Author:	Rayona Evans - Accounts Officer
Authorised By:	John Byrne - Executive Director Corporate and Community Services
Date of Report:	1 December 2005

Purpose

The purpose of this report is to present the list of payments that were made during the month of November 2005.

Statutory Environment

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

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'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr K Hart:

That the payment of accounts, covering electronic payments, cheques 34671 to 34790, totalling \$390,005.75, the payment of trust cheque 104, totalling \$300.00 and the Credit Card transactions for the months of August to October 2005 totalling, \$7,210.92, be noted.

CARRIED (9/0)

No. 350/05

9.3.3 RATE EXEMPTION - 8 MONTEM STREET, MOUNT BARKER

An Impartiality Interest was declared by Cr K Hart for Item 9.3.3.

Nature of Interest: Member Royal Antediluvian Order of Buffaloes (RAOB)

Location / Address: N / A
Name of Applicant: N / A
File Reference: RV/182/1696
Author: Rob Stewart - Chief Executive Officer
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 2 December 2005

Purpose

The purpose of this report is to keep the Council apprised of developments relating to the property at 8 Montem Street, Mount Barker being utilised for a charitable purpose.

Background

At its meeting held on 14 December 2004 the Council resolved:

'THAT:

- (1) Pursuant to Section 6.26 (2) (g) of the Local Government Act 1995, Lot T2/Location T22 Montem Street Mount Barker, being otherwise rateable land, is hereby declared to be utilised for a charitable purpose and therefore no longer rateable while it continues to be used as a charitable purpose.*
- (2) Rates outstanding on the property for the 2004/2005 financial year be reversed.*
- (3) Rates outstanding for previous years, prior to the declaration, to remain payable.'*

Further, at the meeting held on 8 March 2005 a motion to create a policy regarding non rateable status was adjourned until the outcome of the Local Government Advisory Board's review of the definition of charitable was known.

Statutory Environment

Section 6.26 (2) states the following (inter alia):

'6.26. Rateable land

- (1) Except as provided in this section all land within a district is rateable land.*
- (2) The following land is not rateable land —*
 - (a) land which is the property of the Crown and —*
 - (i) is being used or held for a public purpose; or*
 - (ii) is unoccupied, except —*
 - (I) where any person is, under paragraph (e) of the definition of "owner" in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting*

Rate Exemption – 8 Montem Street, Mount Barker (Cont.)

licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or

(II) *where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of “owner” in section 1.4 occupies or makes use of the land;*

(g) *Land used exclusively for charitable purposes;’*

Policy Implications

The section of the Act regarding ‘*land used exclusively for charitable purposes*’ is open to broad interpretation. The Local Government Act does not provide any definition of ‘*charitable*’ and, in the case of the Montem Street property, legal precedent was used to declare the land non rateable. That case revolved around the words of the constitution of the body owning the land rather than the actual use to which the land was put.

Councillors will recall that at the meeting of the Council held on 22 February 2005 an application to declare land non rateable in Kendenup based on the word ‘*charitable*’ in the subject organisations charter was deemed sufficient to declare the land owned by that organisation as non rateable.

The declaration of land as ‘*non rateable*’ effectively reduces the amount of revenue available to the Council to undertake necessary works and is not a status that should be granted easily, especially when the Act is unclear as to the status of charitable organisations.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

By letter dated 2 November 2005 the Acting Regional Manager for the Department of Indigenous Affairs advised that the opinion of the Department of Indigenous Affairs remains that the Mount Barker Aboriginal Progress Association, as a non profit Indigenous Association, serving its members and community, has the basis to be considered a charitable organisation in this or any other matter.

Interestingly the Department of Indigenous Affairs also notes in that letter that the ‘*DIA has no formal relationship or authority in relation to the Mount Barker Aboriginal Progress Association or its operations. We provided advice as to the organisation’s charitable status to you, upon a verbal request to do so by the Association’s President. This and all associated matters remains, as always for the Shire and the Association to resolve.*’

Also, the Mount Barker Aboriginal Progress Association has not paid the outstanding rates from previous years and therefore have not fulfilled the Council’s Resolution.

Further, there has not been any progress with regard to the definition of ‘*charitable*’ by the Local Government Advisory Board. It is known though that the case that the Advisory Board had been watching was found against the City of Stirling in that aged

Rate Exemption – 8 Montem Street, Mount Barker (Cont.)

peoples homes should be declared non rateable even though they may be running at a profit. In this instance the court found that the object of the association running the aged persons homes were for 'aged persons' and therefore should be classed as charitable.

With regard to the Mount Barker Aboriginal Progress Association, Councillors should note that under court order, the Council is demolishing a structure in Ormond Road due to that structure being left derelict. It is difficult to see how the organisation is furthering the cause of indigenous progress in Mount Barker.

Further, the Council has received requests recently from Noongar groups for the Council to endeavour to make available to Noongar community members, a building to be used as a drop in centre for Noongar youth. When the Chief Executive Officer pointed out that there is a suitable property for such a purpose at 8 Montem Street, he was told that this was not available.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

That it be a policy of the Council:

- (1) The Council will, with relation to declarations pursuant to Section 6.26 (2)(g) of the Local Government Act 1995 generally refrain from granting non rateable status where discretion is available to the Council but will give consideration annually during the budget process to granting donations to the subject organisation as part of the normal donation scheme, subject to the Council's policies from time to time; and subject also to the application from the registers being received pursuant to the donation scheme.**
- (2) The Mount Barker Aboriginal Progress Association be advised of the adoption of the Council's policy in Part (1) above.**

CARRIED (9/0)

No. 351/05

9.4 TECHNICAL SERVICES REPORTS

9.4.1 2006 ROADS FORUM

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/38/2
Author:	Stephen Bell - Executive Director Technical and Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	5 December 2005

Purpose

The purpose of this report is to seek authority for the Shire President, Deputy Shire President and Executive Director Technical and Development Services to attend the 2006 Roads Forum to be held Tuesday 4 April 2006 at the Queens Park Theatre Geraldton.

Background

The Roads Forums is held every two (2) years and is a joint initiative of the Western Australian Local Government Association (WALGA) and Main Roads Western Australia (MRWA).

The Roads Forum for 2004 was held in Perth and the Shire President, Deputy Shire President, and Executive Director Technical and Development Services attended that Conference on behalf of the Council.

The Roads Forum is aimed at encouraging participation of elected members and officers in discussion and debate on important roads and transport issues. Although a formal program has not been issued to local governments, the theme for the 2006 Roads Forum is *Planning Sustainable Road Networks* and topics include:

- Funding for roads and transport infrastructure;
- Infrastructure Asset Management;
- Heavy Haulage;
- Sustainable Transport;
- Skill shortages;
- Environmental considerations; and
- Management of the local road network.

Consultation

There has been consultation with the Chief Executive Officer and Shire President regarding the 2006 Roads Forum.

Policy Implications

Council Policy CE/CS/1 – *Elected Member Expenses To Be Reimbursed* applies.

2006 Roads Forum (Cont.)**Financial Implications**

The financial implications are unknown at this stage as a final Conference program has yet to be issued to local government. As an indication however, return flights from Albany to Geraldton, overnight accommodation and meals will be required for each attendee.

All costs will be charged to Account No. 410.1.207 - Councillors Training / Conferences, Account No. 420.1.44 – Staff Training and Development and Account No. 420.1.42 – Staff Travel and Accommodation.

Strategic Implications

Key Result Area 2 – Infrastructure aims to:

- Maximise the benefit to the community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and buildings infrastructure within the financial resources of the Shire.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr K Hart:

THAT:

- (1) **Councillor Forbes, Councillor Williss and the Executive Director Technical and Development Services be authorised to attend the 2006 Roads Forum to be held Tuesday 4 April 2006 at the Queens Park Theatre Geraldton.**
- (2) **All conference expenses be met in accordance with Council Policy CE/CS/1 and being charged to Account No. 410.1.207 - Councillor Training / Conferences, Account No. 420.1.44 – Staff Training and Development and Account No. 420.1.42 - Staff Travel and Accommodation.**

CARRIED (9/0)

No. 352/05

9.4.2 DISPOSAL OF CATERPILLAR 814B RUBBER TYRE DOZER - PLANT NO. D1 - REGISTRATION NO. PL 1266

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	PS/61/1
Author:	Ian Bartlett – Manager Works
Authorised by:	Stephen Bell – Executive Director Technical and Development Services
Date of Report:	29 November 2005

Purpose

The purpose of this report is to:

- (1) Consider whether the Shire's Caterpillar 814B rubber tyre dozer (Plant D1, Registration PL 1266) should be retained or sold; and
- (2) Consider the acquisition of a 20 tonne (minimum) excavator in the 2006 / 2007 annual budget.

Background

At its meeting held 14 December 2004, the Council resolved:

'That a report be prepared for the Council meeting to be held 13 December 2005 which examines the viability of using a dozer contractor for earthmoving in lieu of the Shire owning a dozer for earthmoving.'

The Council purchased a Caterpillar 814B rubber tyre dozer (Plant D1, Registration PL 1266) in February 1985. Since its purchase, the dozer has completed approximately 11,000 hours (550 hours/year) and the average running cost of the dozer is \$8,996.10 per year.

Over the years, the Shire has used the dozer to undertake the following activities:

- excavate and stockpile material from within private and Shire owned land for road construction and maintenance activities,
- move high volumes of material during large scale construction activities (i.e. realignment of Wootenellup Road);
- clear vegetation from within the Shire's road reservations; and
- push-up, cover, and compact waste material from within the Shire's various waste facilities.

In spite of the dozer's use over the past twenty (20) years, the age of the dozer and associated cost to replace it, new restrictions imposed on clearing native vegetation and competitive contractor rates for similar work has resulted in the consideration to dispose and / or replace the dozer with a machine that is better suited to the Council's requirements.

Statutory Environment

If the Council was to purchase an excavator, Part 4 of the Local Government (Functions and General) Regulations 1996 would apply. Part 4 refers to the requirement to go to public tender if the supply of goods or services is expected to be

Disposal Of Caterpillar 814B Rubber Tyre Dozer - Plant No. D1 - Registration No. PL 1266 (Cont.)

more than \$50,000.00. The Tendering process for goods and services must be in accordance with Sections 11, 18 and 19 of the Local Government (Functions and General) Regulations 1996.

Consultation

Council officers and various machinery dealerships have been consulted in relation to this agenda item.

Policy Implications

The Council's 'Plant – General Policy' applies to this item and relates to the replacement of the Shire's heavy plant and equipment over predetermined timeframes. The policy states:

That Plant purchases be structured around a 10 year replacement program intended to maintain consistent annual expenditure and based generally upon the following criteria.

<i>Graders</i>	<i>6 years</i>	<i>9,000hrs</i>
<i>Dozer</i>	<i>6 years</i>	<i>9,000hrs</i>
<i>Heavy Loader</i>	<i>6 years</i>	<i>9,000hrs</i>
<i>Backhoe/Loaders</i>	<i>5 years</i>	<i>6,000hrs</i>
<i>Heavy Trucks 6x4</i>	<i>5 years</i>	<i>350,000km</i>
<i>Med Trucks 4x2</i>	<i>5 years</i>	<i>250,000km</i>
<i>Light Trucks</i>	<i>5 years</i>	<i>200,000km</i>
<i>Light Vehicles</i>	<i>2 years</i>	<i>40,000km</i>

Misc Plant to Council's adopted Schedule.'

Financial Implications

Due to the age of the dozer (20 years) and resultant number of hours of usage (11,000 hours), the Shire is unlikely to receive a high purchase price for the plant. After consulting with various heavy plant dealerships, the price quoted for the outright purchase of the CAT 814B rubber tyre dozer would be approximately \$25,000.00 (GST inclusive).

If the Council resolved to replace the CAT 814B rubber tyre dozer with a 20 tonne (minimum) excavator, the net change over price is likely to be as tabulated below:

Purchase Price – 20 tonne excavator (GST inclusive)	Trade Price – Cat 814B dozer (GST inclusive)	Net Changeover Price (GST inclusive)
\$236,650.00 (new) *	\$25,000.00	\$211,650.00
\$120,000.00 * (4 year old, second hand model)	\$25,000.00	\$95,000.00

*Quotation provided by WesTrac Pty Ltd for the basis of ascertaining the net changeover price.

Strategic Implications

The provision of engineering services is highlighted in the Shire of Plantagenet Strategic Plan, Key Result Area 2 - Infrastructure.

Officer Comment

Over recent years, the utilisation of the rubber tyre dozer has been in decline due in part to increased competition from local contractors who can perform similar earthmoving activities more efficiently and effectively, at a cheaper hourly rate, and using modern plant fit for the purpose. In addition, as the dozer is rubber tyred its use is thereby restricted to certain construction and maintenance activities. For example, the rubber tyres on the dozer have been a significant disadvantage when maintaining the Shire's landfill facilities. Frequent punctures and high running costs have seen the dozer replaced with contractors who are able to complete the work \$32.50 per hour cheaper and utilising plant fitted with tracks rather than rubber tyres.

According to the Shire's financial system, the cost to excavate and stockpile material using the Cat 814B rubber tyre dozer is \$1.65/m³. By way of comparison, local contractors are able to excavate and stockpile material for \$0.65 to \$0.90/m³ which equates to a net saving of \$1.00 to \$0.75/m³.

It should be noted that the variation in cost reflects the different soil types and conditions that are encountered and resultant travel distance from Mount Barker. For example, the Shire dozer is often used to excavate material that is harder (i.e. extensive ripping is required) or floated to areas at considerable distance from Mount Barker (ie: higher travel costs).

In recent times, contractors have been used to excavate and stockpile material for road construction / maintenance activities, and excavate pits and cover waste at the Shire's landfill facilities. During this time Council officers have been reasonably satisfied with the quality, output, and ability of contractors to schedule work when required. In commenting on contractor performance however, there have been instances when contractors have been unreliable by not turning up on time or at all to predetermined activities, not undertaking work to the required standard, and increasing plant hire rates above that which is deemed reasonable.

One of the remaining uses for the Shire's CAT 814B dozer is clearing vegetation from within road reservations. The new native vegetation clearing restrictions, which come into operation in January 2006, will require Councils to obtain Purpose Permits to clear beyond the 'maintenance zone'.

The Purpose Permit details strategies to minimise the impact of clearing on native vegetation, the management of weeds and spread of disease during clearing operations, and how to control drainage to prevent negative impacts on the remaining vegetation corridors. Accordingly, any roadside clearing after January 2006 will need to be selective and unobtrusive with minimal impact on the natural environment.

Due to the above restrictions the dozer is not considered an appropriate item of plant for clearing vegetation from within road reservations due to the amount of disturbance that occurs during the maintenance operations. Therefore, the future usage of the dozer is expected to diminish. For this reason the dozer is considered obsolete and should be earmarked for disposal.

Disposal Of Caterpillar 814B Rubber Tyre Dozer - Plant No. D1 - Registration No. PL 1266 (Cont.)

Excavators are an extremely versatile item of plant and unlike a dozer can be used for the following activities:

- to excavate, stockpile and load gravel up to 230m³ per hour (compared to 133m³ per hour for a dozer);
- to carry out specific road repairs such as digging up, removing, and refilling specific sections of road, with limited compacting capabilities;
- excavate drainage pits, lay pipes and culverts, deepen or widen existing drainage lines and clean out culvert inlet and outlet points (with minimum impact on surrounding vegetation);
- excavate trenches and pits for waste management related activities;
- clear vegetation within specific areas or over large areas of land; and
- maintain overhanging tree canopies with the use of a specialised mechanical attachment, which is considerably safer and more efficient option than lifting workers in a man cage to manually cut branches with a chainsaw.

In addition to the versatile nature of an excavator, many of the machine's uses are quicker, more efficient, and cheaper than present methods of drainage maintenance, vegetation clearing, hole / trench digging and road maintenance activities. For this reason, it is the recommendation of Council Officers that the CAT 814B dozer be sold and a 20 tonne excavator be considered for purchase during formulation of the 2006/2007 budget.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) The Caterpillar 814B Rubber Tyre Dozer (Plant No. D1 - Registration No. PL 1266) is surplus to the needs of the Shire of Plantagenet and be sold by public tender in 2006 / 2007.
- (2) The purchase of a 20 tonne excavator be considered by the Council during formulation of the 2006 / 2007 budget.

COUNCIL DECISION

Moved Cr J Moir, seconded Cr M Skinner

That the Caterpillar 814B Rubber Tyre Dozer (Plant No. D1 - Registration No. PL 1266) be noted as surplus to the needs of the Shire and sold by public tender in 2006 / 2007.

CARRIED (9/0)

No. 353/05

Reason For Change

The mover was of the opinion that part (2) of the officer's recommendation should not form part of the Council's decision.

FURTHER MOTION

Moved Cr K Clements, seconded Cr B Hollingworth:

That the purchase of a 20 tonne excavator be considered by the Council during formulation of the 2006 / 2007 budget.

CARRIED (7/2)

No. 354/05

9.4.3 FIRE PREVENTION – APPOINTMENT OF A BUSH FIRE CONTROL OFFICER FOR 2005 / 2006

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	ES/151/3
Author:	Nicole Selesnew – Administration Officer
Authorised By:	Stephen Bell – Executive Director Technical and Development Services
Date of Report:	28 November 2005

Purpose

The purpose of this report is to appoint Mr Graham Frusher as a Bush Fire Control Officer for 2005 / 2006 within the designated Narrikup Bush Fire Brigade area, pursuant to Section 38 of the Bush Fires Act 1954.

Background

The Council appointed the 2005 / 2006 Bush Fire Control Officers at its ordinary meeting held on 16 August 2005. Since this meeting a Bush Fire Control Officer for the Narrikup Bush Fire Brigade, Mr Ross Backhouse, has resigned from his position.

The Narrikup Bush Fire Brigade nominated Mr Graham Frusher as the new Bush Fire Control Officer at an extraordinary general meeting held on Monday 14 November 2005.

Statutory Environment

Bush Fires Act 1954

Section 38 – Local Government may appoint Bush Fire Control Officers:

‘A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act’

Consultation

The Chief Bush Fire Control Officer and Captain of the Narrikup Bush Fire Brigade have been consulted in regard to the appointment of Mr Graham Frusher to the position of Bush Fire Control Officer. Both delegates support the nomination.

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'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr B Hollingworth:

THAT:

- (1) The previous appointment for Mr Ross Backhouse to the position of Bush Fire Control Officer for the Shire of Plantagenet be revoked.**
- (2) Mr Graham Frusher be appointed to the position of Bush Fire Control Officer within the designated Narrikup Bush Fire Brigade area for the Shire of Plantagenet for 2005 / 2006.**

CARRIED (9/0)

No. 355/05

9.4.4 HEAVY HAULAGE APPROVED ROUTES

Location / Address:	N / A
Attachments: (1)	Heavy Haulage Routes
Name of Applicant:	N / A
File Reference:	TT/117/1
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	1 December 2005

Purpose

The purpose of this report is to present a recommendation from the Heavy Haulage Advisory Committee Meeting held on 17 November 2005. The recommendation refers to heavy haulage approved routes.

Statutory Environment

Road Traffic (Vehicle Standing Regulations 2002)

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Key Result Area – Infrastructure aims to:

'Maximise the benefit to the Community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and building infrastructure within the financial resources of the Shire.'

Officer Comment

The heavy vehicle approved routes are developed to ensure that Council controlled roads within the Shire are protected from undue damage by heavy vehicles.

The approved routes are also used by Main Roads WA (MRWA) to issue heavy vehicle permits within the Shire.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr B Hollingworth:

THAT:

- (1) The heavy vehicle control approved routes, as attached, be endorsed.**
- (2) A heavy vehicle speed restriction of 70 kilometres per hour apply on all gravel roads and 80 kilometres per hour on all unmarked sealed roads and 90 kilometres per hour on marked sealed roads within the Shire.**

CARRIED (9/0)

No. 356/05

9.4.5 TENDER C02-0506 - SUPPLY AND DELIVERY OF A MOTOR GRADER

Location / Address:	N / A
Attachments: (1)	Technical Specifications
Name of Applicant:	N / A
File Reference:	PS/165/7
Author:	Ian Bartlett – Manager Works
Authorised By:	Stephen Bell – Executive Director Technical and Development Services
Date of Report:	25 November 2005

Purpose

The purpose of this report is to consider submissions from the advertising of Tender C02-0506- Supply and Delivery of 4 x 6 Motor Grader.

Background

Tenders were recently called for the supply and delivery of a 4 x 6 Motor Grader. Tender C02-0506 closed 4:00pm Thursday 3 November 2005 and was advertised for a period of twenty six (26) days.

At the close of submissions, four (4) tenders were received from the following registered companies:

- Westrac Pty Ltd;
- CJD Equipment;
- B.T. Equipment; and
- Hitachi Construction Machinery (Australia) Pty Ltd.

Two (2) outright purchase offers for the trade vehicle, a Caterpillar 12H Grader, were received from the following:

- Smith Broughton and Sons; and
- Mayday Earthmoving.

Statutory Environment

Part 4 of the Local Government (Functions and General) Regulations 1996 requires that tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$50,000.00.

The tendering process for goods and services must be in accordance with Sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 1996.

In particular, Regulation 18 outlines a number of requirements relating to the choice of tender. The Council is to decide which of the tenders is most advantageous and may decline to accept any or all of the tenders received.

Regulation 19 requires Council to advise each tenderer in writing of the results of the Council's decision.

Consultation

The Manager Works, with assistance from the Works Supervisor and Workshop Supervisor, prepared the tender documentation and specifications.

The Manager Works, Workshop Supervisor, Works Supervisor and relevant plant operators participated in the tender evaluation. In addition, Council Officers undertook an inspection of the various items of plant in Perth on 24 November 2005.

The Executive Director Technical and Development Services was consulted about the tender process and evaluation of tenders received, and item of plant recommended for purchase by the Council.

Policy Implications

There are no policy implications for this report.

Financial Implications

The supply and delivery of the motor grader will be funded from the Plant Reserve. In the adopted budget for 2005 / 2006, a total of \$459,820.00 (net) has been allocated towards the purchase of heavy plant. Other items that need to be purchased from this budget allocation are a four wheel loader and 4 x 2 tip truck.

Strategic Implications

The provision of engineering services is highlighted in the Shire of Plantagenet Strategic Plan, Key Result Area 2 - Infrastructure.

Officer Comment

A Request for Tenders was published in the Albany Advertiser and West Australian during the month of October 2005. In addition, a notice was placed on the Shire of Plantagenet website to inform prospective suppliers. The closing date for the receipt of tenders was Thursday 3 November 2005, with delivery of submissions to the tender box.

Four (4) tenders were received from various suppliers for the purchase of a new motor grader in accordance with the Shire's tender documentation and specifications. In addition, two (2) tenders were received from companies expressing a desire to purchase the trade vehicle.

A summary of the cost of each motor grader with relative trade price for Council's Caterpillar 12H grader (Registration No. PL 9649 - Plant No. G11) is shown tabulated below:

Tender C02-0506 - Supply And Delivery Of A Motor Grader (Cont.)

Tenderer's Offer

Supply and Deliver				
Supplier	Machine Make / Model	Purchase Price (inc GST)	Trade Offer (inc GST)	Nett Cost (inc GST)
Westrac	Caterpillar 12H	\$334,400.00	\$170,500.00	\$163,900.00
BT Equipment	Mitsubishi MG460	\$286,000.00	\$139,700.00	\$146,300.00
Hitachi	John Deere 670D	\$299,860.00	\$140,800.00	\$159,060.00
Hitachi	John Deere 672D	\$346,500.00	\$140,800.00	\$205,700.00
CJD Equipment	Volvo G710B	\$336,600.00	\$177,100.00	\$159,500.00
Outright Purchase				
MayDay Earthmoving			\$132,000.00	
Smith Broughton & Sons			\$140,547.00	

The Council's Works Supervisor, Workshop Supervisor and plant operators undertook inspections and testing of motor graders offered by respective suppliers. Officers focussed on the work output, operating systems and safety aspects of the items of plant offered. Further, tender submissions were examined to determine the most appropriate warranty, back up service and accessibility to parts.

The tender specification detailed compliance with a variety of criteria, including: minimum 104kW engine power rating; full power shift transmission; minimum 3660mm long, 600mm high and 19mm thick mouldboard; 340L fuel tank; and a safety designed cabin. Other components of the graders considered during the tender evaluation include operating weight (with attachments), transmission type, turning circle, brake type and the gearbox system. A summary of the machine specifications is attached.

The John Deere 672D was offered as an option to the John Deere 670D grader. The 672D grader is a 6 wheel drive with 133 – 138kw engine capacity and, despite the appeal of the vehicle due to the size and power, exceeds Council's requirements and was therefore not considered during the tender evaluation process.

The John Deere 670D grader is a smaller sized machine that is more manoeuvrable than other models offered. Hitachi offer a guaranteed buy back on the 670D model, if purchasing another John Deere grader, of 60% of the 670D purchase price after seven (7) years or 8,000 hours. However, the warranty offered with the John Deere 670D is three (3) years or 5,000 hours, one of the lowest warranty periods offered. Operators also noted the basic cabin layout, fuel intake point located off the ground, and hydraulic brake system which tended to be more difficult to operate than full air brakes.

Tender C02-0506 - Supply And Delivery Of A Motor Grader (Cont.)

The Mitsubishi grader was one of the cheapest offered, has the highest engine capacity and a tighter turning circle of all models tendered. The machine has a full air brake system and good visibility from the cab.

Despite these strengths, the Mitsubishi grader has a very basic cabin layout and the warranty is four (4) years or 1,000 hours less than the warranty offered by WesTrac. Only one machine has been sold in Western Australia to a private contractor which may affect the available supply of spare parts within Western Australia. The basic structure of the grader and lack of machines operating within Western Australia may impact on the trade value of a Mitsubishi grader.

CJD Equipment has tendered the Volvo G710B, the same model as the grader purchased by the Council in 2004. The minimum power output from the Volvo is one of the highest amongst the graders; however the overall length (10.4 metres) and 7.7 metre turning circle limit the manoeuvrability of the machine. The Volvo warranty is amongst the best offered and the Workshop Supervisor acknowledged the serviceability of the plant.

One of the faults of the Volvo identified by Shire operators is the standard clutch system which causes the machine to lunge forward when under load. The machine also operates on a hydraulic brake system which, as identified previously, can be more difficult to operate than full air brakes.

Council's Tender Evaluation Team recommends the purchase of the CAT 12H as offered by WesTrac. This is the same model purchased by the Council in 2004. Each of the machines offered for tender have a powershift transmission, however the way in which the power is transferred to the ground differs markedly. The CAT 12H has an inching pedal which enables the operator to inch around obstacles or drive off very smoothly, compared to the lunge action on other machines.

The CAT also operates on full air brakes which requires less effort from the operator, compared to hydraulic brakes and an electric throttle which is very light to use.

Visibility from the machine is excellent and the cabin is built to consider operator comfort and safety. The fuel inlet and daily service check points are located at such a position that operators can refuel and carry out routine maintenance from the ground.

The WesTrac warranty is the most superior of all warranties offered being seven (7) years or 7,000 hours for powertrain and hydraulic system components. Given the Council's current plant replacement strategy of a changeover every seven (7) years, this warranty minimises the likelihood of expensive repairs incurred by the Council throughout the duration of the machine's life.

It is the opinion of the Tender Evaluation Team that the Caterpillar 12H is the best value for money investment for the Shire of Plantagenet.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr K Hart:

That the Tender from WesTrac Pty Ltd to supply and deliver a Caterpillar 12H articulated motor grader to the Shire of Plantagenet be accepted, in accordance with the following price schedule:

Selling Price (GST Inclusive)	Trade Price (GST Inclusive) Caterpillar 12H - Registration No. PL 9649 - Plant No. G11	Nett Changeover (GST Inclusive)
\$334,400.00	\$170,500.00	\$163,900.00

CARRIED (9/0)

No. 357/05

9.4.6 TENDER C03-0506 - SUPPLY AND DELIVERY OF A LOADER

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	PS/165/2
Author:	Ian Bartlett – Manager Works
Authorised By:	Stephen Bell – Executive Director Technical and Development Services
Date of Report:	1 December 2005

Purpose

The purpose of this report is to consider submissions from the advertising of Tender C03-0506 - Supply and Delivery of one (1) Loader.

Background

Tenders were recently called for the supply and delivery of one (1) Loader. Tender C03-0506 closed on 4:00pm Thursday 3 November 2005 and was advertised for a period of twenty six (26) days.

At the close of submissions, tenders were received from the following registered companies:

- CJD Equipment;
- WesTrac Pty Ltd;
- Hitachi Construction Machinery (Australia) ;
- BT Equipment; and
- Hyundai Construction Equipment.

Four (4) outright purchase tenders were received from the following registered companies:

- Smith Broughton and Sons;
- Blok-Tek;
- A.D. Contractors Pty Ltd; and
- Ovest Machinery Pty Ltd.

Statutory Environment

Part 4 of the Local Government (Functions and General) Regulations 1996 requires that tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$50,000.00.

The tendering process for goods and services must be in accordance with Sections 11, 18 and 19 of the Local Government (Functions and General) Regulations 1996.

In particular, Regulation 18 outlines a number of requirements relating to the choice of tender. The Council is to decide which of the tenders is most advantageous and may decline to accept any or all of the tenders received.

Regulation 19 requires the Council to advise each tenderer in writing of the results of the Council's decision.

Tender C03-0506 - Supply And Delivery Of A Loader (Cont.)**Consultation**

The Executive Director Technical and Development Services prepared the tender documentation and specifications.

The Manager Works, Workshop Supervisor, and Works Supervisor participated in the tender evaluation. In addition, staff undertook an inspection of various loaders at machinery dealerships and other Local Government authorities on 26 November 2005 and 30 November 2005.

The Executive Director Technical and Development Services was consulted about the tender process and evaluation of tenders received, and item of plant recommended for purchase by the Council.

Policy Implications

There are no policy implications for this report.

Financial Implications

The supply and delivery of the loader will be funded from the Plant Reserve. In the adopted budget for 2005 / 2006, a total of \$459,820.00 (net) has been allocated towards the purchase of heavy plant. Other items that need to be purchased from this budget allocation are a motor grader and a 4 x 2 Tip Truck.

Strategic Implications

The provision of engineering services is highlighted in the Shire of Plantagenet Strategic Plan, Key Result Area 2 - Infrastructure.

Officer Comment

A Request for Tenders was published in the Albany Advertiser and West Australian during October 2005. In addition, a notice was placed on the Shire of Plantagenet website to inform prospective suppliers. The closing date for the receipt of tenders was Thursday 3 November 2005, with delivery of submissions to the tender box.

Five (5) tenders were received from various suppliers to supply one (1) Loader and trade the Shire's existing Caterpillar IT24F Loader. Four (4) tenders for the outright purchase of the Council's Caterpillar IT24F Loader were also received.

A summary of the loader prices with relative trade price for the Shire's Caterpillar Loader (Registration No. PL 9650 - Plant No. L8) are tabulated below:

Tender C03-0506 - Supply And Delivery Of A Loader (Cont.)

Tender C03-0506 Schedule of Prices

Supplier	Machine Make / Model	Purchase Price (Inc GST)	Trade In Price (Inc GST)	Net Cost (Inc GST)
CJD Equipment	Volvo - L60E	\$235,510.00	\$82,500.00	\$153,010.00
WesTrac Pty Ltd	Caterpillar 924G	\$218,955.00	\$98,230.00	\$120,725.00
Hitachi	John Deere 544J	\$223,960.00	\$82,500.00	\$141,460.00
B.T. Equipment	Kawasaki 65ZV	\$207,900.00	\$71,500.00	\$136,400.00
Hyundai Construction Equipment	Hyundai HL740TM-7	\$187,825.00	\$ 94,600.00	\$93,225.00
Outright Purchase				
Smith Broughton and Sons			\$71,797.00	
Blok-Tek			\$86,000.00	
A.D. Contractors Pty Ltd			\$80,500.00	
Ovest Machinery Pty Ltd			\$66,308.00	

The specification for the replacement Loader required a minimum engine power rating of 100 kilowatts, minimum bucket capacity of 1.7m³, an auto-shift transmission and safety cab design. Further, the Workshop Supervisor, Works Supervisor and plant operators undertook an inspection and tested the tendered plant to examine the ease of serviceability, stability during operation, loader linkage system, operator comfort, and safety features.

A summary of the specifications of all the loaders tendered is provided below:

Tender C03-0506 Loader Specifications

Supplier	Machine Make / Model	Engine Capacity (kw)	Transmission	Loader		Warranty
				Bucket capacity m ³	Dump height mm	
CJD Equipment	Volvo - L60E	102	Volvo Powershift	2.0	3870	36 months 6000 hours
WesTrac Pty Ltd	Caterpillar 924G	96	Caterpillar 4F / 3R	1.98	2828	60 months 5000 hours
Hitachi	John Deere 544J	116	Countershaft Powershift	2.3	3836	36 months 5000 hours
B.T. Equipment	Kawasaki 65ZV	105	Kawasaki Powershift (full automatic function)	2.1	3770	36 months 6000 hours
Hyundai Construction Equipment	Hyundai HL740TM-7	104	ZF Powershift	2.0	2915	36 months 5000 hours

The Tender Evaluation Panel has assessed each item of plant, taking in to consideration information in the Tender documents and the machines performance during the demonstration. The assessments are as follows:

Tender C03-0506 - Supply And Delivery Of A Loader (Cont.)

Volvo L60E Loader

Power: An excellent transfer of power to the ground making it easy to fill the bucket, even when picking up heavy loads or hard materials.

Brakes: The brakes were not as good as other machines tested and required significant effort to apply when the machine was travelling on sloping ground with a full bucket of materials.

Strength and Stability: The loader frame and arm appeared strong; however the grill on the back of the loader was made of light plastic which could be easily damaged. The machine was very stable during testing, even over rough ground.

Serviceability: Good access to the engine bay and service points.

Operator station: Visibility to the bucket is good, however the control layout differed significantly from other machines and would require considerable operator training.

Access to spare parts and backup service: The Tender document states that up to 90% of parts can be delivered within a 24 hour period when servicing or repair is required. Recent service and backup experience with other CJD Equipment (the Volvo motor grader) has been excellent.

John Deere 544J

(The 544J was not available for demonstration; however a slightly bigger model, the 624J, was inspected)

Power: A very powerful machine, however the horse-power rating of the John Deere 624J is 160hp, compared to 134hp for the tendered model.

Brakes: The brakes were not as good as other machines tested.

Strength and Stability: The loader frame and arm appeared strong and the stability is very good (due to a boom suspension system).

Serviceability: Good access to the engine bay and service points.

Operator station: A very comfortable cab with a good control layout. The visibility to the bucket is poor when the bucket is working level to the ground and working up close to objects, for example trimming trees.

Access to spare parts and backup service: The Tender document states up to 94% of parts can be delivered within 48 hours when servicing or repair is required.

Kawasaki 65TMV

Power: The power to ground ratio was inferior compared to the other models demonstrated.

Brakes: The brakes were sufficient.

Stability: The machine was stable over rough ground.

Serviceability: Access to the engine bay is restricted and covers need to be removed to source service points.

Operator station: The operator station is very basic, however visibility to the bucket is good.

Access to spare parts and backup service: The Tender document states up to 92% of parts can be delivered within 24 hours when servicing or repair is required.

Tender C03-0506 - Supply And Delivery Of A Loader (Cont.)

Hyundai HM740TM-7

Power: Poor power to the ground ratio and the machine struggles when trying to lift compacted / hard dirt or sand.

Brakes: Excellent brake system.

Strength and Stability: The Hyundai appeared to be a solid machine, except for the wheel arch guards that were made of light steel which could be easily damaged. Good stability due to the presence of boom suspension.

Serviceability: Access to the engine bay is good, although the wheel arch has to be moved in order to access parts deep within the engine bay.

Operator station: A very comfortable cab with good control layout and excellent steering. The vision to the bucket is good.

Access to spare parts and backup service: The Tender document states that 24 hour parts availability exists.

Caterpillar 924G

Power: Despite the low kilowatt engine capacity, the power to ground ratio is excellent and the machine was able to lift heavy and compacted materials easily. The horse-power rating is only 2hp less than the Council's new 928G Loader and the attachment couplings are identical, therefore attachments can be interchanged between the two machines.

Brakes: Very good brake system.

Strength and Stability: The loader frame and linkage structure appear very solid and the machine is very stable, even when travelling over rough ground.

Serviceability: Ground level access to all major service points and the machine features extended service intervals (for example engine oil doesn't need to be changed until the machine has completed 500 hours) which will reduce machine down time.

Operator station: A very comfortable cab with good control layout. Visibility around the machine is excellent, in particular to the front of the machine due to the single piece boom style lift arm. The control and cabin layout is identical to the Shire's existing Caterpillar 928G Loader, which can maximise operator familiarity and minimise the requirement for operator training.

Access to spare parts and backup service: The Tender document states up to 98% of parts can be delivered within 24 hours when servicing or repair is required. Recent service and backup experience with other WesTrac equipment has been excellent.

It is the opinion of the Tender Evaluation Team that the Caterpillar 924G is the best value for money investment for the Shire of Plantagenet.

Voting Requirements

Simple Majority

Tender C03-0506 - Supply And Delivery Of A Loader (Cont.)

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Mark:

That the Tender from WesTrac Pty Ltd to supply and deliver a Caterpillar 924G Loader to the Shire of Plantagenet be accepted, in accordance with the following price schedule:

Total Price of New Caterpillar 924G Loader (GST Inclusive)	Trade Price (GST Inclusive) Caterpillar IT24F Registration No. PL 9650 Plant No. L8	Net Changeover (GST Inclusive)
\$218,955.00	\$98,230.00	\$120,725.00

CARRIED (9/0)

No. 358/05

9.4.7 TENDER C04-0506 - SUPPLY AND DELIVERY OF A 4 X 2 TIP TRUCK

Location / Address:	N / A
Attachments: (1)	Technical Specifications
Name of Applicant:	N / A
File Reference:	PS/165/8
Author:	Ian Bartlett – Manager Works
Authorised By:	Stephen Bell – Executive Director Technical and Development Services
Date of Report:	25 November 2005

Purpose

The purpose of this report is to consider submissions from the advertising of Tender C04-0506 – Supply and Delivery of 4 x 2 Tip Truck.

Background

Tenders were recently called for the supply and delivery of one (1) 4 x 2 Tip Truck. Tender C04-0506 closed on 4.00pm Thursday 3 November 2005 and was advertised for a period of twenty six (26) days.

At the close of submissions, Tenders were received from the following registered companies:

- WA Hino Sales and Service;
- Albany City Motors; and
- AV Truck Services Pty Ltd.

One (1) outright purchase Tender was received from the following registered company:

- Smith Broughton and Sons

Statutory Environment

Part 4 of the Local Government (Functions and General) Regulations 1996 requires that tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$50,000.00.

The tendering process for goods and services must be in accordance with Sections 11, 18 and 19 of the Local Government (Functions and General) Regulations 1996.

In particular, Regulation 18 outlines a number of requirements relating to the choice of tender. The Council is to decide which of the Tenders is most advantageous and may decline to accept any or all of the Tenders received.

Regulation 19 requires the Council to advise each tenderer in writing of the results of the Council's decision.

Tender C04-0506 - Supply And Delivery Of A 4 x 2 Tip Truck (Cont.)**Consultation**

The Manager Works, with assistance from the Works Supervisor and Workshop Supervisor, prepared the tender documentation and specifications.

The Manager Works, Workshop Supervisor, Works Supervisor and relevant plant operators participated in the tender evaluation.

The Executive Director Technical and Development Services was consulted about the tender process and evaluation of tenders received, and item of plant recommended for purchase by the Council.

Policy Implications

There are no policy implications for this report.

Financial Implications

The supply and delivery of the 4 x 2 Tip Truck will be funded from the Plant Reserve. In the adopted budget for 2005 / 2006, a total of \$459,820.00 (net) has been allocated towards the purchase of heavy plant. Other items that need to be purchased from this budget allocation are a motor grader and a four wheel drive loader.

Strategic Implications

The provision of engineering services is highlighted in the Shire of Plantagenet Strategic Plan, Key Result Area 2 – Infrastructure.

Officer Comment

A Request for Tenders was published in the Albany Advertiser and West Australian during October 2005. In addition, a notice was placed on the Shire of Plantagenet website to inform prospective suppliers. The closing date for the receipt of tenders was Thursday 3 November 2005, with delivery of submissions to the tender box.

Three (3) tenders were received from various suppliers for the purchase of a new tip truck and one (1) tender for the outright purchase of the trade vehicle (Isuzu NPR 400 - Registration No. PL 534).

A summary of the cost of each tip truck, with relative trade prices, is shown tabulated below:

Tender Prices:

Supplier	Truck Make / Model	Purchase Price (inc GST)	Trade Offer (inc GST)	Nett Cost (inc GST)
WA Hino Sales and Service	Hino Dutro 7500 Medium	\$57,087.00	\$26,500.00	\$30,587.00
Albany City Motors	Isuzu NPR 400	\$59,049.13	\$28,000.00	\$31,049.13
Albany City Motors	Isuzu NQR 450	\$63,163.57	\$28,000.00	\$35,163.57
AV Truck Services Pty Ltd	UD Nissan Diesel MK175T	\$64,229.00	\$26,200.00	\$38,029.00
Outright Purchase				
Smith Broughton and Sons			\$23,397.00	

Tender C04-0506 - Supply And Delivery Of A 4 x 2 Tip Truck (Cont.)

The Manager Works, Workshop Supervisor, Works Supervisor and plant operators reviewed the tenders for each truck offered, examining the suitability for the Shire's requirements, service and backup, operator comfort, safety features and resale value. A summary of truck specifications is attached.

Both the Isuzu NQR 450 and Nissan UD Diesel are larger trucks with high engine capacity. The Isuzu truck tip body complies with the minimum requirements set out in the tender specification (minimum 3700mm long and 2200mm wide) and has a 125 litre fuel tank. The Nissan UD Diesel complies with both the front and rear axle capacity requirements however the tip body is smaller than the requested measurements and the hydraulic hoist is mounted in the centre of the tray, rather than the front of the tray which is the preferred location for the hoist.

The tender panel recognised the quality of the Isuzu NQR 450 and Nissan, however the panel agreed that the trucks exceeded the Council's requirements and there would be very little cost benefit from spending the extra money on the vehicles.

The Isuzu NPR 400 and Hino Dutro 7500 Medium fall below the preferred engine capacity of 125kW, with the Hino capable of producing slightly more torque than the Isuzu (430Nm compared to 404Nm). Both companies have quoted on the supply of an Evertrans tip truck body which complies with the minimum dimensions detailed in the tender specification.

The features of the Isuzu NPR 400 and Hino Dutro 7500 are very similar making it difficult to separate the two vehicles. The tender panel preferred the Hino due to its price, suitability to meet the Shire's needs, operator familiarity (the Shire currently has three (3) Hino trucks), and superior spare parts supply and service support.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Mark:

That the Tender from WA Hino Sales and Service to supply and deliver one (1) Hino Dutro 7500 Medium Tip Truck to the Shire of Plantagenet be accepted in accordance with the following price schedule:

Supplier	Truck Make / Model	Purchase Price (inc GST)	Trade Offer Isuzu NPR 400 - PL 534 (inc GST)	Nett Cost (inc GST)
WA Hino Sales and Service	Hino Dutro 7500 Medium	\$57,087.00	\$26,500.00	\$30,587.00

CARRIED (9/0)

No. 359/05

9.4.8 WASTE MANAGEMENT IMPLEMENTATION PLAN

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	EM/94/2
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	2 December 2005

Purpose

The purpose of this report is to recommend an action plan for the implementation of the Council's Waste Management Objectives.

Background

At its meeting held on 16 August 2005 the Council resolved:

'The Council will:

- (1) *Provide a cost effective, environmentally sustainable waste management service that will meet the needs of the Plantagenet community, now and into the future.*
- (2) *Achieve the objective stated in (1), through the implementation of the following actions:*
 - (a) *New Landfill Site*
By August 2006, new landfill sites will be identified within the Shire of Plantagenet to ensure the continuation of a sustainable waste service.
 - (b) *Recycling*
Provision of an economically sustainable waste minimisation service for the community.
 - (c) *Transfer Station*
Investigate the construction of a transfer station facility which will provide a location for the long term disposal for drop off waste for the townsite of Mount Barker and surrounding rural areas, with putrescible waste being transported to the new landfill site on closure of the O'Neill Road Landfill.
 - (d) *Kendenup*
Conversion of the Kendenup Landfill to a transfer station by August 2006 with waste transported to O'Neill Road in the short term and to the new landfill site in the future and the present landfill site being remediated.
 - (e) *Kamballup*
Closure of the Kamballup Landfill and the site remediated by the end of 2006.'

Waste Management Implementation Plan (Cont.)**Statutory Environment**

Section 112 of the Health Act (1911) requires a Council to (among other things) undertake the efficient execution of the removal of house and trade refuse and other rubbish from premises.

Strategic Implications

The proposal is consistent with the Shire of Plantagenet's Strategic Plan, in particular Key Result Area 2: Infrastructure, of which one of the aims is to '*Protect the community's health by managing waste in a timely, effective, economic and environmentally safe manner.*'

Consultation

Consultation has been undertaken with the Department of Environment.

Policy Implications

This report could affect the implementation program of a Council policy.

Financial Implications

The Council's 2005 / 2006 Budget and Plan for the Future provides an amount of \$50,000.00 to construct a transfer station at Kendenup. A further \$19,000.00 is provided for refuse site improvements at O'Neill Road. An amount of \$100,000.00 has been suggested for the 2006 / 2007 financial year to construct a transfer station at the Mount Barker Waste Reserve (O'Neill Road).

Strategic Implications

The Council's Strategic Plan, in particular Key Result Area 2: Infrastructure notes the aim of the Council to '*protect the community's health by managing waste in a timely, effective, economic and environmentally safe manner.*'

Officer Comment

Although the Council has adopted a policy with regard to Waste Management (Resolution No. 245/05) concerns are raised that insufficient personnel are available at this time to effect this direction. Members will be aware that the Council's Project Engineer has resigned and efforts to fill that vacant position with a suitable replacement have not yet borne fruit. The remaining Technical and Engineering staff are fully utilised for the remainder of the financial year with a number of projects, including the upgrade to Lowood Road and construction of the new administration building, normal maintenance, construction work, and remedial flood works including realignment and reinstatement of Chillinup Road. Unfortunately it is unrealistic to expect further progress on waste management (except for normal maintenance processes) for the remainder of this financial year.

However, any moratorium on the development of waste management practices should be for a short term only and it is suggested that community consultation occur in the new calendar year to ascertain community expectations with regard to waste management, especially recycling. Should such a survey be done early in 2006, it will enable the Council to better address budgeting needs in the 2006 / 2007 financial year and beyond.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr K Hart:

That notwithstanding the Council's resolution of 16 August 2005 which established an implementation plan for the Council's Waste Management objectives, the Chief Executive Officer be authorised to undertake public consultation with regard to the Council's Waste Management objectives prior to any further implementation of those objectives and a full report of the results of such public consultation be presented to the Council at its meeting to be held on 28 March 2006.

CARRIED (9/0)

No. 360/05

9.5 DEVELOPMENT SERVICES REPORTS

9.5.1 LOCATION 2033 ROCKY GULLY ROAD, ROCKY GULLY - PROPOSED PLANTATION

Location / Address:	Location 2033 Rocky Gully Road, Rocky Gully
Attachments: (2)	Locality Plan Site / Compartment Plan
Name of Applicant:	ITC on behalf of RL Foster
File Reference:	RV/182/944
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	21 November 2005

Purpose

The purpose of this report is to consider an application for a Rural Use (Plantation) on Location 2033 Rocky Gully Road, Rocky Gully.

Background

The subject land is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3. The property is 415.5ha. The application is for seventeen (17) compartments totalling 276.6ha of plantation to be established over the next two (2) years. It is intended to plant Eucalyptus globulus, although some small 'experimental areas' of other mixed species may be planted.

The property contains a dwelling and farm sheds. No plantings are proposed within 100m of the dwelling.

Shire records show the current owner to be Estate of Richard Lawrence Foster. At the time of writing this report, the property was under offer with the prospective purchaser being Integrated Tree Cropping (ITC). Settlement is pending the granting of planning approval.

Statutory Environment

Town Planning and Development Act (1928) as amended
Shire of Plantagenet Town Planning Scheme No. 3
Bushfires Act (1954)

Consultation

There has been some consultation between Ms Alyson Bourne – Land Officer ITC, and Shire staff regarding sale of the property and the timing of settlement.

Policy Implications

The Policy Statements in Section 2.3.3 of Town Planning Scheme No. 3 contain relevant background. It is recognised that tree planting can be beneficial in terms of soil conservation and water resources management provided it does not result in the loss of the better class of agricultural land or lead to a long term loss of rural population. Ongoing management issues include fire protection and loss of visual

Location 2033 Rocky Gully Road, Rocky Gully - Proposed Plantation (Cont.)

amenity. A Town Planning Scheme Policy is being prepared to coincide with finalisation of the Shire of Plantagenet Town Planning Scheme Amendment 28.

Planning Commission Bulletin 56 Farm Forestry Policy, once adopted, will affect the way the Council deals with applications for Agroforestry and Plantations.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The proposal is consistent with the Shire of Plantagenet Strategic Plan, in particular New Initiative 4.3 *'Encourage establishment of new businesses which provide employment and / or service to the tourist industry and contribute to the prosperity of Plantagenet (and to) focus on the diverse rural sector.'*

Officer Comment

The proposed Plantation is considered to be compatible with the surrounding rural land uses.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr M Skinner:

That planning consent be granted in respect of Application No. 37/05 for Location 2033 Rocky Gully Road, Rocky Gully to be developed for the purpose of Rural Use (276.6ha of Eucalyptus Globulus Plantation) in accordance with the plans dated 15 November 2005 subject to the following conditions:

- (1) A detailed planting plan showing final compartment sizes, fire access and water points being submitted prior to planting.**
- (2) The applicant being responsible for the cost of repairing any undue damage to local roads caused by the harvesting operation.**
- (3) A Heavy Haulage permit being obtained prior to transport vehicles associated with the harvesting using Local Government Roads.**
- (4) All necessary crossovers, including pipes and culverts being in accordance with the Shire of Plantagenet specifications for construction of a vehicle crossover.**
- (5) A separate harvesting plan is to be submitted to the Council two (2) years prior to harvesting of the subject land.**

ADVICE NOTES

If the development, the subject of this approval, is not substantially commenced within a period of 24 months, the approval shall lapse and be of no further effect.

There is an obligation to comply with relevant statutes including:

- The Shire of Plantagenet Annual Fire Break Notice**

Location 2033 Rocky Gully Road, Rocky Gully - Proposed Plantation (Cont.)

- Environmental Protection Act (1986)
- Health Act (1911) – Health (Pesticides) Regulations (1956)
- Aerial Spraying Control Act (1966)
- The Code of Practice for Plantations, in particular:

‘To provide neighbours with adequate notice of impending, significant silvicultural activities, which will allow both parties to take any necessary action to avoid detrimental impacts as a result of these activities; and

The application of chemicals, including fertiliser, herbicides and pesticide in the adjacent Water Catchment Area.’

It is in the applicant’s interest to investigate and possibly set aside areas of land to access road building materials in the event that gravel is required to repair the local road system should it be damaged during harvesting operations.

CARRIED (9/0)

No. 361/05

9.5.2 LOT 186 MONDURUP STREET, MOUNT BARKER - PROPOSED SUBDIVISION

Location / Address:	Lot 186 Mondurup Street, Mount Barker
Attachments: (2)	Locality Plan Subdivision Site Plan
Name of Applicant:	John Kinnear on behalf of RD and GM Clarke
File Reference:	LP/158/31 and RV/182/1905
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	16 November 2005

Purpose

The purpose of this report is to consider a request from the Department for Planning and Infrastructure for comment on a proposal to subdivide Lot 186 Mondurup Street, Mount Barker into six (6) superlots ranging in size from 2008m² to 4924m².

Background

The subject land is zoned Residential under the Shire of Plantagenet Town Planning Scheme No 3. The R10/20 Density Code applies. The site is currently undeveloped and contains substantial remnant vegetation.

The proposal is for six (6) lots being 3450m², 4924m², 4923m², 2014m², 2008m² and 2008m² in area. The plan of subdivision indicates possible future lot boundaries.

Shire records show the registered owners to be Ronald David and Gaye Michelle Clarke.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3
Town Planning and Development Act (1928)
Environmental Protection Act (1986)

Consultation

There has been no consultation for this report.

Policy Implications

The subject land is within the study area for the 1994 Mount Barker Townsite Strategy. The Council adopted the Mount Barker Townsite Strategy as Town Planning Policy No. 7 on 26 April 1995. As an outcome of the study, the Density Coding of the subject land was amended from R10 to R10/20.

The Shire of Plantagenet 'Subdivision Development Policy Standards Specifications' adopted March 1997 applies.

Western Australian Planning Commission Policies:

- Policy No. DC 1.1 Subdivision of land – General Principles
- Policy No. DC 1.4 Functional Road Classification for Planning
- Policy No. DC 2.2 Residential Subdivision
- Policy No. DC 2.3 Public Open Space in Residential Areas
- Policy No. DC 2.6 Residential Road Planning

Financial Implications

There are no financial implications for this report.

Strategic Implications

The overall objective of the Mount Barker Townsite Strategy is:

'To provide for further consolidation and development within the Mount Barker Townsite in a manner which recognises and enhances the existing character of the town and ensures that there are no negative impacts.'

Officer Comment

Part 4.0 of Town Planning Scheme Policy No. 7 sets out guidelines for the subdivision and development of land in R10/20 Density Coded areas. Guidelines relevant to this proposal include:

- connection to reticulated sewerage;
- compliance with the Residential Planning Codes;
- preference for the creation of gazetted roads, rather than battle-axe lots;
- applications to indicate existing vegetation and where possible, demonstrate how significant trees are to be retained;
- new trees are to be planted if it is necessary to remove established trees; and
- subdivision shall have regard for the existing character of the streetscape.

The proponent has indicated that the cost of extending reticulated sewer to this subdivision is prohibitive. It is therefore proposed to create six (6) superlots, all in excess of the 2000m² minimum for unsewered residential subdivision. The superlots have the potential for further subdivision, in the event of reticulated sewer being extended to this area.

Upgrading of Mondurup Street is required and to service the proposed subdivision the portion of Marmion Street fronting the proposed lots is required to be sealed. The Shire of Plantagenet 'Subdivision Development Policy Standards Specifications' require sealed roads for 'urban' subdivisions.

Stormwater runoff will need to be adequately managed to address any drainage issues associated with the subdivision and subsequent development.

The subdivision will facilitate the release of additional residential lots in Mount Barker. The proposal is supported, conditional upon provision of standard residential infrastructure including roads, drainage, footpaths, street lighting, power, and water.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr J Moir:

That the Western Australian Planning Commission be advised that the subdivision of Lot 186 Mondurup Street, Mount Barker (WAPC Ref: 129718) dated 1 November 2005 is supported subject to:

- (1) All lots created by this application being provided with frontage to a sealed, kerbed subdivisional road designed, constructed and drained at the subdivider's cost to the specifications and satisfaction of the Shire of Plantagenet.
- (2) The applicant being responsible for identifying the existing Council drainage system in this area. A comprehensive Drainage Analysis (report) is to be undertaken to determine the adequacy of the existing downstream system to convey flows from the subdivision. Retarding basins may be required to minimise stormwater runoff from the site and application of Water Sensitive Urban Design principles shall be accommodated within the subdivision.
- (3) All lots created by this application being connected to the existing Council drainage system in the area. Prior to constructing the drainage system, plans are required to be submitted to and approved by the Council. These plans shall clearly show: invert levels, cover levels and pipe size, class, and grade and be designed / certified by a practising Civil Engineer. Approved plans are those which have been considered by the Council, duly amended to meet its requirements and endorsed as approved. At both design and construction stages, subdivisional works shall be assessed in accordance with the Institute of Municipal Engineering Australia's (WA Division) Local Government Guidelines for Subdivisional Development. The emission of noise, dust and / or sand shall be managed in accordance with Department of Environmental Protection (DEP) requirements.
- (4) Prior to carrying out any subdivisional works, plans are required to be submitted to and approved by the Council. All areas disturbed as a result of subdivisional works are to be reinstated (including the restoration and stabilising of top soil) to the satisfaction of the Council.
- (5) A shared crossover servicing proposed lots B and C is to be designed and constructed at the subdivider's cost to the specifications and satisfaction of the Shire. A permit is required prior to any work being carried out within the road reserve.
- (6) Reciprocal Rights of Carriageway being established over the proposed battle-axe legs on lots B and C to protect future construction of the road.
- (7) A 1.5m wide footpath being constructed at the subdivider's cost in the sections of Mondurup Street and Marmion Street fronting the subdivision to the specification and satisfaction of the Local Authority as set out in the 'Shire of Plantagenet Engineering Department Subdivision Development Policy Standards Specifications'.

Lot 186 Mondurup Street, Mount Barker – Proposed Subdivision (Cont.)

- (8) Street lighting is to be provided at the subdivider's cost to the Council's satisfaction and specifications.
- (9) The subdivider providing street trees in accordance with the species list and specifications set out in the Mount Barker Townscape Review.
- (10) Payment of a cash contribution in lieu of provision of Public Open Space under Section 20A of the Town Planning and Development Act (1928), based on the market value of the land at the time of the Commission's approval.
- (11) The subdivider making arrangements satisfactory to the Council to ensure that prospective purchasers and successors in title are aware of the following in writing:
 - (a) that sewerage is not available; and
 - (b) an approved on-site effluent disposal system to the satisfaction of the Council and the Health Department of WA will be required to service any new development on each lot.
- (12) Certification from the Water Corporation that arrangements have been made with that body so that connection to an adequate reticulated water service will be available to all lots proposed by this application.
- (13) The subdivider is to provide certification by the Water Corporation and the Fire and Emergency Services Authority of WA (FESA) that subdivision plans meet their specifications and that hydrant fire fighting services will be installed to standard specifications and requirements.
- (14) All electricity services are to be provided at the subdivider's expense via underground cabling.

CARRIED (9/0)

No. 362/05

**9.5.3 LOTS 312 AND 313 LAKE MATILDA ROAD, KENDENUP - ABATTOIR -
EXTENSION OF USE (IRRIGATED PASTURES AND PLANTATION)**

Location / Address:	Lots 312 and 313 Lake Matilda Road, Kendenup
Attachments: (2)	Locality Plan Aerial Locality Map
Name of Applicant:	Dowford Investments T/A Mount Barker Chickens
File Reference:	RV/182/2214
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	17 November 2005

Purpose

The purpose of this report is to consider a development application by Dowford Investments trading as Mount Barker Chickens for extensions to the Abattoir (Irrigated Pastures and Plantation) on Lots 312 and 313 Lake Matilda Road, Kendenup.

Background

The subject land is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3. The Use Class Abattoir is cross referenced in the Zoning Table as 'SA' which means that the Council may, at its discretion, permit the use after Notice has been given in accordance with Clause 6.2.

The application is for 4-5ha of plantation with a combination of agroforestry and pasture/cropping on the balance of the site. It is proposed to sprinkle irrigate the Eucalyptus Globulus plantation and trickle or drip irrigate pasture, silage or stockfeed crops using excess treated wastewater from the Abattoir on Lot 311. All piping will be underground and it is proposed to use electric pumps. There will be a rain-fed buffer of native vegetation, at least 3m in width, surrounding the development to serve as a wind break and to screen the site. Standard perimeter fire breaks will be installed.

Shire records show the current owners of Lot 312 Lake Matilda Road, Kendenup to be Dowford Investments Pty Ltd.

The applicant has advised that Lot 313 Lake Matilda Road is currently under offer.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3
Schedule I Interpretations

Lots 312 And 313 Lake Matilda Road, Kendenup – Abattoir – Extension Of Use (Irrigated Pastures And Plantation) (Cont.)

'Abattoir - means land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products;'

Environmental Protection Act (1986)

Health Act (1911)

Shire of Plantagenet Health Local Laws

Consultation

Consultation has occurred between representatives from the Department of Environment, Dowford Investments and Shire of Plantagenet officers.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The proponent is undertaking improvements to the wastewater treatment systems associated with the Chicken Abattoir located on Lot 311 Lake Matilda Road. The proposed irrigation area is one of the actions being taken by Mount Barker Chickens to address wastewater and odour management issues and to comply with the requirements of the Department of Environment.

Preliminary assessment and soil testing of the sites has been undertaken. It is estimated that approximately 1ha would be sufficient to irrigate 63kl per day. Based on current volumes, the proponents advise that 3ha of plantation will be sufficient for the anticipated volumes of excess wastewater. A total of 6ha is proposed, together with trial pasture / cropping.

The Abattoir and associated wastewater treatment and irrigation area constitutes an Offensive Trade under the Health Act (1911). The requirements of the Shire of Plantagenet Health Local Law are applicable and the activity is subject to annual registration.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark:

THAT:

- (1) The development application for Lots 312 and 313 Lake Matilda Road, Kendenup to be used for the purpose of Abattoir extension (irrigation of pasture and plantation using treated waste water) be advertised in accordance with Clause 6.2.3 parts (a) and (b) of the Shire of Plantagenet Town Planning Scheme No. 3 stating that submissions may be made to the Council within twenty one (21) days of the notice.**

Lots 312 And 313 Lake Matilda Road, Kendenup – Abattoir – Extension Of Use (Irrigated Pastures And Plantation) (Cont.)

- (2) further report be prepared at the conclusion of the advertising period for consideration of the Council at its meeting to be held 14 February 2006.

CARRIED (8/1)

No. 363/05

9.5.4 LOCATIONS 4013, 6272, 6150 AND 4995 NORTH WOOGENELLUP ROAD, WOOGENELLUP – RURAL USE (AGROFORESTRY)

A Financial Interest was declared by Cr B Hollingworth for Item 9.5.4.

Nature of Interest: Financial

5:17pm Cr B Hollingworth withdrew from the meeting.

Location / Address: Locations 4013, 6272, 6150 and 4995 North Woogenellup Road, Woogenellup

Attachments: (2) Locality Plan
Site Plan

Name of Applicant: Forest Products Commission

File Reference: RV/182/683, RV/182/4819, RV/182/518

Author: Delma Baesjou - Manager Development Services

Authorised By: Rob Stewart - Chief Executive Officer

Date of Report: 31 October 2005

Purpose

The purpose of this report is to consider an application for Rural Use (Agroforestry) on Locations 4013, 4995, 6150 and 6272 North Woogenellup Road, Woogenellup.

Background

The subject land is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3.

The properties total in excess of 620ha. The application is for 34.7ha of tree cropping area. It is intended to plant Eucalyptus cladocalyx, maculata and occidentalis.

The subject land is adjacent to the Stirling Range National Park.

Shire records show the current owners to be M and H Adams, C and E Adams and Kalgan Nominees.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3.

Policy Implications

There are no Local Government policy implications for this report, however Planning Commission Bulletin 56 Farm Forestry Policy, once adopted, will affect the way the Council deals with applications for Plantations.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The proposal is consistent with the Shire of Plantagenet Strategic Plan, in particular New Initiative 4.3: *Encourage establishment of new businesses which provide*

Locations 4013, 6272, 6150 And 4995 North Woogenellup Road, Woogenellup – Proposed Plantation
(Cont.)

employment and / or service to the tourist industry and contribute to the prosperity of Plantagenet (and to) focus on the diverse rural sector.'

Officer Comment

It is proposed to plant trees in east west lines / compartments as shown on the site plan. It is possible that degraded paddock trees will be removed, following issue of a clearing permit and any other necessary approvals.

The proposed Agroforestry is considered to be compatible with the broad acre rural land uses in the locality and will complement the existing rural enterprise. The application addresses issues of access, fire safety, vermin and weed control and harvesting.

Officers advise it is in the applicant's interest to investigate and possibly set aside areas of land to access road building materials in the event that gravel is required to repair or upgrade the local road system.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr M Skinner:

That planning consent be granted in respect of Application No. 35/05 for Locations 4013, 4995, 6150 and 6272 North Woogenellup Road, Woogenellup to be developed for the purpose of Rural Use (34.7ha of Agroforestry) generally in accordance with the proposal dated 27 October 2005 subject to the following conditions:

- (1) The applicant being responsible for the cost of repairing any undue damage to local roads caused by the harvesting operation.**
- (2) A separate harvesting plan being submitted to the Council two (2) years prior to harvesting of the subject land.**

ADVICE NOTES

If the development, the subject of this approval, is not substantially commenced within a period of 24 months, the approval shall lapse and be of no further effect.

There is an obligation to comply with relevant statutes including:

- The Shire of Plantagenet Annual Fire Break Notice**
- Environmental Protection Act (1986)**
- Aboriginal Heritage Act (1972)**
- The Code of Practice for Plantations**

Locations 4013, 6272, 6150 And 4995 North Woogenellup Road, Woogenellup – Proposed Plantation
(Cont.)

It is in the applicant's interest to investigate and possibly set aside areas of land to access road building materials in the event that gravel is required to repair the local road system should it be damaged during harvesting operations.

CARRIED (8/0)

No. 364/05

3:18pm Cr B Hollingworth returned to the meeting.

**9.5.5 LOCATIONS 5258 AND 4725 CHESTER PASS ROAD, PORONGURUP -
SUBDIVISION (BOUNDARY ADJUSTMENT)**

Location / Address:	Location 5258 and 4725 Chester Pass Road, Porongurup
Attachments: (2)	Locality Plan Site Plan
Name of Applicant:	John Kinnear on behalf of ME & R Henderson
File Reference:	LP/158/33 and RV/182/369
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	21 November 2005

Purpose

The purpose of this report is consider a request from the Department for Planning and Infrastructure for comment on a proposed subdivision (boundary adjustment) of Locations 5258 and 4725 Chester Pass Road, Porongurup. The proposal is for two (2) lots being 241.62ha and 52.52ha.

Background

Locations 5258 is zoned Rural under the Shire of Plantagenet Town Planning Scheme No 3.

Location 4725 Chester Pass Road is outside the Shire of Plantagenet municipal boundary.

Shire records show the registered owner to be Malcolm Ernest Henderson and Rosemary Henderson.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3
Town Planning and Development Act (1928)

Consultation

There has been no consultation for this report.

Policy Implications

The Shire of Plantagenet Subdivision Development Policy Standards Specifications adopted March 1997 is applicable.

Western Australian Planning Commission Policies:

- Policy No. DC 1.1 Subdivision of land – General Principles
- Policy No. DC 3.4 Subdivision of Rural Land

Financial Implications

There are no financial implications for this report.

Strategic Implications

The Council's Strategic Plan provides for the co-ordination of long term planning for sustainable, environmental, economic and social development of the Shire and the Great Southern.

Officer Comment

With the boundary adjustment the new 'Lot A' would straddle the Shire of Plantagenet and City of Albany municipal boundary. Further, the resultant lot configuration does not appear to represent a rationalisation of the land holdings.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That the Western Australian Planning Commission be advised that the subdivision (boundary adjustment) of Locations 5258 and 4725 Chester Pass Road, Porongurup (WAPC Ref: 129836) dated 11 November 2005 is not supported for the following reasons:

- (1) The resultant lot configuration does not represent a rationalisation of the land; and
- (2) The boundary adjustment will create an anomaly in the municipal boundaries.

FURTHER MOTION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Hollingworth:

That the Western Australian Planning Commission be advised that subdivision (boundary adjustment) of Locations 5258 and 4725 Chester Pass Road, Porongurup (WAPC Ref. 129836) dated 11 November 2005 is supported subject to an appropriate alteration to the local government district boundaries of the City of Albany and the Shire of Plantagenet pursuant to Section 2.1 of the Local Government Act (1995).

CARRIED (9/0)

No. 365/05

Reason For Change

The Council was of the opinion that the proposal could be supported subject to a district boundary adjustment.

9.5.6 LOT 100 CORNER LOWOOD ROAD AND LANGTON ROAD, MOUNT BARKER - ALFRESCO EATING AREA

Location / Address:	Lot 100 Corner Lowood Road and Langton Road, Mount Barker
Attachments: (2)	Locality Plan Site Plan
Name of Applicant:	Ian Preece
File Reference:	RV/182/3918
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	1 December 2005

Purpose

The purpose of this report is to consider an application for an Alfresco Eating area on Lot 100 Corner Lowood Road and Langton Road, Mount Barker.

Background

The subject land is zoned Commercial under the Shire of Plantagenet Town Planning Scheme No. 3.

It is proposed to pave and landscape a 4.8m by 6m area at the front of Lot 100 and provide tables and chairs. The outdoor eating area will be used for the consumption of tea, coffee, soft drinks and light meals purchased from the adjoining premises at Lot 1 (41) Lowood Road.

The alfresco dining area falls within the definition of Eating House as set out in Schedule I of the Scheme:

‘Eating House - means premises in which meals are served to the public for gain or reward, but does not include:

- (a) *premises in respect of which a hotel licence, tavern licence, limited hotel licence or wine house licence has been granted under the Liquor Act, 1970;*
- (b) *a boarding house, lodging house or hostel;*
- (c) *a building or other structure used temporarily for serving meals to the public at a fair, show, military encampment, races or other public sports, games or amusements;’*

The Use Class ‘Eating House’ is cross referenced in the Zoning Table as ‘P’ in the Commercial Zone which means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent.

Shire records show the current owner to be Lynette Edith Welsh.

Statutory Environment

Town Planning and Development Act (1928) as amended
Shire of Plantagenet Town Planning Scheme No. 3
Health (Food Hygiene) Regulations 1993
Australia, New Zealand Food Standards Code - 2001

Consultation

There has been no consultation for this report.

Policy Implications

There are no policy implications for this report.

The Council may consider the development and implementation of a policy for the application and approval of Outdoor Eating Facilities in Public Places, in accordance with the provisions of the Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2001.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The proposal is consistent with the Shire of Plantagenet Strategic Plan, in particular New Initiative 4.3: *'Encourage establishment of new businesses which provide employment and / or service to the tourist industry and contribute to the prosperity of Plantagenet.'*

Officer Comment

The outdoor area is considered to be well placed with a good aspect. It is north facing and adjacent to an area that will undergo significant improvements as a result of the Lowood Road upgrade and associated streetscape works. The proposed modifications to the intersection mean the thoroughfare will become an important pedestrian space.

Schedule IV of the Town Planning Scheme sets out the provisions applicable to the development. The proposal complies with the minimum setback and plot ratio standards. The Zone Development Table sets out the minimum car parking spaces required for the development at 1 per 40² and minimum landscaping at 10% of the site. One car parking bay and 27.5m² of landscaping will be required for the development on Lot 100.

The plans indicate a landscaped embankment of approximately 25m² to the north and west of the paved area. Additional landscaping exists along the northern lot boundary adjacent to Langton Road.

Stormwater runoff will need to be adequately managed. Roof runoff from the building on Lot 1, together with any runoff from the paved area will need to be contained on site and connected to the drainage system in Lowood Road.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr K Clements:

That planning consent be granted in respect of Application No. 40/05 for Lot 100 corner Lowood Road and Langton Road, Mount Barker to be developed for the purpose of Eating House (Alfresco Dining associated with the adjoining Food Premises at Lot 1 Lowood Road) in accordance with the plans dated 30 November 2005 subject to the following conditions:

- (1) Landscaping of not less than 27.5m² being planted and maintained on the site.
- (2) The brick paving is to match / complement the colours and materials used for the Lowood Road upgrade and to the satisfaction of the Executive Director Technical and Development Services.
- (3) All paving being adequately retained to ensure the development does not encroach the adjoining road reserve and public thoroughfare.
- (4) All stormwater runoff from the development being contained onsite and disposed of by connection to the drainage network in Lowood Road to the satisfaction of the Council.
- (5) Provision of one (1) onsite car parking bay.
- (6) The facility being operated in accordance with the provisions of the Western Australian Health (Food Hygiene) Regulations 1993.
- (7) The facility being maintained in a clean and tidy condition.

ADVICE NOTES

If the development, the subject of this approval, is not substantially commenced within a period of 12 months, the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.

There is an obligation to comply with relevant statutes including:

- Western Australian Health (Food Hygiene) Regulations 1993
- Australia, New Zealand Food Standards Code – 2001

CARRIED (9/0)

No. 366/05

9.5.7 LOT 31 PORONGURUP ROAD, MOUNT BARKER - PROPOSED COTTAGE INDUSTRY - PRIVATE RECREATION AND SHOP

Location / Address:	Lot 31 Porongurup Road, Mount Barker
Attachments: (2)	Locality Plan Site Plan
Name of Applicant:	Anthony and Bernice Gillam
File Reference:	RV/182/1591
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	1 December 2005

Purpose

The purpose of this report is to consider the submissions and determine the application for Cottage Industry, Private Recreation (Animal Interaction Area) and a Craft Shop, at Lot 31 Porongurup Road, Mount Barker.

Background

The subject land is zoned Rural Residential 3 under the Shire of Plantagenet Town Planning Scheme No. 3. The lot is 5.724 ha.

Shire records show the registered landowners to be Anthony and Bernice Gillam.

A report on the proposed Cottage Industry, Private Recreation and Shop was considered by the Council at its meeting held 8 November 2005. The following resolution was adopted:

'THAT:

- (1) The application for the development of Cottage Industry, Private Recreation (animal petting area) and craft shop at Lot 31 Porongurup Road, Mount Barker be advertised as an SA use to obtain public input in accordance with Clause 6.2.3 parts (a) and (b) of the Shire of Plantagenet Town Planning Scheme No. 3 stating that submissions may be made to the Council within 21 days of the notice.*
- (2) That a further report be prepared at the conclusion of the advertising period for consideration of the Council at its meeting to be held 13 December 2005.'*

The advertising period closed on 2 December 2005. One supporting submission was received from Mrs Anne Collins.

Statutory Environment

Town Planning and Development Act 1928 (as amended): effected by Shire of Plantagenet Town Planning Scheme No. 3.

The purpose of the Mount Barker Townsite East Rural Residential zone, as set out in Schedule V of the Town Planning Scheme, is to retain the semi-rural character of the lower lying land adjacent to the Mount Barker area and to minimise the export of

Lot 31 Porongurup Road, Mount Barker – Proposed Cottage Industry – Private Recreation And Shop
(Cont.)

nutrients and to encourage revegetation of cleared areas and areas adjacent to wetlands.

Consultation

The proposal was advertised in accordance with Council resolution 319/05. Advertisements were published in the Plantagenet News and the Albany Advertiser and ten (10) letters were sent to neighbouring landowners. One (1) letter of support was received.

Policy Implications

There are no current Local Government policies relevant to this report, however any decision to approve retailing on the site may influence a future Commercial Strategy and subsequent Council policy required by the Western Australian Planning Commission in relation to shop floor space. Such a policy requires an audit on existing retail floor space prior to any major expansion of Commercial Zones, and involves designating orders of shopping centres eg: Town Centre, local centre, local shop.

Approval of a second crossover may set a precedent and could have policy implications for future proposals to develop cottage industries and tourist uses within Rural Residential Zoned lots.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The proposal is considered to be consistent with the objectives of the Shire of Plantagenet Strategic Plan to *'Retain local business and encourage new businesses that will create sustainable local employment.'* and New Initiative 4.3 *'Encourage establishment of new businesses which provide employment and / or services to the tourist industry and contribute to the prosperity of Plantagenet.'*

Officer Comment

The proposal involves a combination of activities which fall within the definitions of Cottage Industry, Private Recreation and Craft Shop. The proposal to refurbish the former apple packing shed through renovation is supported and further landscaping of the site would improve the visual amenity of the area.

The proposed Cottage Industry is considered to be consistent with the zone objectives on the following basis: Use of the land for the keeping of animals is in some respects comparable to typical Rural Residential uses, particularly Horse Stables. Use of the shed for a small scale tourist venture involving customers paying to see and interact with animals is a more intensive land use than those generally anticipated in the Rural Residential zone. The proposal has merit, but is likely to have some visual and amenity impact due to additional parking and possibly the provision of an additional crossover. Further, the success of the business is dependant upon attracting visitors to the area and will require signage in excess of the 0.2m² permissible for a Cottage Industry. In this case, advertising signage not exceeding 2.0m² is recommended.

Of relevance in determining the request for the retail floor space (craft shop) is the preliminary documentation prepared for the review of Town Planning Scheme No.3.

Lot 31 Porongurup Road, Mount Barker – Proposed Cottage Industry – Private Recreation And Shop
(Cont.)

The draft report for the Mount Barker townsite includes a recommendation to provide for tourist orientated activities and development within the townsite, particularly on larger lots adjacent to the main tourist routes.

The proposal has considerable merit and could be interpreted as falling within the scope of an incidental non defined activity consistent with the objective of the zone. Approval for the site to be used for Private Recreation is recommended subject to appropriate conditions including limiting the number visitors, further landscaping and ongoing management practices to ensure run off and nutrient export does not impact upon watercourses in the vicinity.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Mark:

That planning consent be granted in respect of Application No. 30/05 for Lot 31 Porongurup Road, Mount Barker to be used for the purpose for Cottage Industry (Private Recreation – Animal Interaction and Shop) in accordance with the plans dated 31 August 2005, subject to the following conditions:

- (1) Provision of five (5) onsite car parking bays.**
- (2) The crossover, access way and vehicle parking area being funded and maintained by the proponent to the satisfaction of the Executive Director Technical and Development Services.**
- (3) All stormwater runoff being contained on-site and disposed of to the satisfaction of the Executive Director Technical and Development Services.**
- (4) Solid and liquid waste products associated with the development shall be disposed of in an appropriate manner and shall not result in any nutrient export from the site or detriment to the environment.**
- (5) Shelter belts and runoff swales shall retain continuous vegetation cover to maximise the take up of nutrients from the animal yards and cages and reduce the risk of nutrient export and leaching from the site.**
- (6) Infill landscaping areas being planted and maintained with screening vegetation to screen the premises and parking area from adjoining Rural Residential lots.**
- (7) Visitors to the facility not exceeding twenty (20) people at any one time.**
- (8) Any on site advertising signage complying with Town Planning Scheme No. 3 and not exceeding 2m² in area.**

ADVICE NOTES

If the development, the subject of this approval, is not substantially commenced within a period of 24 months, the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried

Lot 31 Porongurup Road, Mount Barker – Proposed Cottage Industry – Private Recreation And Shop
(Cont.)

out without further approval of the Council having first been sought and obtained.

Advertising signage is limited to 2m² in total and shall be located within Lot 31 and not in the adjacent road reserve.

The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development, in particular:

- Environmental Protection Act (1986)
- Building Code of Australia (2005)
- Health (Public Buildings) Regulations (1992)

CARRIED (9/0)

No. 367/05

9.5.8 LOTS 1 AND 2219 MUIRS HIGHWAY AND LOTS 355, 454, 993, 2208, 2209, 2210 AND 2218 AND HAY LOCATIONS 356, 357, 365, 1835 AND 2217 CLEARHILLS ROAD, ROCKY GULLY - PROPOSED PLANTATION

A Financial Interest was declared by Cr B Hollingworth for Item 9.5.8.

Nature of Interest: Financial

5:28pm Cr B Hollingworth withdrew from the meeting.

Location / Address: Lots 1 and 2219 Muirs Highway, Lots 355, 454, 993, 2208, 2209, 2210 and 2218 and Hay Locations 356, 357, 365, 1835 and 2217 Clearhills Road, Rocky Gully

Attachments: (7) Overall Locality Plan
Locality Plans x 3
Site / Compartment Plans x 3

Name of Applicant: Forest Products Commission

File Reference: RV/182/791
RV/182/794
RV/182/795
RV/182/3492

Author: Delma Baesjou - Manager Development Services

Authorised By: Rob Stewart - Chief Executive Officer

Date of Report: 22 November 2005

Purpose

The purpose of this report is to consider an application for a Rural Use (Plantation) on Lots 1 and 2219 Muirs Highway, Lots 355, 454, 993, 2208, 2209, 2210 and 2218 and Hay Locations 356, 357 1835 and 2217 Clearhills Road, Rocky Gully.

Background

The subject land is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3. The properties total in excess of 900ha. The application is for approximately 395ha of plantation. It is intended to plant Eucalyptus globulus and / or Eucalyptus saligna.

Shire records show the current owner to be GA Crane. Information provided by the applicant indicates that the property is being sold to Premium Plantations Ltd.

Statutory Environment

Town Planning and Development Act (1928) as amended
Shire of Plantagenet Town Planning Scheme No. 3
Bushfires Act (1954)

Consultation

There has been no consultation for this report.

Lots 1 And 2219 Muirs Highway And Lots 355, 454, 993, 2208, 2209, 2210 And 2218 And Hay Locations 356, 357, 365, 1835 And 2217 Clearhills Road, Rocky Gully - Proposed Plantation (Cont.)

Policy Implications

The Policy Statements in Section 2.3.3 of Town Planning Scheme No. 3 Report contain relevant background. It is recognised that tree planting can be beneficial in terms of soil conservation and water resources management provided it does not result in the loss of the better class of agricultural land or lead to a long term loss of rural population. The Policy Statement cites ongoing management issues such as fire protection and loss of visual amenity.

A Town Planning Scheme Policy is being prepared to coincide with finalisation of the Shire of Plantagenet Town Planning Scheme Amendment 28.

Planning Commission Bulletin 56 Farm Forestry Policy, once adopted, will affect the way the Council deals with applications for Agroforestry and Plantations.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The proposal is consistent with the Shire of Plantagenet Strategic Plan, in particular New Initiative 4.3 *'Encourage establishment of new businesses which provide employment and / or service to the tourist industry and contribute to the prosperity of Plantagenet (and to) focus on the diverse rural sector.'*

Officer Comment

Much of the subject land is within the Denmark River Catchment and parts are within the Kent River Catchment. The Denmark River and one of its tributaries run through the property. Adjoining reserves are State Forest and/or proposed National Park.

The site contains large areas of uncleared native vegetation which is of high natural integrity. Planting will occur on cleared pasture and will be set back from waterways, remnant vegetation and existing buildings and the dwelling on Lot 2217. The development involves the removal of paddock trees.

Harvesting operations may necessitate the upgrading of some sections of Clearhills Road.

The application addresses issues of access, fire safety, weed management and harvesting. The proposed Plantation is considered to be compatible with the surrounding land uses and will facilitate water management objectives in the Denmark River Catchment.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark:

That planning consent be granted in respect of Application No. 38/05 for Lots 1 and 2219 Muirs Highway, Lots 355, 454, 993, 2208, 2209, 2210 and 2218 and Hay Locations 356, 357, 365, 1835 and 2217 Clearhills Road, Rocky Gully to be developed for the purpose of Rural Use (395ha Eucalyptus Plantation) in

Lots 1 And 2219 Muirs Highway And Lots 355, 454, 993, 2208, 2209, 2210 And 2218 And Hay Locations 356, 357, 365, 1835 And 2217 Clearhills Road, Rocky Gully - Proposed Plantation (Cont.)

accordance with the plans dated 16 November 2005 subject to the following conditions:

- (1) The applicant being responsible for the upgrade of Clearhills Road to accommodate transportation associated with the harvesting operation to the satisfaction of the Executive Director of Technical and Development Services.
- (2) The applicant being responsible for the cost of repairing any undue damage to local roads caused by the harvesting operation.
- (3) A separate harvesting plan being submitted to the Council two (2) years prior to harvesting of the subject land.
- (4) A Heavy Haulage permit being obtained prior to transport vehicles associated with the harvesting using Local Government Roads.
- (5) All necessary crossovers, including pipes and culverts being in accordance with the Shire of Plantagenet specifications for construction of a vehicle crossover.

ADVICE NOTES

If the development, the subject of this approval, is not substantially commenced within a period of 24 months, the approval shall lapse and be of no further effect.

There is an obligation to comply with relevant statutes including:

- The Shire of Plantagenet Annual Fire Break Notice
- Environmental Protection Act (1986)
- Health Act (1911) – Health (Pesticides) Regulations (1956)
- Aerial Spraying Control Act (1966)
- Aboriginal Heritage Act (1972)
- The Code of Practice for Plantations, in particular:

‘The application of chemicals, including fertiliser, herbicides and pesticide in Water Catchment Areas.’

It is in the applicant’s interest to investigate and possibly set aside areas of land to access road building materials in the event that gravel is required to repair the local road system should it be damaged during harvesting operations.

CARRIED (8/0)

No. 368/05

5:30pm Cr B Hollingworth returned to the meeting.

9.5.9 LOT 4720, 823 AND 2 YELLANUP ROAD, NARRIKUP - PROPOSED PLANTATION

A Financial Interest was declared by Cr J Moir for Item 9.5.9.

Nature of Interest: Financial

5:30pm Cr J Moir withdrew from the meeting.

Location / Address: Lots 2, 823 and 4720 Yellanup Road, Narrikup
Attachments: (3) Locality Plan
Site / Compartment Plans x 2
Name of Applicant: Timbercorp on behalf of EP, NG & RKS Stan-Bishop
File Reference: RV/182/453
Author: Delma Baesjou - Manager Development Services
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 30 November 2005

Purpose

The purpose of this report is to consider an application for a Rural Use (Plantation) on Lots 2, 823 and 4720 Yellanup Road, Narrikup.

Background

The subject land is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3.

The three properties total approximately 1189ha in area. The application is for 358.6ha of Eucalyptus globulus plantation within twenty four (24) compartments.

Shire records show the current owners to be EP, RKS and NG Stan-Bishop.

Statutory Environment

Town Planning and Development Act (1928) as amended
Shire of Plantagenet Town Planning Scheme No. 3
Bushfires Act (1954)

Consultation

There has been consultation between Mr Peter Drygan of Timbercorp and Ms Delma Baesjou, Manager Development Services to discuss potential planting areas and visual amenity issues. During preliminary discussions, it was suggested that a minimum setback of 150m from Woodlands Road would be desirable to minimise any loss of views. The proponents have submitted plans showing the plantings set back approximately 280m from Woodlands Road.

A site visit was conducted on Wednesday 23 November 2005.

Policy Implications

The Policy Statements in Section 2.3.3 of Town Planning Scheme No. 3 Report contain the following relevant background:

'h. Tree Farming

h.i Council recognises that tree planting can have beneficial effects in terms of soil conservation and water resources management and is a legitimate activity provided that it does not result in the loss of the better class of agricultural land and lead to a long term loss of rural population. A loss of rural population may affect the social infrastructure of the Shire.

h.ii Council shall require the submission of plans of proposals to plant trees for tree farming purposes for ongoing management issues such as fire protection and loss of visual amenity.'

The land north of Yellanup Road, being Lot 4720, is within Precinct D1 of the Porongurup Rural Strategy. The Strategy was adopted by the Shire of Plantagenet as Town Planning Scheme Policy No. 11 on 23 September 1997.

A Town Planning Scheme Policy on Plantations is being prepared to coincide with finalisation of the Shire of Plantagenet Town Planning Scheme Amendment 28.

Planning Commission Bulletin 56 Farm Forestry Policy, once adopted, will affect the way the Council deals with applications for Agroforestry and Plantations.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The proposal is consistent with the Shire of Plantagenet Strategic Plan, in particular New Initiative 4.3 *'Encourage establishment of new businesses which provide employment and / or service to the tourist industry and contribute to the prosperity of Plantagenet (and to) focus on the diverse rural sector.'*

The subject land is within the D1 precinct of the Porongurup Rural Strategy. The Strategy recognises the high landscape values of the area and the importance of protecting views to the National Park.

Officer Comment

The site contains areas of remnant vegetation. Planting will occur on selected cleared pasture areas and will be set back for waterways, remnant vegetation and existing buildings and dwellings on Lot 4720.

The area provides views to the Porongurup Range, and in recognition of this, the proposed plantings have been set back 280m from Woodlands Road. The resultant paddock size is considered by the landowner to be 'usable'.

The application addresses issues of access, fire safety, weed management and harvesting. The proposed Plantation is considered to be compatible with the surrounding land uses.

Approval is recommended as the proposal meets objectives of the Town Planning Scheme and preserves views from Woodlands Road. Conditions relating to road maintenance are recommended together with advice notes in relation to chemical application.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Cameron, seconded Cr D Williss:

That planning consent be granted in respect of Application No. 39/05 for Lots 2, 823 and 4720 Yellanup Road, Narrikup to be developed for the purpose of Rural Use (358.6ha of Eucalyptus globulus Plantation) in accordance with the plans dated 29 November 2005 subject to the following conditions:

- (1) The applicant being responsible for the cost of repairing any undue damage to local roads caused by the harvesting operation.
- (2) A separate harvesting plan is to be submitted to the Council two (2) years prior to harvesting of the subject land.

ADVICE NOTES

If the development, the subject of this approval, is not substantially commenced within a period of 24 months, the approval shall lapse and be of no further effect.

There is an obligation to comply with relevant statutes including:

- The Shire of Plantagenet Annual Fire Break Notice
- Environmental Protection Act (1986)
- Health Act (1911) – Health (Pesticides) Regulations (1956)
- Aerial Spraying Control Act (1966)
- Aboriginal Heritage Act (1972)
- The Code of Practice for Plantations, in particular:

'To provide neighbours with adequate notice of impending, significant silvicultural activities, which will allow both parties to take any necessary action to avoid detrimental impacts as a result of these activities; and

The application of chemicals, including fertiliser and pesticide should be in accordance with Health Department and Department of Environment policies and guidelines. The interpretation of policies and guidelines should be achieved in partnership between the relevant government agency and the plantation manager.'

It is in the applicant's interest to investigate and possibly set aside areas of land to access road building materials in the event that gravel is required to repair the local road system should it be damaged during harvesting operations.

CARRIED (8/0)

No. 369/05

5:34pm Cr J Moir returned to the meeting.

9.5.10 LOT 959 CARBARUP ROAD, KENDENUP - APPLICATION FOR TEMPORARY ACCOMMODATION

Location / Address:	Lot 959 Carbarup Road, Kendenup
Attachments: (2)	Locality Plan Site Plan
Name of Applicant:	RL and MS Crowd
File Reference:	RV/182/4599
Author:	Eric Howard - Environmental Health Officer
Authorised By:	Stephen Bell - Executive Director Technical and Development Services
Date of Report:	5 December 2005

Purpose

The purpose of this report is to consider an application for Temporary Accommodation at Lot 959 Carbarup Road, Kendenup.

Background

An application has been received from the owners of Lot 959 Carbarup Road, Kendenup seeking approval to occupy a caravan located on Lot 959 Carbarup Road, Kendenup for a period of twelve (12) months during the construction of their Class 1a dwelling, also located at Lot 959 Carbarup Road, Kendenup.

A Building Licence has been issued for a Class 1a dwelling (Building Licence 2507). The applicants intend to reside within a caravan located on the property. An approved effluent disposal system has been installed for the proposed dwelling and has been connected to ablution facilities located within an existing rural outbuilding to be used in association with the temporary accommodation.

Statutory Environment

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

- (2) *Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) *by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
 - (b) *by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
 - (c) *despite paragraph (b), by the local government of the district where the land is situated —*

Lot 959 Carbarup Road, Kendenup – Application For Temporary Accommodation (Cont.)

- (i) *if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
- (ii) *if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'*

Consultation

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

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

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

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

An inspection of Lot 959 has confirmed that the ablution facilities and wastewater disposal system meet all health and safety requirements for this type of accommodation.

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

The Council may revoke the temporary accommodation approval at any time during this approval period.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr K Hart:

That approval be granted to RL and MS Crowd to occupy temporary accommodation at Lot 959 Carbarup Road, Kendenup for a maximum period of twelve (12) months from 13 December 2005.

ADVICE NOTES

- (i) Satisfactory progress being achieved with the construction of the Class 1a dwelling.**
- (ii) The approval to occupy temporary accommodation may be revoked at any time within the twelve (12) month approval period.**

CARRIED (9/0)

No. 370/05

9.5.11 LOWOOD ROAD - UPGRADE - LANDSCAPING TREES SPECIES

Location / Address:	N / A
Name of Applicant:	N / A
File Reference:	RO/50/2
Author:	Rob Stewart - Chief Executive Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	1 December 2005

Purpose

The purpose of this report is to reconsider the species of trees to be the predominant planting in Lowood Road between Langton Road and Muir Street.

Background

At its meeting held on 29 November 2005 the Council's Townscape Review Steering Committee revisited the preferred plantings in Lowood Road, as a result of subsequent consultant advice.

At its meeting held on 12 November 2002 the Council resolved:

'That:

- (1) The preferred species for streetscape works are 'Deciduous' Formal Street Trees in the Town centre Eg Oriental Plane, Liquidambar and Fruit Trees complemented with an under storey of indigenous flowering shrubs such as Kunzea baxterii, K regelia, Callistemon phonecius, Albany Bottle Brush, and various Banksias with Eucalyptus spathulata planted on the approach roads.*
- (2) Planting of Eucalyptus spathulata on Mondurup Road be endorsed with arrangements being made to order trees in time for planting in winter 2003.*
- (3) The preferred pavement colour schemes are red and ochre using in-situ coloured concrete footpaths surrounded by 'Redstone' paving brick edging, features and pedestrian crossing/plateaus similar to that used in the Railway Precinct and Centenary Park.*
- (4) The submissions received during the formal public consultation phase of the project be received and in acknowledging the submissions, all contributors be thanked for their ideas and input.'*

Although the above recommendation refers to Oriental Plane and Liquidambar, it is believed that the Council's intention was for Oriental Plane to be the predominant species in Lowood Road.

The Committee now believes that Liquidambar is a more suitable tree with a better shape for Lowood Road and that Oriental Plane would still be appropriate but on side streets eg: Short Street.

Lowood Road – Upgrade – Landscaping – Tree Species (Cont.)**Statutory Environment**

Local Government Act 1995
Road Traffic Code 2000
Shire of Plantagenet Parking Local Laws

Consultation

When this matter first came before the Council in 2002 formal public consultation was undertaken and more than thirty (30) submissions were received.

No subsequent formal public consultation has been undertaken.

Policy Implications

There are no policy implications for this report.

Financial Implications

The Council has budgeted sufficient funds to undertake the Lowood Road works and the Council has also noted that streetscaping works could be delayed due to the extra cost associated with undergrounding of the power.

It should be noted that representatives of the committee intend to undertake research regarding availability of trees so that there will be no delays in planting even if such planting needs to take place in the 2006 / 2007 financial year.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr B Hollingworth:

That with regard to Council Resolution No. 403/02, the predominant species of tree to be planted in Lowood Road between Muir Street and Langton Road shall be Liquidambar.

CARRIED (9/0)

No. 371/05

9.5.12 REVIEW OF PESTICIDE LEGISLATION AND POLICIES IN WESTERN AUSTRALIA

Location / Address:	N / A
Attachments: (1)	Responses to the Discussion Paper on the Review of Pesticide Legislation and Policies
Name of Applicant:	N / A
File Reference:	PH/90/7
Author:	Eric Howard - Environmental Health Officer
Authorised By:	Stephen Bell - Executive Director Technical and Development Services
Date of Report:	5 December 2005

Purpose

The purpose of this report is to seek the Council's comment on the current Review of Pesticide Legislation and Policies in Western Australia.

Background

The use of pesticides within WA is controlled and regulated through the Health (Pesticides) Regulations 1956, the Agriculture and Related Resources (Spraying Restrictions) Regulations 1979 and the Aerial Spraying Control Act 1966.

Whilst complementary, the duplication and specialisation of separate legislative responsibilities for pesticide control are cumbersome and quite prescriptive in approach.

A number of human health concerns, crop damage incidents and impacts upon neighbouring agricultural and aquaculture pursuits have highlighted current legislative deficiencies to protect individuals and primary production activities alike.

A discussion paper has been released by the Department of Health seeking comment on a number of alternative legislative reform options. These reforms include major amendments of existing health, agricultural, aerial and environmental legislation, or the drafting of completely new legislation combining those independent pieces of pesticide legislation.

Whilst either legislative reform option has potential for significant public and environmental health benefit, such gains may impact upon regulatory duties of local governments through land use planning, authorisation or responsibility to enforce part or all adverse pesticide spray events and spray minimisation strategies.

A working party was formed consisting of members from both Council and agricultural backgrounds to consider the pesticide review document and the resultant response document to the review is attached.

The overwhelming priority of the working party was to promote greater public, agricultural and environmental health philosophies through an increased certification program for all pesticide operators as well as supporting Codes of Practice and proposing offences for persons causing or allowing pesticide spray drift or contact with non-target vegetation.

Statutory Environment

There are no statutory requirements with this report.

Consultation

The following persons formed the legislation review working party and produced the response document:

- Cr K Forbes – Shire President / PGA member
- Cr B Hollingworth – Shire Councillor / horticulturalist
- Mr W Moore – Aquaculture / PGA member
- Mr E Howard – Shire Environmental Health Officer

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The Shire of Plantagenet possesses a unique mixture of traditional agriculture and farming pursuits, timber plantations, viticulture, aquaculture, organic farming and horticultural activities interspersed with residential, tourism, cottage industry and associated support industries. This diversity has the potential for increased adverse impact from pesticide misuse upon neighbouring agricultural activities and public health within the wider community.

While it has been suggested to include buffer zones as a mechanism to reduce the potential impact from pesticide spray drift upon adjoining land owners, the Shire of Plantagenet Town Planning Scheme No. 3 does not provide such provisions within agricultural, horticultural or viticultural activities. These types of agricultural activities do not require planning approval (other than timber plantations) and therefore will not be subject to Development Application.

It is important that pesticide legislation remains abreast with current and future industry requirements and further such legislation will protect adjoining landowners and the general public from misuse of pesticides.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr J Moir:

THAT:

- (1) The 'Response' to the Review of Pesticide Legislation and Policies in Western Australia 'Discussion Paper' as provided by the Legislation Review Working Party comprising of Councillors Forbes and Hollingworth and Mr W Moore and Mr E Howard – Shire of Plantagenet Environmental Health Officer be endorsed.
- (2) The response referred to in Part (1) be forwarded to the Department of Health on behalf of the Plantagenet Shire Council.

CARRIED (8/1)

No. 372/05

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr K Hart, seconded Cr J Mark:

That new business of an urgent nature namely;

- 2004-2005 Annual Report
- Audit Report – Year Ending June 2005
- Electors' General Meeting

be introduced into the meeting.

CARRIED (9/0)

No. 373/05

11.1 2004-2005 Annual Report

Moved Cr M Skinner, seconded Cr J Mark:

That the Shire of Plantagenet's 2004-2005 Annual Report be received.

CARRIED (9/0)

No. 374/05

11.2 Audit Report – Year Ending 30 June 2005

Moved Cr J Cameron, seconded Cr J Mark:

THAT:

- (1) The Annual Financial Audit and Management Report for the year ending 30 June 2005 as issued by Mr David Tomasi of UHY Haines Norton be received.
- (2) The comments provided by Financial Services staff in the report 'Audit Report – Year Ending 30 June 2005' and dated 5 December 2005 be noted.

CARRIED (9/0)

No. 375/05

11.3 Electors' General Meeting

Moved Cr K Clements, seconded Cr B Hollingworth:

That the date of the 2005 Electors' General Meeting at which the 2004 / 2005 Annual Report will be considered, be selected as Monday 6 February 2006 to be held at the Frost Park Pavilion commencing at 8:00pm.

CARRIED (9/0)

No. 376/05

12 CONFIDENTIAL

12.1 EXECUTIVE SERVICES REPORTS

12.1.1 SOUNNESS PARK - MANAGEMENT COMMITTEE

Location / Address: N / A
Name of Applicant: N / A
File Reference: FM/48/2
Author: Rob Stewart - Chief Executive Officer
Authorised By: Rob - Stewart - Chief Executive Officer
Date of Report: 2 December 2005

Purpose

The purpose of this report is to advise of the state of play with regard to the South Mount Barker Football Club.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr J Moir, seconded Cr J Cameron:

5:50pm That the Council move into a Confidential Session to discuss this item under the terms of the Local Government Act 1995 Section 5.23(2), as follows:

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

CARRIED (9/0)

No. 377/05

MOTION TO PROCEED IN PUBLIC

Moved Cr K Hart, seconded Cr D Williss:

6:07pm That the meeting proceed in public.

CARRIED (9/0)

No. 378/05

COUNCIL DECISION

Moved Cr K Hart, seconded Cr D Williss:

That the Chief Executive Officer's report relating to continuing legal actions against the South Mount Barker Football Club to require that club to pay to the Council outstanding rental fees for Sounness Park be noted.

CARRIED (9/0)

No. 379/05

13 CLOSURE OF MEETING

6:08pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON_____ **DATE:/..../....**